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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, December 7, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, the dawn of salvation approaches. You come from afar. With all our human limitations may we stand upright, look heavenward and wait.

Your light throws open the way to peace. Long, long have we been watchful. Behold, now we see You, our God, coming in power, as in a cloud that covers all the land.

Let us rush out to meet You, our God, and ask: Are You the one to rule Your people with integrity and compassion? Tell us, are You the one to rule Your people and the nations? Need we look for another?

Since Your coming is wrapped in night's silence and peace, we fail to understand Your notion of power. Your drawing near only gives rise to questioning good news.

All you, people of the Earth, whether rich or poor, need you look for another? Rush out to meet the Lord, Your God, and say: Rule over us, Shepherd of souls. Lead us as You did of old. Show us You are the one. Then, each of us can go on our own way and find rest. For the Earthly light You have set in the distant window will draw us home for the feast of promise.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The message also announced that the Senate agreed to a concurrent resolution of the following title:

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3718. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool an spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minute speeches on each side.

PEARL HARBOR—"LEST WE FORGET"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, West Virginia, California, Oklahoma, Tennessee, Utah, Maryland, Nevada, Arizona. These were fierce U.S. naval battleships whose silent guns and hulls became sacred graves in the peaceful Pacific for 2,403 Americans.

These sailors on board these battle wagons fought with the courage and heroism of entire legions of warriors when attacked by a fanatical and tyrannical enemy.

"December 7, 1941, a date that will live in infamy" were words spoken by President Roosevelt that became forever embedded in the minds of patriots across our land, igniting and launching a Nation into the fiery trenches of battle.

Japanese naval commanders were concerned because they said, "What Japan has done was awake a sleeping giant," the United States.

Mr. Speaker, those of the greatest generation proved that when invaded,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

our people will stand up and fight, bringing the thunder of God upon our enemies. Defending freedom and liberty was the battle cry of the sailors and soldiers that died 65 years ago today.

Mr. Speaker, we don't always choose war, but we must always choose victory. And that's just the way it is.

PRIVATIZATION OF IRAQI OIL RESOURCES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, President Bush has cited oil as a reason for our continued presence in Iraq. The Iraq Study Group is recommending that Iraq oil law be changed to facilitate privatization of Iraq's oil resources. The Iraq report says as much as 500,000 barrels per day, that is $1.3 billion per year in Iraqi oil wealth, is now being stolen, which is interesting since the oil ministry is the first place our troops were sent after the invasion. And we have 140,000 troops in Iraq.

How can we expect the end of the Iraq war and national reconciliation in Iraq while we advocate that Iraq's oil wealth be handled by private oil companies? And it is ironic that this report comes at the exact time that our Interior Department's Inspector General says that oil companies are cheating us, the U.S. people, out of billions of dollars and the administration is looking the other way. Is it possible that Secretary Baker has a conflict of interest, which should have precluded him from co-chairing a study group which promotes privatization of Iraq oil assets, given his ties to the oil industry? Is it possible that our troops are dying for the profits of oil?

RECOGNIZING THE WATAUGA HIGH SCHOOL FOOTBALL TEAM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise to pay tribute to the Watauga High School football team of 2006. The Pioneers of Watauga High School in Boone, North Carolina, set out with modest expectations and ended up just one game away from the State championship for 4–A football. They won 12 games and lost 3, and set an example of character and perseverance that made a lasting impression on their school and their community.

Frequently coming from behind in the second half to win their games, they won three times in the playoffs by one point, advancing further than any other team from Watauga County in 28 years.

Success on the football team had to be built from the ground level. And as the success of the team gained momentum in this special season, it brought a new spirit and energy to Watauga High School and, indeed, to the whole community. In churches and stores you could hear excited conversations about the team's success.

In the end, they did not capture the State championship, but achieved something of greater and more lasting importance, the values of determination, hard work and courage in the face of adversity. In proving that history does not have to be destiny, they provided a very real example of the best of the American Dream and they lived at the heart of the American experience. Their school and their community are the better for it.

IRAQ STUDY GROUP REPORT

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, the Iraq Study Group has completed its work. Now it is available for all Americans to read. I would urge everyone to pick up a copy. It is only 96 pages. It contains 79 recommendations, and it is a vitally important tool to inform the debate on Iraq.

Regardless of how you feel about this report, the men and women of this commission did a commendable job in reaching a consensus. If only the American people can do the same thing.

Voters voted for change. We will have change. And over the next coming weeks during the Christmas holidays, we need to inform the debate so that everyone can give us, your representatives, your opinion about how the war should be conducted or how it should be ended. So this is a very helpful tool. It is now available for everyone. I urge all of our citizens to pick up a copy.

HOSPITAL INFECTION CONTROL

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, while we are all talking and debating about the number of deaths in overseas wars, America has a dirty little secret in terms of the numbers of deaths that occur in our hospitals. About 90,000 people a year die from infections that they receive at hospitals or health care, at a cost of about $50 billion to our health care system.

The November issue of the "American Journal of Medical Quality" said it costs about $26,000 for each patient to treat those diseases. And it lasts an average of 20.6 days for a patient that has an infection, compared to 4.5 days without.

If we are really serious about controlling health care cost, it is not a matter of shifting the burden to having the government take it over, nor is it a matter of offering tax breaks just to carry health insurance.

This Congress, in this upcoming Congress, it is our duty, it is our responsibility to finally start doing some things about reforming our health care system so we can make it a system that people can afford, and not one that is so overwhelming in cost that it ends up hurting citizens and, in fact, leading to their deaths.

THE AMERICAN PEOPLE DESERVE MORE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, on a day when 10 more U.S. soldiers died in Iraq, raising the number of brave Americans killed to 2,900, it is hard to find anything positive to say about the Baker Report, anything which is associated with a war which was hopelessly wrong from the outset.

It was Congress that demanded the creation of a bipartisan group to critically examine the U.S. presence. At long last, the Congress, the American people, and the reluctant President have an Iraq plan to debate, except this President's interest has already begun to wane. He recently installed his own study group, which is a sign to me the President has changed his rhetoric but has not changed the course.

America cannot and must not deal with Iraq in 2007 in the same way this President dealt with it in 2006. America needed a plan for Iraq long before the U.S. went in there. Many of the 79 recommendations made should have been implemented years ago. One recommendation that is imperative from any hope of success, diplomacy involving Iraq and Syria, has been rejected by the President before it is even debated out here in the Congress. The American people and the American soldiers deserve better than that. This President has led them into this mess and we have, now, a chance to lead them out. And he rejects the recommendations before they are even discussed. We need better than that out of the Presidency.

GO BUCKEYES

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I rise to accept Tuesday's challenge from the gentleman from Florida, who suggested that his Florida Gators will upset the undefeated number-one ranked Ohio State Buckeyes and our soon-to-be-declared Heisman Trophy Winner, quarterback Troy Smith.

In his ill-advised wager, the Congressman staked a crate of Florida oranges to a corresponding delicacy from the State of Ohio. I offer up a crate of peanut butter and chocolate buckeyes. But no such buckeye treat will ever reach his palate, for he will never savor the sweet taste of victory.

If the gentleman from Florida remains tragically optimistic about his team's chances in Glendale, he should examine the fate of two other teams whose schedules placed them helplessly in the path of the mighty Buckeyes. The agony that permeates through the cities of Austin, Texas and Ann Arbor, Michigan should serve ample notice to the Honorable Gator Fan that Florida's berth in the 2006 Fiesta Bowl is not an opportunity for football immortality, but a certain footnote in Ohio State's storybook 2006 season.

INCREASING THE MINIMUM WAGE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, 7.5 million Americans would benefit from an increase in the minimum wage. That is 7.5 million people who are currently struggling to make ends meet in an economy where job growth is slow, pay is falling, and prices are rising.

The minimum wage is currently at a historically low level in terms of purchasing power and at a striking 50-year low when adjusted for inflation. Hardworking families are currently struggling because this Republican Congress has refused to raise the minimum wage for the past 9 years.

Democrats believe that these millions of hardworking Americans deserve a pay raise to help them make ends meet in this tough economy. We believe that no one who works full-time in this country should have to live in poverty. They deserve a shot at the American Dream, a chance to give their family the opportunity to move ahead.

Mr. Speaker, within the first 100 hours of the new Democratic Congress, we are going to give these hardworking Americans a much-needed pay raise. It is time this Congress started expanding economic prosperity to those who have been left out. I ask my Republican colleagues to join the Democratic Congress in raising the minimum wage in January.

OPPOSING "RIGHT OF RETURN" REFERENCE IN THE IRAQ STUDY GROUP REPORT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, a curious section of the Iraq Study Group final report which was submitted to the President yesterday mentions the so-called Palestinian right of return demand, and says that it should be addressed in the negotiation process to stabilize Iraq.

I am concerned that many in the region, including groups opposed to Israel's very existence, will take this mention in the Iraq Study Group report as support of a full so-called right of return.

The United States should not be seen as supporting any policy that will fundamentally alter Israel's safety and security. The so-called right of return would jeopardize the future of Israel and benefit the enemies of peace and freedom and enemies of the United States.

I strongly urge the President and this Congress to remain steadfast in our support of Israel and offer policies designed to enhance, not weaken, our most important and trusted friend and ally.

☐ 1015

RAISING THE MINIMUM WAGE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, in 1935, that old wild-eyed liberal, Franklin Delano Roosevelt, put forth a proposal to increase or to establish a minimum wage. It was 25 cents an hour. Mr. Speaker, we are now closing out 2006, and for 9 years, this Congress has failed to increase the minimum wage. Democrats strongly believe that no one in this country who works hard at a full-time job should have to live in poverty, unable to provide for their children.

On the current minimum wage they can earn only $10,700 a year. That is shameful. It is close to being sinful. During the past year, we took the message to the American people. On November 7, they responded overwhelmingly by electing the Democratic majority to Congress.

Mr. Speaker, the Democratic majority in the next Congress will not let the American people down. Within the first 100 hours of the 110th Congress, we will pass a pay increase for the workers who need it most.

ETHICS AND THE U.S. HOUSE OF REPRESENTATIVES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, as the 109th Congress ends, and I prepare to leave the House after 20 years, I want to speak with my colleagues one last time about ethics, and I have here 32 pages of analyses and recommendations, which I will not bore you with, nor do we have the time.

But I have had the if not unique experience, at least the unusual experience of being on the committee and being chairman of the committee for 8 years, and I have seen the best and the worst of this House of Representatives. I can tell you that my analysis is that this is an honorable House, and it is an ethical House. Most House Members desire to serve honorably and ethically. A few do not.

The integrity of this House is important to our Nation, and our integrity is not as it should be. As Members of Congress, we will never be perfect, but we can strive to be better.

As Members of the House, we must do better.

HONORING UCSB SOCCER TEAM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I rise today to celebrate the men's soccer team at the University of California Santa Barbara. On Sunday, this past Sunday, UCSB completed a victorious 6–0 run in the NCAA tournament and soundly defeated UCLA to claim the second Division I title in the school's history.

As a proud alumna of UCSB, I know I speak for the student body and the faculty and fellow alumni of the Santa Barbara community when I congratulate the Gauchos on their momentous victory. Coach Tim Vom Steeg, himself a UCSB grad, and his coaching staff deserve high praise for their leadership in guiding UCSB to its second college cup championship game in 3 years and its first title.

Nick Perera was named the All-College Cup Most Outstanding Offensive Player and proved to be a tremendous asset to the Gauchos during the championship game, scoring a goal and assisting on the game-winning shot. Andy Iro, selected as the All-College Cup Most Outstanding Defensive Player, also greatly contributed to keeping UCLA at bay.

The quality of UCSB's soccer program is but one example of the fine institution that is UCSB, home to five Nobel laureates, as well as stellar athletic and extracurricular activities. Go Gauchos.

STAN WILKINS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of Stan Wilkins of Cartersville, Georgia, a minister, teacher and friend to so many in our community.

Dr. Wilkins passed away last week at the age of 53. While his celebrated life was certainly too short, his accomplishments as a Baptist preacher and community advocate will long be remembered.

Dr. Wilkins was only 17 years old when he answered the call to the ministry, and in the next 18 years as a pastor, most recently at Cartersville First Baptist Church, he spread his passion for education and a firm commitment for fulfilling the spiritual needs of his congregation. Dr. Wilkins also was deeply involved in the Cartersville community, serving as a member of the Bartow County Rotary Club, the United Way Allocations Board and the Good Neighbor Homeless Shelter Board.

Indeed, everyone whose life was touched by Dr. Wilkins is indebted to his enthusiasm for service and his outreach for education. Mr. Speaker, I ask you to join me in honoring the memory of Stan Wilkins, an outstanding member of the Cartersville community.

DEVELOP NEW ENERGY SOLUTIONS

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Mr. Speaker, the Republican solution to our energy needs is to drill anywhere no matter what. We desperately need to develop new energy technologies, but those efforts have been minuscule. Instead the Republican Congress has given massive tax breaks to all companies, as if they need any more incentive.

The profits of the five largest oil companies in America, ExxonMobil, Chevron, Texaco, Conoco, Phillips, BP and Shell, were $342.4 billion in just the first quarter of this year. Next year, those companies are going to have some explaining to do. In the first 100 hours of the new Congress, we are going to take the tax breaks and subsidies that this Congress has thrown at oil companies and invest them instead in the new energy technologies that are the real solution to our energy needs.

Mr. Speaker, a real energy agenda is coming.

Mr. Speaker, it is unfortunate that Ms. PRYCE of Ohio apparently does not bet on college basketball.

LINCOLN UNIVERSITY MEN'S BASKETBALL TEAM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to recognize an amazing performance by the men's basketball team at Lincoln University in Chester County, Pennsylvania.

Last Saturday, the Lincoln Lions set an NCAA Division III record by scoring an astounding 201 points in a single game to beat Ohio State-Marion, 201–78. The Lions' unbelievable point total shattered the previous point record by almost 30 points. The game also set the record for the greatest margin of victory and most points scored in a half.

On their way to their historic win, Lincoln guard Sam Wylie set some records of his own. The senior knocked down 21 three-pointers, the most ever in NCAA Division III, and finished the game with 69 points, a school record. I congratulate the players and coaching staff of Lincoln University's men's basketball team on a historic performance.

TIME FOR A NEW DIRECTION IN IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, for months now, President Bush has refused to listen to anyone outside of his war cabinet and for any counsel on the war in Iraq. Yesterday, the bipartisan Iraq Study Group came to the sobering conclusion that the situation in Iraq is grave and deteriorating.

We lost 10 soldiers in Iraq yesterday. We have lost more than 30 soldiers already this month. I had hoped that the President would begin to reconsider his course after the November election, but the President continues to say that American troops will remain in Iraq after he leaves office in 2 years. This is simply unacceptable. We must begin the process of redeploying our troops out of Iraq now.

The Iraqi Prime Minister was correct when he said that the war can only be won politically, and, therefore, it is time for us to bring our troops home. It is time for the politicians in Iraq to begin to work together to bring an end to the civil war and for the international community, particularly Iraq's neighbors, to work with Iraqi leaders to stabilize the Nation. Our troops have done everything they can, and it is now up to the Iraqis to take complete control of their country.

HONORING SPEAKER HASTERT

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, 8 years ago this month this House was in a great crisis. We had had a Speaker of the House who chose to resign. The Republican Conference selected a new Speaker, he chose to resign, and we as Members came together and called on J. Dennis Hastert to become Speaker of the House of Representatives.

It was a difficult time. We were in the midst of considering articles of impeachment, and we continued to face many great challenges ahead. As we marked earlier this year, Dennis Hastert became, following that crisis 8 years ago this month, the longest-serving Republican Speaker in the history of the U.S. House of Representatives.

During that period of time, Mr. Speaker, we know that we have gone through some amazing changes and faced some real difficulties.

Today marks the 65th anniversary of the bombing of Pearl Harbor and one can't help but think about the attack on September 11, 2001. We have not had an attack on this soil, on our soil, in large part due to the leadership that Dennis Hastert has provided in ensuring that our homeland is secure. Today we got the report of a reduction in unemployment claims, and that number, a huge drop, is further indication of the strong and growing economy that is in place because of the actions and the leadership of Dennis Hastert.

Mr. Speaker, I think it is important for us to note that while Denny Hastert is going to remain a Member of this House and provide advice and counsel to all of us, Democrats and Republicans alike, I think it is very, very appropriate as we look at the waning days of this 109th Congress to recognize his amazing and wonderful accomplishments on behalf of the American people and this institution.

WELCOMING THE FIRST LADY OF AZERBAIJAN

(Ms. SEKULA GIBBS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SEKULA GIBBS. Mr. Speaker, yesterday I had the distinct pleasure of meeting the First Lady of Azerbaijan, Dr. Mehriban Aliyev, and several individuals of her Parliament who were traveling with her. They were received in the office of Senator KAY BAILEY HUTCHISON, who hosted a reception for the First Lady of Azerbaijan.

Azerbaijan is a growing democracy and one that has a strategic relationship with the United States, in that it shares troops with the United States and other countries in Kosovo, Afghanistan and Iraq, and they support the efforts to work combating global terrorism. They also help to play a key role in securing dependable energy supplies to countries, including the United States.

The Caspian Sea Republic of Azerbaijan is rapidly modernizing and developing its offshore energy sector, including gas pipelines, which have been very beneficial to its economic growth.

Here in the United States, I would add that my district in Houston, Sugar Land is particularly aware of the importance of developing new sources of energy and expanding our global reach for energy production for our country.

We also recognize that as an emerging democracy, Azerbaijan would like to be a member of NATO and EU and is a current member of the Council of Europe, which seeks to harmonize human rights and the goals of all humans.

Mr. Speaker, I would just like to say that the First Lady of Azerbaijan is also a physician, and we share the greater good. It was an honor to receive her as well as to welcome Melanne Verveer and Vital Voices at that reception.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1096 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1096

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 7, 2006.

SEC. 2. It shall be in order at any time on the legislative day of December 7, 2006, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

SEC. 3. House Resolutions 810, 939, 951, and 1047 are laid upon the table.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 1096 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on this legislative day.

The rule also provides that suspensions will be in order at any time on this legislative day.

□ 1030

The resolution also provides that the Speaker or his designee shall consult with the minority leader or her designee on any suspension considered under this rule.

Mr. Speaker, this Congress has accomplished many things. We have worked on a variety of initiatives that will provide our working men and women with the resources necessary to succeed, expand access to health care, secure our borders, and continue to grow our economy. I would like to just comment on a few of these.

I am proud to say that I was part of the majority of Members that passed a raise in the Federal minimum wage for the first time in 9 years. It is important that we assist those who are struggling with the necessary tools to help them develop as individuals and in the workforce. I tell you that the hard-working men and women of West Virginia deserve this raise.

Another component of helping Americans succeed is making health care more affordable and accessible. This Congress has led the charge in modernizing our entitlement programs, allowing them to better serve the 21st-century senior.

Three years ago, we stood on this floor and passed a monumental enhancement to Medicare, the creation of a prescription drug plan under Medicare. This program has helped to provide prescription drug coverage to 91 percent of the seniors in my home State of West Virginia. The numbers do not lie. This program has been a success, and I look forward to continued work with various groups in West Virginia and throughout the country to help the remaining beneficiaries find a prescription plan that best suits their needs.

Regardless of their district's geographic location, no Member can honestly say that our Nation's immigration problems have not touched their constituents. We are all suffering from an immigration system that is clearly broken. The House passed a strong enforcement first approach last December, but, unfortunately, our friends in the other body could not come to agreement and insisted on a different plan. We must secure our borders and gain control over the flow of immigrants coming into our Nation before we can discuss any way to form a pathway to citizenship.

Finally, Mr. Speaker, the pro-growth tax policies put in this place by this Congress have fostered a strong economy. We are seeing some of the lowest unemployment in my State, the lowest unemployment in history; tax receipts have surged from economic growth, and, as a result, the deficit is beginning to fall.

We still have work to do, and that is why we are here today. Despite this record of success, there is much more work to be done. We have several measures left that should garner bipartisan support, and in an attempt to make sure that this important work is finished by the end of the legislative week as well, we are here today to pass a rule to provide for the consideration of bills under rules that would require them to pass by two-thirds majority. This allows us to consider items in a timely manner and ensure that last-minute issues are resolved prior to our adjournment.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation considered under this rule is brought to the floor.

This rule also allows for consideration of special rules reported on this legislative day. We are obviously nearing the end of our session, and this rule will allow the House to finish its business in a timely fashion.

I am proud of the accomplishments of this House over the past 2 years. I now ask my colleagues to support this rule so that we may continue the work of the American people in a timely fashion today. Completing consideration of these suspensions and remaining bills ensures that we may accomplish as much as possible in the final days in Congress.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this balanced rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the customary 30 minutes.

Mr. Speaker, the 109th Congress is ending the same way it started, in a closed and secretive fashion. I guess old habits die hard. Once again we are here on the floor debating a martial law rule that also makes today a suspension day. Here we are, once again, unsure of what we will be considering today, tonight, or tomorrow.

Now, it is hard to be shocked by the majority's tactics, because this is business as usual. Time after time the Republican majority has forced this House to consider bills under a closed process. In the 109th Congress, out of the 190 total rules reported, only one non-appropriations bill was considered under an open rule. One out of 190. That is a dismal record, even for this Republican majority.

Mr. Speaker, the trouble with this martial law rule is that it allows the House to consider any bill before we even have a chance to read it. What is going to be included in the final bill? We already know about the tax extenders, Medicare fixes and offshore drilling that will be cobbled together in one bill. What else will be thrown in here? What other surprises does this Republican majority have in store?

Just a few years ago, Mr. Speaker, liability protection for pharmaceutical companies was included in a conference report after the conference was closed. Is that going to happen again in their rush to get out of town?

Legislation is not supposed to work like this. None of the issues we are considering here are new. The Ways and Means Committee knew about the Medicare problem all year, but didn't care to act. The offshore drilling measure should be considered under regular order, but the Republican majority appears unwilling to schedule it that way. And the tax extender provisions, things like the R&D tax credits and work opportunity tax credit, to name a few, should be passed on their own and considered in the Senate in regular order.

Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body. People should have time to read the bills before they are considered. The Rules Committee will end its regular practice of meeting in the dead of night simply to report out a closed rule. There will be a new direction for the House of Representatives.

Mr. Speaker, I don't expect that the Democratic majority will be perfect, but I do expect the incoming majority to understand that every Member of this House, Republican and Democrat, deserves to be treated with respect and fairness. Every Member, whether it is the Speaker of the House or a freshman in the minority party, represents the same number of people. Everyone deserves to be heard, everyone deserves to know what we are voting on, and nobody deserves a process as undemocratic and insulting as the one before us.

Mr. Speaker, this is a sad, but fitting, way to end the 109th Congress. As I said, old habits die hard. I hope this is truly the end of an era where rules, respect for this institution, and democracy didn't matter, and the beginning of a new direction for the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee, who has led us very ably over the last several years.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to the gentlewoman from West Virginia for her great service on the Rules Committee and to say that I was listening to the comments of my colleague on the other side of the aisle upstairs and came down because I was reminded of what is described as the "Moral of the Work" at the beginning of each of Winston Churchill's great volumes that he provided: The Gathering Storm. You can go through the litany of them. But there were four points in the "Moral of the Work." He said in war, resolution; in defeat, defiance; in victory, magnanimity; in peace, goodwill.

We all acknowledge and congratulate our Democratic colleagues on the fact that they have won the majority. I certainly hope that it is going to be for only a 2-year period. But I congratulate them and look forward to working with them in a bipartisan way on a wide range of public policy questions that we will face in the 110th Congress.

But the rule that we are considering right now, Mr. Speaker, will allow for Democrats to have an opportunity to offer measures under suspension of the rules. We receive loads of requests from Democrats who very much want to have an opportunity to have their measures brought to the floor. This rule allows for consideration of those measures.

I would also like to say that as we look at the challenge of trying to ensure that we open up new markets for U.S. workers around the world, and as we work to put into place the economic growth policies that have brought us an amazingly low unemployment rate, and I heard my friend from West Virginia talk about the fact that we have seen an unemployment rate in her State of West Virginia actually at an extraordinarily low level, and across the country we have a 4.6 percent unemployment rate, and what we are trying to do is to put into place policies before we adjourn the 109th Congress that will sustain that economic growth pattern that we fortunately have seen, and, as we got the news this morning, a plummeting of the number of jobless claims.

So we continue to have very positive news, and it is because of these policies, and we are determined before we adjourn the 109th Congress sine die to make sure that we have these measures in place. That is all this rule does.

So we can have a wide range of criticism leveled at what it is that we have done. I frankly am very proud of the things that we have accomplished.

I see two of my colleagues from Georgia here, Mr. PRICE, and Dr. GINGREY, who have worked very hard on the Rules Committee. I mentioned my friend from West Virginia, Mrs. CAPITO. And we have been able to do a lot of things in a bipartisan way as well, Mr. Speaker.

So it seems to me that we should recognize that moving ahead with this rule, passing it, will allow us to get on a road towards completing our work on behalf of the American people.

So again I conclude by congratulating my colleagues for having won the majority. I congratulate them and look forward to working with them. And it is my hope that the "Moral of the Work" as put forward by Winston Churchill can in fact be subscribed to by people on both sides of the aisle.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just for the record, I have no problem with the fact that people can offer suspension bills today. My problem is with the martial law rule, the martial law rule which waives clause 6(a) of rule XIII to provide for same day consideration of any rule reported on the legislative day of December 7, 2006.

This rule, which circumvents the regular 1-day layover requirement for consideration of a rule, will allow the House to consider any rule on any piece of legislation on the House floor on the same day the rule is reported without requiring the standard two-thirds vote for same-day consideration of a rule.

I guess the problem I have is, again, not with suspension bills, which are mostly noncontroversial bills, but my problem is with significant pieces of legislation, some legislation which may not have even been heard by committees of jurisdiction, which may not have been reported out of committees of jurisdiction, bills that will come before us that the House has never even considered, things that we will not have an opportunity to be able to read before we vote on them.

I keep on hearing that we need to consider our business in a timely fashion. Well, what is the rush? We could be here next week. Since they didn't get their work done before the election, we can stay here another week and do this right.

I think people expect Members of Congress when they vote on legislation to know what they are voting on. They don't want any more backroom deals. They don't want to read in the newspapers a week or two weeks from now that the House passed some omnibus bill that had all these objectionable provisions included in it.

So my point is that this is a bad process and we should do better, and I hope in the future we will do better. But here we are today, and I think those who care about responsible legislating should oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as one who cares about responsible legislating, I guess I would like to say that I have been in the legislative process now for 10 years, 4 years in my State House and 6 years now here in Congress. When you reach the end of a legislative session, there is always, rightly or wrongly, a rush to wrap up loose ends, to make sure that you don't leave issues undone, untied, so that you can start afresh in the new Congress.

But I would like to tell the gentleman something he probably already knows, that in the 103rd Congress, which was the last Congress that the

Democrats had control, they actually used the same-day rule provisions 22 times, and this Congress, rightly or wrongly, has used the same-day rule 20 times.

So I would like to ask the gentleman, what I am hearing you say, and I know you will be on the Rules Committee and I will be leaving the Rules Committee because of the new majority-minority makeup in the committee, but what I am hearing you say is that you are basically promising that this same-day rule provision that we have used in the 109th Congress will not be a provision or mechanism that you will be using next December when you have control of the Rules Committee.

□ 1045

I would like to hear if that is what you are saying, and I would hope that by the rhetoric that I am hearing from you today that this is the direction that you want to take the committee. You will be part of the leadership of that committee.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me respond to the gentlewoman by saying that I hope that we do not have to use martial law rules, and I hope that we will do our business. Actually, we are going to work 5 days a week, so we will be able to get our business done in a timely fashion, in a professional fashion.

But what I object to about the way this House has been run, it is not just the martial law rules, it has been the closed rules in general. It has been the closing off debate and denying not just Democrats but Republicans the chance to offer amendments on the House floor, the chance to be heard.

I am not saying every rule will be an open rule. I am not saying the Democrats are going to be perfect, but what I do believe is that we will be significantly better. We have to be.

I think one of the reasons why people have such a low regard for this Congress is they have watched how this Congress has been run, and they have seen how closed it has been and they have seen the results of that closed process: items that appear in legislation that never had committee hearings, that had never been debated on the House floor mysteriously appearing in conference reports.

I think people want a more open process, a more fair process. I think if the new majority, and I hope, and I know this is a tall order, but I hope if Speaker-elect PELOSI can create a more open and fair process in this House, that it will go a long way to increasing collegiality and respect for one another.

I think a lot of the bitterness and rancor that exists in this Congress is when people feel locked out, when they feel disrespected.

So I hope we do better and I am going to fight in the Rules Committee to do better.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his response, and I have enjoyed my 2 years of service with him on the Rules Committee. He is a mighty adversary. And I also want to say congratulations to you and to the new majority. You fought hard for it, you won it, and I look forward to the new open process that you are proposing and particularly in the first 100 hours that you are proposing in the first several days of our legislative session in the 110th Congress.

I would like to just kind of piggyback on one thing you said, and I think it really rings true. It certainly rings true in my State and everywhere.

People are tired of the way we conduct our debate here in Congress. They turn us off. They do not listen to us because we heighten the words that we use, we disrespect each other as individuals. I am not saying that you and I do, but certainly several of our Members do on both sides of the aisle. We use words that are meant to catch the 30-second sound byte, that are meant to inflame one side or the other.

In my service in the Rules Committee, Chairman DREIER asked me to chair a Subcommittee on Civility, and I began working with that and working with Representative CLEAVER on the other side. We joined together in a Special Order where we both debated civilly over the pros and cons of tax relief without throwing the usual big word bantering, disrespecting words at one another that we have a tendency to do in our debate. I would ask my colleagues who are listening, join together in this effort with Representative CLEAVER so we can grow the amount of Members, we can have Special Orders where we debate the pros and cons of such hot issues like the war in Iraq or immigration or tax relief, all these things that are so important to the American public, but we do it in a way where we have a little bit more time where we can go back and forth and ask each other questions. It is difficult the way our structured debate is, to actually make a point in one minute and then be able to respond to the other side.

So I would join with my colleague and maybe convince him to join our Subcommittee on Civility and we can have longer, more meaningful, and I think the American public would actually embrace the opportunity to sit down in front of their TV, watch C-SPAN for an hour, become educated on an issue on both sides, and then understand a little bit more about why we are voting one way or the other, where our belief systems are.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me also say to my colleague from West Virginia that I have enjoyed serving on the Rules Committee with her as well, and I have enjoyed our debates. I admire her intellect and I appreciate her efforts to create a more civil Congress, and I regret that she will no longer be on the Rules Committee because I thought she added a lot to the debate and to the civility in that committee.

Again, Mr. Speaker, I would simply say to my colleagues that this process is not the process in which we should conduct our business. This martial law rule is not needed. We can stay here next week and get our business done in regular order. There is no need to rush out of here, and my fear is that we have created a process in which Members are not going to have an opportunity to even know what they are voting on.

So, with that, I would urge my colleagues to vote "no" on this martial law rule.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I want to thank my colleague. Again, I urge my colleagues to join me in supporting this rule to provide that suspensions will be in order anytime the legislative day of December 7, a very historic day in our Nation's history, 2006, and that special rules will be considered on the same day.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 190, not voting 30, as follows:

[Roll No. 528]

YEAS—212

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney

Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—30

Berry
Burton (IN)
Cardoza
Case
Cubin
Davis, Jo Ann
Evans
Fattah
Gibbons
Harris
Hinchey
Hyde
Istook
Jefferson
Kaptur
Millender-McDonald
Norwood
Nussle
Otter
Owens
Paul
Pickering
Platts
Sanders
Simpson
Strickland
Sweeney
Watson
Westmoreland
Whitfield

☐ 1119

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 1096, the following resolutions are laid on the table: H. Res. 810, H. Res. 939, H. Res. 951, and H. Res. 1047.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SUPPORTING THE GOALS AND IDEALS OF PLAN AHEAD WITH AN ADVANCE DIRECTIVE WEEK

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 934) supporting the goals and ideals of Plan Ahead with an Advance Directive Week.

The Clerk read as follows:

H. RES. 934

Whereas life and death situations confront hundreds of thousands of persons within the United States each year due to life threatening illness or injury;

Whereas advance directives offer individuals the opportunity to discuss with loved ones and family members in advance and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive, would advise family members, medical providers, and other persons of how an individual would want to be treated in certain crisis situations;

Whereas physicians, other health care providers, clergy, legal counsel, and family members should, or may, provide guidance and insight into determining the final wishes of a person when an advance directive is being prepared;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive; and

Whereas the designation of the first week of April each year as Plan Ahead with an Advance Directive Week would give honor and respect to all persons as they make critical decisions about their end-of-life care and allow death with dignity according to their own decisions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Plan Ahead with an Advance Directive Week;

(2) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her family members and medical professionals and others as they honor his or her final wishes; and

(3) encourages medical, civic, educational, religious, and other nonprofit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to end-of-life care are protected.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 934, supporting the goals and ideals of Plan Ahead with an Advance Directive Week. The resolution encourages all Americans to take time to discuss with their loved ones what their wishes would be in a health care situation where that person is unable to communicate.

As many of my colleagues are aware, an advance directive may comprise two types of legal documents that enable individuals to plan for and communicate end-of-life wishes in the event an individual is unable to convey them due to failing health.

The first type of advance directive is what is known as a living will. It documents a person's wishes concerning medical treatments at the end of life.

The second type of advance directive is a medical power of attorney or a health care proxy which allows individuals to appoint a person they trust as their health care agent. This person is authorized to make medical decisions on another's behalf.

Mr. Speaker, living wills and medical powers of attorney are valuable tools to help communicate the wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us.

In conclusion, I want to encourage all Americans to set aside time to have what may well be one of the most important conversations that a family can have.

At this time, I would like to thank Dr. GINGREY for helping bring this important issue to the American people, and I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 934, legislation which supports the goals and ideals of Plan Ahead with an Advance Directive Week. Advance directives are an integral part of any care delivery plan. Simply put, advance directives are statements by competent persons which articulate that person's medical, legal and personal wishes regarding medical treatment in the event of future incapacity.

When advance directives are available, medical professionals, families and loved ones are best able to make critical care decisions should a patient become unable to make sound judgments about their health care.

This resolution encourages those 18 years of age and older to prepare advanced directives. It also encourages medical, civic, educational, religious, and other nonprofit education to promote advance directive preparation, particularly amongst their constituencies. Many organizations are already leading the effort to provide guidance for patients on advance directive preparation, including the American Medical Association, the American Hospital Association, the American Academy of Family Physicians and the National Hospice and Palliative Care Organization.

H. Res. 934 enjoys the support of the National Consensus Project for Quality Palliative Care, a coalition of leading U.S.-based palliative care organizations dedicated to address the needs of health care professionals who care for patients with advanced, chronic or life-threatening illnesses, as well as the needs of patients' families.

I would like to thank Representative GINGREY for bringing this resolution before us today, and I encourage my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I would like now to recognize the gentleman from Georgia (Mr. GINGREY), a fellow physician who is the author of this fine piece of legislation for 5 minutes.

Mr. GINGREY. Mr. Speaker, first of all, I thank my colleague for yielding me this time, and I also thank my friend from New Jersey for his support.

Mr. Speaker, I rise today in support of H. Res. 934, a resolution that supports the goals and ideals of a Plan Ahead with an Advance Directive Week. This resolution is supported by Members on both sides of the aisle. It is endorsed by the National Hospice and Palliative Care Organization, and it is backed by the Cobb County Medical Society in Georgia, and commended to me by my friend and colleague, child psychiatrist Dr. Durk Huttinback.

As a physician for nearly 30 years, I wholeheartedly believe in executing advance directives. Every individual in this country, in every stage of life, should have conversations with their families, friends and loved ones regarding their wishes as they pertain to end-of-life care. Advance directives help clarify the desire of individuals to their health care providers, their care givers and family members during these difficult and trying times.

Advance directives are valuable tools to help communicate wishes about future medical care. Thoughtfully prepared advance directives can ease the burden on those who must make health care decisions for us. This resolution encourages all Americans to set aside time for what may very well be one of the most important conversations a family can ever have.

Giving advanced direction to those who are providing your medical care and explaining to your loved ones your wishes are essential ways to ensure that these wishes are fulfilled if those painful times present themselves and communication is not possible.

Mr. Speaker, I believe advance directives are a great avenue for facilitating these vitally important conversations, and therefore I encourage my colleagues to support this resolution.

The Federal Government can encourage the American people to have these conversations and take these important actions. By passing this resolution, groups like the National Hospice and Palliative Care Organization, as well as hospitals and nursing homes around the country can use this momentum to intensify the work they already are doing to notify and educate the American public on the importance of advance directives.

□ 1130

Advance directives are available to individuals through many different avenues. Each State government has a medical power of attorney form that a citizen can fill out and have witnessed. This then authorizes the appointed agent to make health care decisions on that individual's behalf.

In addition to State government and public health departments, there are many organizations and hospitals around the country that have advance directives available for patients and loved ones who may find themselves facing these tough decisions.

So, Mr. Speaker, I cannot say it enough. This resolution simply encourages everyone to take a moment and discuss with their loved ones what their wishes would be in a health care situation where they are unable to communicate.

I encourage my colleagues to please take this opportunity to support these many fine organizations and institutions around the country who work tirelessly to support the simple goals of education and awareness. In addition and perhaps most importantly, this is a chance to take a moment and do what is in the best interest of patients and families in our great country. Please join me in supporting House Resolution 934.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize another physician from Georgia, Dr. TOM PRICE, for 3 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my colleagues. I want to thank Congressman BURGESS, physician colleague and Congressman colleague, for yielding me time and allowing me to participate in this.

In our lives we plan for all sorts of things. Some of them are trivial and some not. We plan for vacations. We plan for changes in our jobs. We plan for changes where we live, moving. We plan for changes in education. But most of us don't plan for the time when end-of-life decisions must be made. And what, Mr. Speaker, could be more personal than those decisions, when none of us, none of us, would want others making uninformed decisions on our behalf?

So I rise and commend my colleague Dr. GINGREY, my fellow colleague from Georgia, for his leadership and his wisdom in bringing this issue forward. It is extremely important. I also want to commend our own Cobb County Medical Society for their leadership and their persistence in maintaining attention on this vital matter.

We all take for granted the fact that we make these personal medical decisions, and most often we are able to make those decisions ourselves. But occasionally we are not conscious or competent to make these decisions, and sometimes that happens in a split second.

As an orthopedic surgeon, I would often treat patients or folks who were involved in automobile accidents, and sometimes they would arrive in the emergency in a coma, unable to participate in decisions about how they would want their care to proceed. Very important life and death decisions. And without advance directives, then their families had no guidance on the direction of these decisions. That is why advance directives are so remarkably important. They allow people to make decisions about the care that they would want to receive if they happen to become unable to speak or act for themselves.

The term "advance directives," as has been noted, really encompasses two types of legal documents for each individual. They answer the questions what and who. What would individuals want to be done? That is through a living will. And who would make those decisions for them if they were unable to make themselves? That is the medical power of attorney or health care proxy.

I also think it is interesting to note that although these are legal documents, they do not require an attorney to execute, which may be good news for folks. So I would encourage, as the others have, to make certain that they give the time and effort to this activity and make certain that they proceed with fulfilling the obligation, actually the responsibility that they have to their loved ones.

So I want to commend Congressman GINGREY once again and I want to mention really it is our desire to ask people to be prepared. Be prepared, as the resolution states, to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions. It is in the best interest of all Americans that each individual over the age of 18 communicate his or her wishes by creating an advance directive. So it is wholly important that this House of Representatives supports the goals and ideals of Plan Ahead with an Advance Directive Week; that we encourage each individual to fulfill their responsibility for those forms and we encourage medical, civic, educational, religious, and other nonprofit organizations to ask their members as well to fulfill their obligation for a living will and a medical durable power of attorney.

I want to encourage all my colleagues to support this resolution.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, we have had good participation from the House Physicians Caucus this morning, and I just wanted to make note of that.

Mr. Speaker, I yield 2 minutes to our third speaker, who is one of our newest Members, another physician colleague from Houston, Texas, the recently elected Shelley Sekula Gibbs.

Ms. SEKULA GIBBS. Mr. Speaker, I thank the Congressman from Texas, Dr. MICHAEL BURGESS, for yielding.

I appreciate the opportunity to rise and speak in support of the gentleman from Georgia, Dr. PHIL GINGREY'S, House Resolution 934, which encourages the creation of a week that would be dedicated to the support and development of advance directives.

Advance directives are a legal document that every American should explore and hopefully will find useful. An advance directive is something that has been very helpful in my own family since I lost a spouse to cancer and then subsequently lost my father to cancer.

Now, the advance directives that come into play are something that would not take over unless the individual lost consciousness and went into a coma. Other than that, a person is able to call their own shots and make their own decisions. But if a person slips into coma, an advance directive can be very helpful in telling your family and your physicians and hospital staff in advance how you want to be taken care of. And this is very important, Mr. Speaker, and very important for all of us that we take the time to help clarify those decisions before a person slips into a coma and is unable to communicate.

Providing a family physician and the family members an advance directive can reduce confusion and reduce guesswork about what you really want for your treatment during end-of-life time if you should slip into a coma. Since illness can come unexpectedly and not all of us have the chance to make those wishes known personally, an advance directive can be very useful and can remain in a drawer or with your family physician, in your file, so that you can be at ease knowing you have made that kind of decision known in advance.

Once again I would like to thank the gentleman from Georgia, Dr. PHIL GINGREY, for bringing this resolution to the floor.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, just a housekeeping detail: I would point out that the House has previously passed this legislation. It went over to the Senate. Some modest changes were made, and this is now the legislation that will conform to those changes.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would also urge support of the bill.

Mr. LEVIN. Mr. Speaker, I rise in support of House Resolution 934, which supports the goals and ideals of Plan Ahead with an Advanced Directive Week and encourages Americans to prepare advance directives to ensure that their wishes and rights with respect to end-of-life care are protected.

This is an issue I became involved with back in 1990 when I introduced the Patient Self-Determination Act in the House. Senators John Danforth and Pat Moynihan introduced the companion bill in the Senate. The measure became public law in 1991. Among other things, the Act requires all Medicare and Medicaid provider organizations, including hospitals, nursing facilities, home health agencies, and hospices to provide written information to patients at the time of admission concerning an individual's right under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives. It also required these organizations to provide written information to patients with respect to advance directives. But even with laws like the Patient Self-Determination Act in place, only about 29 percent of Americans have a living will.

Advance directives, which include a living will stating the individual's preferences for care and a power of attorney for health care, are critical documents that each of us should have. As important as it is to encourage Americans to prepare advance directives, Congress is in a position to do more to help families make these arrangements. Last year I introduced H.R. 2058, the Advance Directives Improvement and Education Act. This bipartisan bill would build on current advance directive laws to educate Americans about living wills, give people the opportunity to discuss options with their doctors, and ensure that their wishes are honored.

In a word, the purpose of H.R. 2058 is to encourage all Americans to think about, talk about and write down their wishes for medical care near the end of life should they become unable to make decisions for themselves. It would also ensure that people's advance directives are honored, even if the directive is issued in one state and end-of-life care is given in another. The bill also encourages all Medicare beneficiaries to prepare advance directives by providing a free physician office visit for the purpose of discussing end-of-life choices, and directs the Department of Health and Human Services to conduct a public education campaign to raise awareness of the importance of planning for care near the end of life.

Let me conclude by again stating my support for the resolution before the House with the hope that we can build on this effort in the next Congress.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and agree to the resolution, H. Res. 934.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SOBER TRUTH ON PREVENTING UNDERAGE DRINKING ACT

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sober Truth on Preventing Underage Drinking Act" or the "STOP Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb–25b) is amended by striking subsections (a) through (f) and inserting the following:

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

"(2) The term 'school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

"(3) The term 'youth' means persons under the age of 21.

"(4) The term 'IOM report' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled 'Reducing Underage Drinking: A Collective Responsibility'.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

"(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.

"(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

"(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

"(A) evidence-based screening, programs and curricula;

"(B) brief intervention strategies;

"(C) consistent policy enforcement; and

"(D) environmental changes that limit underage access to alcohol.

"(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

"(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

"(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

"(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

"(c) INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the 'Committee').

"(B) OTHER AGENCIES.—The officials referred to in paragraph (1) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

"(C) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

"(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

"(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

"(F) ANNUAL REPORT.—

"(i) IN GENERAL.—The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

"(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

"(II) the extent of progress in preventing and reducing underage drinking nationally;

"(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and

"(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

"(ii) CERTAIN INFORMATION.—The report under clause (i) shall include information on the following:

"(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

"(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

"(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

"(IV) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

"(V) Any additional findings resulting from research conducted or supported under subsection (f).

"(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

"(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

"(B) STATE PERFORMANCE MEASURES.—

"(i) IN GENERAL.—The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the report on best practices.

"(ii) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

"(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

"(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

"(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

"(IV) Whether or not the State encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

"(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

"(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

"(VII) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

"(VIII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

"(IX) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

"(aa) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

"(bb) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking;

"(cc) community-based, school-based, and higher-education-based programs to prevent underage drinking;

"(dd) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

"(ee) other State efforts or programs as deemed appropriate.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for fiscal year 2007, and $1,000,000 for each of the fiscal years 2008 through 2010.

"(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.—

"(1) SCOPE OF THE CAMPAIGN.—The Secretary shall continue to fund and oversee the production, broadcasting, and evaluation of the national adult-oriented media public service campaign if the Secretary determines that such campaign is effective in achieving the media campaign's measurable objectives.

"(2) REPORT.—The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

"(3) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for fiscal year 2007 and $1,000,000 for each of the fiscal years 2008 through 2010.

"(e) INTERVENTIONS.—

"(1) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.—

"(A) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, 'enhancement grants' to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking. This subsection is subject to the availability of appropriations.

"(B) PURPOSES.—The purposes of this paragraph are to—

"(i) prevent and reduce alcohol use among youth in communities throughout the United States;

"(ii) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

"(iii) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

"(iv) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

"(v) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and

"(vi) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

"(C) APPLICATION.—An eligible entity desiring an enhancement grant under this paragraph shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include—

"(i) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

"(ii) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

"(D) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (C). Grants under this paragraph shall not exceed $50,000 per year and may not exceed four years.'

"(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

"(F) EVALUATION.—Grants under this paragraph shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

"(G) DEFINITIONS.—For purposes of this paragraph, the term 'eligible entity' means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

"(H) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this paragraph may be expended for administrative expenses.

"(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

"(2) GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION.—

"(A) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

"(B) APPLICATIONS.—An eligible entity that desires to receive a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

"(i) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

"(ii) a description of how the eligible entity will target underage students in the State;

"(iii) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this section and moving toward indicators described in subparagraph (D);

"(iv) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

"(v) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

"(vi) the anticipated impact of funds provided under this paragraph in preventing and reducing the rates of underage alcohol use;

"(vii) outreach strategies, including ways in which the eligible entity proposes to—

"(I) reach out to students and community stakeholders;

"(II) promote the purpose of this paragraph;

"(III) address the range of needs of the students and the surrounding communities; and

"(IV) address community norms for underage students regarding alcohol use; and

"(viii) such additional information as required by the Secretary.

"(C) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (B).

"(D) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this paragraph, the Secretary shall include in the notice achievement indicators for the program authorized under this paragraph. The achievement indicators shall be designed—

"(i) to measure the impact that the statewide coalitions assisted under this paragraph are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

"(ii) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

"(iii) to provide such other measures of program impact as the Secretary determines appropriate.

"(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

"(F) DEFINITIONS.—For purposes of this paragraph:

"(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, institution of higher education, or nonprofit entity.

"(ii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(iii) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(iv) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(v) STATEWIDE COALITION.—The term 'statewide coalition' means a coalition that—

"(I) includes, but is not limited to—

"(aa) institutions of higher education within a State; and

"(bb) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

"(II) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

"(vi) SURROUNDING COMMUNITY.—The term 'surrounding community' means the community—

"(I) that surrounds an institution of higher education participating in a statewide coalition;

"(II) where the students from the institution of higher education take part in the community; and

"(III) where students from the institution of higher education live in off-campus housing.

"(G) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this paragraph may be expended for administrative expenses.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

"(f) ADDITIONAL RESEARCH.—

"(1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING.—

"(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

"(i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

"(ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

"(iii) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

"(B) CERTAIN MATTERS.—The Secretary shall carry out activities toward the following objectives with respect to underage drinking:

"(i) Obtaining new epidemiological data within the national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

"(ii) Developing or identifying successful clinical treatments for youth with alcohol problems.

"(C) PEER REVIEW.—Research under subparagraph (A) shall meet current Federal standards for scientific peer review.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $6,000,000 for fiscal year 2007, and $6,000,000 for each of the fiscal years 2008 through 2010.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 864, as amended, the STOP Underage Drinking Act. This legislation takes crucial steps to address the problem of underage drinking at the national level. The Senate-passed version of H.R. 864 contains several beneficial changes to the House bill which I am pleased to support.

At this time I would like to recognize Representative ROYBAL-ALLARD, lead sponsor of the bill, as well as Representative Tom Osborne of Nebraska for their hard work on this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 864, the Sober Truth on Preventing Underage Drinking Act, the STOP Act. The STOP Act is being reintroduced today with technical changes to further clarify the intent of this important legislation. When originally brought to the House floor on November 14 of this year, H.R. 864 passed by a vote of 373–23.

Underage drinking is a major public health concern in communities throughout our Nation. The Centers for Disease Control and Prevention has estimated that annually there are over 142,000 emergency room visits by youth, ages 12 to 20, for unintentional injuries and other health-related concerns caused by alcohol consumption. H.R. 864 is a great start in moving our Nation toward the goal of decreasing youth access to, and consumption of, alcohol.

This bill authorizes coalitions on the issue of underage drinking, funds national media campaigns about the dangers of underage drinking, and creates grant programs for preventing and reducing alcohol abuse in institutions of higher education and surrounding communities.

The STOP Act has the endorsement of key public health advocates, as well as the alcohol beverage industry. Both endorse this legislation on the basis that it recognizes that a multifaceted national effort is key to making progress in curbing underage alcohol consumption.

The issue of underage drinking deserves our immediate consideration and support. So I urge my colleagues to support this bill for a second time.

But I particularly want to thank Congresswoman ROYBAL-ALLARD and the other lead sponsors of this bill, and I know she is here to speak.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska, the sponsor of this bill.

Mr. OSBORNE. Mr. Speaker, underage drinking currently costs the United States $53 billion annually, according to one study. According to the American Medical Association that figure should be $61 billion. And in the State of Nebraska, which I represent, that translates to over $2,000 per youth in the State of Nebraska, is what the cost to the United States is.

But the cost is really counted in more than financial aspects. The Centers for Disease Control and Prevention estimates the number of underage deaths due to excessive alcohol is roughly $4,500 a year, which is six times the death rate that we are experiencing annually in Iraq. An estimated 3 million teenagers are full-blown alcoholics and several million more have severe drinking problems. Alcohol kills six times more young people than all other illegal drugs combined. Let me say that again: it kills six times what cocaine, methamphetamine, heroin, marijuana does combined. And yet the Federal Government considerably underfunds the efforts to combat underage drinking. We currently spend $1.8 billion on hard drugs and only $71 million on underage drinking. That is a ratio of 25 to 1. That needs to be corrected.

Recent studies have found that heavy exposure to the adolescent brain to alcohol may interfere with brain development. One study found that young alcohol-dependent 15 and 16 year olds who drank heavily in early and middle adolescents performed worse on both verbal and nonverbal memory tasks, and I think it has a tremendous impact on the dropout rate in this country, which is about 30 percent. So this is certainly an educational academic problem as well.

According to an analysis performed in 2004, the average age at which 12- to 17-year-old young people begin drinking is age 13. Young people binge drink. Ninety-two percent of the alcohol consumed by 12 to 14 year olds is consumed when they are having five or more drinks on a single occasion. And on and on. So the scope of the problem is truly massive.

And the current bill, the STOP Underage Drinking bill, has been sponsored by Congresswoman ROYBAL-ALLARD, Congressmen WAMP, WOLF, ROSA DELAURO, and myself, and then Senators DEWINE and DODD in the Senate. And I am sure that there will be others who will explain, but there have been some minor technical changes. There has been an offset provided so that those who had some heartburn over the funding aspects of it should be satisfied at this point. But basically it does three or four things. It creates an Interagency Coordinating Committee to coordinate underage drinking programs, which now are kind of growing like Topsy. It also provides a national media campaign against underage drinking which is aimed at parents.

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The fundamental fact as to whether a young person decides to use alcohol early in their life is parental attitudes. And so many parents think, well, if my young person is only using alcohol, then they will be protected from heroin and methamphetamine. And the research is exactly the opposite. It simply is a gateway drug.

The bill also does a number of other things. It provides some grants, particularly at the college campus. The number one cause of death on the college campus is underage drinking: 1,700 deaths each year. So we feel this is a good bill. It was passed before. We think the Senate has improved it.

I would like to thank those who have worked on it for a long period of time. We appreciate the bipartisan support.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the lead sponsor of this legislation, the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, the STOP Act is a result of an enormous commitment to the future wellbeing of our children by a bipartisan coalition of Democrats and Republicans from both Houses who have worked in partnership with our public health advocacy groups and the alcohol beverage industry.

I thank my Senate colleagues, CHRIS DODD and MIKE DEWINE, for their tireless support of this bill over the past 3 years.

And I also thank my colleague from the House, FRANK WOLF, for his early and steadfast support of this issue in the Appropriations Committee, as well as my colleagues TOM OSBORNE, ZACH WAMP, and ROSA DELAURO for their unwavering perseverance in addressing the problem of underage drinking in this country.

I particularly want to acknowledge TOM OSBORNE and thank him for his friendship and his support on this issue and for his lifetime commitment to building a better future for our youth. TOM, your legacy here in Congress will not soon be forgotten.

I would also like to thank my advocacy friends, as well as those in the industry, for their efforts to help pass this bill in this 109th Congress.

And finally, and but certainly not least, I would like to thank my staffer, Debbie Jessup, and especially my chief of staff, Ellen Riddleberger, who has worked with me on this issue for the past 7 years. Her many talents and knowledge of the issue are greatly responsible for this bill being before us today.

Mr. Speaker, 3 weeks ago, this House overwhelmingly passed H.R. 864. Last night the Senate unanimously passed this bill with an offset and language that addresses some of the technical concerns of our Senate and House colleagues. The substance of the bill, however, remains the same as the bill the House passed on November 14.

The bill makes permanent the national anti-underage drinking media campaign directed at parents. It authorizes research to find effective strategies to deter childhood drinking, as well as makes grants available for communities and colleges to address this crisis.

In addition, the STOP Act requires an annual report by the Secretary of HHS on the progress States are making to address underage drinking.

Mr. Speaker, this effort shows what can be accomplished when we put our differences aside and work together for the future of our children. I ask my colleagues in this House to join me and the sponsors of this bill in passing it today so that we can successfully address underage drinking and turn this tragedy into a public health success story.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who was a key sponsor of this bill.

Ms. DELAURO. Mr. Speaker, I want to thank all my colleagues for their many years of hard work to ensure that this bill reaches the floor: Congresswoman ROYBAL-ALLARD, Congressmen OSBORNE, WOLF and WAMP, as well as our colleagues in the other body, Senators DODD and DEWINE.

Passing the STOP Act, Congress has the opportunity to say here, enough. Enough to looking the other way when it comes to increasing problems of underage drinking. Enough of simply accepting that the average age that the kids start drinking is 13; that 7 million young people describe themselves as binge drinkers; and above all, we say enough to alcohol playing a role in the three leading causes of death among young people. It is time we do something about everyday young people engaging in behavior that leads to alcoholism.

So, Mr. Speaker, that is why we need this comprehensive bill. The STOP Act will increase resources for drinking prevention coalitions like Mothers Against Drunk Driving, which we know already have a positive impact on teenagers. It will fund additional research and create a committee that delivers a report card on the progress we are or are not making, and it will review alcohol advertisements targeted toward young people.

And lastly the STOP Act would help us fund a national media campaign directed at adults. Too often parents ignore signs in their own children. They refuse to believe their own child could have a problem, and we need to turn that around.

So I urge my colleagues, support the STOP Act. As a Member of Congress, as someone who has lost a loved one in a drunk driving accident, it is time that Congress spoke clearly and decisively about reducing underage drinking in our communities. With this bill, we can and we will.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would urge support of the bill again, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I have no further speakers.

I also would just like to point out what a privilege and an honor it has been to serve with TOM OSBORNE here in my short time in the House. And, Coach, we will miss you next year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 864.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2006

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5948) to reauthorize the Belarus Democracy Act of 2004, as amended.

The Clerk read as follows:

H.R. 5948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Belarus Democracy Reauthorization Act of 2006".

SEC. 2. FINDINGS.

Section 2 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended to read as follows:

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) The Government of the Republic of Belarus has engaged in a pattern of clear and uncorrected violations of human rights and fundamental freedoms.

"(2) The Government of Belarus has engaged in a pattern of clear and uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country.

"(3) The most recent presidential elections in Belarus held on March 19, 2006, failed to meet the commitments of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections and the arbitrary use of state power and widespread detentions show a disregard for the basic rights of freedom of assembly, association, and expression, and raise doubts regarding the willingness of authorities in Belarus to tolerate political competition.

"(4) The regime of Aleksandr Lukashenka has maintained power in Belarus by orchestrating an illegal and unconstitutional referendum that enabled him to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, extend his term of office, and remove applicable term limits.

"(5) The Government of Belarus has failed to make a credible effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovsky in 1999 and journalist Dmitry Zavadsky in 2000, even though credible allegations and evidence exist linking top officials of the Lukashenka regime with these disappearances.

"(6) Political opposition figures Aleksandr Kozulin, Tsimafei Dranchuk, Mikalay Astreyka, Artur Finkevich, Mikalay Razumau, Katsyaryna Sadouskaya, Zmitser Dashkevich, Mikhail Marynich, Mikalay Statkevych, Pavel Sevyarinets, Andrei Klimau, Valery Levaneusky, and Siarhei Skrebets have been imprisoned or served 'corrective labor' sentences because of their political activity.

"(7) Hundreds of pro-democratic political activists have been subjected to frequent harassment and jailings, especially during, and in the aftermath of the fatally flawed March 19, 2006, presidential elections in Belarus.

"(8) The Government of Belarus has attempted to maintain a monopoly over the country's information space, targeting independent media for systematic reprisals and elimination, while suppressing the right to freedom of speech and expression of those dissenting from the regime.

"(9) The Belarusian authorities have perpetuated a climate of fear in Belarus by mounting a systematic crackdown on civil society through the harassment, repression, and closure of nongovernmental organizations and independent trade unions.

"(10) The Lukashenka regime has increasingly subjected leaders and members of minority and unregistered religious communities to harassment, including the imposition of heavy fines, denying permission to meet for religious services, prosecutions, and jail terms for activities in the practice of their faith.

"(11) The Belarusian authorities have further attempted to silence dissent through retribution against human rights and pro-democracy activists through threats, firings, expulsions, beatings and other forms of intimidation.".

SEC. 3. STATEMENT OF POLICY.

The Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended—

(1) by striking section 8;

(2) by redesignating sections 3 through 7 as sections 4 through 8, respectively; and

(3) by inserting after section 2 the following new section:

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States—

"(1) to call upon the immediate release without preconditions of all political prisoners in Belarus;

"(2) to support the aspirations of the people of the Republic of Belarus for democracy, human rights, and the rule of law;

"(3) to support the aspirations of the people of the Republic of Belarus to preserve the independence and sovereignty of their country;

"(4) to seek and support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;

"(5) to refuse to accept the results of the fatally flawed March 19, 2006, presidential elections held in Belarus and support the call for new presidential elections;

"(6) to refuse to recognize any possible referendum, or the results of any referendum, that would affect the sovereignty of Belarus; and

"(7) to work closely with other countries and international organizations, including the European Union, to promote the conditions necessary for the integration of Belarus into the European community of democracies.".

SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) Purposes of Assistance.—Section 4(a) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) in paragraph (1), by striking "regaining their freedom and to enable them" and inserting "their pursuit of freedom, democracy, and human rights and in their aspiration";

(2) in paragraph (2)—

(A) by striking "free and fair" and inserting "free, fair, and transparent"; and

(B) by adding at the end before the period the following: "and independent domestic observers"; and

(3) in paragraph (3), by striking "restoring and strengthening institutions of democratic governance" and inserting "the development of a democratic political culture and civil society".

(b) Activities Supported.—Section 4(c) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by striking paragraphs (1) through (5) and inserting the following new paragraphs:

"(1) expanding independent radio and television broadcasting to and within Belarus;

"(2) facilitating the development of independent broadcast, print, and Internet media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

"(3) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

"(4) supporting the work of human rights defenders;

"(5) enhancing the development of democratic political parties;

"(6) assisting the promotion of free, fair, and transparent electoral processes;"; and

(3) in paragraph (7) (as redesignated), by inserting "enhancing" before "international exchanges".

(c) Authorization of Appropriations.—

(1) Amendment.—Section 4(d)(1) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking "2005 and 2006" and inserting "2007 and 2008".

(2) Rule of construction.—The amendment made by paragraph (1) shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 4(d) of the Belarus Democracy Act of 2004 (as redesignated) before the date of the enactment of this Act.

SEC. 5. RADIO AND TELEVISION BROADCASTING TO BELARUS.

(a) Purpose.—Section 5(a) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking "**RADIO BROADCASTING**" and inserting "**RADIO AND TELEVISION BROADCASTING**".

(b) Authorization of Appropriations.—Section 5(b) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended by striking "radio broadcasting" and inserting "radio and television broadcasting".

(c) Conforming Amendment.—Section 5 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended in the heading by striking "radio broadcasting" and inserting "radio and television broadcasting".

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended to read as follows:

"SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

"(a) Application of Sanctions.—The sanctions described in subsections (c) through (f) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

"(b) Conditions.—The conditions referred to in subsection (a) are the following:

"(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

"(2) The withdrawal of politically motivated legal charges against all opposition activists and independent journalists in Belarus.

"(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for their disappearances.

"(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, youth groups, religious organizations (including their leadership and members), and the political opposition in Belarus.

"(5) The prosecution of senior leadership of the Government of Belarus responsible for the administration of fraudulent elections.

"(6) A full accounting of the embezzlement of state assets by senior leadership of the Government of Belarus, their family members, and other associates.

"(7) The holding of free, fair and transparent presidential and parliamentary elections in Belarus consistent with OSCE standards and under the supervision of internationally recognized observers and independent domestic observers.

"(c) Denial of Entry Into the United States of Senior Leadership of the Government of Belarus.—Notwithstanding any other provision of law, the President may exercise the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

"(1) holds a position in the senior leadership of the Government of Belarus;

"(2) is an immediate family member of a person inadmissible under subparagraph (A); or

"(3) through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

"(d) Prohibition on Loans and Investment.—

"(1) UNITED STATES GOVERNMENT FINANCING.—It is the sense of Congress that no loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the Government of the United States (including the Export-Import Bank of the United States and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

"(2) TRADE AND DEVELOPMENT AGENCY.—It is the sense of Congress that no funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

"(e) MULTILATERAL FINANCIAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

"(f) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

"(1) BLOCKING OF ASSETS.—It is the sense of Congress that the President should block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the Belarus Democracy Reauthorization Act of 2006—

"(A) are owned, in whole or in part, by the Government of Belarus, or by any member or family member closely linked to any member of the senior leadership of the Government of Belarus, or any person who through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus; and

"(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States.

"(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) should include—

"(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, to the Government of Belarus, to any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of the Government of Belarus;

"(B) the export or reexport to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

"(i) by a United States person; or

"(ii) involving the use of any air carrier (as defined in section 40102 of title 49, United States Code) or a vessel documented under the laws of the United States; and

"(C) the performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

"(3) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under paragraph (1) should be charged to the owners or operators of such property. Such expenses may not be paid from blocked funds.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any private or nongovernmental organization or business in Belarus.

"(5) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

"(A) assistance authorized under section 4 or 5 of this Act; or

"(B) medicine, medical equipment or supplies, food, as well as any other form of humanitarian assistance provided to Belarus as relief in response to a humanitarian crisis.

"(6) PENALTIES.—Any person who violates any prohibition or restriction imposed under this subsection should be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

"(7) DEFINITIONS.—In this subsection:

"(A) AIR CARRIER.—The term 'air carrier' has the meaning given that term in section 40102 of title 49, United States Code.

"(B) UNITED STATES PERSON.—The term 'United States person' means—

"(i) any United States citizen or alien admitted for permanent residence to the United States;

"(ii) any entity organized under the laws of the United States; and

"(iii) any person in the United States.".

SEC. 7. MULTILATERAL COOPERATION.

Section 7 of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) (as redesignated) is amended—

(1) by striking "to coordinate with" and inserting "the support of"; and

(2) by striking "a comprehensive" and inserting "for a comprehensive".

SEC. 8. DEFINITIONS.

Section 9(3) of the Belarus Democracy Act of 2004 (22 U.S.C. 5811 note) is amended—

(1) in subparagraph (A), by inserting "governors, heads of state enterprises," after "Chairmen of State Committees,"; and

(2) in subparagraph (B)—

(A) by striking "who is" and inserting the following: "who—

"(i) is";

(B) by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following new clause:

"(ii) is otherwise engaged in public corruption in Belarus; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5948, the Belarus Democracy Act of 2006, was introduced by my good friend, Representative CHRIS SMITH of New Jersey. I would like to commend Mr. SMITH for his hard work on this issue and also for the work on supporting and promoting human rights throughout the entire world.

This important legislation reauthorizes the original Belarus Democracy Act, which was signed into law by President Bush in October of 2004. Given the anti-democratic track record of the Lukashenka regime in the past 2 years, it is entirely appropriate for Congress to reauthorize this statute.

Mr. Speaker. Belarus is often described as the last dictatorship in Europe, and the situation has only gone from bad to worse. In the past three or four years, President Alexander Lukashenka has increased repression against NGOs, media outlets, and any opponents of the government, including youth groups.

In addition, presidential elections held in March of this year were widely viewed as neither free nor fair.

Mr. Speaker, H.R. 5948 promotes democracy or democratic development, human rights and the rule of law in Belarus. It also promotes that countries enter into a democratic Euro-Atlantic community of nations.

The bill authorizes funds for fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, development of democratic political parties and independent media. It also authorizes funds for radio and television broadcasting in Belarus.

Finally, H.R. 5948 puts Congress on record in support of sanctions against the Lukashenka regime until the Government of Belarus has made significant progress in meeting several human rights conditions.

Mr. Speaker, this is an important measure in the support of human rights and democracy in Belarus. At a time when Belarus's neighbors, such as Poland. Ukraine and the Baltic Nations, have democratic governments that respect the rights of their citizens, it is long overdue that the Lukashenka regime provide the same freedoms for its citizens.

Again, I would like to compliment my good friend, Representative SMITH, for his hard work on H.R. 5948 and on behalf of the democracy in Belarus. And I urge the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5948, the Belarus Democracy Act of 2006.

Mr. Speaker, as the third wave of democracy spread over Europe since 1989, one country has been conspicuously absent from the momentous changes affecting its neighbors: the continuing dictatorship of Belarus. Regrettably, this continuing communist cancer in the heart of a vibrant democratic Europe threatens to metastasize to its neighbors, threatening the progress of European civilization.

Mr. Speaker, I will not try to provide an in depth catalog of the outrageous abuses of the Lukashenka regime. From stolen elections to suppression of freedom of the press to jailing opposition leaders to oppressing organized labor, the Belarusian strong-arm tactics are well known.

Early this year, after President Alexander Lukashenka won 80 percent of the vote in a fatally flawed and corrupt election for president, police arrested over 100 people protesting Lukashenka's strong-arm tactics. When the head of security services equates protests to terrorism, as the head of the Belarusian KGB did during that campaign, we should all recognize that we must act, and soon.

Some may say that this is an issue where the Europeans should take the lead, and that dealing with Belarus is their responsibility. And the Europeans, despite their divisions, are moving forward on pressuring Belarus to do more to open their society. Just this week, Mr. Speaker, the European Commission announced that it would move ahead to suspend trade preferences to Belarus because it had violated trade union norms.

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We all know that a vigorous defense of the right of association has always been a cornerstone of democratic change, and the Belarussian perfidy, in its own self-declared workers' paradise, has been recognized for what it is, and therefore to maintain a tight Communist grip on power.

Also, the European Union, in giving their top rights award, the Sakharov Award, to the three-time jailed leader of the Belarussian opposition, Mr. Milinkevich, demonstrates European recognition of the need to support Belarussian human rights defenders and movements supporting Democratic values. I applaud the Commission's action and expect that the EU will adopt its recommendations later this month.

We here in the United States, Mr. Speaker, must play our role in supporting the efforts of our European friends. H.R. 5948 is a step in that direction. It contains efforts to buttress smart sanctions against the leaders of Belarus most responsible for human rights violations, while avoiding sanctions that would hurt the people of Belarus.

It authorizes the President to stop the entry of high-level Belarussian figures involved in state kleptomania, and it provides important support for those democratic movements and human rights advocates who are prepared to stand up to the madmen in Minsk.

Mr. Speaker, I want to applaud my good friend from New Jersey (Mr. SMITH) for continuing to fight for those who do not have the good fortune to live in a free and open society, and I look forward to working with him in the next Congress on this important issue.

Finally, Mr. Speaker, I want to mention that the United States needs to think hard about ways in which we can better promote democracy abroad. Democracy and human rights are not a dichotomy, they are different sides of the same coin. That is why I will continue to work in the next Congress towards reforming our foreign policy institutions so that they formulate long-term strategies to promote democracy in alliance with local proponents of democracy and the like-minded friends in the international community.

We need to institutionalize a long-term approach to democracy promotion that is so often lacking in a town that focuses on tomorrow's talking points. I urge all of my colleagues to support this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 7 minutes to my good friend, the gentleman from New Jersey (Mr. SMITH) who is not only the sponsor of the bill, but also sponsored the 2004 bill.

Mr. SMITH of New Jersey. I want to thank my distinguished chairman for yielding; ELTON GALLEGLY, thank you so much for your leadership on this legislation.

I want to thank Mr. LANTOS, our ranking member, for his commitment to changing and reforming the last dictatorship in Europe, which is Belarus.

I especially want to thank our good friend and leader, Chairman HYDE, for his staunch belief in democracy and freedom everywhere, including this very troubled country called Belarus.

Mr. Speaker, I do strongly support and urge passage of H.R. 4958, the Belarus Democracy Reauthorization Act of 2006, to provide sustained support for the promotion of democracy, human rights and the rule of just law in the Republic of Belarus.

I want to thank our speaker, Speaker HASTERT, for his commitment in bringing this legislation before the Congress today. Speaker HASTERT's deep personal interest in the cause of freedom in Belarus was demonstrated at his recent meeting in Vilnius in Lithuania when he met with the leaders of the democratic opposition.

It was very much appreciated by them. I know them, I have worked with them for many years. They got a great boost from his personal intervention on their behalf and for really taking the time to listen and to react to their pleas.

I am happy to say again that this legislation enjoys very broad bipartisan support. As I said, again, I want to thank Mr. LANTOS for his leadership on this as well.

As one who has worked for freedom in Belarus over many, many years, I remain deeply concerned that the Belarussian people continue to be subjected to the arbitrary and self-serving whims of a corrupt and anti-democratic regime headed by Aleksandr Lukashenka. Since the blatantly fraudulent March 19 presidential elections, which the Organization for Security and Cooperation in Europe condemned as having failed to meet international democratic standards, the pattern of repression and gross violations of human rights and fundamental freedoms has continued.

While those who dare to oppose the regime are especially targeted, roughed up, tortured, thrown into prison, the reality is that all in Belarus, outside of Lukashenka's inner circle, pay a price. Last week in Riga, President Bush pledged support to help the people of Belarus who faced a cruel regime, his words, and apt words, led by President Lukashenka.

The existence, President Bush went on to say, of such oppression in our midst offends the conscience of Europe, and the conscience of America. Mr. Speaker, this legislation would be a concrete expression and expansion of congressional commitment to the Belarussian people and would show that we stand as one in supporting freedom in Belarus.

Just within the last few months, Mr. Speaker, we have witnessed a series of patently political trials designed to further stifle peaceful democratic opposition. In the last few months, the regime continues to show its true colors, punishing those who would dare to challenge the tin-pot dictator, Aleksandr Lukashenka.

Former presidential candidate Aleksandr Kozulin was sentenced to a politically motivated 5½ years' imprisonment for alleged hooliganism and disturbing the peace. His health is precarious, and he is now well into the second month of a hunger strike.

This is only the tip of the iceberg with respect to political repression, as many other political prisoners continue to languish in prison or so-called corrective labor camps.

By way of background, Mr. Speaker, 3 years ago I introduced the Belarus Democracy Act which passed the House and the Senate with overwhelming bipartisan support and was signed into law by President Bush in October of 2004. Prompt passage of the reauthorization act before us today will help maintain this momentum aimed at upholding the democratic aspirations of the Belarussian people.

With the continuing decline on the ground in Belarus since the fraudulent March elections, this bill is needed now more than ever. This reauthorization bill illustrates the sustained support for Belarus independence. We seek to encourage those struggling for democracy and respect for human rights in the face of formidable pressure and personal risks from this anti-democratic regime. The bill authorizes such sums as may be necessary in assistance for each of fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, including youth groups, independent trade unions and entrepreneurs, human rights defenders, independent media, democratic political parties and international exchanges.

The bill further authorizes money for both radio and television broadcasting to the people of Belarus. While I am encouraged by the recent U.S. and EU initiatives with respect to radio broadcasting, much more needs to be done to penetrate Lukashenka's stifling information blockade.

Mr. Speaker, I hope that the administration will make this a priority. In addition, I hope that the administration would make this, like I said, a priority and much more.

In addition, H.R. 5948 calls for selective sanctions against the Lukashenka regime, and a denial of entry into the United States for senior officials of the regime, as well as those engaged in human rights and electoral abuses.

Mr. Speaker, it is my hope that the Belarus Democracy Reauthorization Act of 2006 will help end the pattern of violations of OSCE human rights and democracy commitments made by the Lukashenka regime and loosen its unhealthy monopoly on political and economic power.

I hope our efforts here today will facilitate independent Belarus's integration into democratic Europe in which the principles of democracy, human rights and rule of law are respected.

Clearly, the beleaguered Belarussian people have suffered so much over the course of the last century and deserve better than to live under a regime frighteningly reminiscent of the Soviet Union.

The struggle of the people of Belarus for dignity and freedom deserves our unyielding and consistent support. This legislation is important and timely, and I urge Members to support it.

Mr. Speaker, I strongly urge passage of H.R. 5948, the Belarus Democracy Reauthorization Act of 2006, to provide sustained support for the promotion of democracy, human rights and the rule of law in the Republic of Belarus, as well as encourage the consolidation and strengthening of Belarus' sovereignty and independence. Mr. Speaker, I especially thank you for your commitment to bring this legislation before this Congress. Your deep personal interest in the cause of freedom in Belarus, as demonstrated by your recent meetings in Vilnius with the leaders of the democratic opposition, has been particularly appreciated by those struggling for the rule of law and basic human freedoms. This legislation enjoys bipartisan support, and I want to recognize and thank the tremendous collaboration of Rep. TOM LANTOS, an original cosponsor of this bill.

As one who has followed developments in Belarus over many years through my work on the Helsinki Commission, I remain deeply concerned that the Belarusian people continue to be subjected to the arbitrary and self-serving whims of a corrupt and anti-democratic regime headed by Aleksandr Lukashenka. Since the blatantly fraudulent March 19 presidential elections, which the OSCE condemned as having failed to meet international democratic standards, the pattern of repression and gross violations of human rights and fundamental freedoms. While those who would dare oppose the regime are especially targeted, the reality is that all in Belarus outside Lukashenka's inner circle pay a price.

RECENT NEWS REGARDING LUKASHENKA'S REGIME

Last week in Riga, President Bush pledged to help the people of Belarus in the face of the "cruel regime" led by President Lukashenka. "The existence of such oppression in our midst offends the conscience of Europe and the conscience of America," Bush said, adding that "we have a message for the people of Belarus: the vision of a Europe whole, free and at peace includes you, and we stand with you in your struggle for freedom." Mr. Speaker, this legislation would be a concrete expression of Congress' commitment to the Belarusian people and would show that we stand as one in supporting freedom for Belarus.

Just within the last few months, we have witnessed a series of patently political trials designed to further stifle peaceful, democratic opposition. In October, 60-year-old human rights activist Katerina Sadouskaya was sentenced to two years in a penal colony. Her "crime"? "insulting the honor and dignity of the Belarusian leader." Mr. Speaker, if this isn't reminiscent of the Soviet Union, I don't know what is. And just a few weeks ago, in a closed trial, Belarusian youth activist Zmitser Dashkevich received a one-and-a-half year sentence for "activities on behalf of an unregistered organization."

A report mandated by the Belarus Democracy Act and finally issued this past March reveals Lukashenka's links with rogue regimes such as Iran, Sudan and Syria, and his cronies' corrupt activities. According to an October 9, 2006, International Herald Tribune oped: "Alarmingly, over the last six years, Belarus has intensified its illegal arms shipment activities to the point of becoming the leading supplier of lethal military equipment to Islamic state sponsors of terrorism."

I guess we shouldn't be all that surprised that in July, Lukashenka warmly welcomed to Minsk Venezuela's Hugo Chavez. In keeping with their bent, both pledged cooperation and denounced the West. More recently, Belarusian Foreign Minister Martynov traveled to Iran where President Ahmadinejad pledged further cooperation in the energy and defense industries. Not long ago, a member of Belarus' bogus parliament asserted on state-controlled radio that Belarus has the right to develop its own nuclear weapons. Mr. Speaker and Colleagues, Belarus is truly an anomaly in Europe, swimming against the rising tide of greater freedom, democracy and economic prosperity.

THE LEGISLATION

Three years ago, I introduced the Belarus Democracy Act which passed the House and Senate with overwhelming bipartisan support and was signed into law by President Bush in October 2004. At that time, the situation in Belarus with respect to democracy and human rights was already abysmal. The need for a sustained U.S. commitment to foster democracy and respect for human rights and to sanction Aleksandr Lukashenka and his cronies, is clear from the intensified anti-democratic policies pursued by the current leadership in Minsk. Mr. Speaker, I am pleased that countries throughout Europe have joined in a truly trans-Atlantic effort to bring the promise of freedom to the beleaguered people of Belarus. Prompt passage of the Belarus Democracy Reauthorization Act of 2006 will help maintain this momentum aimed at upholding the democratic aspirations of the Belarusian people. With the continuing decline on the ground in Belarus since the fraudulent March elections, this bill is needed now more than ever.

This reauthorization bill demonstrates the sustained U.S. support for Belarus' independence. We seek to encourage those struggling for democracy and respect for human rights in the face of the formidable pressures and personal risks from the anti-democratic regime. The bill authorizes such sums as may be necessary in assistance for each of fiscal years 2007 and 2008 for democracy-building activities such as support for nongovernmental organizations, including youth groups, independent trade unions and entrepreneurs, human rights defenders, independent media, democratic political parties, and international exchanges.

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In addition, H.R. 5948 calls for selective sanctions against the Lukashenka regime, and the denial of entry into the United States for senior officials of the regime—as well as those engaged in human rights and electoral abuses. In this context, I welcome the punitive sanctions imposed by both the administration and the ED which are targeted against officials—including judges and prosecutors—involved in electoral fraud and other human rights abuses.

The bill expresses the sense of the Congress that strategic exports to the Government of Belarus should be prohibited, except for those intended for democracy building or humanitarian purposes, as well as U.S. Government financing and other foreign assistance. Of course, we would not want the exports to affect humanitarian goods and agricultural or medical products.The U.S. Executive Directors of the international financial institutions are encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs. Furthermore, we would encourage the blocking of the assets (in the United States) of members of the Belarus Government as well as the senior leadership and their surrogates. To this end, I welcome the Treasury Department's April 10 advisory to U.S. financial institutions to guard against potential money laundering by Lukashenka and his cronies and strongly applaud President Bush's June 19 "Executive Order Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus."

Mr. Speaker, I want to make it crystal clear that these sanctions are aimed not at the people of Belarus, but at a regime that displays contempt for the dignity and rights of its citizens even as the corrupt leadership moves to further enrich itself at the expense of all Belarusians.

ONGOING ANTI-DEMOCRATIC BEHAVIOR

To chronicle the full litany of repression over the course of Lukashenka's 12-year misrule would go well beyond the bounds of time available here. Let me cite several more recent illustrations of anti-democratic behavior which testify to the true nature of the regime.

Belarus' March 19 presidential elections can only be described as a farce, and were met with condemnation by the United States, the OSCE, the European Union and others. The Lukashenka regime's wholesale arrests of more than 1,000 opposition activists and dozens of Belarusian and foreign journalists, before and after the elections, and violent suppression of peaceful post-election protests underscore the contempt of the Belarusian authorities toward their countrymen.

Illegitimate parliamentary elections in 2004 and the recently held presidential "elections" in Belarus brazenly flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to that country's self-imposed isolation. Albeit safely ensconced in power, Lukashenka has not let up on the democratic opposition. Almost daily repressions constitute a profound abuse of power by a regime that has blatantly manipulated the system to remain in power.

In the last few months, the regime continues to show its true colors, punishing those who would dare to challenge the tinpot dictator. Former presidential candidate Aleksandr Kozulin was sentenced to a politically-motivated five-and-one-half-years' term of imprisonment for alleged "hooliganism" and disturbing the peace. His health is precarious as he is now well into his second month of a hunger strike.

In early August, authorities sentenced four activists of the non-partisan domestic election monitoring initiative "Partnerstva". In a patent attempt to discourage domestic observation of the fraudulent March 19 presidential elections, the four had been kept in custody since February 21. Two were released, having served their six month sentences. Two others—Tsimafei Dranchuk and Mikalay Astreyka—received stiffer sentences, although Astreyka has been released from a medium security colony and is now in "correctional labor". Other political prisoners, including Artur Finkevich, Mikalay Autukhovich, Audrey Klimau, Ivan Kruk, Yury Lyavonau, Mikalay Razumau, Pavel Sevyarynets, Mikalay Statkevich also continue to have their freedom denied, languishing in prison or in so-called correctional labor camps.

Administrative detentions of ten or fifteen days against democratic opposition activists are almost a daily occurrence. Moreover, the Lukashenka regime continued to stifle religious expression. It refuses to register churches, temporarily detains pastors, threatens to expel foreign clergy, and refuses religious groups the use of premises to hold services. Despite the repressions, Protestant and Catholic congregations have increasingly become more active in their pursuit of religious freedom. I am also concerned about the recent explosion at a Holocaust memorial in western Belarus, the sixth act of vandalism against the monument in 14 years. Unfortunately, the local authorities have reportedly refused to open a criminal investigation. Lukashenka's minions have closed down independent think tanks, further tightened the noose around what remains of the independent media, suspended the activities of a political party, shut down the prominent literary journal Arche, and evicted the Union of Belarusian Writers from its headquarters. Of course, Lukashenka's pattern of contempt for human rights is nothing new—it has merely intensified with the passage of time.

Moreover, we have seen no progress on the investigation of the disappearances of political opponents—perhaps not surprisingly, as credible evidence points at the involvement of the Lukashenka regime in their murders.

Mr. Speaker, it is my hope that the Belarus Democracy Reauthorization Act of 2006 will help end to the pattern of violations of OSCE human rights and democracy commitments by the Lukashenka regime and loosen its unhealthy monopoly on political and economic power. I hope our efforts here today will facilitate independent Belarus' integration into democratic Europe in which the principles of democracy, human rights and the rule of law are respected. The beleaguered Belarusian people have suffered so much over the course of the last century and deserve better than to live under a regime frighteningly reminiscent of the Soviet Union. The struggle of the people of Belarus for dignity and freedom deserves our unyielding and consistent support.

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Mr. SMITH of New Jersey. Mr. Speaker, I strongly urge passage of H.R. 5948, the Belarus Democracy Reauthorization Act of 2006, to provide sustained support for the promotion of democracy, human rights and the rule of law in the Republic of Belarus, as well as encourage the consolidation and strengthening of Belarus' sovereignty and independence. Mr. Speaker, I especially thank you for your commitment to bring this legislation before this Congress. Your deep personal interest in the cause of freedom in Belarus, as demonstrated by your recent meetings in Vilnius with the leaders of the democratic opposition, has been particularly appreciated by those struggling for the rule of law and basic human freedoms. This legislation enjoys bipartisan support, and I want to recognize and thank the tremendous collaboration of Rep. Tom Lantos, an original cosponsor of this bill.

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This legislation is important and timely because Belarus, which now borders on NATO and the EU, continues to have the worst human rights and democracy record of any European state—bar none.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, before I yield back, I would just like to say that this is a classic example of sending a message around the world of what America is all about. We stand here in this room, not as Democrats and Republicans, but as individuals fighting oppression and human rights violations around the world.

I applaud CHRIS SMITH for his long-standing leadership. It has been an honor for me to serve with my good friend TOM LANTOS on the other side of the aisle, it doesn't seem possible that I have been here 20 years, TOM, but he is a colleague from California. He is to be applauded.

I would be remiss if I didn't recognize our mutual friend, HENRY HYDE, a mentor of mine for every year that I have been here on an ongoing basis, who has dedicated much of his life to fighting oppression and the violation of human rights around the world.

HENRY HYDE will be missed, as he is retiring this year, but his legacy will live on, and I hope that is a message we will send to the rest of the world. That is what America is all about.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 5948, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2370) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

The Clerk read as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104–164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Assistance may be provided under this Act to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

"(A) publicly acknowledged the Jewish state of Israel's right to exist; and

"(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

"(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) NATIONAL SECURITY WAIVER.—

"(1) IN GENERAL.—Subject to paragraph (2), the President may waive subsection (a) with respect to—

"(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

"(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

"(C) assistance for the judiciary branch of the Palestinian Authority and other entities.

"(2) CERTIFICATION.—The President may only exercise the waiver authority under paragraph (1) after—

"(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and

"(B) certifying to the appropriate congressional committees that—

"(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and

"(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.

"(3) REPORT.—Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.

"(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE.—For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.".

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

“SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

“(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

“(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

“(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

“(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.

“(3) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE PALESTINIAN LEGISLATIVE COUNCIL.—Assistance, other than funding of salaries or salary supplements, to individual members of the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.

“(4) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

“(A) determines that the provision of such assistance is in the national security interest of the United States; and

“(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

“(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

“(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.

“(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—the term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(2) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).”.

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The restriction under subsection (a) should not apply to—

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. ISRAELI-PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish a fund to be known as the "Israeli-Palestinian Peace, Reconciliation and Democracy Fund" (in this section referred to as the "Fund"). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.

(b) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2007 for purposes of the Fund.

SEC. 11. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 12. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term "Palestinian Authority" has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, Senate bill 2370, the Palestinian Anti-Terrorism Act of 2006, seeks to prevent U.S. tax dollars from reaching the hands of Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounces violence, and agrees to all previously made agreements.

In January of this year, Mr. Speaker, Hamas, a terror organization responsible for murdering and injuring hundreds of Israelis and scores of American citizens, took control of the Palestinian Authority. This was a tremendous blow to the efforts of the United States and to the international community that have been working to bring peace and security to the region.

Since Hamas took power, the terror group has made it clear that they have no intention of changing their hateful charter which calls for the destruction of Israel.

In fact, rockets launched by Palestinian extremists continue to rain upon Israel, and the flow of cash and weapons that are being smuggled into Gaza from Egypt is providing the terrorists the means to carry on with their destructive agenda.

The U.S. must isolate the Hamas-led government financially and diplomatically through implementing this bill. Among other provisions, Mr. Speaker, the Senate version of the bill denies visas to any officials of the Hamas-led Palestinian Authority and designates the territory controlled under Palestinian Authority as a terrorist sanctuary under the 9/11 recommendations.

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Similar provisions were in the House-passed version of the Palestinian Anti-Terrorism Act. However, let us focus on what is arguably the most important concern for us, the parameters and the restrictions relating to assistance to the Palestinian Authority.

While not ideal, as we would have preferred the House text in this regard, the Senate version of the Palestinian Anti-Terrorism Act works in tandem with current U.S. law and strengthens components of the current policy.

For example, current U.S. law prohibits direct assistance to the Palestinian Authority, but it offers a broad national security waiver, and it is applicable only for the duration of the fiscal year appropriations. The Senate version of the Palestinian Anti-Terrorism Act provides a very limited waiver for:

"National Security Waiver: In general, subject to paragraph (2), the President may waive subsection (a) with respect to:

(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as president, including to maintain control of the management and security of the border crossings, to foster the Middle East peace process and to promote democracy and the rule of law; and

(C) assistance for the judiciary branch of the Palestinian Authority and other entities."

Some of this is allowed in the House version. However, the President may only exercise this authority after, and I am reading directly from the bill: "Consulting with and submitting a written policy justification to the appropriate congressional committees and certifying to the appropriate congressional committees that it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and (ii), the individual or entity for which assistance is proposed to provided is not a member of or effectively controlled by, as the case may be, Hamas or any other foreign terrorist organization."

Further, Mr. Speaker, the Senate bill also has a number of reporting requirements that further increase congressional authority and oversight.

Essentially, under this language, if the Congress does not believe that the threshold has been met, we can place a hold on the proposed funding and prevent such assistance from going to any individual or entity of the Palestinian Authority that is linked to Hamas or any other foreign terrorist organization.

We must look at the bill in its totality, Mr. Speaker, and the safeguards that it places on indirect assistance which coincide with many of those appearing in the House bill.

Further, while the Senate bill does not contain provisions concerning the PA and Palestinian-related activities at the United Nations, the Senate authors are committed to working with us next Congress to address these other components and make such changes as necessary to reflect the changing conditions on the ground.

This bill sends a strong message about the direction of the United States policy and provides a strong foundation from which to build on. I ask my colleagues to render their full support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2370. At the outset, I want to pay tribute to my good friend, our distinguished colleague from Florida, for her extraordinarily effective leadership on this issue.

In January of this year, the Palestinian people shocked the world, Mr. Speaker, by electing Hamas to run the Palestinian Authority. So for nearly a full year we have been living with an extraordinary and alarming situation in the Israeli-Palestinian arena, a situation in which one party, the Hamas-controlled Palestinian Authority, refuses to recognize the very existence of the other party, the State of Israel.

It is a situation in which no negotiations are possible. It is a situation in which the Palestinian leadership has isolated the Palestinian people from the international community. Worst of all, it is a situation in which the Palestinian Authority is governed by a group of assassins and kidnappers who share the vision of the Iranian President, Ahmadinejad, that Israel should be wiped off the map.

If anything, Hamas adheres to this vision more fervently and more obsessively than even Ahmadinejad does. In fact, since Hamas took office, Iran has stepped up its financial support for Hamas, and the monstrous terrorist network of Iran, Syria, Hezbollah and Hamas has become ever more intertwined. It is this frightening situation that the legislation before us today strives conscientiously to begin to address.

Mr. Speaker, as the ally and longtime unshakeable supporter of the democratic State of Israel, we should do everything we can to demonstrate the bankruptcy of Hamas' vision and to ensure that Hamas remains too weak even to begin to implement its evil vision. The bill under consideration will help to do just that.

This legislation ensures that no U.S. taxpayer money will be used by Hamas officials and that the United States will not fund any project for which the Hamas-controlled government could take any credit. At the same time, it allows for restrictions on aid to the Palestinian Authority to be considerably eased if Hamas loses control of the government. It also ensures that we can support the President of the Palestinian Authority, Mahmoud Abbas, also known as Abu Mazen, in a prudent fashion, to advance the cause of peace and the prospect of a peacefully negotiated two-state solution. But Abu Mazen's hold on the presidency of the Palestinian Authority is the only obstacle to Hamas' full control of all the levers of power in Palestinian society.

Mr. Speaker, let me be clear: this bill is the Senate version of legislation that this body passed in May 2006. I was the cosponsor of that legislation, along with my good friend Congresswoman ILEANA ROS-LEHTINEN of Florida.

Our legislation passed overwhelmingly, and I will frankly acknowledge that there are aspects of the legislation we are now considering that do not fully satisfy me. I think, for example, that it allows the executive branch far too much leeway to aid a government in which Hamas has significant participation, perhaps holding posts like foreign minister or interior minister, but may be said not to be fully in control of that government. For now, that is only a theoretical concern, but it will be a real concern if Hamas ever decides to join a national unity government along the lines Abu Mazen has been urging.

I nevertheless believe that this bill, sent to us by the Senate, is an appropriate response to our dire concerns about Hamas. It is the best we can do for now, and I believe it merits our firm support.

I also believe it is long past time for the Congress to make a legislative response to Hamas' disturbing electoral victory. It sends a strong message to Hamas leaders that we reject their murderous ways and that we have contempt for their refusal to recognize their neighbor, the State of Israel; it clarifies that our support for the Palestinian people is conditional on their support for a peaceful two-state solution; and it makes clear to the Palestinians that our problem is not with them, but with Hamas, both its ideology and its conduct.

A new government, and in my view that would have to be a government without any Hamas participation, can open a new era in relations with the United States and with Israel.

Our goal, Mr. Speaker, is not to punish the Palestinian people. In fact, the bill before us allows considerable scope for aid to the Palestinian people, including humanitarian assistance and support for democratization, which we hope ultimately will lead to Hamas' peaceful political demise. I think we would all agree on continuing the U.S. tradition of dealing with the humanitarian needs of any people, including the Palestinians.

Our goal is simply to demonstrate to the Palestinians and to their government that hatred, assassination and non-recognition of neighbors is unacceptable to the civilized world and that they cannot accomplish anything if they show such contempt for the entire civilized world.

We also want to make sure that the U.S. taxpayer is not the source of one penny of aid for a government that Hamas controls, and we want to make sure that Hamas and its government are accorded absolutely no legitimacy by the United States or its representatives. This bill does those things.

Mr. Speaker, I am sickened by the fact that the Palestinians chose Hamas as their leader, and I am sickened by everything that Hamas stands for. I believe every Member of this Congress shares my views in that regard.

S. 2370 demonstrates that America will stand firm in the fight against terrorism, while remaining true to the hope for a peaceful Middle East. Indeed, I hope that our action will serve as a model for the right policy to take against terrorists, however they take power, and on behalf of a democratic ally that is the target of the vilest threats and the most dangerous enemies of any nation in the free world today. I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank Mr. LANTOS and the sponsor of the legislation.

Look, I fundamentally believe, and I have said for some time that aid to the Palestinians has not achieved any of our foreign policy goals. It hasn't been accountable, it hasn't gotten us a more peaceful administration there, and fundamentally I believe that it doesn't achieve what we seek to do in foreign aid.

I commend the sponsors of the legislation. I agree with both of them that this doesn't go far enough. It allows far too many loopholes. Among other things, it permits the PLO, the last vestige in the throes of the terrorist organization that passed, to continue to have a mission in New York City, in my hometown.

Let us not forget that we have provided $1.5 billion dollars in U.S. assistance to Gaza and the West Bank. We always lead this debate with our hearts rather than our heads. When Wye River was signed, the United States said its citizens and taxpayers will put dollars on the barrelhead. When Oslo was signed, we said we will put dollars on the barrelhead.

Invariably, we the American people, are very generous in trying to live up to the aspirations we have for that region, despite the fact that every single time it proves to be for naught.

So I believe that this is a very important first step. But I also think it is important that people understand that democratization in the territories is a good thing. I agree with President Bush that having democracies and free, open elections are good things. But they have consequences.

Many people argue in that part of the world that because we had used foreign aid in support of so many organizations of Fattah, the Palestinian people were impelled to vote for Hamas.

□ 1230

When you have a campaign based on the idea that we are going to continue terrorism, we are going to refuse to acknowledge the existence of our neighbors and the voters vote for that administration, there are consequences. One of the consequences is that the American people say we are not going to be involved.

I also cannot take the floor at this moment without speaking particularly to one critic of note of late. Being a former President of the United States gives you a vaunted place in American and world life to be someone who speaks about the important issues of the day. Unfortunately, former President Carter has turned into a polemist on this issue and an irresponsible one to say the least.

In recent appearances on television, he has gone so far, as to refer to the "Jewish lobby" as the reason we are not aiding Hamas and not doing more in the Middle East. He has had the audacity to suggest in a recent television appearance there has not been any Hamas terrorist attacks since 2004, ignoring the daily barrage of rockets coming into the south of Israel since Hamas took over. The missiles are being lobbed at schools and at hospitals.

I believe that there is a responsibility that former President Carter has, and he dishonors himself and dishonors the role of former Presidents by continuing this polemic screed. We in this body and Americans who want there to be peace in the Middle East, overwhelmingly support a two-state solution. However, voters in that part of the world voted for terrorists. They have to understand there are ramifications.

I thank the gentleman for yielding.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time and yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume to close.

Let me just say, again, that it is always such a pleasure to work with my wonderful mentor, Mr. LANTOS, on all of these issues dealing with the Middle East, and I hope to be working with him in an even closer manner in the future. He has been a true friend. And also Chairman HYDE who has been very generous in allowing all of the bills from our Middle East and Central Asia Subcommittee to come to the floor of the House. And we hope that this is just the beginning of a long road to peace and security in the Middle East.

I thank Mr. WEINER for the wonderful contributions that he made to the House text, and we will work on those issues in the next session.

In closing, Mr. Speaker, I would simply emphasize that this bill is but the beginning of our efforts to deny Hamas or any other foreign terrorist organization the economic resources, the political legitimacy and the excuses to pursue their threatening agenda. Hamas and other Islamic terrorist entities and their supporters are now put on notice.

We clearly outline in this bill the path to peace and security, requirements that include those outlined in international agreements. It is up to Hamas leaders to heed this call. If they do not, we will return to the floor next year to address developments on the ground. Until that time, we must undertake efforts to ensure that the United States taxpayers are not directly, nor indirectly, contributing to Hamas activities and policies.

This bill, Senate bill 2370, provides a critical tool towards such protections and safeguards. I ask my colleagues to render their full support for this bill.

Mr. BLUMENAUER. Mr. Speaker, I rise in support of S. 2370, the Palestinian Anti-Terrorism Act.

This Senate-passed bill is light-years better than the version passed by the House, which I opposed. It focuses on the Hamas-led government and reinforces the goal of a two-state solution, with a secure Israel living side-by-side with an independent Palestinian state in peace.

While I don't believe this legislation is necessary, as there is already a prohibition on U.S. assistance to foreign terrorist organizations, I recognize the progress made in this legislation toward prioritizing on the basis of our strategic interests and maintaining flexibility in our efforts to promote a peace process between Israel and the Palestinians.

I have two hesitations: One, I hope this is not read as a signal in the region—by either side—that the United States is more interested in didactics than negotiations. Two, I hope that Section 9, related to diplomatic contacts, will be interpreted as narrowly as possible, so as to allow for contact with a Hamas-led government if it is determined that such contacts could promote Israel's security and a peaceful two-state solution.

However, I greatly appreciate the changes made to this legislation and the flexibility shown by its sponsors in considering the concerns of many Members of Congress, the Bush administration, and outside experts. Because of this progress, I intend to support the bill.

Mr. CROWLEY. Mr. Speaker, I rise today in support of this legislation.

While this bill does not go as far as the House version, which passed overwhelmingly this past May, it is still provides the Administration with the necessary tools they need to bring about real peace.

The goal of this Congress is to create a peaceful solution to the conflict.

But I want to clear that the goal of this legislation is not to cause a humanitarian catastrophe but to isolate this terrorist led government, this legislation will allow funding for the basic health needs of the Palestinian people.

This solution cannot come about with Hamas in control of the Palestinian Authority while they continue to support terrorist operations on innocent civilians.

Hamas officials continue to endorse and carry out suicide bombing and missile strikes against our friend and ally Israel.

As long as Hamas continues to choose terrorism instead of peaceful coexistence, it will meet with financial and diplomatic isolation from the United States and our allies.

I have read the statements of several groups opposed to this legislation because this will create a road block towards negotiations.

What I want to know is how do you negotiate with a government who is hell bent on your destruction.

Would any member of this House negotiate with al Qaeda, I would hope not.

Hamas must be isolated not coddled and that is what this legislation will do.

Hamas would rather cling to the impossible dream of the destruction of Israel than work toward a two state solution that will bring prosperity and an end to the bloodshed that has tainted this region for so many years.

Hamas refuses to change so they must be treated like the terrorist they are.

I'm sure like me, my colleagues would rather be supporting a Palestinian Authority-led government working toward a peaceful two state solution but instead we face the realities of a Hamas-led government bent on the destruction of Israel.

Until this Hamas-led government recognizes Israel's right to exist as a Jewish State, renounces violence, dismantles its terrorist infrastructure, and halts all anti-Israel incitement the United States should never provide assistance to the Palestinian Authority-led government of Hamas.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to speak about S. 2370, the Senate-passed version of the Palestinian Anti-Terrorism Act before us today.

Earlier this year, the House considered a version of this legislation. I rose in strong opposition to that bill, because it would have unfairly punished the average Palestinian citizen for the crimes of extremist Hamas leaders. It would have shut off all aid but the most narrowly defined humanitarian assistance, ending U.S. support for successful non-governmental efforts to promote democracy, tolerance, and peace in the region. In short, though well-intentioned, it would have undermined our ability to stop attacks against Israel and to achieve our most important foreign policy goals in the region.

I was joined by several of my colleagues in opposing the bill. Though the House passed this flawed legislation, we were able to send a vital message: at this critical moment, we cannot afford to pull the rug out from those working for democracy and reconciliation in the region.

The Senate heeded our message, and passed a much improved bill. Specifically, the bill addresses two significant concerns we raised during the House debate.

First, the Senate bill provides the Administration far more flexibility to deliver aid to the Palestinian people and to those working for a peaceful resolution to the conflict. In addition to broader humanitarian aid, it explicitly authorizes "assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence."

Second, the bill expands the Administration's options for engaging diplomatically with Palestinian leaders not associated with Hamas, including Palestinian Authority (PA) President Mahmoud Abbas, who will be a critical ally if we are to negotiate a peace agreement.

I am greatly pleased to see the improvements the Senate legislation has made, and for that reason I will support the bill's passage. However, because events have evolved since this legislation was first considered, I want to add a few words, lest our action today send the wrong message at the wrong time.

After a summer of crisis, during which the kidnapping of an Israeli soldier led Israel to send its military into Gaza, there have been several recent positive developments. First, Israeli Prime Minister Ehud Olmert and PA President Abbas negotiated a ceasefire to end the violent confrontation in Gaza. Second, both Prime Minister Ohmert and President Abbas have recently made clear their commitment to resuming peace talks. And third, Palestinian leaders are reportedly on the verge of forming a unity government that would end Hamas's sole control of the PA.

Passage of this legislation at this time should not be interpreted as unawareness of these positive developments or unwillingness to support them. Such progress should be rewarded with an increased U.S. commitment to work for peace in the region, not punished by the erection of new obstacles or the imposition of new sanctions.

With that said, however, I strongly support the goals of isolating Hamas and encouraging the Palestinian leadership to renounce violence and recognize Israel's right to exist, practical and principal steps toward the resumption of negotiations aimed at a two-state solution. This bill would accomplish those goals and I will support it. I hope it will serve not as an endpoint but as a launchpad for reinvigorated U.S. action to support a settlement that will bring a lasting peace to Israelis and Palestinians.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 2370.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FEDERAL DEPOSIT INSURANCE ACT AMENDMENT

Mr. HENSARLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6345) to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

The Clerk read as follows:

H.R. 6345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.

Paragraph (10) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(10)) is amended by striking "$250,000,000" and inserting "$500,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HENSARLING) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6345.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6345 which makes a minor but important change to the Financial Services Regulatory Relief Act of 2006. The Regulatory Relief Act, a strong bipartisan bill which was recently signed into law, is a strong first step in reducing the excessive regulatory burden on America's insured financial institutions in order to benefit consumers and to benefit the overall economy. This bill, which is virtually identical to the provision included in our House regulatory relief bill, which passed with overwhelming bipartisan support and which I had the honor to coauthor, will make it even better.

H.R. 6345, which is sponsored by Subcommittee Chairman BACHUS, as well as Chairman OXLEY and Ranking Member FRANK, gives banking regulators the discretion to grant well-managed and well-capitalized institutions with good ratings an 18-month bank examination cycle rather than a 12-month cycle.

The bill that we are considering today is consistent with the goals of the Regulatory Relief Act that again was signed recently into law. Prior to passage of the Regulatory Relief Act, well-managed, well-capitalized insured depository institutions that had less than $250 million in total assets and that had an outstanding rating qualified for an 18-month exam cycle instead of the 12-month exam cycle.

In addition, the Federal banking regulators had the discretion to grant, through regulation, eligibility for the 18-month cycle to well-capitalized and well-managed institutions with good ratings, which the regulators have indeed done. The Regulatory Relief Act of 2006 included language to extend the exam cycle from 12 to 18 months only for outstanding rated institutions with assets up to $500 million but did not make a conforming change for institutions with good ratings. H.R. 6345 simply makes that parallel change.

H.R. 6345 is commonsense legislation. Changing the current discretionary threshold from $250 million in assets to $500 million gives the regulators more flexibility to focus on troubled institutions, while still examining well-capitalized, well-managed institutions at least once every 18 months. Nonetheless, the legislation would not prevent a Federal banking agency from conducting an examination of any institution more frequently, if deemed necessary.

Mr. Speaker, at this time, I insert into the RECORD a December 4, 2006 letter requesting this change, signed by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and finally, the Office of Thrift Supervision.

DECEMBER 4, 2006.

Hon. RICHARD SHELBY,
Chairman, Committee on Banking, Housing And Urban Affairs U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Before adjourning the 109th Congress, we urge you to consider the attached additional regulatory burden relief amendment that would allow the appropriate Federal banking agency to extend, from 12 months to 18 months, the on-site examination cycle for all qualifying highly rated banks and savings associations with total assets of up to $500 million if the agency determined that such action was consistent with safety and soundness.

The Financial Services Regulatory Relief Act of 2006 ("FSRRA"), Pub. L. No. 109-351, made many important changes that relieve unnecessary burden on our nation's depository institutions. One such amendment in Section 605 raised, from $250 million to $500 million, the total asset threshold below which an insured depository institution may qualify for an 18-month (rather than a 12-month) examination cycle. In order to qualify for an extended 18-month exam cycle, a small insured depository institution also must be well capitalized and well managed and meet certain other supervisory conditions set forth in section 10(d) the Federal Deposit Insurance Act. See 12 U.S.C. §1820(d).

One of these other supervisory conditions relates to the composite condition of the institution. Prior to FSRRA, all insured depository institutions that had less than $250 million in total assets (the then effective total asset limit) could qualify for an 18-month exam cycle if the institution had received a composite rating of "outstanding" or "good" at its most recent examination. This was because Federal law authorized the Federal banking agencies to permit institutions with assets of up to $250 million in total assets and a "good" composite rating to qualify for an 18-month exam cycle if the agencies determined, as we did, that such action was consistent with principles of safety and soundness. See id. at §1820(d)(10); 63 Federal Register 16378 (April 2, 1998).

Although FSRRA raised the total asset threshold for an 18-month exam cycle to $500 million in section 10(d)(4), the Act did not make a corresponding change to section 10(d)(10) to allow an institution with between $250 million and $500 million in total assets to qualify, with agency approval, for an extended exam cycle if the institution has a "good" composite rating. Accordingly, numerous well capitalized, well managed and well run community banks and savings associations currently are not able to benefit from the increased regulatory flexibility granted by section 605 of FSRRA.

Consistent with prior law, we respectfully request that you consider the attached additional burden relief amendment before adjournment. The amendment would authorize the appropriate agency, if it determined the action was consistent with safety and soundness, to permit a well capitalized and well managed institution that has between $250 million and $500 million in total assets and a composite rating of "good" to potentially qualify for an 18-month exam cycle. The Federal banking agencies have used this authority effectively to examine institutions with assets under $250 million and believe that the 18-month examination cycle would also be effective for institutions that have assets of between $250 million and $500 million where the institution meets all of the other statutory qualifying criteria and has at least a good composite rating. Notably, the law does not prevent a Federal banking agency from conducting an examination of any institution more frequently if deemed necessary and the same would be true if the attached amendment is adopted.

We thank you in advance for your consideration of this amendment.

Sincerely,

BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.
JOHN C. DUGAN,
Comptroller of the Currency.
SHELIA C. BAIR,
Chairman, Federal Deposit Insurance Corporation.
JOHN M. REICH,
Director, Office of Thrift Supervision.

This legislation is also, Mr. Speaker, supported by the American Bankers Association, the Independent Community Bankers of America and the Conference of State Bank Supervisors.

In closing, let me thank again Subcommittee Chairman BACHUS for bringing this bill to the floor today, as well as Chairman OXLEY and Ranking Member FRANK for their support of H.R. 6345 and their continued commitment to providing commonsense regulatory relief to our financial institutions.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I join with the gentleman from Texas in urging the House to pass this bill. It is an example, I think, of how we should be flexible in our approach to regulation. Regulation plays a very important role in a sensible, capitalist economy, but it can only play that role if it is flexible and appropriate, and overregulating does damage in ways different, but still quite tangible, than underregulating.

We are in particular here responding, our committee is, in a bipartisan way to a very important group of officials, the State bank supervisors. In fact, it was the Conference of State Bank Supervisors who most pushed for this because what they have asked us to do is to give the Federal regulators with whom they work the flexibility that most of them have on their own.

As Members know, Mr. Speaker, some banks, depending on how they are chartered, are entirely Federal in their regulation but some are State-chartered and are regulated by both State and Federal regulators in various ways. This bill will allow better coordination between State and Federal regulators. It will give the regulators the discretion, not the mandate, to be more flexible in the timing of regulations.

It is an example of how we should make regulation appropriate, not unduly burdensome, and therefore, I am glad to join with the gentleman from Texas in urging passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

I want to conclude and say again, I very much thank the ranking member for coming to the floor personally to urge passage of this legislation and to also, on a personal note, congratulate him as he will soon become the chairman of our Financial Institutions Committee.

As a Republican, I did not look forward to Democrat control of this House, but if I have to be stuck with somebody, I cannot think of one I respect more than the gentleman from Massachusetts who brings unparalleled wisdom and wit to the committee. I have no doubt that the great tradition of bipartisanship that Chairman OXLEY established in this committee will be further carried out under his leadership.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, that is very gracious of the gentleman from Texas. I guess I should note that this may be the first of many collaborations between myself as chairman and his role, and I congratulate him as the new chairman of the Republican Study Committee, but he is absolutely right.

The parting chairman, the gentleman from Ohio (Mr. OXLEY), set a very good tone for this committee of bipartisan cooperation. As I have said often, bipartisan cooperation does not mean that legitimate differences between the parties disappear. It means that we pursue those where they exist in a civil manner so that differences there do not poison our ability to work together on areas where there is no partisan difference as this one.

The gentleman from Texas has been a part of that tradition and I look forward to working with him and the other Members in that way, and I appreciate very much his kind remarks.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for his gracious comments as well.

Mr. Speaker, I urge passage of the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HENSARLING) that the House suspend the rules and pass the bill, H.R. 6345.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF THE COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 343) recognizing the 50th anniversary of the Commission on Independent Colleges and Universities.

The Clerk read as follows:

H. CON. RES. 343

Whereas the Commission on Independent Colleges and Universities is a voluntary consortium of more than 100 nonprofit, private institutions of higher education located in New York;

Whereas the Commission on Independent Colleges and Universities was founded in 1956 to develop a consensus among a diverse membership of independent institutions of higher education and to advance higher education public policy;

Whereas the Commission on Independent Colleges and Universities represents 109 member campuses with more than 450,000 enrolled students, including 300,000 residents of New York;

Whereas the Commission on Independent Colleges and Universities produces several informative publications for students, parents, and schools about member colleges and universities, college admissions, and financial aid;

Whereas the Commission on Independent Colleges and Universities is one of the largest organizations of independent sector institutions of higher education in the world; and

Whereas the member institutions of the Commission on Independent Colleges and Universities provide access to high-quality education and opportunity for hundreds of thousands of students: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the Commission on Independent Colleges and Universities for 50 years of service and contributions to higher education and higher education public policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 343.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 343, a resolution recognizing the 50th anniversary of the Commission on Independent Colleges and Universities, and I want to thank my friend and colleague from New York (Mr. BOEHLERT) for introducing this resolution and recognizing the important role that the Commission for Independent Colleges and Universities plays in educating New York students about their options for obtaining a postsecondary education.

□ 1245

This institution was founded in 1956 and incorporated in 1972, and the Commission on Independent Colleges and Universities enjoys a diverse membership with a shared goal of shaping and strengthening public policies in higher education. Its membership institutions, which include more than 100 private nonprofit institutions of higher education, enroll close to 460,000 students, including 300,000 New York residents, and award 59 percent of our State's baccalaureate degrees and 81 percent of the doctoral and first professional degrees earned in the State. In my congressional district, there are nine campuses, which include Alfred University, Elmira College, Houghton College, CUCA College, Nazareth College of Rochester, Roberts Wesleyan College, Rochester Institute of Technology, St. Bonaventure College, and Saint John Fisher College.

Independent sector campuses promote diversity in their missions and academic program offerings and in their student bodies. Approximately one in four, or 80,000, full-time and part-time graduates enrolled in New York State independent colleges and universities are considered nontraditional students. At dozens of campuses, more than one quarter of all undergraduates are age 25 or older. Sectorwide, one in four enrolled students, 26 percent, is Asian, African American, and/or Hispanic, nearly double the percentage of minority students who were enrolled in 1980, which was 15 percent.

The importance of independent colleagues and universities to the New York economy is significant. A recent study produced by the Nonpartisan Center for Governmental Research estimates that the total annual contribution to the economy made by independent colleagues and universities rose 42 percent over the past decade to $41.4 billion in 2005, up from $29 billion in 1995. This figure includes $20.8 billion in direct campus spending and $20.6 billion in spillover spending.

In addition to their importance to the economy, the independent campuses each year provide billions in aid to thousands of lower-income students, working to ensure that every single qualified student can earn a college degree. Access to college education will provide access to better jobs and certainly more opportunities for our young people.

The Commission on Independent Colleges and Universities also participates in a number of outreach and educational efforts. For example, the commission produces publications for students and families that provide helpful admissions information regarding member institutions and information about financial aid programs that may assist a student in obtaining a college education. Recently, over 500,000 copies of these documents were provided to New York high school guidance counselors and principals, in addition to public libraries and high schools in neighboring States.

Mr. Speaker, over the past 50 years the Commission on Independent Colleges and Universities has provided invaluable information and assistance to New York's families and institutions. It is for that reason and all the others that I have articulated here today that I urge my colleagues to honor the 50th anniversary of this important organization and support House Concurrent Resolution 343.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 343. But before I speak on the resolution, I would just like to say a few words about the author of the resolution, my friend and colleague and fellow New Yorker, Congressman BOEHLERT.

Congressman BOEHLERT, during your time in Congress you have been a fair and open-minded public servant; you have been a model of bipartisanship. You have been a very strong voice for the Science Committee and for the scientific community, and I wish you good luck and congratulations in your future endeavors.

I rise in strong support of House Resolution 343. This bipartisan resolution recognizes the 50th anniversary of the Commission on Independent Colleges and Universities. Founded in 1956, the Commission on Independent Colleges and Universities is a statewide association representing the public policy interests of more than 100 independent colleges and universities in New York State.

The private colleges and universities of New York award 56 percent of the baccalaureate degrees, 71 percent of the master's degrees, and 87 percent of the professional degrees earned in New York State. Over 460,000 students in New York are enrolled in independent higher education, which comprises 38 percent of all students attending colleges in New York State. Collectively, these campuses employ over 158,000 New Yorkers and generate more than $40 billion annually of economic activity within their communities.

Before coming to Congress, I was lucky enough to work for 29 years at a member institution of CICU, and thus I have had the opportunity to see firsthand its effective and unified approach to ensuring access, quality, and diversity.

As a result of CICU's relentless advocacy, New York's students have seen increases in both the Tuition Assistance Program and the Bundy Aid program, both of which are New York-based financial aid programs that fill a vital need in both student aid and in institutional aid.

In Congress, I have found CICU and its president, Abe Lackman, and his staff to be a valuable resource on higher education issues, keeping me abreast of trends and concerns of the New York higher education community.

The students and private colleges of New York are lucky to have CICU advocating on their behalf in both Albany and Washington. I would like to personally congratulate CICU on their

50th anniversary, and I look forward to working with them during the next session of Congress on ways to improve college access and affordability.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, at this time I would like to yield as much time as he may consume to the distinguished Member and colleague of mine from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank my generous colleague for yielding me that time, and I want to thank my colleagues on both sides of the aisle for their kind words. It has been a great privilege to serve in this institution, and one of the things I take special pride in is my friendships across the center divide. So I thank you most sincerely.

I rise today to recognize the 50th anniversary of the Commission of Independent Colleagues and Universities. Fifty years ago, half a century, the commission was established in my home State of New York with the goal of strengthening private, not-for-profit higher education institutions, a goal I wholeheartedly support and have worked tirelessly to achieve.

New York has a long and proud tradition of higher education, and the CICU has worked day after day, week after week to improve and strengthen that legacy.

Since 1956, enrollment in the independent sector has doubled from 225,000 to nearly a half a million today, 460,000. The 109 independent colleges and universities that make up the commission are spread throughout New York State and the entire educational system. The consortium is led by several of our Nation's most notable institutions, including Columbia, NYU, Cornell, RPI, Hamilton, and many others, including, and pardon my understandable pride, the best of the lot, my alma mater, Utica College.

Together, these institutions award over half of all undergraduate and three-quarters of all graduate degrees in New York, as well as training almost 90 percent of our professional students. That is quite a record of achievement.

As the lead sponsor of this resolution, I thank my colleagues from New York for joining me in honoring the Commission on Independent Colleagues and Universities. I am confident that CICU will continue to help improve educational opportunities throughout New York State and the Nation for many years to come, and that is one of the most worthy of goals.

Mr. BISHOP of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

MR. KUHL of New York. Likewise, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 343.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TRUMAN SCHOLARSHIP FUND MODERNIZATION ACT

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6206) to revise the calculation of interest on investments of the Harry S. Truman Memorial Scholarship Fund.

The Clerk read as follows:

H.R. 6206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truman Scholarship Fund Modernization Act".

SEC. 2. REVISION OF INVESTMENT PROCEDURE.

Section 10 of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

"(1) At the request of the Board, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in the interest-bearing obligations of the United States issued directly to the fund.

"(2) The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Board to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary."; and

(2) by striking subsection (c) and inserting the following:

"(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Board, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6206.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6206, a bill to revise the calculation of interest on investments in the Harry S. Truman Memorial Scholarship Fund.

The Harry S. Truman Memorial Scholarship Fund was signed into law by President Ford in 1974, created with the purpose of awarding scholarships to college juniors who, and I quote, "demonstrate outstanding potential for and who plan to pursue a career in public service."

The foundation provides for at least 53 scholarships, and includes at least one for each State, each year, to deserving young people. The purpose of this measure before us is to align the foundation with other similar scholarship foundations.

Under current law, the Secretary of the Treasury is required to invest the foundation's trust fund solely, and I repeat, solely, in U.S. Treasury securities unless the Secretary explicitly chooses to invest in other obligations. Because of this restrictive policy, the scholarship funds have not been able to keep pace with the rapid increases in college tuition.

Specifically, H.R. 6206, would shift the authority for making the investment decisions in the Par Value Special Treasury Obligations to the foundation's board of trustees. The Par Value Special Treasury Obligations have a slightly higher interest rate than the current yield on the 10-year Treasury note. In addition, these special obligations may be bought and sold without penalty, a feature that would provide the foundation with much needed flexibility in its investments.

Both the James Madison Memorial Scholarship Foundation and the John C. Stennis Center for Public Service Training and Development currently have this authority already. This measure simply gives the Harry S. Truman Memorial Scholarship Fund, the sole memorial to President Truman, the same authority.

Mr. Speaker, as college tuition continues to skyrocket, we must continue every opportunity to create scholarships that have the tools necessary to continue to attract students to serve in the areas of public service. I urge my colleagues to support H.R. 6206.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I, too, rise in support of H.R. 6206, and I yield myself such time as I may consume.

The Harry S. Truman Memorial Scholarship Fund provides an essential service to students in our country. By awarding graduate students scholarships in the fields of public service, they not only help to make higher education more affordable, but encourage students to give back to their country with service. The fund was founded nearly 30 years ago, and continues to serve as a living memorial to President Truman and his service to this country.

The scholarship foundation, awards approximately 75 scholarships each year to students pursuing careers in public service. After leaving graduate school, students must serve at least 3 years in public service employment, including teaching, government service, or public interest organizations. In 2004, the foundation awarded 77 scholarships to students from 67 universities and colleges. Additionally, 52 percent of the scholars were women, and 32 percent were of African, Hispanic, Asian, or Native American heritage.

Mr. Speaker, as you know, college affordability is a serious concern for students and families in this country. Tuition at 4-year public colleges has increased by 35 percent in the last 5 years, higher than at any other 5-year period in the last 30 years.

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Additionally, recent estimates show that the debt burden from paying for college has priced students out of public service careers. These estimates show that 23 percent of 4-year college students graduate with too much debt to manageably repay with a starting teacher's salary.

Meanwhile, public investment in higher education is waning and we are expecting students to bear more of the burden of paying for college. Students are now taking out more loans than grants to finance college. This is especially true for graduate students; only 28 percent of graduate school financing is grant aid.

Scholarship funds such as the Truman Memorial fund help to limit the reliance on loans and the growing debt burden of students. Since its inception in 1977, the Truman Memorial fund has given scholarships to 2,480 students of public service from States and schools across the Nation.

Some notable graduates include Arizona Governor Janet Napolitano, David Atkins, vice chancellor of the University of Kansas Medical Center, and Margot Rogers, senior executive with the Gates Foundation working on elementary and secondary education issues.

Mr. Speaker, this legislation will help the Truman Foundation continue to serve students and our country by allowing them additional financial flexibility and autonomy, which will allow the foundation to continue to award substantial scholarships to students and will continue the living memory of President Truman.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 6206, the Truman Scholarship Fund Modernization Act. It closes an important loophole in our existing law.

First, I want to thank all of us who helped us get this bill to the floor today: Chairman MCKEON and the Education and the Workforce Committee, Representatives BOEHNER and BLUNT, and all of their staffs.

This bill would simply allow the board of trustees of the Harry S. Truman Scholarship Foundation, instead of the Secretary of the Treasury, to choose the type of interest that would be received as a yield on the bonds issued by the Truman fund.

Other established and highly accreditable programs have already had this minor change in their discretion; for example, the James Madison Memorial Fellowship Foundation and the John C. Stennis Center for Public Service Training and Development.

This foundation, the Harry S. Truman Foundation, is a living memorial to our 33rd President. And it has also become an emblematic program of promoting young people to encourage them to be educated for citizenship and political responsibility and to assume the mantle of leadership in our political process.

Every year hundreds of college juniors compete for what amounts to approximately 80 awards. The rigorous selection process requires the candidates have a strong record of public service as well as a policy proposal that addresses a particular issue facing society. These individuals are among our Nation's best and brightest, and many of them have gone on to provide real leadership within our government and within our institutions.

I am a strong supporter of this program, a program that assists in education as a lifelong learning process.

Scholars who participate in this program are invited to participate in a number of programs, including the Truman Scholar Leadership Week, The Summer Institute, The Truman Fellows Program, and the Public Service Law Conference.

This program has been an extraordinary success, and this bill provides it greater flexibility in generating the one source of revenue it has. We think that this program is very important. We think that this change is essential. We think that this is an important commitment for this Congress to make to cultivate the leadership of the future in public service.

I salute the gentleman for leading this effort to pass this bill on the floor. I am privileged to have introduced it with the idea that this one small change can do a great deal to promote greater leadership not only in this institution but throughout our political process and throughout our governmental and nongovernmental institutions.

I urge my colleagues to join me in supporting this legislation.

Mr. BISHOP of New York. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I am one of the two Congressmen who serves on the board of this Truman Scholarship fund. As has been explained here today, it is a very good use of money to help students obtain these different scholarships, to prepare them for work in public service.

The problem is that the principal cannot be invested in a very flexible kind of way. That is why this is a modernization act, to allow us to use those funds. I think it is completely noncontroversial. I serve with a Member of the other party on that board. Everybody, as far as I know, is in agreement that this modernization needs to take place. It is going to result in more money for scholarships, and people will be better prepared for public service. It seems like everybody wins, and so I am a strong supporter. I urge my colleagues to support H.R. 6206.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 6206.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REQUIRING SECRETARY OF DEFENSE TO SUBMIT ANNUAL REPORT ON CONGRESSIONAL INITIATIVES

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6375) to amend title 10, United States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense.

The Clerk read as follows:

H.R. 6375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUAL REPORT TO CONGRESS AND NOTICE TO PUBLIC ON CONGRESSIONAL INITIATIVES IN FUNDS AUTHORIZED OR MADE AVAILABLE TO DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) IDENTIFICATION OF CONGRESSIONAL INITIATIVES.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§490. Congressional initiatives in funds authorized or made available to Department of Defense: annual report to Congress; notice to public

"(a) ANNUAL REPORT AND PUBLIC NOTICE REQUIRED.—Not later than 90 days after the close of each fiscal year, the Secretary of Defense shall submit to Congress a report on congressional initiatives applicable to funds authorized or made available for the Department of Defense for that fiscal year. Upon being submitted to Congress, each such report shall be posted on a publicly available Internet website of the Department of Defense.

"(b) CONTENT.— Each report under subsection (a) shall include, for each congressional initiative applicable to funds that were authorized or made available to the Department of Defense for the fiscal year covered by the report, the following:

"(1) A description of each such congressional initiative, including—

"(A) the geographic location (by city, State, country, and congressional district, if relevant) in which the funds covered by such congressional initiative are to be used;

"(B) the purpose of such congressional initiative (if known); and

"(C) the recipient of the funding covered by such congressional initiative.

"(2) For each such congressional initiative, an assessment of the utility of the congressional initiative in meeting the goals of the Department, set forth using a rating system as follows:

"(A) A rating of 'A' for a congressional initiative that directly advances the primary goals of the Department or an agency, element, or component of the Department.

"(B) A rating of 'B' for a congressional initiative that advances many of the primary goals of the Department or an agency, element, or component of the Department.

"(C) A rating of 'C' for a congressional initiative that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

"(D) A rating of 'D' for a congressional initiative that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

"(E) A rating of 'F' for a congressional initiative that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

"(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term 'congressional initiative' means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies—

"(1) the identity of an entity or project, including a defense system, for which funds are authorized or made available in that law (or conference report or bill) and that was not requested by the President in a budget submission to Congress; and

"(2) the amounts of the funds so authorized or made available.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"490. Congressional initiatives in funds authorized or made available to Department of Defense: annual report to Congress; notice to public.".

(b) EFFECTIVE DATE.—Section 490 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds made available to the Department of Defense for each fiscal year after fiscal year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I would also ask that after I make my opening remarks, I be allowed to yield the balance of my time to the gentleman from Indiana (Mr. SOUDER), the sponsor of this bill, and I ask unanimous consent that he be allowed to control the time for purposes of debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, this legislation is legislation a number of Members have asked to bring to the floor in both bodies to illuminate to the world what they call congressional initiatives.

Mr. Speaker, as the chairman of the Armed Services Committee, let me give you my take as one Member of this very important body on congressional initiatives that are sometimes pejoratively called earmarks.

The Constitution of the United States charges the United States Congress, not the President, not the Pentagon, not a general, not some under secretary, charges us with raising and equipping the forces of the United States of America, the Armed Forces, the armies and the navies that the Constitution refers to; and, of course, by implication the United States Marine Corps and the United States Air Force.

It is our job to build this budget, not just to work around the fringes of the defense budget, it is our job to build this budget from the ground up. From my perspective the recommendation that comes over from the President is just that: It is a recommendation. It is not charged by the Constitution. It is not mandated by the Constitution. It is our job to build the defense budget of the United States.

Let me just say, Mr. Speaker, we do that. I think we do that very effectively. I think this great bill, this $532 billion defense bill, is a reflection of that. It was put together by my committee, the Armed Services Committee, Democrats and Republicans, and by the gentleman from Florida's Appropriations Subcommittee on Defense who do such a good job.

Let me give you one example of what we did, one thing that might pejoratively be called earmarks by people who think that somehow what the administration sends over is sacrosanct and what we add is somehow an illegitimate addition.

We had the Army and United States Marine Corps come to us this past spring after we were putting our budget together after the President's recommendation had come over, and they said we are not going to have enough money to reset the United States Army and Marine Corps, largely because of that tough, harsh theater in Iraq and Afghanistan, and that means repairing the tanks, trucks, aircraft and all of the other equipment that you need for warfighting. We need wherewithal, the additional money to fix that fire engine so it can go back in the firehouse and be ready for the next emergency, whether it is the 9/11 force of this country, the Marine Corps, special operations, United States Army, United States Navy, United States Air Force.

Mr. YOUNG and I in our committees listened to the United States Army and to the Marine Corps. We said, come in and you lay out for us everything that you need to get our forces ready to fight again so they are reset. That "reset" is a term of art.

They gave us a bill, $27.7 billion for the Army, $11.7 for the Marine Corps. We looked at the President's budget which only funded a part of that; we looked at the supplemental which only funded a part of that, and we looked at the balance. We took that balance and we added every single dime that was identified by our warfighting leaders as something that they needed in combat, and we added that to the President's budget. I guess you could call that a $20 billion earmark. That was a congressional initiative that exactly described the duty that is charged to us by the United States Constitution and how we discharge that duty.

Let me give a few other congressional initiatives. One reason why I support this bill, incidentally, and it is fine with me is because I put my initiatives on the Internet and if people want to look at them and see what we add, that is great.

Let me tell you some of the initiatives that I added and I asked Mr. YOUNG to add in his bill: jammers,

jammers that would protect our Armed Forces, when they are dismounted, against roadside bombs that are electronically triggered from remote areas that were not in the administration's budget, we added those. So jammers that protect the lives of our soldiers, sailors, airmen and marines, we added, congressional initiatives.

Body armor, extra body armor, more Humvees that have the thick armor that can repel the fragments from these IEDs, these roadside bombs. We put in things that are important for the warfighters of this country.

Mr. Speaker, I would say that I am here to reaffirm our constitutional right, not to do just bits and pieces of the defense budget, but to do the entire budget; and what the administration recommends is the edges. If they didn't come over with a recommended budget, we could build and we are totally equipped to build this budget from the ground up. We have the expertise to do it, Democrat and Republican, and we could do it from the ground up.

Having said that, I support this bill which says that the Department of Defense is free to comment on their ratings on what congressional initiatives have requested and placed into the bill; and from my personal perspective, that is fine with me. I put mine on the Internet for the world to see.

Mr. Speaker, I reserve the balance of my time.

☐ 1315

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 6375. This is not the way to accomplish earmark reform because, quite frankly, it gives all the authority to the executive branch. The gentleman from California, Chairman DUNCAN HUNTER, is right when he says that we are charged under the Constitution to raise and maintain the military. And that is the very reason that I oppose this particular bill. It contravenes congressional responsibility and authority. This bill also fails to achieve meaningful reform. The Democratic Open Government and Honest Leadership bill will offer a better approach, which will be taken up, Mr. Speaker, at the beginning of the 110th Congress.

This sets a huge administrative burden on the Department of Defense to identify thousands of contractors and multiple thousands of geographic locations, and list every congressional district. It gives the executive branch, I repeat it again, the executive branch, the right to grade the performance of Congress. That is not a good thing.

Let me mention another matter which I have urged and the gentleman from California (Mr. HUNTER), Chairman HUNTER, has urged in the past. And that is the bill that should have been on the calendar regarding the Iraqi Inspector General. That is a bill that would eliminate the termination date of October 7. That termination date, unfortunately, got put in the defense bill, and there has been a great deal of media attention to it, and quite honestly, we should not have a termination date because that is an ongoing process. And I feel very strongly that that bill should be on the calendar. I want to say very clearly, Chairman HUNTER agrees with me that that bill is a good bill and should be on the calendar. And it is not up to us. It is not our choice to say it should not be, but somewhere along the line, Mr. Speaker, it was sidetracked despite the fact that the chairman and I both pushed it very, very heartily.

Getting back to H.R. 6375, I hope that we will take a good look at it. This bill defines an earmark as any change to the President's budget creating the perception that all congressional initiatives are "pork" and that Congress has no right to review administration spending requests. It is not a good bill. Consequently I do oppose H.R. 6375.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, before making my opening statement, I now yield such time as he may consume to the distinguished Defense Subcommittee on Appropriations chairman, Mr. YOUNG, out of deference to his leadership and longtime activity in this field.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's yielding, and I understand his interest in this bill, but I am opposed to this bill. I am opposed to this bill.

If it were simply a bill requiring that the congressional initiatives be identified, I have no problem with that. As a matter of fact, the Defense Subcommittee identifies all congressional earmarks, if you would like to use that term, in the report that we publish along with the bill itself.

But here is what offends me about this bill. This bill would say to the Department of Defense, you have to look at all the initiatives by the Congress and then issue a report card and the report card would say it gets an A, it gets a B, a C, a D, an E or an F. I don't want the Pentagon having to spend all that time grading the work that we in the Congress do.

I have cited the Constitution many times, and I am going to do it again today. Article I, Section 9, Chairman HUNTER referred to it generally. It says: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Not made by budget requests from the White House but made by law. There is another part of that sentence that people tend to ignore. It says: "and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." And we do that and the administration does it . . . sometimes. Read this Constitution from cover to cover. You will not find anything in this Constitution that says Congress can only appropriate money that has been requested by the President. Nothing in here says that. Article I, Section 9, however, says the President cannot spend any money that has not been appropriated by law.

This is not a good bill. It flies in the face of the Constitution, and it adds burdens to the Defense Department to grade us on a report card for the work that we do.

One final point. Chairman HUNTER mentioned the $20 billion that we added for reset. That was part of a $70 billion so-called bridge fund for the war in Iraq. This Congress, this House of Representatives, your Appropriations Committee asked and asked and asked over and over again from the Department of Defense, "What do you want in this $70 billion?". To this day we are waiting for a formal answer. So Congress had to take the initiative and determine by dealing with the services themselves what was needed in that $70 billion bridge fund, and we did it and we did a good job at it.

This bill is not a good bill. I hope you will vote "no."

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank our Republican leadership for bringing this important bill to the floor today. At a time when our Nation is fighting wars in Iraq and Afghanistan as well as waging a global war on terror, we must ensure that every defense dollar we allocate is well spent on programs, equipment, and other initiatives that support our troops in winning the battle and advancing the mission of our armed services. We cannot afford to be wasteful in spending. Our freedom and the lives of our men and women in uniform are on the line if we waste or misappropriate funding.

The bill before us today, the Defense Spending Report Card Act, has already passed the Senate two times as amendments to the 2007 Department of Defense appropriations and authorization bills. The first amendment passed on voice vote, and the second amendment received overwhelming bipartisan support with only one Senator voting against it, 96–1, and unanimous in the Senate. Unfortunately, the amendments were stripped out in conference. But today we have an opportunity in the House to pass similar legislation in a bipartisan way that will send a message to both our constituents and our troops overseas that we are serious about fully funding our military needs and bringing some accountability and transparency to the appropriations process.

H.R. 6375 is quite simple. It requires the Department of Defense to annually report, number one, the total cost of spending initiatives in defense appropriations bills; two, the purpose of these initiatives; and, three, an analysis of the usefulness of each initiative to advancing the goals of the Department of Defense. While there are no requirements directing what Congress must do with this report card, it will provide Members of Congress with a helpful tool by which to determine the value and cost effectiveness of each defense spending initiative. This transparency will also encourage greater accountability in the funding process, which voters in both parties will truly appreciate.

In recent months we have seen the potential to abuse power that can result from a closed-door favoritism approach to government spending. Most people will agree that a little sunshine on the Federal appropriations process, as well as the authorizing process, and, by the way, this bill covers any House initiative that requires the Department of Defense to spend money, is always a good thing; and this bill takes an important step towards that goal. We should not be afraid of transparency but, rather, support it for the benefit of our troops and the integrity of the Congress.

Again, let me thank our leadership and Chairman HUNTER for bringing this bill to the floor.

I would like to address a few other questions that have been raised by many of our distinguished leaders here. My position is actually closer to Chairman HUNTER's position, which is I support this bill as does Chairman HUNTER, but I do not oppose what would be called earmarks or congressional narratives. I, in fact, have many defense contractors in my district. I annually make requests to the Appropriations Committee. I work with the defense authorizations committee. In fact, almost every major defense contractor has a facility in my district. I have argued with the Department of Defense about what they have as their priorities. I absolutely believe Congress has the right to initiate whatever spending we so chose. We have the right to override the Department of Defense. We have a right to plus-up the Department of Defense. And, by the way, anything that is in the President's budget that comes to us we can plus-up and it isn't covered by the report card. But I believe in transparency. I release every request I make. I defend publicly every request I make.

This bill is very simple. It is about transparency. It isn't about whether or not we are going to do congressional initiatives. Of course we are. If Chairman HUNTER and our ranking member and soon-to-be leader of Armed Services, Mr. SKELTON, hadn't fought the Defense Department on certain things, sometimes the Defense Department does not support the troops in the field. In the Appropriations Committee sometimes they appropriate things that aren't needed, but there is nothing to fear then. If you can defend it, that the generals in the field and that the military experts believe it is a better bill, why would you be afraid of transparency?

Now, to the argument of report cards, we do report cards. We do report cards and it doesn't take millions and millions of dollars and hours and hours to do report cards. And we have done report cards on multiple things over in the Government Reform Committee. We have done it in other agencies. It is a way that we can force a public measurement and a public debate about how contracts are given. Should they be given just on the basis of what is in your district or should they have a national merit? Can you defend it on a national merit? When we debate which kind of planes to move to, whether we go to more this kind of carrier or that kind of carrier, how many ships we buy, should it be driven by who has a shipbuilding district and whether one place is going to close down versus another, that should be a public debate. And if the administration and the House disagree, let us force that debate and have that transparency. Because at the end of the day, this bill is very, very simple: Do you believe in more transparency or don't you?

I appreciated my distinguished friend Mr. SKELTON's point on the Inspector General in Iraq. Yes, we need more Inspectors General in general. That is just part of the problem. We have lost the confidence, both parties, of the American people about the process. Those of us who are arguing for what is best for our troops, what is best to protect our country have nothing to fear, absolutely nothing to fear from transparency.

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased to speak today in favor of Mr. SOUDER'S commonsense legislation. As defense spending takes up a great percentage of Federal spending each year and is perhaps the most complex spending issue we confront in Congress, it is past time for us to have a clear tool to determine the effectiveness of the billions of dollars we spend each year.

One of the difficulties in accounting for Defense spending is just trying to figure out the total amount of funds spent. Representative SOUDER'S legislation will require the Department of Defense to provide to us a clear number of how much is spent each year.

Earlier this year, in my position as a member of the Budget Committee, I wrote Secretary Rumsfeld decrying the poor condition of financial management at the Department. When this administration took office, DOD announced it was adding $100 million to the budget as a down payment on improved financial management; and yet, Deputy Secretary of Defense England testified before the committee that the department was unable to complete a proper financial statement. Additionally, the GAO has reported that the Department has failed on being able to track the spending we have provided in supplemental appropriations despite the Chief Financial Officers Act of 1990, mandating that departments must be able to perform this kind of recordkeeping.

As Congress will likely consider another supplemental package of possibly more than $100 billion early next year, it is critical that we, as legislators, have the tools to determine whether this money is being well-spent. Funds allocated to the Department of Defense are directly responsible for the safety of our soldiers who are risking their lives defending our freedom. We have a duty to ensure that this spending is free of waste, fraud, and abuse.

I congratulate the gentleman on a well-constructed and critical bill and urge its immediate passage.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 6375.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NAMING OF ARMED FORCES READINESS CENTER IN HONOR OF CAPTAIN WILLIAM WYLIE GALT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3759) to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The Clerk read as follows:

S. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAMING OF ARMED FORCES READINESS CENTER IN GREAT FALLS, MONTANA, IN HONOR OF CAPTAIN WILLIAM WYLIE GALT, A RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR.

The Armed Forces Readiness Center in Great Falls, Montana, shall be known and designated as the "Captain William Wylie Galt Great Falls Armed Forces Readiness Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Captain William Wylie Galt Great Falls Armed Forces Readiness Center.

□ 1330

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. I would also at this time like to yield the balance of my time, after I finish my opening remarks, to the gentleman from Montana (Mr. REHBERG), who was the sponsor of this bill, and I ask unanimous consent that he be allowed to control the time for purposes of debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HUNTER. Thank you, Mr. Speaker.

Mr. Speaker, this is one of these bills that it is good to go out on as we close down this session of Congress. This is an excellent initiative by my good friend from Montana to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, who was a recipient of the Congressional Medal of Honor.

Mr. Speaker, we just had a hearing under the leadership of JOHN MCHUGH, who is the outgoing chairman of the Personnel Subcommittee in Armed Services on the Medal of Honor and on the criteria for the award. And we had some initiatives, some good discussions with our service representatives on ensuring that we have the appropriate guidelines for giving this great medal. And it was an uplifting hearing, because it is a hearing in which the acts of Americans who went far beyond the call of duty were reviewed and were discussed.

Mr. Speaker, I think anytime somebody passes this, walks by the Armed Forces Readiness Center in Great Falls, Montana, and they see that it is named after Captain Galt, they are going to be reminded, perhaps inspired, of his heroism.

The Congressional Medal of Honor is a symbol of adherence to duty, honor and country; and I think it is absolutely appropriate that we name, with this dwindling pool of Medal of Honor recipients, and the gentleman, as a veteran of the United States Army knows, we now have a very small pool of living Medal of Honor winners. So I think that wherever it is possible to name our buildings and our institutions and installations after Medal of Honor recipients, it is a point of inspiration for young people that will be enduring.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I fully support Senate bill 3759. It establishes an Armed Forces Readiness Center in Great Falls, Montana, as a memorial to Captain William Wylie Galt. And reading his resume, reading his citation, receiving the Medal of Honor, it is one of courage and selfless sacrifice. There is no question in my mind this is a very good gesture, as it should be more often, to those who exhibited the highest type of valor for our country.

Mr. Speaker, I reserve the balance of my time.

Mr. REHBERG. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind words. And there are times in this responsibility of being a Congressman that sometimes you forget why you are here. It gives me tingles up the middle of my spine to think about the Galt family and how much they have contributed to the State of Montana and to this Nation over the years.

This legislation would name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor, as was said.

The Armed Forces Readiness Center will house the Army National Guard and the Army Reserve units who have spent recent tours in Operation Iraqi Freedom.

William Galt was born on December 19 of 1919 in Geyser, Montana. He was commissioned as a 2nd lieutenant, Infantry, through the Army ROTC program upon graduation from Montana State University in the spring of 1942.

I sometimes give Mr. HUNTER a hard time because he did in fact attend the University of Montana for 1 year. And I can tell you, Missoula has not been the same since he left.

Captain Galt was in Italy during World War II. For conspicuous gallantry above and beyond the call of duty, Captain Galt, at a particularly critical period following two unsuccessful attacks by his battalion, of his own volition went forward and ascertained just how critical the situation was. He volunteered, at the risk of his life, personally, to lead the battalion against the objective.

When the lone remaining tank destroyer refused to go forward, Captain Galt jumped on the tank destroyer and ordered it to attack. As the tank destroyer moved forward, followed by a company of riflemen, Captain Galt manned the .30 caliber machine gun in the turret of the tank destroyer, located and directed fire on an enemy anti-tank gun, and destroyed it.

Nearing the enemy positions, Captain Galt stood fully exposed in the turret, ceaselessly firing his machine gun and tossing hand grenades into the enemy's zigzag series of trenches despite the hail of sniper and machine gun bullets ricocheting off the tank destroyer.

As the tank destroyer moved, Captain Galt so maneuvered it that 40 of the enemy were trapped in one of the trenches. When they refused to surrender, Captain Galt pressed the trigger of the machine gun and dispatched every one of them.

A few minutes later, an 88-millimeter shell struck the tank destroyer and Captain Galt fell mortally wounded across his machine gun. He had personally killed 40 Germans and wounded many more.

Captain Galt pitted his judgment and superb courage against overwhelming odds, exemplifying the highest measure of devotion to his country and the finest traditions of the U.S. Army.

His courage and unrivaled determination to win for his country led to a win for America that day, but at the cost of his own life. William Galt is a true example of not only a Montana hero, but an American hero. We are proud to honor him and the great sacrifice he gave to this country.

The U.S. Army Reserve Center on Gore Hill was dedicated to Captain Galt in 1958. Unfortunately, in 2005, the Base Realignment Closure Commission, BRAC, decided to permanently close Galt Hall U.S. Army Reserve Center on Gore Hill in Great Falls, Montana and relocate units to a new Armed Forces Readiness Center near Malmstrom Air Force Base across town.

I believe it is a fitting tribute to name the U.S. Armed Forces Readiness Center in Great Falls, Montana, the Captain William Wylie Galt Great Falls Armed Forces Readiness Center. It gives me a great deal of pleasure to have this legislation passed.

Mr. SKELTON, Mr. HUNTER, thank you for your patience, thank you for your cooperation. Thanks for all that you did.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the Senate bill, S. 3759.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT THERE SHOULD BE ESTABLISHED AN IRISH-AMERICAN HERITAGE MONTH

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 733) expressing the sense of the House of Representatives that there should be established an Irish-American Heritage Month.

The Clerk read as follows:

H. RES. 733

Whereas, by 1776, nearly 300,000 people had emigrated from Ireland to the United States;

Whereas, following the victory of General George Washington's troops at Yorktown, Lord Mountjoy reported to the British Parliament the surrender of General Charles Cornwallis, proclaiming, "We have lost America through the exertions of the Irish";

Whereas Irish-born Commodore John Barry was the first flag officer of the United States Navy and is endeared by many as the "Father of the American Navy";

Whereas at least 8 signers of the Declaration of Independence were of Irish ancestry;

Whereas 19 Presidents of the United States proudly claim Irish heritage, including the first President, George Washington;

Whereas Irish-born James Hoban designed the White House, and he was integral in its restoration after it was severely damaged by fire in 1814;

Whereas, in 1892, Annie Moore, from County Cork, Ireland, was the first immigrant admitted through Ellis Island, contributing to America's diverse culture by offering the rich customs and culture of her native land;

Whereas at least 263 recipients of the Congressional Medal of Honor proudly claim Ireland as their birthplace, making Irish-born individuals the largest group of foreign-born recipients of the prestigious honor;

Whereas Irish-American social reformer Elizabeth Cady Stanton successfully championed women's voting rights, which were granted in 1920 by the 19th amendment to the Constitution;

Whereas pioneers of the American space program were of Irish descent, including Kathryn Sullivan, the first woman to walk in space, and Christa Corrigan McAuliffe, America's first school teacher to bravely engage in space exploration, who ultimately gave her life to the empiricism of knowledge about the surrounding universe;

Whereas more than 44 million American citizens are of Irish descent;

Whereas each year, on March 17th, the United States and its citizens humbly observe St. Patrick's Day in honor of the patron saint of Ireland; and

Whereas the Irish and their descendants have toiled throughout the existence of the United States, contributing significantly to the enrichment of all aspects of life in this Nation, including military and public service, science, education, agriculture, industry, dance, music, theatre, film, literature, visual composition, business, technology, athletics, and leadership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) an Irish-American Heritage Month should be established; and

(2) the people of the United States should observe such a month with appropriate ceremonies, celebrations, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

From the very beginning, the United States has been changed for the better by its citizens of Irish descent. Nineteen Presidents, including George Washington, and at least eight signers of the Declaration of Independence were of Irish ancestry; 263 recipients of the Congressional Medal of Honor were born in Ireland, as was John Barry, the first flag officer of the United States Navy. And the list of contributions of Irish Americans goes on: Elizabeth Cady Stanton's successful fight for women's voting rights, James Hoban's architectural design for the White House, and Annie Moore's brave passage through Ellis Island as America's first immigrant.

What began as 300,000 Irish immigrants in 1776 has grown to 44 million Irish Americans today. In recognition of the countless ways in which these Irish Americans have advanced our Nation politically, economically and culturally, I rise today in support of H. Res. 733.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, March is a significant month for Irish Americans. March 17 honors Saint Patrick, the patron saint of Ireland. Saint Patrick is commemorated for introducing Christianity to Ireland in the fifth century.

March also commemorates Irish American Heritage Month, which was first proclaimed by the United States Congress in 1995.

Irish immigrants contributed a great deal to the creation of this great Nation, both during the struggle for independence and in the founding of the Republic. Nine of the people who signed our Declaration of Independence and 19 Presidents of the United States claim Irish heritage, including our first President, George Washington.

The largest wave of Irish immigrants came in the late 1840s when the great potato famine ravaged Ireland, caused 2 million people to emigrate, mostly to America. These immigrants transformed our cities and rural communities into centers of commerce and cultural diversity. Though they faced terrible discrimination and prejudice, they persevered and took jobs as laborers and built railroads to build a better life for themselves and their families.

Irish Americans have contributed significantly to the enrichment of all aspects of life in this Nation, including military and public service, science, education, dance, literature and much more. And especially, Mr. Speaker, Irish Americans are very actively and consistently involved in public activity, public service activity, public decision-making, running for office, being members of local and State governments and of our national government. I am pleased to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I hope this can move through unanimously. It is an important bill in the sense of paying tribute to the diversity of America and particularly to the Irish Americans.

As a graduate of Notre Dame, a German Swiss graduate of Notre Dame, although many of my colleagues here are of Irish descent who are Notre Dame grads, it is a particular pleasure for me, as a graduate of Notre Dame, the Fighting Irish of Notre Dame, to move that we unanimously adopt this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res. 733.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1348

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1414

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 2 o'clock and 14 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from Arkansas (Mr. ROSS) and the gentleman from Illinois (Mr. KIRK) each for 45 minutes without prejudice to the resumption of legislative business.

There was no objection.

BLUE DOG COALITION

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 45 minutes.

Mr. ROSS. Mr. Speaker, I rise this afternoon on behalf of the 37-member strong, fiscally conservative, Democratic Blue Dog Coalition, a group of conservative Democrats that are united with a common cause, and that is, restoring common sense and fiscal discipline to our Nation's government.

As we spend the next 45 minutes or so, Mr. Speaker, talking about the fiscally conservative Democratic Blue Dog Coalition's 12-point plan for meaningful budget reform, and as we talk about our plan for accountability within our government, I would remind you, Mr. Speaker, that you can e-mail us your comments or concerns at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions or concerns of us, you can e-mail us at bluedog@mail.house.gov.

Mr. Speaker, the Federal debt is the largest this Nation has ever seen, some $8.6 trillion. This Nation has had one of the largest deficits year after year after year since 2001. I believe the American people are ready for us to put an end to the partisan bickering and clean up the mess in Washington to restore common sense and fiscal discipline to our Nation's government.

The projected deficit for fiscal year 2007 is $350 billion, at least that is what they tell us, but not true. The real deficit for fiscal year 2007 is $545 billion. You see, when the people in this House, when the Republican leadership tells us that the deficit that is projected for fiscal year 2007 is $350 billion, that is counting the money they are borrowing from the Social Security trust fund, with absolutely no provision on how or when or where the money is going to come from to pay that debt back.

I am starting to understand now why, when I first got to Congress in 2001 and I wrote that bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. I am beginning now to understand why the Republican leadership refused to give us a hearing or a vote on that legislation.

Last year, the deficit was about $300 billion. In fact, Mr. Speaker, if you look with me here, you can see in 2004, we had the largest deficit ever in our Nation's history, $413 billion; the second largest deficit ever in our Nation's history in 2003, $378 billion. In 2005, it was $318 billion, and for 2006, there was much to do made out of the fact that they only had a deficit of $296 billion. Only $296 billion? Mr. Speaker, that is an enormous debt. That is a lot of hot checks that have been written by our Nation.

Let me put it in perspective. Those are the four largest deficits ever in our Nation's history, the fiscal year 2007 deficit projected at $350 billion, but let me put it in perspective. The total national debt from 1789 until 2000 was $5.67 trillion, but by 2010 the total national debt will have increased to $10.88 trillion. This is a doubling of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest growing parts of the Federal budget.

It is called the debt tax, D-E-B-T, and that is one tax that cannot be repealed, that cannot be cut until we get our Nation's fiscal house in order and return to the days, like we saw under President Clinton from 1998 through 2001, where for the first time in 40 years Democratic or Republican, the Clinton administration gave us the first balanced budget, gave us a surplus that in the past 5½ years has been squandered by this administration and this Republican-led Congress.

Our Nation is borrowing $1 billion a day. We are sending $8 billion a month to Iraq, $57 million a day to Afghanistan. We are borrowing $1 billion a day, and before we borrow $1 billion today and before the current debt grows by another $1 billion today, our Nation is paying $500 million on the debt we have already got in interest payments alone.

America's priorities will continue to go unmet until we get our Nation's fiscal house in order. Let me just make this point of what I mean by that.

The red bar is the amount of money our Nation is spending on interest not meeting America's priorities, not investing in education, homeland security, veterans or our soldiers, simply paying interest on the national debt. That is the red bar. You can see in contrast how much we are spending of your tax money on education and on homeland security and on veterans. The majority of the money is going to help pay interest, not principal, not investing in education, homeland security, veterans or soldiers, but paying interest on the debt we already got. So America's priorities will continue to go unmet until we get our Nation's fiscal house in order.

To help me explain this, and I will be coming back to talk more about the Blue Dog Coalition's 12-point plan for a meaningful budget reform, I will be talking about our package of accountability bills; but to help set the stage, Mr. Speaker, and to put this in perspective, I yield to my colleague and fellow Blue Dog member from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, thank you very much. It is always a pleasure to join you as we talk about the important issue of getting our fiscal house in order.

Coming out of this recent election, the American people spoke and they spoke boldly, and the one thing they said was they want a new direction. A part of that new direction is to be fiscally responsible and to make sure we are spending the taxpayers' money wisely.

I want to talk about several aspects of this today, one of which I want to start off by talking about the aspect of our foreign borrowing. That is one of the most dangerous areas in which we are moving.

As you well know, we now are borrowing more money from foreign governments and foreign banks, foreign financial institutions. In the last 5 years, we borrowed more money from foreign interests than we borrowed in the whole history of this country up to 2001.

I want to make that clear because I know the American people are sitting there and saying, is he saying what I think he is saying, that since 1789, at the birth of this country, through all the way up to 2001, we have borrowed less money from foreign governments than we have borrowed in the past 5 years? That is a dangerous situation for us to be in. It is dangerous to the future of our country, and we must move to correct that.

When we look at Japan, we are borrowing nearly $700 billion from Japan. We are borrowing $368 billion from China, and we are borrowing $117 billion from Taiwan. We are borrowing over $200 billion from the OPEC nations. When you look at the Asian Basin and you look at the Middle East, you also find another occurrence that is troubling, and it presents some of the most unstable regimes and countries in our world today. It is a terrible situation for us to be in.

At home, we must act more responsibly by making sure that we are spending our money and putting our priorities where they count the most. The American people are looking for help in terms of getting more of this money into their pockets, being able to help them with critical issues of education.

So, for a little bit today, I want to talk about what we are doing as Democrats, and I thank God because this is the first time that I am standing and you are standing in this floor on the House of Representatives with this debate when we can say to the American people as Democrats, thank you, thank you for giving Democrats an opportunity to lead this Congress. We are grateful and we are humbled because we understand the levity and the seriousness of this responsibility that the American people have given us to lead. Nowhere is that more crucial than in taking care of their money and taking care of our fiscal responsibility and being responsible for it.

So I think it is very important that as we talk this afternoon about this responsibility to let the American people know where we are going to work quickly to make sure we are paying attention to their needs, and one of the first places that we are going to start is to raise the minimum wage.

Why is that important, people say, the minimum wage? It is more than just a symbolic gesture. It is a timely gesture. We have had the minimum wage since 1938. There has never been as long a period where we have not adjusted the minimum wage as in the period since the last raising of the minimum wage. So it is important for us to show the American people, at least they will see, they are paying attention to us. Yes, we will pay attention to the world; yes, we are very much concerned about what is happening in the world; but we must immediately send a message to the American people that we care about you. We care about America first. That is why the importance of raising this minimum wage is so important. It sends that message. The American people say, oh, okay, I think they get it.

Mr. ROSS. Mr. Speaker, I believe an important message was sent on election night, and that message was that the American people are ready for us to put an end to the partisan bickering, to work together to clean up the mess and to put people's interests above special interests.

That is why I am real proud that in the first 100 hours under Speaker-elect Pelosi, she has announced that in the first 100 hours we will reinstitute PAYGO rules on the floor of the United States House of Representatives. PAYGO means pay-as-you-go, and it is one of the 12 points for meaningful reform that the Blue Dog Coalition has put forth. We are very grateful that she has included it in one of her objectives to accomplish in the first 100 hours.

What PAYGO means is that if you have got a new Federal program you want to fund or if you have got a tax for folks earning over $400,000 a year that you want to cut, you have got to show us where you are going to pay for it. You cannot just pass laws that cut revenue or increase spending without showing where the money is going to come from, because we know where it has been coming from. It has been coming from foreign central banks and foreign investors, as the gentleman from Georgia so eloquently pointed out.

This administration and this Congress in the past 5½ years have borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. Reinstituting the PAYGO rules that were in place on the floor of this House when President Clinton gave us the first balanced budget in about 40 years, every year from 1998 through 2001, PAYGO rules were in place; then they will be in place again on the floor of this House, which is the first step toward restoring fiscal discipline and common sense to our Nation's government.

I yield back to the gentleman from Georgia.

Mr. SCOTT of Georgia. You are absolutely right, and it is so important I think as we talk this afternoon that the American people are well aware that they are in good shape with Democrats in control of the Congress.

Let me go on from the minimum wage. I mean, that is important. We are going to get that done and we are going to do it in a bipartisan way. We will reach out to the Republicans. We will work with Republicans. That is another thing that the American people want to see us do.

□ 1430

I can't tell you the number of times on the campaign trail that people will come up to me and say, Congressman SCOTT, for goodness sake, can you all stop the bickering? Can you just get along? To paraphrase our friend in California, can we just get along? And we are going to do that.

So we find common ground on the minimum wage and quickly pass that. Then we can find common ground, and let me just say something about the minimum wage as we go forward so people will know. We are talking about pay-as-you-go; we are talking about keeping financial and fiscal responsibility in and making sure we are accountable. This minimum wage is totally absorbed by the private sector, by the employment sector. We are simply making the adjustment to give a due raise to go in line with inflation and the other needs to bring the minimum wage up to the standard that we have.

Mr. ROSS. Will the gentleman yield?

Mr. SCOTT of Georgia. Yes, I will.

Mr. ROSS. Just on the minimum wage aspect, let me just make a point to that. If folks don't recognize the current Federal minimum wage of what it means, let me tell you what it means. If you are working 40 hours a week, 52 weeks a year, never get sick and never take a single day off of work for vacation, you earn $10,712 a year.

If we are serious as a Nation in moving people from welfare to work, we have got to value their work and we have got to pay them a living wage. And that is exactly what the gentleman from Georgia is talking about doing; and I am so pleased that Speaker-elect PELOSI has included that in her legislative agenda for the first 100 hours.

Mr. SCOTT of Georgia. And I will tell you why I am so pleased with our leadership and Leader PELOSI and STENY HOYER, JIM CLYBURN, and all of our great leaders. They have said that before this Congress gets another raise in pay, we will raise the minimum wage for the American people. That is leadership that the American people can be proud of.

As we move from the minimum wage, another area that we are going to work on very quickly: we know the high cost of education, we know what it costs for a young person to go to college. We have found a way in which we can get common ground. The Democrats will lead the way in cutting in half the interests that students will have to pay on their student loans. That is the kind of tax cut for middle-class America that is needed. It impacts everybody to have that. And we pay for it as we go. We can afford that, because that money that is saved is stimulated and goes right back into the economy. When you are able to get money back to the consumers and to the American people, they are able to use that money in every area; but it is recycled, it continues to go back into the economy to help the greater productivity of this country.

Mr. ROSS. I want to thank the gentleman for discussing some of the legislative agenda items that we will see in the first 100 hours of the new 110th Congress. And reforming Medicare part D is another one of those that I am very excited about, where we are actually going to allow our government to negotiate on behalf of 40 million seniors with the big drug manufacturers to lower the cost of medicine, which hopefully can help us to eliminate or reduce this doughnut hole and continue to improve and make this benefit for America's seniors even better.

But we are 37 members strong. We are the fiscally conservative Blue Dog Coalition, Mr. Speaker, and I am pleased we are growing to 44 members with the 110th session of Congress beginning in January; and we are all about restoring common sense and fiscal discipline to our Nation's government. And, wow, does our country need a good dose of that, does Congress need a good dose of that. You can look to the chart here and find the answer is an overwhelming "yes" with a great big exclamation mark at the end of it.

As you walk the Halls of Congress, Mr. Speaker, you will find this Blue Dog Coalition poster as a welcome mat to the door of each of the 37 members of the fiscally conservative Democratic Blue Dog Coalition to serve as a daily reminder to all of us that walk the Halls of Congress that our Nation and its spending habits are out of control. Today, the U.S. National Debt, and these numbers change daily in the Halls of Congress by the front door as a welcome mat to the members of the fiscally conservative Democratic Blue Dog Coalition. But today, as we stand here, the U.S. National debt is $8,643,173,864,324 and some change.

If you divide that enormous number that is very difficult for us to get our arms wrapped around, if you take that number and you divide it by every man, woman, and child, including those being born today here in America, your share, each individual's share of the national debt is $28,867. We refer to it in the Blue Dog Coalition as the debt tax, D-E-B-T. And that is one tax that cannot go away, that cannot be cut, that is stopping us from meeting

America's priorities here at home. So that is the reason we have written a 12-point plan for reform that will cure our Nation's addiction to deficit spending, put us on a course toward a balanced budget, and that will allow us to begin to invest in America again.

We have got the cochair-elect of the Blue Dog Coalition with us today, one of the members of the Blue Dog Coalition who has been around for quite some time and has been a real leader in the group and I am pleased to report that beginning with the 110th session of Congress will become the cochair for administration for the Blue Dog Coalition, and that is the gentleman from Florida, Mr. Allen Boyd.

Mr. BOYD. Mr. Speaker, I want to thank my colleague from Arkansas, my fellow Blue Dog, Mr. Ross, and also Mr. Scott, for being here and sharing in this hour to talk a little bit about the priorities of the Blue Dog Coalition.

Mr. Speaker, we have a unique opportunity here before us that we don't have a whole lot of time to grasp on to and do something with. It is an opportunity that doesn't come along often, maybe once every generation or so, in which the American people say to the United States Congress and to the administration, We don't like the direction the country is heading in, and we would like to put a new team in place and head in a different direction. And, Mr. Speaker, many of us who serve in the Halls of this Congress have not experienced this before, we have not been here when this has happened. More than half of the Members of this Congress were not here in 1994 when this happened before. So we have a unique opportunity to change the way that this Congress operates and to do some things that will help to keep America the greatest country on the face of the Earth.

Mr. Speaker, we all recognize that we live in a very special place. It is not perfect, but it beats the devil out of what is in second place around the world. We have the greatest economy on the face of the Earth; we have the political machine that has been put here over the years that has never been equaled by man before. And with that, we achieve a lot of political clout around the world, and with that comes a lot of responsibility. But we have an underlying economic model, Mr. Speaker, that has allowed us to become really the greatest country on the face of the Earth, and for several years now we have eroded that underlying economic model in a way as we begin and as we try to address, and not very successfully, the issues that face our country.

It appears to me that over the last few years that many of the things we did were to maintain power rather than to advance the American cause and make life better for the American people.

We have a unique opportunity, Mr. Speaker, to tear down that wall that exists in the middle of that aisle that has been built over the last 8 or 10 or 12 years. The Blue Dogs want to do that. We want to reach across that aisle as Democrats and take hands with some folks on the Republican side who feel like we do, that we have to preserve that economic model, we have to address these issues that are before us in terms of spending problems and revenue problems, we have to address them all in one context.

You can't come here to this floor and address the spending issue one day without any regard for the revenue side, and then come the next day and address the revenue side without any regard for the spending priorities of this country. So that is what the Blue Dogs are all about. We believe at the end of the day the revenues have to meet the expenditures.

Now, we have some very difficult choices to make before us in the next few months: how do we put this Congress and this country on a path so that we will again come into a fiscal discipline situation where we can see down the road that we are going to have a balanced budget. We have a systemic deficit built in right now into our government activities, and we are going to have to make some tough choices relative to spending and relative to the revenue side, and I am honored that the Blue Dogs are going to be leading the way to bring fiscal sanity back to this government that we are so very proud of.

My friend from Georgia (Mr. Scott) has laid out the agenda items of the first 100 hours, and those we agree with. We think they are items that we heard the American people tell us during the campaign that we need to get done. And we are going to do those things, and we are going to do them in the context of balancing the budget in the long run.

One of the things that the Blue Dogs are going to really push for in the first 100 legislative hours in the 100-hour agenda is to make sure that we pass a PAYGO rule, a PAYGO rule that says that if you are going to have a new program, you have got to find money to pay for it. And we also want to put in place spending caps. We want these in statute. This is what we did in 1997, Mr. Speaker, shortly after you came here a few years ago that got us on the path to fiscal responsibility and fiscal sanity.

So I am very proud to be a part of this group. This group wants to reach across that aisle, tear down that wall that exists, work with the folks on both sides of the aisle, because we all represent about 650,000 or 700,000 people, and those people have a right to be heard. Those people from back in the country have a right to be heard, and we ought to work that way. And I know the new leadership of this Congress has committed that they will work in a bipartisan way, and we will have a Speaker of the House, not the Speaker of a party.

Mr. Speaker, I want to thank you for the time, and I want to especially thank my colleague, Mr. Ross, for putting this together.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Florida who has been elected cochair of the Blue Dog Coalition for the 110th session of Congress for coming and sharing his thoughts with us.

Mr. Boyd, you are so right. The American people on election night were telling us they want us to put an end to the partisan bickering, to clean up the mess in Washington, to reach across that aisle and work together, not as Democrats or Republicans, but as Americans. And put America first again, put our families and children first again, and put the people's interests above special interests. That is why I am so proud that Speaker-elect Pelosi has announced that during the first 100 legislative hours we will see a meaningful ethics reform bill on the floor of this House.

Some people, when they hear about the Blue Dog Coalition and the fact that we are a group of fiscal conservative Democrats, a lot of people all of a sudden just assume that it is a group of Southern Democrats. Not true. This is not a regional group; this is a national group and a national movement that stretches from Salt Lake City and Burbank, California all the way to Long Island. And I am so pleased that one of our longstanding members of the fiscally conservative Democratic Blue Dog Coalition, the gentleman from Long Island, Steve Israel, is here with us today; and I yield to him.

☐ 1445

Mr. ISRAEL. Mr. Speaker, I thank my very good friend from Arkansas with whom I have served for 6 years. We were elected together in 2000, and it has been my privilege to work with and under him in the Blue Dog Coalition.

Mr. Speaker, one of the critical obligations we have as Members of Congress, it does not matter whether you are a Blue Dog or Republican or Democrat, one of the most critical obligations we have, in my view, is keeping our country strong and safe, making sure that our military continues to be the strongest and greatest on earth; making sure that our children, as they advance in years, inherit a military that is strong and a country that is safe and secure. That is what we all think about. That is the obligation that we all have.

But if we continue these unsustainable budget strategies on this unsustainable budget path with $8 trillion debts and multibillion-dollar annual deficits, we are undermining our military and we are doing a disservice not only to our children but to the brave men and women who count on us to ensure that we are appropriating the funds adequate for them to fight the fight.

I have the great privilege of being on the Armed Services Committee, which has jurisdiction for all military and national security issues. We have a $500 billion national defense budget this year. We need to continue providing our forces with the critical funds that they need for force protection, for night vision goggles, for up-armored Humvees, for Kevlar, for pay increases, for health benefits, for decent housing, for education. We are going to continue to need to do that because the world will continue to be a very dangerous place. We want to make sure that our men and women have all of the resources that they need to confront those dangers.

The problem is this: These unsustainable budgets, the lack of balanced budgets, the lack of true prioritizing and the lack of true bipartisanship is not going to provide our military with what they need. Let me give an example.

At a recent Blue Dog meeting, I was very concerned to receive a report from the GAO, and that report is eye-opening. It is jarring. It should be a matter of concern to everybody who makes budget decisions.

According to that report, in 2005 Federal revenues as a percentage of GDP were just over 20 percent; just over 20 percent of our gross domestic product was Federal revenues. Federal revenues will be flatlined all of the way through 2040. Federal revenues, now over 20 percent of our GDP, in the year 2040 Federal revenues will continue to be just over 20 percent of our GDP. The problem is this: that Federal spending is going to far exceed our Federal revenues. Last year, 2005, Federal spending as a percent of GDP, might have been sustainable. But by the year 2040, Federal spending as a percentage of GDP will be so high, without the appropriate balanced budget controls, that this is the condition that our kids will find themselves in. In the year 2040, Federal revenues will be ample to pay for two functions in the Federal Government: interest on debt and a little bit of Social Security. Everything else will be in the gap between the money we have and the money we need. That includes all defense spending. It includes the FBI. It includes payments to farmers. It includes the CIA. It includes all of our national security spending. That is what we are saying to our children.

If we continue these unsustainable budgets, by the year 2040, Federal revenues will only pay for interest on debt, credit card interest, and a little bit of Social Security. They are either going to have to cancel all other programs or tax themselves catastrophically to pay for them. Now, that is not a value that any American sitting around their kitchen table would agree to. That is not a work ethic that any of us would agree to.

So how do we fix this problem? How are the Blue Dogs proposing that we give our kids the ability to pay for the strongest military on earth? It is very simple, not very complicated at all. The Blue Dogs say balance our budgets. Don't spend if you don't have the resources to spend. The Blue Dogs say impose fiscal discipline on this Congress and on the administration. The Blue Dogs say prioritize, meet your critical needs first, pay for a strong military, don't try to balance budgets on the backs of people who are fighting on our fronts and then have them report to us that they didn't have coagulant bandages in Iraq because nobody paid for adequate amounts. Pay for those things first and watch and measure your spending on other less important things. That is what we are saying. But make sure at the end of the day the budget is balanced.

Finally what the Blue Dogs are saying is this: We don't care whether you are Democrat or Republican. We don't care whether you are from the south shore of Long Island or from the deep South. It doesn't matter to us. Work with us. Work with us. We will work with you.

The seat that I stand in front of here is three seats from the center aisle of the Congress of the United States. Blue Dogs have demonstrated time and time again our willingness to cross that aisle and work with anyone who is as committed as we are to the values of a balanced budget and a strong defense.

So as we go into the majority, which is a very sober responsibility, and face the difficult choices to be made, we assert again our willingness to cross that center aisle and forge partnerships with Members on the other side of the aisle to do what is best for our children: Pay for a strong defense, an excellent military, a well-trained military, and do it as we balance our budgets. Give our children the ability to be protected and pay for that protection at the same time.

It is about simple, fundamental commonsense priorities, and few organizations are as equipped and as expert to pursue those priorities as the Blue Dog Coalition, which is why I have been so proud to be a member.

Mr. ROSS. I thank the gentleman from Long Island for joining us on the floor of the U.S. House of Representatives as we discuss the fiscal conservative Democratic Blue Dog Coalition and our plans to restore some commonsense and fiscal discipline to our government.

It begins with our 12-point reform plan for curing our Nation's addiction to deficit spending.

Mr. Speaker, if you have questions, comments or concerns, you can e-mail us at BlueDog@mail.house.gov.

Quickly, I want to go through some of the 12 points. In other words, we are not here on the floor of the U.S. House of Representatives just to beat up the Republican leadership or just talk about what has gone wrong, we are here to offer up commonsense solutions to getting this Nation out of debt.

Number one, require a balanced budget. Forty-nine States do. Holly Ross does. Most Americans understand the concept of a balanced budget. So number one, require a balanced budget as a nation.

Number two, don't let Congress buy on credit. That goes back to the PAYGO rules, and we are very pleased that Speaker-elect PELOSI has included in her legislative agenda for the first 100 hours reinstituting PAYGO rules, rules that were in place on the floor of this House from 1998 through 2001 when we had a balanced budget for the first time in about 40 years. Pay as you go simply means if you want to spend money on a project, show us where the money is coming from; don't go to China and borrow it from them.

Number three, put a lid on spending, what is referred to as strict spending caps to solve the growth of runaway government programs.

Number four, require agencies to put their fiscal house in order.

Mr. Speaker, did you realize that 18 of 24 major Federal agencies can't produce a clean audit of their books? The Constitution clearly gives Congress the authority to provide oversight, and all this Republican-led Congress has been doing is rubber stamp after rubber stamp after rubber stamp and continuing to give these agencies more money when they can't account for the money they already get.

These are four of the basic principles of the 12-point plan that the Blue Dog Coalition is offering up for meaningful budget reform.

I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is very important that we put this in context because as we move forward with pay as you go, we at the same time must respond to the needs of the American people. But we are doing so in a very fiscally responsible way. Check the minimum wage, no Federal expenditure. It will be absorbed by the private sector, and indeed stimulating that private sector to produce more.

The movement to bring down prescription drugs by having the Secretary of Health and Human Services be able to negotiate using the bulk number of 55 million recipients of Medicare to be able to bring down the cost that accrues to us.

And just now with the release of the Iraq Study Group report, and Mr. ISRAEL and I share as cochairs of our

Democratic group, as cochairs on national security, that we have been examining these issues. He is absolutely right. We must take better care of our military. The American people are expecting our expenditures to go there. And one of the great, I think, recommendations of this study group that is headed by Mr. Hamilton and Mr. Baker that was just presented to the President yesterday is the realization, number one, we have to make some changes in this Iraqi situation because of the terrible drain that it is doing to our military. If we don't correct that, surely the security of our country goes down.

The other area that we talked about with regard to fiscal responsibility is the matter of halving the interest rate that our students pay on their student loans. That is money that goes back into the economy and a savings to our middle-class families.

Now the other area that we are going to move on in our first 100 hours is to begin to deal forthrightly with our problem of energy, our problem of energy dependence on the Middle East, that most volatile region. We are making great strides. One of our first efforts is to increase the incentives to go into renewable energy.

I just came back with a group of other Congressmen who are members of the Agriculture Committee. We went to Brazil. The reason we went to Brazil and South America, is because we realize here in this country we don't have all of the answers. But I will tell you one thing, they are doing something very special down in South America. We need to hurry up and do it here.

For example, in Brazil, 85 percent of their new automobiles that they are putting out in the market this year are flex fuels so that they will be able to use ethanol as well as regular gasoline.

I asked the Minister of Industry in Argentina and Brazil this one question about their trade relations with the Middle Eastern countries and what percentage of their energy they were getting from abroad: Argentina and Brazil, absolutely none. They are almost at the point of being energy independent because they had the foresight to move on this area.

I am so pleased with our leadership on the Democratic side to say among our first efforts will be to increase at a rapid rate our preparedness, our infrastructure, so that we can develop ethanol in this country from the primary two sources that we have, granular corn and soybeans, as well as cellulosic.

Mr. ISRAEL. If the gentleman would yield, this is such a critical point. This is a national security area. And I know that the gentleman understands that so well.

Mr. Speaker, last year the Department of Defense spent $10.6 billion on basic energy costs. That is what it costs the military to fuel itself. Of that, the Air Force spent $4.7 billion, about half on one thing: fuel for its airplanes. With this $8 trillion debt, we have to fund the defense budget. How do we do it? The gentlemen know well, we borrow the money from China.

So here is what we are doing: We are borrowing money from China to fund defense budgets to buy oil from the Persian Gulf to fuel our Air Force to protect us from China and the Persian Gulf. This is not just an energy policy, it is a national security vulnerability. We will balance our budgets, have fiscal responsibility and pursue energy independence so that we are safer and we are much better off in terms of our budgets.

I thank the gentleman for yielding.

Mr. SCOTT of Georgia. Absolutely. Again, energy and becoming independent is a reachable goal. It is a doable goal, and we can reach that conclusion within a matter of a few years with the kind of leadership we are putting forward.

I am proud to say we will be putting research grants into that to spur our country to move very rapidly and develop that infrastructure.

Mr. ROSS. The gentleman raised an excellent point, and I am writing a plan to put America on a path towards energy independence, something Brazil will achieve this year. And the reason this is all so important, and it relates to the debt and the deficit, is as a Nation we are spending half a billion dollars a day paying interest on the debt we have already got.

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America's priorities, including investing in alternative and renewable fuels and bioenergies and clean coal technology and synthetic fuels, will never happen. So it is time to get our Nation's fiscal house in order.

Mr. Speaker, we will be back on the floor next Tuesday night or at some Tuesday night in the future, whenever we see fit to come back as a Congress, to talk more about the Blue Dogs 12-point plan for meaningful budget reform, to restore common sense and fiscal discipline to our Nation's government.

And until we see you again, Mr. Speaker, I will leave you with this thought: everyone in America's share of the national debt: $28,867. The debt tax, d-e-b-t. It is time, Mr. Speaker, we get our Nation's fiscal house in order and pay down this debt and have a balanced budget in this country once more.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1751. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4075. An act to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

The message also announced that the Senate has agreed to, with an amendment, a concurrent resolution of the following title:

H. Con. Res. 430. Concurrent resolution recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2322. An act to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 3938) "An Act to reauthorize the Export-Import Bank of the United States.".

GENERAL LEAVE

Mr. KIRK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S. 2370.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMEMORATING THE SERVICE TO THE UNITED STATES OF THE HON. HENRY HYDE

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 45 minutes.

Mr. KIRK. Madam Speaker, we meet here today to commemorate the service to the United States of our colleague HENRY HYDE of Illinois. HENRY HYDE, from our Sixth Congressional District, currently is retiring as the chairman of the House International Relations Committee and has become one of the most intellectual and respected Members of the House.

HENRY comes from Chicago Earth. Raised as a Catholic and a Democrat, he was an all-city basketball center when he went off to college in Georgetown and then enlisted in the Navy. HENRY HYDE served our country in the United States Navy from 1944 to 1946, serving in the Lingayen Gulf and then the Reserves from 1946 to 1968, finally retiring from the Navy as a commander. After the war, he finished college and law school and practiced law in Chicago and in 1958 switched parties, convinced that Republicans were in line with his anti-communist beliefs. He ran for the House in 1962 and lost by a six-point margin.

He then ran for the Illinois House in 1966. He served as the majority leader between 1971 and 1972. He ran for Speaker of the Illinois House, but didn't make it after a narrow battle.

HENRY was elected to the Congress in 1974, after originally planning to run as president of the Cook County Board until Congressman Harold Collier told HENRY that he was not going to run for Congress again. HYDE's first campaign for Congress was against the Cook County State's Attorney, Edward Hanrahan, and in that race HENRY won by a victory of 53 percent.

It was a big Democratic year in 1974, but what a leader the people of the Sixth Congressional District elected when they chose HENRY HYDE, not only as chairman of the International Relations Committee but also of the Judiciary Committee and someone who had a key role in expanding the fight for freedom and democracy in Central America.

I first worked closely with HENRY HYDE when I served in the United States State Department on behalf of the Central American Peace Process. It was HENRY HYDE, his intellect and his voice, that saw the growing danger in Central America. It was HENRY HYDE that helped lead this House on a bipartisan basis to back the democracy in El Salvador in its resistance against a communist-backed insurgency. It was HENRY HYDE that worked with the Assistant Secretary of State Bernard Aaronson to back elections in Nicaragua where for the first time a communist dictatorship was lulled into an election and then defeated by the people there. It was HENRY HYDE that really laid the groundwork in this House as a minority Member on behalf of a new pro-democracy strategy in Central America that ended all of those terrible wars in El Salvador and Nicaragua and in Guatemala, laying the groundwork for peace, the Central American Free Trade Agreement, and much greater prosperity and security.

Today, we, his colleagues, mark his service, since 1974 in this House of Representatives, as an intellectual leader.

I would now like to recognize Congressman RAY LAHOOD for his remarks on the service of HENRY HYDE to our country.

Mr. LAHOOD. Thank you, Congressman KIRK. I appreciate the fact that you were able to arrange the time for those of us here in the House that want to pay high honor to HENRY HYDE for his service to our country and to the people of Illinois and to the people of the world.

Certainly his service as chairman of the International Relations Committee has been service to not only Illinois and our great country but also to people all around the world, because he has become somebody who has been an advocate for those who have had little voice in their own countries and an advocate for those who have had little voice in their opportunities to share in the same kind of democracy that we have in this country.

Illinois has a rich heritage of sending to Washington, DC, distinguished Americans, not the least of whom certainly was Abraham Lincoln, who served in this House for one term; not the least of whom was Everett Dirksen, who served in this House for several terms and then went over to the other body; not the least of whom was my predecessor, Bob Michel. So I have had the privilege of coming from a State that has sent to Washington, DC, men of great honor, great integrity, men and women who have served the country so well. And HENRY will certainly go down in the annals of the history of Illinois, the history of our country, as being one of those men.

A distinguished career here in the House. A career that, unlike probably almost any other Member, he has been able to chair two very significant committees, the Judiciary Committee for 6 years and because of the term limits on our side, he had to give up that chairmanship, but he served with great distinction on that committee and handled one of the most contentious issues ever to come before the House of Representatives in the history of the House, and that was the impeachment of a President. And he did it with great integrity, great honesty, and in a way that I think distinguished him and distinguished the Judiciary Committee and distinguished the House of Representatives. As the chairman of the International Relations Committee, he has served the House very well and served the Members very well.

As he retires, tomorrow marks probably the last day for the 109th Congress and the last day for Mr. HYDE to have an opportunity to be a voting Member of this great deliberative body. I know that so many on both sides of the aisle have the highest regard and respect for his service here.

In addition to serving in both important committees, as Chair of important committees, Judiciary and International Relations, the one thing that I think Congressman HYDE will be remembered for certainly is being the loudest and the strongest voice for the unborn, for those who have not had a voice, for those who have not had the opportunity to have their voice heard. He has been the strongest advocate for what has been commonly referred to as the "Hyde amendment" that restricts Federal funding for abortions. And that issue is an issue that he will long be remembered for, along with many other issues, but one that I know he is very, very proud of. His service to those who have not had a voice but he has given them voice in this House of Representatives.

So as we say fond farewell to our friend from the northern part of Illinois, from the Sixth District of Illinois, we say God speed. We say job well done. We say what an honor it has been for those of us not only from Illinois but for the entire body to say that we have served with a giant, a giant in so many ways, a giant known as HENRY J. HYDE, the Congressman from the Sixth District, the former chairman of the Judiciary Committee, the current chairman of the Committee on International Relations, someone who has made a mark in the history of the House, made a mark in the history of politics in Illinois, and will long be remembered for his distinguished career.

Mr. KIRK. Madam Speaker, I would like to yield now to my colleague from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I would like to thank Congressman KIRK for helping arrange this and my colleagues who are making their way to the floor to honor a great friend and a great leader, someone who sometimes there are people here who you just don't feel you are worthy enough to speak in support of.

Chairman HYDE has been an ardent spokesman for what is good about America. He has been a believer in democracy, in freedom, and the rule of law. He has been an outspoken supporter of the right to life and protecting those who have no say in our society. And I guess as colleagues come to the floor on both sides of the aisle, I think they will agree with me that Chairman HYDE is an ideologue but has never allowed his ideology to get in the way of his ability to be honorable, respectful, thoughtful, open, and in such a way that he has earned great respect from this institution.

Many people have legacies that they leave throughout life in very different areas of careers. Chairman HYDE's legacy will be one of a conservative beliefs and one who put his heart and soul not only into his values and beliefs but into this institution. He cherishes it. He loves it. And it would be good for us, all Members, to remember the life that Chairman HYDE led in his chosen career, field, which is as a legislator at this level, and emulate that type of service. And I think we will be well served as a Nation to follow Chairman HYDE's lead.

I wish him the best, God's blessings on him, and thank him for his service to this great Nation.

Mr. KIRK. Madam Speaker, I would now like to yield to another admirer because HENRY had so, so many admirers on both sides of the aisle and one of them was our colleague from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to, first of all, thank my colleagues, Representatives KIRK and SHIMKUS from Illinois, for giving us the opportunity to take this moment to pay tribute and commend the life, the work, and I would even extend to the point of saying the legacy, of Chairman HENRY HYDE.

As a matter of fact, HENRY's district is next door to mine. His district is number six. Mine is number seven. And oftentimes I find myself in his community, in his neighborhood. And I sometimes go to an eating establishment, that is a restaurant, where he is a legend. And generally every time I go in there, someone is exploiting and extolling the virtues of HENRY HYDE, and they are talking about they remember the time when HENRY did this, HENRY did that. I agree with Representative SHIMKUS that although ideologically bent, HENRY has always been a gentleman and a scholar, a true gentleman and a pleasant person to work with. I am delighted to have served with him, wish him well, and know that we are still going to bump into each other occasionally in that great restaurant where he likes to eat.

Have a good time, HENRY. We look forward to seeing you.

Mr. KIRK. Madam Speaker, we have a number of admirers of HENRY HYDE. One who served with him longer than almost any other Member in the House of the Representatives is my colleague from California, Congressman LUNGREN.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the gentleman for yielding.

It is a privilege and a distinct pleasure to be able to say a few words about HENRY HYDE, someone I consider to be a friend but also who I consider to be part of the institution of the House of Representatives and in many ways a true hero.

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We count probably on one hand the number of inspirational people that we either have read about in history or have met in person. I count my father as one of my heroes. I count Abraham Lincoln as one of my heroes. I count Ronald Reagan as one of my heroes, and I count HENRY HYDE as one of my heroes. Of that group, there is only one with whom I was able to serve in the House of Representatives on the Judiciary Committee for 10 consecutive years, a number of those years sitting directly beside HENRY HYDE. He was not only an excellent practitioner of the art of politics, but he was a true scholar. If you have ever had the opportunity to sit with HENRY HYDE as he thinks about a response to a question, thinks about a response to an argument that has been made on the floor or the committee, you see a man in real thought, in deep thought.

If you have ever had the opportunity to be there when he then began his response, you were educated, you were edified, you were inspired by what he had to say. And you knew he took it seriously, but he never took himself too seriously. We could do no better in this House of Representatives as we embark on a new Congress in which the majority has shifted, and as we attempt to try and figure out how we treat one another, to think of the example of HENRY HYDE.

I can recall in the years when we were in the minority, HENRY HYDE oftentimes arguing in the well of the House with passion and compassion, with intellect, sometimes with a slight bit of humor, sometimes even sarcasm, but it was good-natured sarcasm. And as he ended, he would go to the other side of the well and seek out his opponent and oftentimes give him or her a playful punch in the arm and tell them a joke to alleviate the pressure. And that was HENRY HYDE, fighting for his principles, but always attempting to have a level of civility in this House that we desperately need.

HENRY HYDE was here a couple of years before I first came in 1979, and he was sitting on the floor of the House with another Member when a certain appropriation bill came through, and they thought, you know, we have been talking about doing something on the issue of the unborn, and maybe we ought to put pen to paper and write out an amendment. That was the birth of the Hyde amendment, not something that had been done by staff, as good as they are, and worked on for months or for years, but sitting here on the floor of the House, inspired by the debate that had gone on and thinking, you know, maybe I can make a difference by just writing out an amendment and sending it up to the Clerk and having it read, having it introduced and having it become an issue of prime importance on which Members can disagree here; but there is no doubt that it, in many ways, focused that debate in a very serious way, and it continues to this day.

I was with HENRY HYDE when he thought about the speech given by the Governor of New York, Mr. Cuomo, at my alma mater, Notre Dame, about the proper role of someone who has faith and seeks to be a politician and elected official. And Mario Cuomo's speech at Notre Dame was lauded by many across the Nation as the best exposition of one in public life attempting to try and make that proper balance between their private views and their public views. But HENRY was troubled by the overall approach that was utilized by Governor Cuomo, and he had the opportunity to respond about 2 months later when he spoke to the law school at the University of Notre Dame. He later put that speech in a small book and it was called "For Every Idle Silence." And it is a phrase that suggests that we will be held responsible, not only for every act that we do, but for every idle silence we do in the face of a moral dispute. If anybody has the occasion to go back and look at that speech, it is one of the most profound statements on how one can resolve in his or her own mind how you can be faithfully an American and faithful to your faith, all at the same time.

HENRY HYDE had that unique ability to bring the force of intellect, the power of faith, and unquenchable desire to make sure America stood tall, and a profound understanding of the Constitution that you rarely see combined in one individual. This place has been ennobled by the participation in the debate by HENRY HYDE. This place has been honored by HENRY HYDE's presence here. And while he leaves us as he retires, his spirit will not leave. His example will not be in vain. And those of us, as we look through troubled times, as we attempt to try and come up with a public policy to respond to the threat that some call the war on terror and I call the war on Islamofascism, as we attempt to try and figure out how do we garner the power of this Nation to respond to that threat and at the same time guarantee the protections of civil liberties that are enshrined in our Constitution, we could do no better than look to HENRY HYDE for inspiration.

And I know that as long as I serve in this body, my model for a Member of the House of Representatives will always be HENRY HYDE.

Mr. KIRK. Madam Speaker, HENRY HYDE was known as a strong Republican partisan, but he also had a number of bipartisan achievements, one of them in backing the assault weapons ban, also in supporting JESSE JACKSON, Jr. on his effort to build a third airport in Chicago at Piaton. And one of the men who have worked with HENRY HYDE and seen his legacy is my colleague from Illinois, Congressman LIPINSKI, and I yield to him.

Mr. LIPINSKI. Thank you, Congressman KIRK, for the opportunity to come today to speak about HENRY HYDE, who has been a great statesman, who has served his district from Illinois and the Nation in such a great manner for so many years. It is a great honor to rise to recognize his dedication as a public servant and as a skilled legislator, and a real pillar, especially in the foreign policy community.

Since 1975, Congressman HYDE has faithfully served his constituency in the Chicagoland area. And all Americans, now, on his retirement, we take this opportunity to thank HENRY for his outstanding contributions and influence on our country.

Before entering the U.S. House, Representative HYDE served in the Illinois General Assembly, beginning in 1966, which I note is the year that I was born. So I don't quite remember that, when HENRY first started serving the State legislature. But he rose in the State legislature to the position of majority leader, and he earned a reputation as an articulate debater.

When he was then elected to Congress, he brought his knowledge, his skills and his passion to the House to serve our country. In the House he has served on the Select Committee on Intelligence, he has chaired the Committee on the Judiciary, and currently chairs the Committee on International Relations.

Because of his work, his tenure and his record, the Chicago Tribune has called HYDE one of the most respected Members of Congress, and an eloquent and intellectual powerhouse.

Now, I remember back in 1983, my father had first been elected to the House. I remember coming here and how thrilled I was to have the opportunity to meet HENRY HYDE. He was so well known. Everyone knew what an articulate man he was and how much passion he had, how much knowledge he had; and he was a true statesman. And I really respected his position that he took in his fight against the Soviet Union in the Cold War. That is something I really respected. And because everybody, no matter where they stood on any issue, had so much respect for HENRY HYDE, it was a thrill back then to meet HENRY.

Now I have had the privilege of serving for 2 years with HENRY in the House; and I know I have heard, through my 2 years, stories from Members and their experiences with HENRY over the years. And I have talked with JIM OBERSTAR about the Hyde amendment and how JIM would talk with HENRY about this and how they worked together to bring forth the Hyde amendment.

HENRY is willing to work together to reach consensus and to reach important goals for our country. No matter what you thought about where he stood on issues, you listened to HENRY HYDE because you knew when he spoke he would be eloquent, he would have good arguments, and you should listen to him.

Now, I am very happy that I had this opportunity to serve with HENRY: He has served our Nation so well. He has served the State of Illinois so well, and I know that his legacy will certainly reflect his commitment to Illinois, to his district, and to our Nation. His insights, his passion, and his presence will deeply be missed.

He truly was also a man of faith, which he brought here and always used that; it was always important to what he did in the House. We wish HENRY all the best in his retirement. And we are all truly grateful for his service.

Mr. KIRK. Madam Speaker, I yield to the majority leader.

Mr. BOEHNER. Madam Speaker, the conference report I am filing is the conference report on the nuclear agreement, the India nuclear agreement which will be named after our esteemed colleague, HENRY HYDE, who is on the verge of his retirement.

When I came here some 16 years ago, I think one of the first meetings I had as a Member was with HENRY. And I went to HENRY because he was one of the most respected Members of the House. I thought I could learn something from him, and, as importantly, I wanted him to know who I was.

But over the years, I have learned an awful lot from HENRY HYDE. And I can remember vividly the spring of 1995 when the Republicans had taken control of the Congress for the first time in 40 years. We had pledged that we would move the Contract with America in the first 100 days of a Republican Congress. And I don't think any of us realized the amount of work that was involved in that contract, nor how much of it fell within the jurisdiction of the Judiciary Committee of which HENRY HYDE was the new chairman.

And Mr. HYDE, in his committee, worked tirelessly day and night for 93 days to produce their part of the Contract with America. And I remember sitting in leadership meetings where we were concerned about HENRY's health during that 93 days. And here it is, some almost 11 years later, HENRY is strong, still with us and still doing a great job and producing good work.

It was an honor for me to serve with HENRY HYDE, and I was proud that he supported me to be the majority leader. Thinking back some 16 years ago, I would have never looked at myself as a potential majority leader. I would have been looking towards HENRY. But he is a fine man and a great asset to this institution.

Mr. KIRK. Madam Speaker, I would like to recognize one of his subcommittee chairmen, Congressman ROYCE from California.

Mr. ROYCE. Madam Speaker, I am rising also to honor HENRY HYDE. As every Member of the House is aware, Mr. HYDE will be retiring from Congress after the end of this year after 32 years of service, not only to the people of the State of Illinois, but of service to the people of this country.

Chairman HYDE took over the Committee on International Relations when the 107th Congress began; and if we think back to that time, that was January of 2001. Most of us weren't thinking that foreign policy would soon be at the forefront of Congress's agenda.

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But, of course, not long after that, on September 11, our Nation was attacked, and our agenda changed. I know that my colleagues had added confidence knowing that HENRY HYDE would be leading the Committee on International Relations as we confront the terrorist threat. Their confidence proved to be well placed.

Chairman HYDE has said, you know, you want to be thought of well by the people you work with. You like to earn their respect. I would like that to be my legacy.

Well, Madam Speaker, that will be the legacy of Chairman HYDE. The gentleman from Illinois has earned the respect of his colleagues with his hard work, with his fairness, with his intellectual prowess and good-natured Irish wit.

Madam Speaker, it is often said that politics don't stop at the water's edge. Chairman HYDE has personified that adage. He is a leader for all of us. Other committees in the House, and indeed the Congress as a whole, would do well to take their cue from Chairman HENRY HYDE. The issues being dealt with in our committee, issues of war and peace, are just too important to succumb to partisan rancor.

Though he has been tried at times, HENRY HYDE understands that we are Americans more than we are Republicans and Democrats. He makes many of us a little prouder to serve in Congress.

Madam Speaker, the House would do well to consider carefully the chairman's words delivered earlier this year. I wish the chairman's speech, titled "Perils of the Golden Theory," had received greater attention than it did. It is profound and poignant, as is usual with HENRY HYDE.

Chairman HYDE provided a cautionary note. I am going to quote from him for that speech. "For some, the promotion of democracy promises an easy solution to the many difficult problems we face, a guiding light on a dimly seen horizon. But I believe the great caution is warranted here."

The chairman went on, "But we also have a duty to ourselves and to our own interests, the protection and advancement of which may sometimes necessitate actions focused on more tangible returns than those of altruism. Lashing our interests to the indiscriminate promotion of democracy is a tempting but unwarranted strategy, more a leap of faith than a sober calculation."

The chairman was reminding us that there is no single solution to solving the world's complex problems, and that we must challenge ourselves to better understand the world, to better understand its millenniums of recorded history and culture, if we are to navigate these very challenging times.

Chairman HYDE's message, I believe, was, yes, try to make the world a better place, but get there by dealing with the world as it is, not as we wish it was to be. It was a speech of a hopeful realist.

Madam Speaker, we should listen to men who have seen as much in their lifetime as Chairman HYDE. While times change, much has remained the same since the days that a young HENRY HYDE fought for his Nation in the Pacific theater, for human nature is immutable. But looking to Chairman HYDE for guidance, and I hope we will hear from him in the years to come, and should we look to him for guidance, I am sure our Nation will be more secure.

Mr. KIRK. I yield to the chairman of the Agriculture Committee, another HENRY HYDE aficionado, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding. It is a real honor to rise in tribute to a great American statesman, HENRY HYDE.

Madam Speaker, HENRY HYDE is somebody that I knew of by reputation before I arrived here at Congress in 1993. It has been one of the true privileges of my service here to get to know and work with this outstanding man. He is known throughout the world in diplomatic circles as a great ambassador for the United States, as chairman of the International Relations Committee.

I have had the opportunity to see him in action with Presidents and Prime Ministers, to see the kind of respect that he commands from world leaders because of his leadership of that committee and because of his great concern for the promotion of American interests around the world.

Those interests are very pure, interests of promoting democracy and opportunity, freedom and peace, for people in every corner of the globe. I have not had the privilege of serving on the International Relations Committee, but I have had the opportunity to serve for 14 years on the Judiciary Committee with HENRY HYDE. Not only is he a great statesman on the international stage, but he is clearly also a great statesman in promoting and protecting the Constitution of the United States, the people's Constitution, as he views it, and as he has protected it for many, many years in his service here in the Congress.

I have, as one of my prize possessions, a gavel that he used during the impeachment proceedings with regard to former President Clinton. The impeachment proceedings are not a happy or pleasant circumstance, and I don't prize the gavel because of the circumstances, but I prize it because it was used by HENRY HYDE with courage, with integrity and with forthrightness and handling, in a very diplomatic and very statesmanlike way, what was clearly the most challenging thing that he dealt with in his entire career.

He did it with great dignity. He did it correctly, he did it with great sacrifice as well, because he faced bitter, unfair, false attacks from many quarters for his facing up to that challenge, and I was proud to serve with him on that committee in that regard.

He is also known as a champion for life in America and around the world, and I think that may perhaps be his greatest legacy of all. Because to HENRY HYDE, life is not just about one issue, abortion or any other issue, it is about human dignity and about preserving and protecting and giving opportunity to each and every one of us. As a young and new Member of Congress, he took me and guided me through many challenges when we became the majority party.

As a member of the Judiciary Committee, a new member of the committee, he gave me opportunities to lead the management of legislation and amendments here on the floor of the House, and I will be forever indebted to HENRY HYDE for making my career in the Congress greater, and this institution a greater institution because of his dedication and service. Thank you.

Mr. KIRK. I thank the chairman. Pat Durante, who has worked for HENRY HYDE since 1974, said that Henry is now in the Guinness Book of World Records as having done the most number of parades of any sitting Member of Congress at that time.

To mark that service, I yield to my colleague from Illinois (Mr. MANZULLO), the chairman of the Small Business Committee.

Mr. MANZULLO. Madam Speaker, it was a scene reminiscent of the courtroom scene when Scout was asked by the pastor to stand up when her father was leaving the courtroom in To Kill a Mockingbird. When Atticus Finch got up to leave, the pastor turned to Scout and said, "Scout, your father is leaving the courtroom. Please stand." And everybody stood.

I was a freshman in 1993. HENRY HYDE, for some reason procedurally had been unable to offer his Hyde amendment. William Natcher from Kentucky, who was the chairman of the Appropriations Committee when there was tremendous opposition to Mr. HYDE getting the Hyde amendment through, and he needed unanimous consent to do that, Mr. Natcher stood up and said, Mr. Speaker, the gentleman from Illinois wishes to offer a unanimous consent motion with which I agree heartily. At that point Mr. Natcher was looking at everybody on the floor, and HENRY HYDE got up, and was allowed to offer that amendment, without objection.

It was indeed the scene from To Kill a Mockingbird, because were it not for the significance and importance and now the posterity that he will leave with this magnificent gentleman from Illinois, that unanimous consent never would have been honored by this body.

We don't have a lot of HENRY HYDEs around anymore. This place is less for that. But one thing we will always have as he leaves this body, being the distinguished gentleman from Illinois, is that spirit, that wit, that always gave rise to the fact that when in the midst of Members of Congress, somebody yelled out the name "Congressman," we all would turn and look at HENRY HYDE.

Mr. KIRK. I thank my colleague from Illinois.

Madam Speaker, I would just note that the conference report on the bill that we just filed, H.R. 5692, is called the HENRY J. HYDE United States-India Peaceful Atomic Energy Cooperation Act of 2006.

To mark that bipartisan spirit of HENRY's leadership on our foreign policy, that partisanship should end at the water's edge, I recognize my colleague, Congressman FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I do thank my good friend and colleague for giving me this opportunity, Madam Speaker. I had to literally run to the floor, only to find out that this important piece of legislation is a special tribute not only to our colleague, but certainly a special friend and a mentor, and what I consider as an institution, an institutional, outstanding leader in our Nation, about to retire.

Madam Speaker, in this conference report I want to express my support of the U.S.-India Nuclear Cooperation Act of 2006, and I commend the chairman, the gentleman from Illinois (Mr. HYDE) and the ranking member, Mr. LANTOS, of the International Relations Committee, Senator RICHARD LUGAR and Senator JOSEPH BIDEN, chairman and ranking minority member of the Committee on Foreign Relations in the Senate, for moving this legislation forward.

With my time remaining, I wish I had more time, I cannot help but to say that we are going to miss one of the most outstanding leaders that we have had in our Nation, and I want to pay that special tribute to my good friend, and he is like a father to most of us, the gentleman from Illinois (Mr. HYDE), whom I am going to miss very much.

Madam Speaker, I rise in support of the U.S. and India Nuclear Cooperation Promotion Act of 2006 and I commend Chairman HENRY HYDE and Ranking Member TOM LANTOS of the House International Relations Committee, and Senators RICHARD LUGAR and JOSEPH BIDEN, Chairman and ranking member of the Senate Committee on Foreign Relations, for their leadership in moving this legislation forward.

While some of our critics may argue that India has not signed the Nuclear Non-Proliferation Treaty (NPS), I submit that had it not been for our country's indifference, or benign neglect, if you will, India may have been a member of the nuclear club years ago and our discussion about the NPT would be a moot point. To be specific, India had a civilian nuclear program in place prior to the NPT being opened for signature in 1968 and, at the time, India was only months away from possessing nuclear weapons. But, in 1967, the U.S. joined with the Soviet Union in crafting a nuclear nonproliferation treaty which to this day states that only the United States, Russia, the United Kingdom, China, and France are permitted to own nuclear weapons because only these five nations possessed nuclear weapons at the time the treaty was open for signature.

Again, India had a civilian nuclear program in place and was only months away from possessing nuclear weapons prior to the NPT being opened for signature in 1968. But U.S. policy toward India precluded India from becoming a member of the exclusive nuclear club and this is why I agree with India's position that the NPT is, and has always been, flawed and discriminatory.

In fact, history speaks for itself. In 1962, when China attacked India, the U.S. responded by saying it might protect India against a future attack. But when China exploded its first nuclear bomb in 1964, the U.S. welcomed China as a member of the nuclear club and we also supported China's bid to become a permanent member of the United Nations Security Council.

In 1965, when Pakistan attacked India, the U.S. remained neutral while China outspokenly supported Pakistan. Concerned for its own security and having little reason to rely on the U.S., India announced in 1966 that it would produce nuclear weapons and it is little wonder that India exploded its first nuclear device in 1974. Recent U.S. State Department declassified documents on U.S. foreign policy show that India had little choice given the hostile attitude assumed by the United States towards India during the Nixon/Kissinger years.

As we all can agree, India then and India today lives in one of the world's toughest regions and it is somewhat Eurocentric for the U.S. to treat India as if it is beholden to us for the safety, protection and well-being of her people. It is no grand gesture on our part that we now offer India civil nuclear cooperation. Instead, U.S.-India civil nuclear cooperation is long overdue and, quite frankly, the deal is as good for us as it is for India.

Madam Speaker, I commend President Bush and Prime Minister Singh for bringing this initiative to the table. I also applaud the efforts of Under Secretary of State Nicholas Burns who is the unsung hero of U.S.-India civil nuclear cooperation. As the lead negotiator for this agreement, he has represented this nation's interest with unprecedented distinction and I am honored to have worked with him during these critical months leading up to today's historic vote.

I also want to thank Mr. Sanjay Puri who worked in cooperation with Under Secretary Burns and Members of the House and Senate to bolster support for this agreement since the day it was first announced. I commend him for being a part of today's victory and I urge my colleagues to vote in favor of the conference report.

Mr. KIRK. I yield to my colleague, HENRY HYDE, a neighbor and colleague representing DuPage County, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Illinois for yielding.

I rise to honor my colleague and friend, Congressman HENRY HYDE. I am in the district next to Mr. HYDE. But as a freshman I used to say, try and get press when your district is sandwiched in between HENRY HYDE and the Speaker.

I think the one thing that I just will miss on the House floor about HENRY is his jokes. Whenever you are feeling blue, whenever you just needed a pick-me-up, there was HENRY sitting on the aisle and then over here. I just would go up, and he would give the joke of his day, which always made you feel really good.

He is always gracious and always ready to give credit to his colleagues. One time he used a joke that I used to open speeches with. He would always give me credit. He would say, "as JUDY BIGGERT says," and then go on with the joke.

I think that the House needs more HENRY HYDEs. Probably Congress hasn't been so well thought of these days, and lately by the public. Our image seems to be a little bit tarnished. But I think HENRY HYDE has always stood out in this body as a statesman. I can remember coming here as a freshman and going to our Republican Conference.

When he would come in the room, people would stand and clap. He just walked into the room, and he has always just stood out like that. I think the one thing that we could all really want to do is to follow him as far as the statesmanship and not just what people think of us politicians. So we are going to miss him, but I think the institution has become a better place because HENRY HYDE has been here, and we will miss him.

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Mr. KIRK. Madam Speaker, I yield to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and also a next-door neighbor of HENRY HYDE in his service.

Mr. HASTERT. Madam Speaker, I thank the gentleman for taking this time and recognizing certainly one of the greatest modern statesmen that this House has had the honor of having as one of its Members.

HENRY HYDE is a person who I have got to know in cutting my teeth in politics. As a young teacher who decided to take a run for the State legislature after about 16 years of teaching, I was, to say, a little wet behind the ears. I was a novice. Part of this district that I had was DuPage County, which is the land of great Republicans and was outside of my home county, but, nonetheless, I had to represent part of it.

Every time that I would go on the dais or the podium, usually late in the program, I would follow HENRY HYDE. HENRY HYDE, of course, was this great, well-known statesman, the person who came to Congress in 1972, that fought the fights, that was the leader, that carried the banner of conservative Republicanism, and I was the schoolteacher who was just cutting my teeth.

I got to learn a little bit from HENRY HYDE. I learned that if you wanted to keep people's attention, you had to have a little bit of humor, you had to keep to the point, you had to be loquacious. Well, I never quite learned to be loquacious, but, anyway, HENRY had that quality, and he still does.

One of the greatest speeches that I heard just recently was a speech honoring HENRY HYDE in the City of Chicago. Of course, there were a great multitude of supporters and people who have worked with HENRY over the years present. HENRY HYDE took the mike and for about 25 minutes laid out a wonderful litany of ideas, of challenges, of experience that this man has had in politics, from the State of Illinois, from the State legislature, then on to Congress and then went on to be a national leader and a national spokesman.

I think our Members from Illinois have learned that this great gentleman is not only a great leader, he is certainly a great spokesman, but he is a friend, somebody that you can sit down and share your concerns with or ask opinions or get a little lesson. HENRY is that kind of man.

I am very honored, because HENRY HYDE will now be a resident of my district. He is going to find a house down along the shores of the Fox River in northern Illinois, and I will be honored to have him as one of my constituents.

So to HENRY, God love you. We love you. You have been a great leader. You have been a person who we are certainly honored to have served with and a person who we will hold very, very closely to our hearts for years to come.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. COBLE) may proceed for 5 minutes without prejudice to resumption of business.

There was no objection.

Mr. COBLE. Madam Speaker, 5 months ago a constituent came to me back home and said, Oh, HOWARD, who is the most eloquent Member of the Congress? Without hesitation, I replied, HENRY HYDE.

She then asked, Well, who is the most eloquent Member of the Senate? I said. Oh, when I answered you, I was including the Senate. HENRY HYDE is the most eloquent Member of the entire Congress.

I told HENRY that story on the floor this week, and he said, HOWARD, that is why I am going to miss you.

HENRY HYDE appointed me to Chair the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property, which I did for 6 years, for three terms. During that time, the ranking Democrat was the distinguished gentleman from California, Mr. HOWARD BERMAN, and as far as I can recall, Madam Speaker, neither HOWARD BERMAN nor I ever had a cross word with HENRY HYDE, nor did he have a cross word with Mr. BERMAN or me. I will always remember that, and I thank HENRY for having named me to chair that subcommittee.

Madam Speaker, I asked him on the floor this week what his plans were. HENRY replied, I plan to have C-SPAN nearby. Well, he may have C-SPAN, but C-SPAN will never be the same, Madam Speaker and colleagues, without the presence of HENRY HYDE, the distinguished gentleman from Illinois.

Mr. SMITH of New Jersey. Madam Speaker, the House just isn't going to be the same without HENRY HYDE—one of the rarest, most accomplished and most distinguished Members of Congress ever to serve.

HENRY HYDE is a class act. He is a man of deep and abiding faith, he is generous to a fault and he has an incisive mind that works seamlessly with his incredible sense of humor. He is a man who inspires and challenges us to look beyond surface appeal arguments. He is a speaker of truth in a society that all too often is willing to accept cheap sophism, the plausible and the fraudulent. And HENRY HYDE compels us to take seriously the admonitions of Holy Scripture to care for the downtrodden, the vulnerable and the least of our brethren.

The Almanac of American Politics has written that HENRY HYDE is "one of the most respected and intellectually honest members of the House" and "has proven himself as one of the most eloquent members of the House" and that his "speeches are classics."

In abortion debates HENRY HYDE remains the great defender of children and their moms, the champion of the most fundamental of all human rights—the right to life. Because of the Hyde amendment countless young children and adults walk on this earth today and have an opportunity to prosper because they were spared destruction when they were most at risk. With malice towards none, HENRY HYDE often took to this microphone to politely ask us to show compassion and respect—even love—for the innocent and inconvenient baby about to be annihilated. In one speech here on this floor he stated, "for over two centuries of our national history, we have struggled to create a society of inclusion—we keep widening the circle of those for whom we are responsible—the aged, the infirm, the poor. Slaves were freed, women were enfranchised, civil rights and voting rights acts were passed, our public spaces made accessible to the handicapped, Social Security for the elderly—all in the name of widening the circle of inclusion and protection. This great trajectory in our national history has been shattered by Roe v. Wade and its progeny. By denying an entire class of human beings the welcome and protection of our laws, we have betrayed the best in our tradition. We have also put at risk every life which someday someone might find inconvenient. What I ask here today, "welcome the little stranger."

In another speech on U.S. foreign policy in the 21st century given in Committee back in 2001, HENRY eloquently summed up the challenges and I quote in part "As a new century opens, the United States finds itself at a unique moment, not only in its own history, but in that of the world as well. We stand at the pinnacle of power: in virtually every area—military, economic, technological, cultural, political—we enjoy a primacy that is unprecedented and virtually unchallenged. Our potential at times seems unlimited, to some perhaps even permanent. . . . But as pleasant as these thoughts may be, I confess that I also see much that concerns me. . . . The concern I speak of is the longer-term, specifically how well we will use the enormous power we currently possess to secure the future for our country and the generations to come. The wealth of opportunities we currently possess are not permanent; the luxury of choice may be a passing one. To believe that we shall always be above the fray, untouched and untouchable by the forces of destruction still at work in this world, is a dangerous illusion. . . . The principal problem, the one that concerns me the most, is that we have no long-term strategy, no practical plan for shaping the future. . . . Despite our power, we must resist the temptation of believing we can fix every problem, indulge in every wish. Part of our strategy must be to decide what we cannot do, what we choose not to do, and to ensure that others take up their responsibilities. . . . So even as we revel in our good fortune, my great hope is that we will use this gift of time to plan for the future, unhurried, uncoerced, but mindful of the task at hand, aware that our opportunity to do so is a mortal one. The choice is clear: We can either shape the future or have it shape us. A century ago, Britain stood majestically at the height of her power. Within 40 years, the knife was at her throat, and she survived only because the United States was there to rescue her. But, Mr. Secretary, as you are well aware, there is no one to rescue us. That is why we must think long and hard about how we can use the opportunities that Providence and the labors of two centuries have provided us to so shape the world that the need for rescue never occurs."

A Congressman for 32 years, a Chairman for 6 years of the Judiciary Committee and for another 6 years Chairman of the International Relations Committee, HENRY has been a prodigious lawmaker. With uncanny skill, determination and grace, he has crafted numerous, historic bipartisan laws and common sense policies that have lifted people out of poverty, helped alleviate disease, strengthened the U.S. Code to protect victims and get the criminals off the streets and has been magnificent in his defense of democracy and freedom both here and overseas.

One of his many legislative accomplishments includes his authorship of the President's Emergency Plan For AIDS Relief (PEPFAR), a 5-year $15 billion plan to combat HIV/AIDS, tuberculosis, and malaria. During the debate Chairman HYDE was positively incisive as he compared the HIV/AIDS crisis to the Bubonic plague of the 14th century—the black death—and challenged us to enact a comprehensive program, which we did, to rescue the sick, assist the dying and prevent the contagion from spreading.

Having served with this brilliant one-of-a-kind lawmaker for my 26 years here, I hope HENRY HYDE knows that I—and so many others—will truly miss him. He is as irreplaceable as irreplaceable can get.

Mr. BUYER. Madam. Speaker. I rise to salute one of the greatest Members of this body, HENRY HYDE.

Congressman HYDE has a distinguished career in public service, beginning with his service in the Navy during World War II. Following service in the Illinois General Assembly, Mr. HYDE won election to the House of Representatives in 1974, admittedly a tough year for Republicans.

It was not long before HENRY's leadership and steadfastness to principle became apparent to this House. HENRY has been a stalwart defender of the rights of the unborn, and has pushed the Congress to see clearly the impact of its decisions on the defenseless.

I have been honored to serve with HENRY while he was Chairman of the Judiciary Committee, enduring long markups to move the Contract with America legislation, equipping our law enforcement with the tools to fight terrorism, and combating the scourge of drugs in our society.

His amiable personality hides an individual who doesn't shy from a fight, especially for upholding the Constitution, the rule of law, and other interests of the United States.

He is a true giant in this House. His presence next Congress will be missed and I am honored to call him friend.

Mrs. SCHMIDT. Madam Speaker, I rise today to honor the 32 years of service from the distinguished gentleman from Illinois, my friend and colleague, Chairman HENRY J. HYDE. I am humbled to say that I have served the American people alongside a truly great American.

Though I have only served for a little over a year with him, I have grown to admire him for his unwavering commitment to protecting innocent life. Mr. HYDE has fought vigorously to protect those who cannot protect themselves most notably with the Hyde Amendment in 1976. Before taking office, I was President of Right to Life of Greater Cincinnati and admired his leadership and guided wisdom.

I would like to express my sincere appreciation for his commitment to principle rather than expediency. He stood up for American values and during the Cold War, worked to ensure that America remain that shining city on a hill. I am honored and proud to say that I am his colleague.

The gentleman and his leadership and wisdom will be missed. This institution has certainly been blessed by his service. Mr. Chairman, congratulations on your retirement and congratulations to you and your new bride.

GENERAL LEAVE

Mr. KIRK. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the matter of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. BOEHNER (during the Special Order of Mr. KIRK) submitted the following conference report and statement on the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India:

CONFERENCE REPORT (H. REPT. 109–721)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5682), to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE I—UNITED STATES AND INDIA NUCLEAR COOPERATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006".

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) sustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly its verification and compliance, is the keystone of United States nonproliferation policy;

(3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;

(4) countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation, because those countries have not undertaken the NPT obligation to prohibit the spread of nuclear weapons capabilities;

(5) it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not States Party to the NPT are responsible in the disposition of any nuclear technology they develop;

(6) it is in the interest of the United States to enter into an agreement for nuclear cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) with a country that has never been a State Party to the NPT if—

(A) the country has demonstrated responsible behavior with respect to the nonproliferation of technology related to nuclear weapons and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States on key foreign policy initiatives related to nonproliferation;

(C) such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapons program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons;

(7) the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan;

(8) strong bilateral relations with India are in the national interest of the United States;

(9) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(10) commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries;

(11) such commerce also represents a significant change in United States policy regarding commerce with countries that are not States Party to the NPT, which remains the foundation of the international nonproliferation regime;

(12) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group (NSG); and

(13) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

SEC. 103. STATEMENTS OF POLICY.

(a) IN GENERAL.—The following shall be the policies of the United States:.

(1) Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT.

(2) Encourage States Party to the NPT to interpret the right to "develop research, production and use of nuclear energy for peaceful purposes", as set forth in Article IV of the NPT, as being a right that applies only to the extent that it is consistent with the object and purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capabilities, including by refraining from all nuclear cooperation with any State Party that the International Atomic Energy Agency (IAEA) determines is not in full compliance with its NPT obligations, including its safeguards obligations.

(3) Act in a manner fully consistent with the Guidelines for Nuclear Transfers and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology developed by the NSG, and decisions related to the those guidelines, and the rules and practices regarding NSG decision-making.

(4) Strengthen the NSG guidelines and decisions concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved.

(5) Given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, work with members of the NSG, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India.

(6) Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law.

(b) WITH RESPECT TO SOUTH ASIA.—The following shall be the policies of the United States with respect to South Asia:

(1) Achieve, at the earliest possible date, a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China.

(2) Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties.

(3) Secure India's—

(A) full participation in the Proliferation Security Initiative;

(B) formal commitment to the Statement of Interdiction Principles of such Initiative;

(C) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Control Lists of the Wassenaar Arrangement;

(D) demonstration of satisfactory progress toward implementing the decision described in subparagraph (C); and

(E) ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) Secure India's full and active participation in United States efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction.

(5) Seek to halt the increase of nuclear weapon arsenals in South Asia and to promote their reduction and eventual elimination.

(6) Ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to the Congressional review procedures required under section 131 f. of the Atomic Energy Act of 1954 (42 U.S.C. 2160 (f)).

(7) Pending implementation of the multilateral moratorium described in paragraph (1) or the treaty described in paragraph (2), encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities.

(8) Ensure that any safeguards agreement or Additional Protocol to which India is a party

with the IAEA can reliably safeguard any export or reexport to India of any nuclear materials and equipment.

(9) Ensure that the text and implementation of any agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) meet the requirements set forth in subsections a.(1) and a.(3) through a.(9) of such section.

(10) Any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

SEC. 104. WAIVER AUTHORITY AND CONGRESSIONAL APPROVAL.

(a) IN GENERAL.—If the President makes the determination described in subsection (b), the President may—

(1) exempt a proposed agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection a.(2) of such section;

(2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with respect to exports to India; and

(3) waive with respect to India the application of—

(A) section 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of such Act (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

(b) DETERMINATION BY THE PRESIDENT.—The determination referred to in subsection (a) is a determination by the President that the following actions have occurred:

(1) India has provided the United States and the IAEA with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA.

(2) India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities.

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program.

(4) India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices.

(5) India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants.

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through—

(A) the enactment and effective enforcement of comprehensive export control legislation and regulations;

(B) harmonization of its export control laws, regulations, policies, and practices with the guidelines and practices of the Missile Technology Control Regime (MTCR) and the NSG; and

(C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence.

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees the determination made pursuant to subsection (b), together with a report detailing the basis for the determination.

(2) INFORMATION TO BE INCLUDED.—To the fullest extent available to the United States, the report referred to in paragraph (1) shall include the following information:

(A) A summary of the plan provided by India to the United States and the IAEA to separate India's civil and military nuclear facilities, materials, and programs, and the declaration made by India to the IAEA identifying India's civil facilities to be placed under IAEA safeguards, including an analysis of the credibility of such plan and declaration, together with copies of the plan and declaration.

(B) A summary of the agreement that has been entered into between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities as declared in the plan described in subparagraph (A), together with a copy of the agreement, and a description of the progress toward its full implementation.

(C) A summary of the progress made toward conclusion and implementation of an Additional Protocol between India and the IAEA, including a description of the scope of such Additional Protocol.

(D) A description of the steps that India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps that the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty.

(E) A description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire a nuclear weapons capability, as well as the support that India is providing to the United States to further United States objectives to restrict the spread of such technology.

(F) A description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization with and adherence to MTCR, NSG, Australia Group, and Wassenaar Arrangement guidelines, compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative.

(G) A description and assessment of the specific measures that India has taken to fully and actively participate in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver weapons of mass destruction.

(H) A description of the decision of the NSG relating to nuclear cooperation with India, including whether nuclear cooperation by the United States under an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is consistent with the decision, practices, and policies of the NSG.

(I) A description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the agreement for nuclear cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology.

(J) A description of the steps taken to ensure that proposed United States civil nuclear cooperation with India will not in any way assist India's nuclear weapons program.

(d) RESTRICTIONS ON NUCLEAR TRANSFERS.—

(1) IN GENERAL.—Pursuant to the obligations of the United States under Article I of the NPT, nothing in this title constitutes authority to carry out any civil nuclear cooperation between the United States and a country that is not a nuclear-weapon State Party to the NPT that would in any way assist, encourage, or induce that country to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

(2) NSG TRANSFER GUIDELINES.—Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, no item subject to such agreement or subject to the transfer guidelines of the NSG, or to NSG decisions related thereto, may be transferred to India if such transfer would be inconsistent with the transfer guidelines of the NSG in effect on the date of the transfer.

(3) TERMINATION OF NUCLEAR TRANSFERS TO INDIA.—

(A) IN GENERAL.—Notwithstanding the entry into force of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and pursuant to this title, and except as provided under subparagraph (B), exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if there is any materially significant transfer by an Indian person of—

(i) nuclear or nuclear-related material, equipment, or technology that is not consistent with NSG guidelines or decisions, or

(ii) ballistic missiles or missile-related equipment or technology that is not consistent with MTCR guidelines,

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

(B) EXCEPTION.—The President may choose not to terminate exports of nuclear and nuclear-related material, equipment, and technology to India under subparagraph (A) if—

(i) the transfer covered under such subparagraph was made without the knowledge of the Government of India;

(ii) at the time of the transfer, either the Government of India did not own, control, or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without the knowledge of any entity described in subparagraph (B) or (C) of section 110(5); and

(iii) the President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer.

(4) EXPORTS, REEXPORTS, TRANSFERS, AND RETRANSFERS TO INDIA RELATED TO ENRICHMENT, REPROCESSING, AND HEAVY WATER PRODUCTION.—

(A) IN GENERAL.—

(i) NUCLEAR REGULATORY COMMISSION.—The Nuclear Regulatory Commission may only issue licenses for the export or reexport to India of any equipment, components, or materials related to the enrichment of uranium, the reprocessing

of spent nuclear fuel, or the production of heavy water if the requirements of subparagraph (B) are met.

(ii) SECRETARY OF ENERGY.—The Secretary of Energy may only issue authorizations for the transfer or retransfer to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water (including under the terms of a subsequent arrangement under section 131 of the Atomic Energy Act of 1954 (42 U.S.C. 2160)) if the requirements of subparagraph (B) are met.

(B) REQUIREMENTS FOR APPROVALS.—Exports, reexports, transfers, and retransfers referred to in subparagraph (A) may only be approved if—

(i) the end user—

(I) is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities; or

(II) is a facility participating in, and the export, reexport, transfer, or retransfer is associated with, a bilateral or multinational program to develop a proliferation-resistant fuel cycle;

(ii) appropriate measures are in place at any facility referred to in clause (i) to ensure that no sensitive nuclear technology, as defined in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(5)), will be diverted to any person, site, facility, location, or program not under IAEA safeguards; and

(iii) the President determines that the export, reexport, transfer, or retransfer will not assist in the manufacture or acquisition of nuclear explosive devices or the production of fissile material for military purposes.

(5) NUCLEAR EXPORT ACCOUNTABILITY PROGRAM.—

(A) IN GENERAL.—The President shall ensure that all appropriate measures are taken to maintain accountability with respect to nuclear materials, equipment, and technology sold, leased, exported, or reexported to India so as to ensure—

(i) full implementation of the protections required under section 123 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2153 (a)(1)); and

(ii) United States compliance with Article I of the NPT.

(B) MEASURES.—The measures taken pursuant to subparagraph (A) shall include the following:

(i) Obtaining and implementing assurances and conditions pursuant to the export licensing authorities of the Nuclear Regulatory Commission and the Department of Commerce and the authorizing authorities of the Department of Energy, including, as appropriate, conditions regarding end-use monitoring.

(ii) A detailed system of reporting and accounting for technology transfers, including any retransfers in India, authorized by the Department of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)). Such system shall be capable of providing assurances that—

(I) the identified recipients of the nuclear technology are authorized to receive the nuclear technology;

(II) the nuclear technology identified for transfer will be used only for peaceful safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and

(III) the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

(iii) In the event the IAEA is unable to implement safeguards as required by an agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), appropriate assurance that arrangements will be put in place expeditiously that are consistent with the requirements of section 123 a.(1) of such Act (42 U.S.C. 2153(a)(1)) regarding the maintenance of safeguards as set forth in the agreement regardless of whether the agreement is terminated or suspended for any reason.

(C) IMPLEMENTATION.—The measures described in subparagraph (B) shall be implemented to provide reasonable assurances that the recipient is complying with the relevant requirements, terms, and conditions of any licenses issued by the United States regarding such exports, including those relating to the use, retransfer, safe handling, secure transit, and storage of such exports.

(e) JOINT RESOLUTION OF APPROVAL REQUIREMENT.—Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) is amended in the second proviso by inserting after "that subsection" the following: ", or an agreement exempted pursuant to section 104(a)(1) of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006,".

(f) SUNSET.—The authority provided under subsection (a)(1) to exempt an agreement shall terminate upon the enactment of a joint resolution under section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)) approving such an agreement.

(g) REPORTING TO CONGRESS.—

(1) INFORMATION ON NUCLEAR ACTIVITIES OF INDIA.—The President shall keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India, including—

(A) any material noncompliance on the part of the Government of India, with—

(i) the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, between the President of the United States and the Prime Minister of India;

(ii) the separation plan presented in the national parliament of India on March 7, 2006, and in greater detail on May 11, 2006;

(iii) a safeguards agreement between the Government of India and the IAEA;

(iv) an Additional Protocol between the Government of India and the IAEA;

(v) an agreement for cooperation between the Government of India and the United States Government arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or any subsequent arrangement under section 131 of such Act (42 U.S.C. 2160);

(vi) the terms and conditions of any approved licenses regarding the export or reexport of nuclear material or dual-use material, equipment, or technology; and

(vii) United States laws and regulations regarding such licenses;

(B) the construction of a nuclear facility in India after the date of the enactment of this title;

(C) significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced; and

(D) changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

(2) IMPLEMENTATION AND COMPLIANCE REPORT.—Not later than 180 days after the date on which an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) enters into force, and annually thereafter, the President shall submit to the appropriate congressional committees a report including—

(A) a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards;

(B) a comprehensive listing of—

(i) all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations;

(ii) any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear nonproliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulation,.or any successor regulation;

(iii) any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and

(iv) with respect to each such license or other form of authorization described in clauses (i), (ii), and (iii)—

(I) the number or other identifying information of each license or authorization;

(II) the name or names of the authorized end user or end users;

(III) the name of the site, facility, or location in India to which the export or reexport was made;

(IV) the terms and conditions included on such licenses and authorizations;

(V) any post-shipment verification procedures that will be applied to such exports or reexports; and

(VI) the term of validity of each such license or authorization;

(C) a description of any significant nuclear commerce between India and other countries, including any such trade that—

(i) is not consistent with applicable guidelines or decisions of the NSG; or

(ii) would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin;

(D) either—

(i) an assessment that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced in clauses (i) through (vi) of paragraph (1)(A); or

(ii) an identification and analysis of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including—

(I) the measures the United States Government has taken to remedy or otherwise respond to such compliance issues;

(II) the responses of the Government of India to such measures;

(III) the measures the United States Government plans to take to this end in the coming year; and

(IV) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India remains in the national security interest of the United States;

(E)(i) an assessment of whether India is fully and actively participating in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability (including the capability to enrich uranium or reprocess nuclear fuel), and the means to deliver weapons of mass destruction, including a description of the specific measures that India has taken in this regard; and

(ii) if India is not assessed to be fully and actively participating in such efforts, a description of—

(I) the measures the United States Government has taken to secure India's full and active participation in such efforts;

(II) the responses of the Government of India to such measures; and

(III) the measures the United States Government plans to take in the coming year to secure India's full and active participation;

(F) an analysis of whether United States civil nuclear cooperation with India is in any way assisting India's nuclear weapons program, including through—

(i) the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex;

(ii) the replication and subsequent use of any United States technology by India in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and

(iii) the provision of nuclear fuel in such a manner as to facilitate the increased production by India of highly enriched uranium or plutonium in unsafeguarded nuclear facilities;

(G) a detailed description of—

(i) United States efforts to promote national or regional progress by India and Pakistan in disclosing, securing, limiting, and reducing their fissile material stockpiles, including stockpiles for military purposes, pending creation of a worldwide fissile material cut-off regime, including the institution of a Fissile Material Cut-off Treaty;

(ii) the responses of India and Pakistan to such efforts; and

(iii) assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the objectives in clause (i), consistent with its obligations under international law and existing agreements;

(H) an estimate of—

(i) the amount of uranium mined and milled in India during the previous year;

(ii) the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices; and

(iii) the rate of production in India of—

(I) fissile material for nuclear explosive devices; and

(II) nuclear explosive devices;

(I) an estimate of the amount of electricity India's nuclear reactors produced for civil purposes during the previous year and the proportion of such production that can be attributed to India's declared civil reactors;

(J) an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices;

(K) a detailed description of efforts and progress made toward the achievement of India's—

(i) full participation in the Proliferation Security Initiative;

(ii) formal commitment to the Statement of Interdiction Principles of such Initiative;

(iii) public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and

(iv) effective implementation of the decision described in clause (iii); and

(L) the disposal during the previous year of spent nuclear fuel from India's civilian nuclear program, and any plans or activities relating to future disposal of such spent nuclear fuel.

(3) SUBMITTAL WITH OTHER ANNUAL REPORTS.—

(A) REPORT ON PROLIFERATION PREVENTION.—Each annual report submitted under paragraph (2) after the initial report may be submitted together with the annual report on proliferation prevention required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281(a)).

(B) REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.—The information required to be submitted under paragraph (2)(F) after the initial report may be submitted together with the annual report on progress toward regional nonproliferation required under section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)).

(4) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may contain a classified annex.

SEC. 105. UNITED STATES COMPLIANCE WITH ITS NUCLEAR NONPROLIFERATION TREATY OBLIGATIONS.

Nothing in this title constitutes authority for any action in violation of an obligation of the United States under the NPT.

SEC. 106. INOPERABILITY OF DETERMINATION AND WAIVERS.

A determination and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this title.

SEC. 107. MTCR ADHERENT STATUS.

Congress finds that India is not an MTCR adherent for the purposes of section 73 of the Arms Export Control Act (22 U.S.C. 2797b).

SEC. 108. TECHNICAL AMENDMENT.

Section 1112(c)(4) of the Arms Control and Nonproliferation Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 10609113 and contained in appendix G of that Act; 113 Stat. 150109486)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the reports required under section 104 of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 as relates to verification or compliance matters; and".

SEC. 109. UNITED STATES-INDIA SCIENTIFIC COOPERATIVE NUCLEAR NONPROLIFERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, is authorized to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards (in this section referred to as "the program").

(b) CONSULTATION.—The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

(c) NATIONAL ACADEMIES RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

(2) RECOMMENDATIONS.—The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

(3) PUBLIC AVAILABILITY.—The recommendations and assessments prepared under this subsection shall be made publicly available.

(d) CONSISTENCY WITH NUCLEAR NON-PROLIFERATION TREATY.—All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

SEC. 110. DEFINITIONS.

In this title:

(1) The term "Additional Protocol" means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term "dual-use material, equipment, or technology" means material, equipment, or technology that may be used in nuclear or nonnuclear applications.

(4) The term "IAEA safeguards" has the meaning given the term in section 830(3) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(3)).

(5) The term "Indian person" means—

(A) a natural person that is a citizen of India or is subject to the jurisdiction of the Government of India;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of India or has its principal place of business in India; and

(C) any Indian governmental entity, including any governmental entity operating as a business enterprise.

(6) The terms "Missile Technology Control Regime", "MTCR", and "MTCR adherent" have the meanings given the terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(7) The term "nuclear materials and equipment" means source material, special nuclear material, production and utilization facilities and any components thereof, and any other items or materials that are determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)).

(8) The terms "Nuclear Non-Proliferation Treaty" and "NPT" mean the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(9) The terms "Nuclear Suppliers Group" and "NSG" refer to a group, which met initially in 1975 and has met at least annually since 1992, of Participating Governments that have promulgated and agreed to adhere to Guidelines for Nuclear Transfers (currently IAEA INFCIRC/254/Rev.8/Part 1) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology (currently IAEA INFCIRC/254/Rev.7/Part 2).

(10) The terms "nuclear weapon" and "nuclear explosive device" mean any device designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one point of trinitrotoluene (TNT).

(11) The term "process" includes the term "reprocess".

(12) The terms "reprocessing" and "reprocess" refer to the separation of irradiated nuclear materials and fission products from spent nuclear fuel.

(13) The term "sensitive nuclear technology" means any information, including information incorporated in a production or utilization facility or important component part thereof, that is

not available to the public and which is important to the design, construction, fabrication, operation, or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water.

(14) The term "source material" has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(15) The term "special nuclear material" has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

(16) The term "unsafeguarded nuclear fuel-cycle activity" means research on, or development, design, manufacture, construction, operation, or maintenance of—

(A) any existing or future reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation with respect to which there is no obligation to accept IAEA safeguards at the relevant reactor, facility, plant, or installation that contains source or special fissionable material; or

(B) any existing or future heavy water production plant with respect to which there is no obligation to accept IAEA safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

SEC. 201. SHORT TITLE.

This title may be cited as the "United States Additional Protocol Implementation Act".

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) The proliferation of nuclear weapons and other nuclear explosive devices poses a grave threat to the national security of the United States and its vital national interests.

(2) The Nuclear Non-Proliferation Treaty has proven critical to limiting such proliferation.

(3) For the Nuclear Non-Proliferation Treaty to be effective, each of the non-nuclear-weapon State Parties must conclude a comprehensive safeguards agreement with the IAEA, and such agreements must be honored and enforced.

(4) Recent events emphasize the urgency of strengthening the effectiveness and improving the efficiency of the safeguards system. This can best be accomplished by providing IAEA inspectors with more information about, and broader access to, nuclear activities within the territory of non-nuclear-weapon State Parties.

(5) The proposed scope of such expanded information and access has been negotiated by the member states of the IAEA in the form of a Model Additional Protocol to its existing safeguards agreements, and universal acceptance of Additional Protocols by non-nuclear weapons states is essential to enhancing the effectiveness of the Nuclear Non-Proliferation Treaty.

(6) On June 12, 1998, the United States, as a nuclear-weapon State Party, signed an Additional Protocol that is based on the Model Additional Protocol, but which also contains measures, consistent with its existing safeguards agreements with its members, that protect the right of the United States to exclude the application of IAEA safeguards to locations and activities with direct national security significance or to locations or information associated with such activities.

(7) Implementation of the Additional Protocol in the United States in a manner consistent with United States obligations under the Nuclear Non-Proliferation Treaty may encourage other parties to the Nuclear Non-Proliferation Treaty, especially non-nuclear-weapon State Parties, to conclude Additional Protocols and thereby strengthen the Nuclear Non-Proliferation Treaty safeguards system and help reduce the threat of nuclear proliferation, which is of direct and substantial benefit to the United States.

(8) Implementation of the Additional Protocol by the United States is not required and is completely voluntary given its status as a nuclear-weapon State Party, but the United States has acceded to the Additional Protocol to demonstrate its commitment to the nuclear nonproliferation regime and to make United States civil nuclear activities available to the same IAEA inspections as are applied in the case of non-nuclear-weapon State Parties.

(9) In accordance with the national security exclusion contained in Article 1.b of its Additional Protocol, the United States will not allow any inspection activities, nor make any declaration of any information with respect to, locations, information, and activities of direct national security significance to the United States.

(10) Implementation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representative to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

SEC. 203. DEFINITIONS.

In this title:

(1) ADDITIONAL PROTOCOL.—The term "Additional Protocol", when used in the singular form, means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes, signed at Vienna June 12, 1998 (T. Doc. 107-097).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on International Relations, the Committee on Science, and the Committee on Appropriations of the House of Representatives.

(3) COMPLEMENTARY ACCESS.—The term "complementary access" means the exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the Additional Protocol.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(5) FACILITY.—The term "facility" has the meaning set forth in Article 18i. of the Additional Protocol.

(6) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(7) JUDGE OF THE UNITED STATES.—The term "judge of the United States" means a United States district judge, or a United States magistrate judge appointed under the authority of chapter 43 of title 28, United States Code.

(8) LOCATION.—The term "location" means any geographic point or area declared or identified by the United States or specified by the International Atomic Energy Agency.

(9) NUCLEAR NON-PROLIFERATION TREATY.—The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(10) NUCLEAR-WEAPON STATE PARTY AND NON-NUCLEAR-WEAPON STATE PARTY.—The terms "nuclear-weapon State Party" and "non-nuclear-weapon State Party" have the meanings given such terms in the Nuclear Non-Proliferation Treaty.

(11) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality, or political subdivision of any such government or nation, or other entity located in the United States.

(12) SITE.—The term "site" has the meaning set forth in Article 18b. of the Additional Protocol.

(13) UNITED STATES.—The term "United States", when used as a geographic reference, means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) the territorial sea and the overlying airspace;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (41), respectively, of section 40102(a) of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).

(14) WIDE-AREA ENVIRONMENTAL SAMPLING.—The term "wide-area environmental sampling" has the meaning set forth in Article 18g. of the Additional Protocol.

SEC. 204. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Subtitle A—General Provisions

SEC. 211. AUTHORITY.

(a) IN GENERAL.—The President is authorized to implement and carry out the provisions of this title and the Additional Protocol and shall designate through Executive order which executive agency or agencies of the United States, which may include but are not limited to the Department of State, the Department of Defense, the Department of Justice, the Department of Commerce, the Department of Energy, and the Nuclear Regulatory Commission, shall issue or amend and enforce regulations in order to implement this title and the provisions of the Additional Protocol.

(b) INCLUDED AUTHORITY.—For any executive agency designated under subsection (a) that does not currently possess the authority to conduct site vulnerability assessments and related activities, the authority provided in subsection (a) includes such authority.

(c) EXCEPTION.—The authority described in subsection (b) does not supersede or otherwise modify any existing authority of any Federal department or agency already having such authority.

Subtitle B—Complementary Access

SEC. 221. REQUIREMENT FOR AUTHORITY TO CONDUCT COMPLEMENTARY ACCESS.

(a) PROHIBITION.—No complementary access to any location in the United States shall take place pursuant to the Additional Protocol without the authorization of the United States Government in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) IN GENERAL.—Complementary access to any location in the United States subject to access under the Additional Protocol is authorized in accordance with this title.

(2) UNITED STATES REPRESENTATIVES.—

(A) RESTRICTIONS.—In the event of complementary access to a privately owned or operated location, no employee of the Environmental Protection Agency or of the Mine Safety and Health Administration or the Occupational Safety and Health Administration of the Department of Labor may participate in the access.

(B) NUMBER.—The number of designated United States representatives accompanying IAEA inspectors shall be kept to the minimum necessary.

SEC. 222. PROCEDURES FOR COMPLEMENTARY ACCESS.

(a) IN GENERAL.—Each instance of complementary access to a location in the United States under the Additional Protocol shall be conducted in accordance with this subtitle.

(b) NOTICE.—

(1) IN GENERAL.—Complementary access referred to in subsection (a) may occur only upon the issuance of an actual written notice by the United States Government to the owner, operator, occupant, or agent in charge of the location to be subject to complementary access.

(2) TIME OF NOTIFICATION.—The notice under paragraph (1) shall be submitted to such owner, operator, occupant, or agent as soon as possible after the United States Government has received notification that the IAEA seeks complementary access. Notices may be posted prominently at the location if the United States Government is unable to provide actual written notice to such owner, operator, occupant, or agent.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice required by paragraph (1) shall specify—

(i) the purpose for the complementary access;

(ii) the basis for the selection of the facility, site, or other location for the complementary access sought;

(iii) the activities that will be carried out during the complementary access;

(iv) the time and date that the complementary access is expected to begin, and the anticipated period covered by the complementary access; and

(v) the names and titles of the inspectors.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided each time that complementary access is sought by the IAEA.

(c) CREDENTIALS.—The complementary access team of the IAEA and representatives or designees of the United States Government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the location before gaining entry in connection with complementary access.

(d) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 223, and subject to the rights of the United States Government under the Additional Protocol to limit complementary access, complementary access to a location pursuant to this title may extend to all activities specifically permitted for such locations under Article 6 of the Additional Protocol.

(2) EXCEPTION.—Unless required by the Additional Protocol, no inspection under this title shall extend to—

(A) financial data (other than production data);

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) patent data;

(F) data maintained for compliance with environmental or occupational health and safety regulations; or

(G) research data.

(e) ENVIRONMENT, HEALTH, SAFETY, AND SECURITY.—In carrying out their activities, members of the IAEA complementary access team and representatives or designees of the United States Government shall observe applicable environmental, health, safety, and security regulations established at the location subject to complementary access, including those for protection of controlled environments within a facility and for personal safety.

SEC. 223. CONSENTS, WARRANTS, AND COMPLEMENTARY ACCESS.

(a) IN GENERAL.—

(1) PROCEDURE.—

(A) CONSENT.—Except as provided in paragraph (2), an appropriate official of the United States Government shall seek or have the consent of the owner, operator, occupant, or agent in charge of a location prior to entering that location in connection with complementary access pursuant to sections 221 and 222. The owner, operator, occupant, or agent in charge of the location may withhold consent for any reason or no reason.

(B) ADMINISTRATIVE SEARCH WARRANT.—In the absence of consent, the United States Government may seek an administrative search warrant from a judge of the United States under subsection (b). Proceedings regarding the issuance of an administrative search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(2) EXPEDITED ACCESS.—For purposes of obtaining access to a location pursuant to Article 4b.(ii) of the Additional Protocol in order to satisfy United States obligations under the Additional Protocol when notice of two hours or less is required, the United States Government may gain entry to such location in connection with complementary access, to the extent such access is consistent with the Fourth Amendment to the United States Constitution, without obtaining either a warrant or consent.

(b) ADMINISTRATIVE SEARCH WARRANTS FOR COMPLEMENTARY ACCESS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For complementary access conducted in the United States pursuant to the Additional Protocol, and for which the acquisition of a warrant is required, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to such judge all appropriate information regarding the basis for the selection of the facility, site, or other location to which complementary access is sought.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—A judge of the United States shall promptly issue an administrative search warrant authorizing the requested complementary access upon an affidavit submitted by the United States Government—

(A) stating that the Additional Protocol is in force;

(B) stating that the designated facility, site, or other location is subject to complementary access under the Additional Protocol;

(C) stating that the purpose of the complementary access is consistent with Article 4 of the Additional Protocol;

(D) stating that the requested complementary access is in accordance with Article 4 of the Additional Protocol;

(E) containing assurances that the scope of the IAEA's complementary access, as well as what it may collect, shall be limited to the access provided for in Article 6 of the Additional Protocol;

(F) listing the items, documents, and areas to be searched and seized;

(G) stating the earliest commencement and the anticipated duration of the complementary access period, as well as the expected times of day during which such complementary access will take place; and

(H) stating that the location to which entry in connection with complementary access is sought was selected either—

(i) because there is probable cause, on the basis of specific evidence, to believe that information required to be reported regarding a location pursuant to regulations promulgated under this title is incorrect or incomplete, and that the location to be accessed contains evidence regarding that violation; or

(ii) pursuant to a reasonable general administrative plan based upon specific neutral criteria.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition, each warrant shall contain the identities of the representatives of the IAEA on the complementary access team and the identities of the representatives or designees of the United States Government required to display identifying credentials under section 222(c).

SEC. 224. PROHIBITED ACTS RELATING TO COMPLEMENTARY ACCESS.

It shall be unlawful for any person willfully to fail or refuse to permit, or to disrupt, delay, or otherwise impede, a complementary access authorized by this subtitle or an entry in connection with such access.

Subtitle C—Confidentiality of Information

SEC. 231. PROTECTION OF CONFIDENTIALITY OF INFORMATION.

Information reported to, or otherwise acquired by, the United States Government under this title or under the Additional Protocol shall be exempt from disclosure under section 552 of title 5, United States Code.

Subtitle D—Enforcement

SEC. 241. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by any regulation prescribed under this title;

(2) to submit any report, notice, or other information to the United States Government in accordance with any regulation prescribed under this title; or

(3) to permit access to or copying of any record by the United States Government in accordance with any regulation prescribed under this title.

SEC. 242. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—Any person that is determined, in accordance with paragraph (2), to have violated section 224 or section 241 shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each violation. For the purposes of this paragraph, each day during which a violation of section 224 continues shall constitute a separate violation of that section.

(2) NOTICE AND HEARING.—

(A) IN GENERAL.—Before imposing a penalty against a person under paragraph (1), the head of an executive agency designated under section 211(a) shall provide the person with notice of the order. If, within 15 days after receiving the notice, the person requests a hearing, the head of the designated executive agency shall initiate a hearing on the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the order imposed by the head of the designated agency shall constitute a final agency action.

(C) ISSUANCE OF ORDERS.—If the administrative judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 224 or section 241, the administrative judge shall state the findings of fact and conclusions of law, and issue and serve on such person an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative judge or the head of the designated agency shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(E) CONTENT OF NOTICE.—For the purposes of this paragraph, notice shall be in writing and shall be verifiably served upon the person or persons subject to an order described in paragraph (1). In addition, the notice shall—

(i) set forth the time, date, and specific nature of the alleged violation or violations; and

(ii) specify the administrative and judicial remedies available to the person or persons subject to the order, including the availability of a hearing and subsequent appeal.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative judge shall be the recommended decision and order and shall be referred to the head of the designated executive agency for final decision and order. If, within 60 days, the head of the designated executive agency does not modify or vacate the decision and order, it shall become a final agency action under this subsection.

(4) JUDICIAL REVIEW.—A person adversely affected by a final order may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or in the Court of Appeals for the district in which the violation occurred.

(5) ENFORCEMENT OF FINAL ORDERS.—

(A) IN GENERAL.—If a person fails to comply with a final order issued against such person under this subsection and—

(i) the person has not filed a petition for judicial review of the order in accordance with paragraph (4), or

(ii) a court in an action brought under paragraph (4) has entered a final judgment in favor of the designated executive agency,

the head of the designated executive agency shall commence a civil action to seek compliance with the final order in any appropriate district court of the United States.

(B) NO REVIEW.—In any such civil action, the validity and appropriateness of the final order shall not be subject to review.

(C) INTEREST.—Payment of penalties assessed in a final order under this section shall include interest at currently prevailing rates calculated from the date of expiration of the 60-day period referred to in paragraph (3) or the date of such final order, as the case may be.

(b) CRIMINAL.—Any person who violates section 224 or section 241 may, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than five years; or both.

SEC. 243. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 211(a)—

(1) to restrain any conduct in violation of section 224 or section 241; or

(2) to compel the taking of any action required by or under this title or the Additional Protocol.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 224 or section 241 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

Subtitle E—Environmental Sampling

SEC. 251. NOTIFICATION TO CONGRESS OF IAEA BOARD APPROVAL OF WIDE-AREA ENVIRONMENTAL SAMPLING.

(a) IN GENERAL.—Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) CONTENT.—The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

SEC. 252. APPLICATION OF NATIONAL SECURITY EXCLUSION TO WIDE-AREA ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

SEC. 253. APPLICATION OF NATIONAL SECURITY EXCLUSION TO LOCATION-SPECIFIC ENVIRONMENTAL SAMPLING.

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

SEC. 254. RULE OF CONSTRUCTION.

As used in this subtitle, the term "necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party" shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

(1) setting a good example of cooperation in the conduct of such sampling; or

(2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

Subtitle F—Protection of National Security Information and Activities

SEC. 261. PROTECTION OF CERTAIN INFORMATION.

(a) LOCATIONS AND FACILITIES OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) INFORMATION OF DIRECT NATIONAL SECURITY SIGNIFICANCE.—No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) RESTRICTED DATA.—Nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular "Restricted Data" as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) CLASSIFIED INFORMATION.—Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

SEC. 262. IAEA INSPECTIONS AND VISITS.

(a) CERTAIN INDIVIDUALS PROHIBITED FROM OBTAINING ACCESS.—No national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) PRESENCE OF UNITED STATES GOVERNMENT PERSONNEL.—IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) VULNERABILITY AND RELATED ASSESSMENTS.—The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

Subtitle G—Reports

SEC. 271. REPORT ON INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United

States that the President intends to declare to the IAEA, and a report thereon.

SEC. 272. REPORT ON REVISIONS TO INITIAL UNITED STATES DECLARATION.

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration, and a report thereon.

SEC. 273. CONTENT OF REPORTS ON UNITED STATES DECLARATIONS.

The reports required under section 271 and section 272 shall present the reasons for each site, location, facility, and activity being declared or being removed from the declaration list and shall certify that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

SEC. 274. REPORT ON EFFORTS TO PROMOTE THE IMPLEMENTATION OF ADDITIONAL PROTOCOLS.

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance that has been or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding.

SEC. 275. NOTICE OF IAEA NOTIFICATIONS.

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

Subtitle H—Authorization of Appropriations

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

And the Senate agree to the same.

HENRY HYDE,
JOHN BOEHNER,
TOM LANTOS,
Managers on the Part of the House.

RICHARD G. LUGAR,
CHUCK HAGEL,
GEORGE ALLEN,
BILL FRIST,
JOE BIDEN,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H.R. 5682), to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BACKGROUND AND NEED FOR THE LEGISLATION

With the fading of the Cold War's global divisions and the rise of new challenges such as globalization and trans-national terrorism, there is increasing recognition in both the United States and in India that significant benefits may be obtained from closer cooperation across a broad spectrum of activities and policies. These range from shared strategic interests, such as enhanced stability and security in South Asia and the international system as a whole, to more specific priorities, including greater effectiveness in combating the AIDS epidemic, combating terrorism, and preventing the proliferation of weapons of mass destruction, among others.

To that end, on July 18, 2005, President Bush and Indian Prime Minister Manmohan Singh issued a joint statement announcing a "global partnership" between the two countries. The Joint Statement covered a range of issues and common interests, including the re-establishment of civil nuclear commerce between the United States and India.

In the Joint Statement, India committed to placing more of its civil nuclear facilities under International Atomic Energy Agency (IAEA) safeguards in perpetuity, signing and adhering to an Additional Protocol with respect to civilian nuclear facilities, working with the United States for the conclusion of a multilateral Fissile Material Cutoff Treaty, refraining from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread, ensuring that the necessary steps have been taken to secure nuclear materials and technology through comprehensive export control legislation and through harmonization and adherence to Missile Technology Control Regime (MTCR) and Nuclear Suppliers Group (NSG) guidelines, and continuing its moratorium on further nuclear testing.

For the United States, President Bush committed that he would "work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security" and to "seek agreement from Congress to adjust U.S. laws and policies" to permit that cooperation. President Bush also promised to "work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur."

The Administration's proposed legislation envisioned Congress granting the President the authority to waive certain provisions of the Atomic Energy Act of 1954 (AEA) that contain restrictions on cooperation that the Administration deemed to be impediments to conducting civil nuclear cooperation with India. Section 123 a.(2) of the AEA requires that a non-nuclear weapon state have IAEA safeguards on all nuclear material in all peaceful nuclear activities in that state, under its jurisdiction, or carried out under its control anywhere (commonly referred to as "full-scope safeguards") as a condition of continued United States nuclear supply and approval for new nuclear cooperation agreements, a requirement that India does not meet and, as a state with nuclear weapons, would be unlikely to meet for the foreseeable future. Section 128 requires a non-nuclear weapon state (under the NPT, which recognizes only five "Nuclear Weapon States"—Russia, France, China, the United Kingdom, and the United States) to have full-scope safeguards as a prerequisite for receiving U.S. civil nuclear exports. Finally, Section 129 requires the termination of nuclear exports if a non-nuclear weapon state has, among other things, tested nuclear weapons after 1978, which India did in 1998. There are waivers available to the President for these provisions in existing law. But the standard for such waivers is very high.

In addition, international civil nuclear commerce is restricted pursuant to the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group. NSG Guidelines permit such trade with countries only when the receiving State has brought into force an agreement with the IAEA requiring the application of safeguards on all source and special fissionable material in its current and future peaceful activities.

The Administration's proposed legislation would have given the President the authority to permanently waive these provisions for India, subject to the President's determination that India had achieved certain benchmarks, such as engaging in negotiations with the IAEA on a safeguards agreement and that the NSG has agreed to provide an exemption for India to allow its participating states to export civil nuclear materials, equipment, and technology to India.

Under existing law, a nuclear cooperation agreement with a country that does have full-scope safeguards and that satisfies other criteria under 123a. of the AEA would come into force 90 days after its submission for congressional review unless a resolution of disapproval were passed in both Houses. In practice, it is very difficult to secure passage of such resolutions because a veto by the President of the joint resolution would require a two-thirds vote in both Houses to override.

By contrast, nuclear cooperation agreements with countries, such as India, that do not satisfy all the conditions of 123a, such as full-scope safeguards, can come into effect only if both Houses of Congress pass a joint resolution of approval within 90 days. If either chamber does not approve the resolution, the agreement does not enter into force.

The Administration's legislative proposal sought to avoid this latter procedure by providing for a process of congressional consideration of a 123 agreement with India such as that reserved for countries that do have full-scope safeguards. In that event, a nuclear cooperation agreement with India would come into force automatically unless both Houses of Congress passed a joint resolution of disapproval. In effect, the Administration's proposal would have given it excessive latitude in negotiating a nuclear cooperation agreement with India, leaving Congress with little ability to influence the terms of that agreement, regardless of any concerns it might have.

Both the House International Relations Committee and the Senate Foreign Relations Committee rejected this approach, believing that the Administration's proposal did not provide for appropriate congressional oversight over what was, by any measure, an unprecedented nuclear cooperative relationship with India. Both committees were troubled by the lack of consultation by the Administration with Congress before the July 18, 2005 Joint Statement and the March 2006 U.S.-India Declaration (in which the terms by which India would separate its civil and military nuclear facilities and further commitments by the United States were announced).

Consequently, both committees introduced legislation that, while informed by the Administration's proposal, reverts to existing procedures laid out in the AEA for approval of 123 agreements that do not meet the criteria of section 123 a. The Conference agreement grants the President the ability to waive the aforementioned sections of the AEA for a future U.S.-India agreement for civil nuclear cooperation. However, any such agreement cannot enter into force until it has been submitted to the Congress, along with a completed IAEA-India safeguards agreement and other documents and Presidential determinations such as a Nuclear Proliferation Assessment (required by the AEA and by this legislation, as detailed the section-by-section review of this report), and approved by both Houses according to the existing procedures of Section 130(i) of the AEA. Furthermore, the Administration's ability to waive existing provisions of section 129 of the AEA, which mandates the termination of U.S. civil nuclear exports to a country if that country tests a nuclear explosive device, terminates or abrogates IAEA safeguards, materially violates an IAEA safeguards agreement, or engages in other activities related to nuclear proliferation, is limited to any such activities India engaged in prior to July 18, 2005. Any such future activity by India would invoke Section 129, subject to the waiver provisions already available to the President in existing law. Thus, the Conference agreement provides that for other conduct that, under section 129, would result in termination of cooperation, that section would continue to apply. If India were to terminate or abrogate IAEA safeguards (129(1)(B)), materially violate IAEA safeguards (129(1)(C)), violate an agreement for cooperation with the United States (129(2)(A)), encourage a non-nuclear weapon state to engage in proliferation activities involving source and special nuclear material (129(2)(B)), or engage in unauthorized proliferation of reprocessing technology (129(2)(C)), the Conference agreement would terminate cooperation. The Administration's bill would have made section 129 inapplicable to such future actions on the part of India.

As further clarified in the section-by-section analysis included in this report, the conferees believe that there should be no ambiguity regarding the legal and policy consequences of any future Indian test of a nuclear explosive device. In that event, the President must terminate all export and reexport of U.S.-origin nuclear materials, nuclear equipment, and sensitive nuclear technology to India. The conferees expect the President to make full and immediate use of U.S. rights to demand the return of all nuclear-related items, materials, and sensitive nuclear technology that have been exported or reexported to India if India were to test or detonate, or otherwise cause the test or detonation of, a nuclear explosive device for any reason, including such instances in which India describes its actions as being "for peaceful purposes." This legal condition is further strengthened in the Conference agreement beyond section 129 of the AEA by a provision that the waiver authority in this legislation terminates with any Indian test. The conferees believe that termination would include the suspension and revocation of any current or pending export or reexport licenses, and that the return of U.S.-origin items and materials should extend to any special nuclear material produced by India through the use of any nuclear materials, equipment, or sensitive nuclear technology exported or reexported to India by the United States.

The prohibition concerning a recipient country not engaging in activities involving source or special nuclear material under Section 129 are permanently waived for India, as India will undoubtedly continue to produce fissile material, until such time after it is able to fulfill its commitment in the July 18, 2005, Joint Statement to work with the United States toward conclusion of a future Fissile Material Cut-off Treaty.

H.R. 5682 reflects the widely held view in both the House and the Senate that peaceful nuclear cooperation with India can serve multiple U.S. foreign policy and national security objectives but that this must be secured in a manner that minimizes potential risks to the global nonproliferation regime. Among the most important considerations are ensuring that NSG guidelines and consensus decision-making are upheld and that a U.S. nuclear cooperation agreement and subsequent U.S. nuclear exports are consistent with the decisions, policies, and guidelines of the NSG. The conferees note that the converse is equally important, namely that the United States must ensure that any decision that the NSG makes regarding granting an exemption for nuclear commerce does not disadvantage U.S. industry by setting less strict conditions for countries trading with India than those embodied in the conditions and requirements of this Act. Since the NSG operates by consensus, the United States possesses the necessary leverage to ensure a favorable outcome, and the conference agreement reflects this view.

The bill requires, as a condition for the President to exercise his waiver authority, that the NSG agree by consensus to an exception to its guidelines specifically for India and that no U.S. exports may be transferred to India that do not comport with NSG guidelines and decisions. Equally important is the need to ensure that U.S. cooperation does not assist the Indian nuclear weapons program, directly or indirectly, in order to avoid contributing to a nuclear arms race in South Asia and in accordance with U.S. obligations under the NPT.

As in the Administration's proposed legislation, H.R. 5682 requires the President to determine that India is upholding its July 18, 2005, commitments as a prerequisite for using his waiver authority. The conferees believe that India's continued implementation of those commitments is central to the integrity of our bilateral relationship. Therefore, the bill contains reporting requirements and a provision that calls for termination of exports in the event of violations of certain commitments. In addition, the bill seeks to uphold existing statutory congressional oversight of U.S. nuclear cooperation and exports. At a time when many countries are considering nuclear energy as a viable and desirable alternative to carbon-based energy sources, careful oversight of its expansion is crucial.

The establishment of a "global partnership" with India is among the most important strategic diplomatic initiatives undertaken by this Administration. This partnership, along with the extensive set of cooperative agreements that accompany it, embraces a long-term outlook that seeks to strengthen U.S. foreign policy and enhance global stability.

The House International Relations Committee and the Senate Foreign Relations Committee studied carefully the implications of the proposed agreement for nonproliferation policy. Both committees were concerned about the precedent this exception for India could establish and worked to ensure that this agreement does not undercut U.S. compliance with its responsibilities under the NPT. As a result of these efforts, each committee's bill was approved overwhelmingly by its respective chamber.

The conferees believe that the conference agreement achieves a proper balance among competing priorities and concerns and will help solidify New Delhi's commitments to implement strong export controls, separate its civilian nuclear infrastructure from its weapons program, and place additional civilian facilities under IAEA safeguards. An agreement for peaceful nuclear cooperation with India approved by Congress according to the procedures and conditions of this conference report would be a powerful incentive for India to cooperate more closely with the United States in stopping proliferation and to abstain from further nuclear weapons tests.

The Administration's decision to establish an increasingly close relationship with this country of enormous potential, and its declaration that the U.S. welcomes India's advancement as a major economic and political player on the world stage represents a new and significant strategic opportunity to advance U.S. goals. Given that India already possesses a vibrant democracy, a rapidly growing economy, and a well-educated middle class greater than the entire U.S. population, it can serve as an engine of global economic growth. Its increasing economic, military, and political power may also contribute significantly to promoting stability in South Asia and other regions.

India has the potential to become a valued partner in countering the rise of extremism around the world as both countries can cooperate to promote religious pluralism, tolerance, and democratic freedoms. As a country with well-entrenched democratic traditions and the world's second largest Muslim population, India can set an example of a multi-religious and multi-cultural democracy in an otherwise volatile region.

The conferees believe that the conference agreement will help solidify India's commitments to implement strong export controls, separate its civilian nuclear infrastructure from its weapons program, and place additional civilian facilities under IAEA safeguards. An agreement for peaceful nuclear cooperation with India approved by Congress according to the procedures and conditions of this conference report would be a powerful incentive for India to cooperate closely with the United States in halting proliferation and abstaining from additional tests of nuclear weapons. The conferees, along with both Houses, place great emphasis on their expectation that India's full cooperation with efforts by the U.S. and the international community to prevent Iran from acquiring the capability to produce nuclear weapons will be forthcoming.

India is already assuming a more prominent role in world affairs. Its votes in the IAEA Board of Governors in September 2005 and February 2006 regarding Iran's likely efforts to acquire a nuclear weapons capability are evidence that the Government of India is able and willing to adopt a more constructive role on international non-proliferation issues. The Conferees believe the true test of the wisdom of this legislation, which will be the effectiveness of India's new commitments and obligations regarding nuclear nonproliferation, can be judged only over time. India is determined to secure a more prominent role in global affairs. This agreement will provide it with enhanced incentives to use its rapidly expanding influence to promote regional and international stability and global economic progress.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

TITLE I—UNITED STATES AND INDIA NUCLEAR COOPERATION

Section 101. Short title

Section 101 states that this title may be cited as the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006".

Section 102. Sense of Congress

Section 102 combines provisions relating to the Sense of Congress in the House bill and in the Senate amendment. It expresses the Sense of Congress regarding the nuclear nonproliferation regime and the principles that should guide the United States in entering into an agreement on nuclear cooperation with a country that has never been a State Party to the Nuclear Non-Proliferation Treaty (NPT). Paragraph (1) states that preventing the proliferation of nuclear weapons, other weapons of mass destruction (WMD), and the means to deliver these are critical objectives for United States foreign policy. Paragraph (2) states that sustaining the NPT and strengthening its implementation is the keystone of United States non-proliferation policy. Paragraph (3) states that the NPT has been a significant success in preventing the spread of nuclear weapons capabilities to other countries and in maintaining a stable international security situation. Paragraph (4) states that countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global nonproliferation because those countries have not undertaken the NPT's international obligation to prohibit the spread of dangerous nuclear technologies. Paragraph (5) states that it is in the interest of the United States to ensure to the fullest extent possible that those countries that are not States Party to the NPT act responsibly in the disposition of any nuclear technology they develop.

Paragraph (6) states that it is in the interest of the United States to cooperate with a country that has never signed the NPT with respect to civilian nuclear technology if that country meets certain criteria. These criteria include demonstrating responsible behavior with respect to the nonproliferation of nuclear weapons technology and the means to deliver these weapons; the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent with that of the United States, and is working with the United States in key foreign policy initiatives related to non-proliferation; such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them and also to refrain from actions that would further the development of its nuclear weapons program; and that such cooperation will induce the country to give greater political and material support to the achievement of U.S. global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups and that are seeking to acquire a nuclear weapons capability or other WMD capability and the means to deliver such weapons.

Paragraph (7) states that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan. Paragraph (8) states that strong bilateral relations with India are in the national interest of the United States. Paragraph (9) states that the United States and India share common democratic values and the potential for increasing and sustained economic engagement. Paragraph (10) states that commerce in civil nuclear energy with India by the United States and other countries has the potential to benefit the people of all countries.

Paragraph (11) states that civil nuclear commerce with India represents a significant change in U.S. policy toward countries not parties to the NPT and stresses that the NPT remains the foundation of the international non-proliferation regime. Paragraph (12) states that any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group. Paragraph (13) states that the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

Section 103. Statements of policy

Section 103 contains provisions from the House bill and from the Senate amendment and sets forth two sets of policies of the United States: those general in nature and those specific to South Asia.

Subsection (a) states that it shall be the policy of the United States to:

1. Oppose the development of a capability to produce nuclear weapons by any non-nuclear weapon state, within or outside of the NPT;

2. Encourage States Party to the NPT to interpret the right to "develop research, production and use of nuclear energy for peaceful purposes", as set forth in Article IV of the NPT, as being a right that applies only to the extent that it is consistent with the purpose of the NPT to prevent the spread of nuclear weapons and nuclear weapons capability, including by refraining from all nuclear cooperation with any State Party that the IAEA determines is not in full compliance with its NPT obligations, including its safeguards obligations;

3. Act in a manner fully consistent with the NSG guidelines concerning nuclear transfers and transfers of nuclear-related dual-use items;

4. Strengthen the NSG guidelines and decisions concerning consultation by members regarding violations of supplier and recipient understandings by instituting the practice of a timely and coordinated response by NSG members to all such violations, including termination of all nuclear transfers to an involved recipient, that discourages individual NSG members from continuing cooperation with such recipient until such time as a consensus regarding a coordinated response has been achieved;

5. Given the special sensitivity of equipment and technologies related to the enrichment of uranium, the reprocessing of spent nuclear fuel, and the production of heavy water, work with members of the NSG, individually and collectively, to further restrict the transfers of such equipment and technologies, including to India; and

6. Seek to prevent the transfer to a country of nuclear equipment, materials, or technology from other participating governments in the NSG or from any other source if nuclear transfers to that country are suspended or terminated pursuant to this title, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other United States law.

Regarding the second statement, the conferees note that the NPT was conceived for the specific and overriding purpose of preventing the proliferation of nuclear weapons and nuclear explosive devices, as stated in the Preamble and its first three Articles. All provisions of the NPT must be interpreted within the context of preventing the proliferation of nuclear weapons and nuclear explosive devices; and Article IV conditions a country's "inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination" on that country's conformity with Articles I, II, and III, which obligate each non-nuclear weapon State Party "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

The conferees believe that, because the processes of enriching uranium or separating plutonium for peaceful or military purposes are essentially identical, they inherently pose an enhanced risk of proliferation, even under strict international safeguards. Rights under Article IV of the NPT must be properly understood and exercised only insofar as they are consistent with preventing the proliferation of nuclear weapons. Therefore, the world must not accept a claim by a non-nuclear weapon state of a right to develop or possess a complete nuclear fuel cycle if that country has not provided convincing evidence that its nuclear activities are fully safeguarded from contributing to a nuclear weapons capability.

Regarding the third and fourth statements, the Nuclear Suppliers Group, although not a formal organization that can issue legally-binding directives, is nonetheless one of the most effective elements of the nuclear nonproliferation regime. For a generation, U.S. Presidents have forged in this forum an important international consensus on the need to prevent nuclear proliferation by controlling the export of sensitive nuclear material, equipment and technology. The conferees believe strongly that no bilateral objective, even the important objective of a new relationship with India, should be allowed to undermine the NSG's effectiveness. The United States must continue to abide by the NSG Guidelines, which it has worked so diligently to achieve.

Equally, the United States must maintain the consensus decision mechanism of the NSG, and not look for any way around that requirement. The conferees believe that the effectiveness of the NSG rests upon its consensus decision-making, resulting in unified policies and enhanced compliance with those policies. The conferees are mindful that a country outside the regime that seeks an exception from NSG guidelines could agree to stringent safeguards with some NSG members, but later import only from other NSG members that did not impose such requirements. To preclude such a scenario, the conferees urge the Executive branch to persuade other NSG members to act in concert in terms of the timing, scope, and safeguarding of nuclear supply to all countries, including India. In particular, the conferees intend that the United States seek agreement among NSG members that violations by one country of an agreement with any NSG member should result in joint action by all members, including, as appropriate, the termination of nuclear exports. In addition, the conferees intend that the Administration work with individual states to encourage them to refrain from sensitive exports.

Regarding the sixth statement, if U.S. exports to a country were to be suspended or terminated pursuant to U.S. law, it will be U.S. policy to seek to prevent the transfer to such country of nuclear equipment, material or technology from other sources. This concern could arise if, for example, there were a nuclear test explosion, termination or abrogation of IAEA safeguards, material violation of IAEA safeguards or an agreement of cooperation with the United States, assistance or encouragement of a non-nuclear weapon state in nuclear-weapons related activities or reprocessing-related activities, or (in India's case) failure to uphold its July 18, 2005, Joint Statement commitments. In such a circumstance, the conferees expect the United States to encourage other supplier countries not to undermine U.S. sanctions.

On March 6, 2006, the Indian Prime Minister told the Indian Parliament that the U.S. Government had said that if a disruption of fuel supplies to India occurs, the U.S. would, with India, jointly convene a group of friendly supplier countries, such as Russia, France and the United Kingdom, to pursue such measures as would restore fuel supply to India. The conferees understand and expect that such assurance of supply arrangements that the U.S. is party to will be concerned only with disruption of supply of fuel due to market failures or similar reasons, and not due to Indian actions that are inconsistent with the July 18, 2005, commitments, such as a nuclear explosive test.

Subsection (b) states that, with respect to South Asia, it shall be U.S. policy to:

1. Achieve, at the earliest possible date, a moratorium on the production of fissile material for nuclear explosive purposes by India, Pakistan, and the People's Republic of China;

2. Achieve, at the earliest possible date, the conclusion and implementation of a treaty banning the production of fissile material for nuclear weapons to which both the United States and India become parties;

3. Secure India's full participation in the Proliferation Security Initiative (PSI), formal commitment to the PSI's Statement of Interdiction Principles, public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Control Lists of the Wassenaar Arrangement, and demonstration of satisfactory progress toward implementing this decision; and ratification of or accession to the Convention on Supplementary Compensation for Nuclear Damage;

4. Secure India's full and active participation in U.S. efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire WMDs, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel and the means to deliver WMDs;

5. Seek to halt the increase of nuclear weapon arsenals in South Asia and to promote their reduction and eventual elimination;

6. Ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except under procedures required under section 131f. of the Atomic Energy Act of 1954;

7. Pending implementation of the multilateral moratorium or treaty described in paragraphs (1) and (2), encourage India not to increase its production of fissile material at unsafeguarded nuclear facilities;

8. Ensure that any safeguards agreement or Additional Protocol to which India is a party with the IAEA can reliably safeguard any export or reexport to India of nuclear materials and equipment;

9. Ensure that the text and implementation of any agreement for cooperation with India meet the requirements set forth in subsections a.(1) and a.(3) through a.(9) of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153); and

10. Ensure that any nuclear power reactor fuel reserve provided to the Government of India for use in safeguarded civilian nuclear facilities should be commensurate with reasonable reactor operating requirements.

The conferees believe that a U.S.-India nuclear cooperation agreement will mark an important and positive turning point in the U.S.-India relationship. This does not mean, however, that the United States should sacrifice its long-standing objectives for nonproliferation in South Asia. This subsection states that U.S. policy must be to continue to support a fissile material moratorium in South Asia and a halt to the increase in nuclear arsenals in the region, which would bring great benefits to India and its neighbors. The United States must also continue to work for a broader fissile material production halt, whether through Fissile Material Cut-off Treaty negotiations or, for example, through an agreement reached by all the countries that have fissile material for nuclear weapons purposes.

The conferees believe also that India has a significant role to play in preventing the proliferation of dangerous nuclear technologies to other countries and that India must be a part of the international effort to prevent Iran from acquiring weapons of mass destruction, especially nuclear weapons. The conferees fully expect and look forward to the day when India joins the world community in conforming to the full range of nonproliferation and export control regimes. In the July 18, 2005, Joint Statement, India committed to accept the "same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States." India's welcome steps regarding nuclear and missile-related export controls are important progress in this regard, but the other leading countries with advanced nuclear technology will expect India to join them also in stemming the flow of items that can contribute to chemical and biological weapons programs and of destabilizing types or amounts of certain conventional weapons. India's participation in the Proliferation Security Initiative would also be of great benefit to the world and to the region.

It is also vital that India hasten the day when it can halt the production of fissile material for weapons, as four of the five nuclear weapon states under the NPT have openly done. The conferees understand that India cannot do this alone, and therefore urge the Executive branch to pursue a joint moratorium by India, Pakistan and China, as well as a multilateral treaty banning the production of fissile material for nuclear weapons.

The conferees believe it is critical to secure India's full participation in U.S. efforts to prevent Iran from acquiring nuclear weapons, a position held by many members of both houses of Congress. The conferees express their appreciation for India's favorable votes on this issue in the IAEA Board of Governors and its statements that Iran should indeed cooperate with the IAEA and refrain from developing nuclear weapons. They understand also that India has long-standing ties with Iran. Precisely because India has those ties, it can and must play a prominent and positive role in convincing Iran that the path of cooperation and of nuclear development with international assurances, but without an indigenous full fuel cycle, is far preferable to the path of obduracy and isolation in order to develop uranium enrichment and plutonium production capabilities.

The United States has an obligation under Article I of the NPT not to "in any way assist, encourage, or induce a non-nuclear weapon state to manufacture or otherwise acquire nuclear weapons." Many nonproliferation experts have noted the need to avoid a nuclear arms race in South Asia, as well as to ensure that U.S. assistance does not encourage India to increase its production of fissile material at unsafeguarded nuclear facilities. The conferees understand that U.S. peaceful nuclear cooperation with India will not be intended to inhibit India's nuclear weapons program. At the same time, however, such cooperation must be conducted in a manner that does not assist that program. That is why the conferees stress the need for effective safeguards on nuclear-related exports or reexports to India, the need to meet the requirements in sections a.(1) and a.(3) through a.(9) of section 123 of the Atomic Energy Act, and the need for any nuclear fuel reserve provided to the Government of India to be commensurate with reasonable reactor operating requirements, rather than of a size that would enable India to break its commitments or end its moratorium on nuclear testing and maintain its civil nuclear energy production despite unilateral or international sanctions.

Indian officials have publicly stated that under the U.S.-India agreement, India will be able to produce as much fissile material for weapons purposes as it desires. At the same time, however, many experts have said that there is no reason why India would need or want to increase that production significantly. The conferees hope that India will demonstrate restraint and not increase significantly its production of fissile material. If civil nuclear commerce were to be seen, some years from now, as having in fact contributed to India's nuclear weapons program, there could be severe consequences for nuclear cooperation, for U.S.-Indian relations, and for the world-wide nuclear nonproliferation regime.

India's March 2006 nuclear facility separation plan stated: "The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors." Congress has not been able to determine precisely what was said on this matter in high-level U.S.-Indian discussions. U.S. officials testified, however, that the United States does not intend to help India build a stockpile of nuclear fuel for the purpose of riding out any sanctions that might be imposed in response to Indian actions such as conducting another nuclear test. The conferees understand that nuclear reactor facilities commonly have some fresh fuel stored, so as to minimize down time when reactor cores are removed. They endorse the Senate proposal, however, that there be a clear U.S. policy that any fuel reserve provided to India should be commensurate with normal operating requirements for India's safeguarded reactors.

Section 104. Waiver authority and Congressional approval

The conference agreement adopts the framework of the House bill, but adds a number of provisions from the Senate amendment.

Section 104(a) provides the President with authority to exempt an agreement for civil nuclear cooperation with India and nuclear exports to India from certain sections of the Atomic Energy Act of 1954 (AEA) that would otherwise present obstacles to approving and implementing such an agreement. Specifically, the waiver authority applies to sections 123 a.(2), 128, and 129.

Both the House of Representatives and the Senate concurred with the administration regarding the need for relief from the requirement in section 123 a.(2) of the AEA, which would otherwise require that India agree to put all its nuclear facilities under IAEA safeguards. They concluded, in particular, that the Executive branch would be unable to meet the standard in existing law for exempting a U.S.-India agreement from this requirement, namely that failure to make the proposed exception/waiver would be "seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security." The conferees recommend allowing the President to exempt an agreement with India from the requirement in section 123 a.(2) of the AEA without making this determination. Instead, subsection 104(a) requires that the President make the determination in subsection 104(b).

The conferees emphasize their intent, however, that section 123 a.(2) be the only portion of the AEA from which their recommendation provides relief. The Executive branch will still be required to coordinate and submit to Congress a Nuclear Proliferation Assessment Statement under section 123. In addition, an agreement for cooperation with India will still have to meet the requirements of section 123 a.(1) and a.(3) through (9), unless the President can meet the standard quoted above for exempting the agreement from one or more of those requirements.

The conferees recommend subsection 104(e), moreover, which amends section 123 a. of the AEA so as to make clear that an agreement with India for which the President has exercised the waiver provided by subsection 104(a) of this title will be considered under existing AEA procedures for approval of an agreement for cooperation exempted from one of the requirements of section 123 a. These procedures provide for expedited consideration of a joint resolution of approval of the agreement, but do not permit the agreement to enter into force unless and until a joint resolution of approval is enacted. Parliamentary practice in the two houses of Congress is that the expedited joint resolution will not contain any conditions to their approval of the agreement and will not be subject to amendment. Congress could pass a joint resolution of approval with conditions, but would have to proceed without benefit of the expedited procedures offered by sections 123 and 130 of the AEA.

Section 104(a)(2) provides the President authority to waive section 128 of the AEA with respect to exports to India, without the additional limitations proposed in the House bill.

In addition, this title would allow the President to waive the restrictions of section 129 a.(1)(A) of the AEA for any activity that occurred on or before July 18, 2005, and also to waive the restrictions of section 129 a.(1)(D). This would provide authority to waive a termination of nuclear exports that would otherwise be required because of President Clinton's determination that India had tested a nuclear explosive device in 1998, while keeping in place the requirement to cut off exports should India test in the future. It would also provide waiver authority for cessation of U.S. nuclear exports to India in the event that the President determines that India has "engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities." This waiver will be necessary because India will presumably continue to produce material for its nuclear weapons program, consistent with its separation plan.

Subsection (b) requires the President to make the following determinations:

(1) India has provided the United States and the International Atomic Energy Agency with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA;

(2) India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in its separation plan, including materials used in or produced through the use of India's civil nuclear facilities;

(3) India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program;

(4) India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;

(5) India is working with and supporting U.S. and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;

(6) India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through: the enactment and enforcement of comprehensive export control legislation and regulations; harmonization of its export control laws, regulations, policies, and practices with the policies of the MTCR and the NSG, and adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence;

(7) The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.

The conferees intend that the need for these determinations will make certain that measures needed to ensure that the agreement can safely come into force are in place, e.g., a safeguards agreement negotiated with the IAEA, and that India has fulfilled key obligations it undertook freely in its July 18, 2005, statement and in subsequent statements. The conferees recognize that a number of these conditions will require considerable expenditure of effort and resources to satisfy, such as the negotiation of an Additional Protocol that must be tailored to India's unique needs, and for that reason have 15 allowed for significant latitude regarding their completion. But the conferees believe that none of these conditions, either singly or in combination with others, is onerous. In addition, although they did not impose rigorous measurements or deadlines, the conferees intend that considerable substantive progress on the foregoing measures can be demonstrated, including India's cooperation with the United States to prevent the spread of enrichment and reprocessing technology and its taking steps to strengthen its export laws and regulations.

The House bill required a determination that India and the IAEA "have concluded" a safeguards agreement, while the Senate version required that the agreement "has entered into force." The conferees want to ensure that the Congress can have confidence that the text of the safeguards agreement, which will be provided when an agreement with India is submitted to Congress, is what will actually come into effect. The conferees recognize, however, that there might well be a delay between the approval of a safeguards agreement and the date of its entry into force. They understand also that India may be wary of signing a safeguards agreement with the IAEA before an agreement for cooperation with the United States has been approved.

The conferees recommend that the President be required to determine that India and the IAEA have concluded all legal steps required prior to signature by the parties of a safeguards agreement that conforms to IAEA standards, principles, and practices. They have been assured that signature is the final step in the process of negotiating and approving a safeguards agreement. Normally, safeguards agreements enter into force upon signature. The Executive branch understands that Congress must be confident that the India-IAEA safeguards agreement text it is shown when an agreement for cooperation is submitted is, in fact, what will be signed and come into force. The conferees believe that Congress will be able to rely upon a text that has gone through all legal steps required prior to signature by the parties.

With regard to Indian adherence to the MTCR and the NSG, the conferees understand that there are specific procedures that a country uses to unilaterally adhere to such regimes. The conferees also understand that the Government of India is aware of those procedures.

Paragraph (7) requires a presidential determination that the Nuclear Suppliers Group has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG. The conferees believe that it is vital to maintain the role and effectiveness of the NSG, a position which is consistent with statements by senior Administration officials. This provision ensures that the NSG will change its guidelines, or grant an exemption from them, only in accordance with its longstanding practice that all such changes require consensus among its participating governments.

Subsection (c) requires the President to submit to the House International Relations

Committee and the Senate Foreign Relations Committee the determination described in subsection (b) and a report regarding this determination that includes:

(1) summaries and copies of India's separation plan and of its declaration of which of its civil nuclear facilities will be placed under IAEA safeguards, including an analysis of the credibility of the plan and declaration;

(2) a summary of the safeguards agreement between India and the IAEA, including a copy of the agreement and a description of progress toward its full implementation

(3) a summary of the progress made toward concluding and implementing an Additional Protocol between India and the IAEA, including a description of the scope of that Additional Protocol;

(4) a description of the steps India is taking to work with the United States for the conclusion of a multilateral treaty banning the production of fissile material for nuclear weapons, including a description of the steps the United States has taken and will take to encourage India to identify and declare a date by which India would be willing to stop production of fissile material for nuclear weapons unilaterally or pursuant to a multilateral moratorium or treaty;

(5) a description of the steps India is taking to prevent the spread of nuclear-related technology, including enrichment and reprocessing technology or materials that can be used to acquire nuclear weapons technology, as well as the support that India is providing to the United States to restrict the spread of such technology;

(6) a description of the steps that India is taking to secure materials and technology applicable for the development, acquisition, or manufacture of weapons of mass destruction and the means to deliver such weapons through the application of comprehensive export control legislation and regulations, and through harmonization and adherence to MTCR, NSG, Australia Group, and Wassenaar Arrangement guidelines, as well as compliance with United Nations Security Council Resolution 1540, and participation in the Proliferation Security Initiative;

(7) a description and assessment of the specific measures that India has taken to fully and actively participate in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction;

(8) a description of the NSG decision regarding India, including whether the U.S.-India civil nuclear cooperation agreement is consistent with the decision and with the practices and policies of the NSG;

(9) a description of the scope of peaceful cooperation envisioned by the United States and India that will be implemented under the Agreement for Nuclear Cooperation, including whether such cooperation will include the provision of enrichment and reprocessing technology; and

(10) a description of the measures the United States will take to prevent the use of any United States equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or for any activity related to nuclear explosive devices, and ensure that the provision of nuclear reactor fuel does not result in increased production of fissile material in unsafeguarded nuclear facilities.

Since the IAEA Board of Governors resolved that Iran was in noncompliance with its safeguards and NPT obligations in September 2005, diplomatic negotiations to dissuade, sanction and contain the Iranian nuclear program have been largely unsuccessful. It is imperative to obtain the support of key states to develop measures that would enable the world community once again to have confidence in both Iran's nuclear intentions and the ability to monitor developments. India's support, as a long-time leader of the Non-Aligned Movement and as a state with military and economic relations with Iran, is particularly important. The conferees believe that India's full and active participation in U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program would greatly benefit both the region and the world, and that the report on its efforts in this regard, required by subparagraph (c)(2)(G) will be of great interest to many Members of Congress.

There has been much concern about the possibility that the provision of nuclear technology and nuclear fuel to India could indirectly assist or encourage India's nuclear weapons program. To increase confidence that no such developments will take place, the conferees recommend the reporting requirement in subparagraph (c)(2)(J). The report should address the potential replication of U.S.-origin nuclear technology in unsafeguarded nuclear facilities in India, as well as the possible utilization of foreign nuclear fuel supplies in a manner that leads to the increased production of fissile material in India's unsafeguarded nuclear facilities using domestic uranium reserves. Further, the conferees urge the Administration to encourage India to exercise the utmost restraint with respect to its nuclear weapons program, including with respect to any new reactor that would increase India's plutonium production capability.

Subsection (d) provides, in part, that:

(1) nothing in this title constitutes authority to carry out any civil nuclear cooperation between the U.S. and a country that is not a nuclear-weapon State Party to the NPT that would in any way assist, encourage, or induce that country to manufacture of otherwise acquire nuclear weapons or nuclear explosive devices;

(2) no item subject to the transfer guidelines of the NSG may be transferred to India if such transfer would be inconsistent with the guidelines in effect on the date of the transfer; and

(3) exports of nuclear and nuclear-related material, equipment, or technology to India shall be terminated if India makes any materially significant transfer of nuclear or nuclear-related material, equipment, or technology that does not conform to NSG guidelines or ballistic missiles or missile-related equipment or technology that does not conform to MTCR guidelines, unless the President either determines that cessation of such exports would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security; or chooses not to terminate exports because: the transfer was made without the knowledge of the Government of India; at the time of the transfer, either the Government of India did not own, control or direct the Indian person that made the transfer or the Indian person that made the transfer is a natural person who acted without knowledge of any entity described in subparagraph (B) or (C) of section 110(5); and the President certifies to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the entity with respect to such transfer.

As stated above, the conferees believe the NPT is the keystone of U.S. nonproliferation policy and must be sustained and strengthened. The United States has always abided by its obligation under Article I of the NPT to not in any way assist, encourage, or induce non-nuclear weapon states to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices. The Nuclear Nonproliferation Act of 1978 set a standard almost thirty years ago for the United States in its civil nuclear cooperation with non-nuclear weapon states by requiring those states to have full-scope safeguards. In making an exception for a future nuclear cooperation agreement with India in this bill, it is paramount to ensure that nothing in such cooperation would undermine America's commitment to abide by Article I of the NPT. The conferees recommend paragraph 104(d)(I) to underscore this view.

Section 104(d)(2) is one of several provisions in the bill intended to ensure that any civil nuclear cooperation between the United States and India strengthens rather than weakens the global nuclear nonproliferation regime. This provision contributes to the achievement of this objective by prohibiting the transfer to India of any item the transfer of which is subject to (1) a U.S.-India agreement for cooperation, (2) the NSG Guidelines for Nuclear Transfers (INFCIRC/254, Part 1), or (3) the NSG Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (INFCIRC/254, Part 2), if such transfer would be inconsistent with either of the aforementioned NSG guidelines as in effect on the date of the transfer. No waiver authority is provided to permit transfers to be made notwithstanding this restriction.

This restriction will ensure that U.S.-India nuclear cooperation continues to be carried out in a manner consistent with the transfer guidelines and policies of the NSG. The Administration has expressed confidence that the NSG will adjust its guidelines in order to permit civil nuclear cooperation along the lines contemplated by the July 18, 2005, Joint Statement of President Bush and Prime Minister Singh. Further, Secretary of State Condoleezza Rice has publicly assured Congress, by means of a letter dated June 28,2006, to Senate Foreign Relations Committee Chairman Richard Lugar, that: ". . . in carrying out the laws and regulations of the United States governing the export of nuclear-related items, the United States Government will continue to act in accordance with IAEA INFCIRC/254, as amended, the Guidelines and Annexes of the Nuclear Suppliers Group. The U.S. will also continue to act within the policies and practices of the decisions taken by the Nuclear Suppliers Group with respect to India. We intend to do so notwithstanding any contrary actions by any other participating countries in the Nuclear Suppliers Group."

Section 104(d)(3) reflects the importance the conferees attach to India's commitments in the July 18, 2005, Joint Statement to secure its nuclear materials and nuclear and missile technology through comprehensive export control legislation and through harmonization and adherence to MTCR and NSG guidelines. These two steps are critical to bringing India closer to the nonproliferation mainstream, one of the benefits attributed to U.S. nuclear cooperation with India by the Administration. Failure to conform to these nuclear and missile export control guidelines, both in principle and in practice, would represent a failure by India to meet the nonproliferation standards expected of other responsible states.

This provision mandates termination of exports under an agreement for cooperation with India if an Indian person engages in transfers that are not consistent with NSG or MTCR guidelines. The term "Indian person," which is defined in subsection 110(5), is used in a legal sense, to encompass both individuals and entities of all sorts that are under India's jurisdiction, as well as governmental entities. The term includes non-Indian nationals, if they are under India's jurisdiction.

As no export control system is perfect, the conferees recommend that the threshold of violation be one of material significance. This should eliminate any concern that the sale of a "widget" to the wrong country could trigger the sanction in paragraph 104(d)(2).

The conferees recommend granting to the President two separate waiver authorities regarding this sanction. The first could be exercised if the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

The second waiver could be used if the offending transfer was made without the knowledge of the Government of India, such transfer was made either by an Indian person not owned, controlled, or directed by the Government of India at the time of the transfer, or by an individual who acted alone without the knowledge of the relevant Indian entity, and the President certified to the appropriate congressional committees that the Government of India has taken or is taking appropriate judicial or other enforcement actions against the Indian person with respect to such transfer. The conferees do not intend that an Indian individual working alone for private gain and without the knowledge of the entity for which that individual works would trigger the restrictions in this section. However, if such individual is a senior officer of such entity, the conferees believe that constructive knowledge must be deemed to exist. In a case where it is impossible for the Government of India to bring judicial or other enforcement action against an Indian person because the government cannot exercise jurisdiction over the person or entity, or if the Government of India cannot bring an enforcement action because of its good faith interpretation of applicable law, or for some other reason, the statutory requirement that "appropriate" action be taken to avoid the termination required in subparagraph (A) may be deemed fulfilled. The conferees thus intend not to put an agreement for cooperation with India in jeopardy, but rather to encourage India's compliance with its commitments and to allow sanctions to be waived if compliance efforts are in train. It is the President's responsibility, however, to show in his certification to Congress that such circumstances limiting the Government of India's enforcement actions truly exist, and are not in reality an evasion of the intent of this provision that India exercise true oversight over the persons and entities that operate within its territory or jurisdiction.

The conferees understand that, if necessary, the President could use his waiver authority to give India some time in which to commence appropriate enforcement actions. The conferees intend, however, that any such waiver would be for a limited period and would be withdrawn if the expected enforcement failed to materialize.

Section 104(d)(4) derives from a provision in the Senate bill that prohibited the export and reexport to India of any equipment, materials, or technology related to the enrichment of uranium, the reprocessing of spent nuclear fuel, or the production of heavy water to India, except where the Indian end user is a multinational facility participating in an IAEA-approved program to provide alternatives to national fuel cycle capabilities or a facility participating in a bilateral or multinational program to develop a proliferation-resistant fuel cycle, and where the President determines that the export or reexport will not improve India's ability to produce nuclear weapons or fissile material for military uses. The conferees recommend the Senate provision with an amendment.

Section 104(d)(4) regulates U.S. cooperation with India in the areas of uranium enrichment, reprocessing of spent fuel and heavy water production. Under the Atomic Energy Act, such cooperation is not restricted, but agreements for cooperation must specify if such cooperation is to take place.

In dealing with such matters as related to India, the conferees have paid particular attention to the general status of such cooperation under U.S. law and with all nations that currently have 123 agreements with the United States, and to the policies of the present Administration. The conferees note that all but one currently active Section 123 agreement (with Australia) specifically prohibit such cooperation. In order to meet the requirement of Section 123 a.(9) of the Atomic Energy Act (that equipment, material, or production or utilization facilities produced as a result of a U.S. nuclear cooperation agreement will be subject to all the other requirements of Section 123 a.), it has been deemed necessary to amend agreements for cooperation, submitting them to Congress for approval. In 1999, when the United States Government opted to expand U.S.-Australian nuclear cooperation to allow for cooperation in the SILEX uranium enrichment process, an amended agreement was submitted to Congress for approval.

The conferees intend that, should any such cooperation with India be contemplated, either the original agreement for cooperation would specify that such cooperation is authorized or a subsequently amended agreement would be submitted to the Congress. In either circumstance, existing congressional prerogatives to review and approve such cooperation would be maintained. The conferees note that the Administration has already stipulated that "full civil nuclear cooperation," the term used in the July 18, 2005, Joint Statement between President Bush and Indian Prime Minister Singh, will not include enrichment or reprocessing technology. This is consistent with President Bush's February 11, 2004, speech at the National Defense University, in which he stated that "enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes," and the fact that, other than in the SILEX arrangement with Australia, the United States does not currently engage in cooperation regarding enrichment or reprocessing technology with any country.

The conferees recommend an additional provision, not contained in the original Senate bill, that would add a requirement that appropriate measures will be in place to ensure that no sensitive nuclear technology (SNT), as defined in section 4(5) of the Nuclear Nonproliferation Act of 1978 (22 U.S.C. 3203(5)), will be diverted to any person, site, facility, location, or program not under IAEA safeguards.

The conferees believe that this language is necessary to ensure that no SNT related to the enrichment of uranium (which can be used to make highly-enriched uranium for weapons), the reprocessing of spent nuclear fuel (which can provide plutonium for weapons), or the production of heavy water (which is used in reactors that produce weapons-grade plutonium and tritium as a by-product) is transferred to India, unless under circumstances that provide assurance that this technology would not be diverted to a similar site, facility, location, or program not associated with peaceful nuclear fuel-cycle activities.

India currently produces heavy water, operates heavy-water moderated reactors, reprocesses spent nuclear fuel, and has a limited uranium enrichment capability. Only a portion of India's facilities will be under IAEA safeguards, and sensitive nuclear technologies will reside in India in both safeguarded and un-safeguarded facilities. The conferees seek to ensure that the United States does not provide, even inadvertently, assistance to India that could further India's development of these technologies for non-civilian purposes. Such assistance could be viewed as a violation of U.S. obligations under Article I of the NPT.

The conferees intend that no licenses be issued pursuant to Parts 110 and 810 of Title 10 of the Code of Federal Regulations by the Nuclear Regulatory Commission (NRC) and the Secretary of Energy except under the requirements of subparagraph (B) of subsection 104(d)(4). Such a restriction on transfers would also extend to any Department of Energy authority to transfer enrichment, reprocessing, or heavy water production-related technology, not pursuant to a Section 123 agreement.

The conferees note that section 104(d)(4) cannot override the terms of an agreement for cooperation with India arranged pursuant to section 123 of the Atomic Energy Act that may not permit such cooperation and would thus bar such exports or transfers, and the conferees do not intend to create such authority. They expect that, as in other nuclear cooperation agreements, the Executive branch would submit an amended or new nuclear cooperation agreement to cover enrichment, reprocessing, or heavy water production-related cooperation, should such a change be undertaken in the future with India. Such an agreement would not be pursuant to the terms of this title, and would have to be submitted under the existing exemption authority contained in section 123 of the AEA.

Section 104(d)(5) contains broad requirements for a nuclear export accountability program to be carried out with respect to U.S. exports and re-exports of nuclear materials, equipment, and technology sold, leased, exported, or reexported to India. Such a program can provide increased confidence in India's separation of its civilian from its military nuclear programs, facilities, materials and personnel, and also would further ensure United States compliance with Article I of the NPT and implementation of section 123a.(1) of the Atomic Energy Act of 1954. The provision is not intended to reflect poorly on India's July 18, 2005, Joint Statement commitments and its March and May 2006 separation documents. Rather, the conferees believe that the resulting and regular cooperation between U.S. regulatory agencies, in particular with the NRC, can provide a basis for even greater cooperation between the two nations.

Section 104(d)(5) provides a large degree of flexibility to the President. Clauses (B)(i) and (ii) require sufficient measures to ensure that all the assurances and conditions of any licenses or authorizations issued for exports and reexports to India by the NRC (which are issued under 10 CFR Part 110) and by the Secretary of Energy (which are issued pursuant to 10 CFR Part 810) are being met and complied with in India. Clause (B)(ii) would require that, with respect to any authorizations issued by the Secretary of Energy pursuant to section 57 b. of the Atomic Energy Act of 1954 (42 USC 2077(b)): the identified recipients of the nuclear technology are authorized to receive the nuclear technology; the nuclear technology identified for transfer will be used only for safeguarded nuclear activities and will not be used for any military or nuclear explosive purpose; and the nuclear technology identified for transfer will not be retransferred without the prior consent of the United States, and facilities, equipment, or materials derived through the use of transferred technology will not be transferred without the prior consent of the United States.

Section 104(d)(5)(B)(iii) mandates that, in the event the IAEA is unable to implement safeguards as required by an agreement between the United States and India approved pursuant to this title, there be appropriate assurance that arrangements will be put in place expeditiously that are consistent with the requirements of section 123 a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2153(a)(1)) regarding the maintenance of safeguards as set forth in the agreement regardless of whether the agreement is terminated or suspended for any reason. Assurances that there will be such "fall-back safeguards," if needed, are an important feature of agreements for nuclear cooperation; they enable such safeguards to exist more clearly in perpetuity. There is always a possibility that budget or personnel strains in the IAEA will render it unable to fulfill a safeguards mandate. Such strains would likely have nothing to do with India, but would have a major impact on the ability of the United States to assure that U.S. exports were being used responsibly. The conferees intend to assure that the requirements of section 123 a.(1) are fully met; they do not intend to impose a more intrusive regime than arrangements that have been used before in one or more U.S. agreements for cooperation.

Section 104(e) makes a conforming amendment to section 123 d. of the Atomic Energy Act of 1954. The purpose of this provision is to make clear that the U.S.-India agreement on civil nuclear cooperation, even if exempted from subsection a.(2) of section 123, may enter into force only if approved by Congress by a joint resolution of approval, consistent with current law with regard to an agreement that the President exempts from any requirement of subsection a. of section 123. As with any other agreement submitted under section 123 d., the congressional approval procedures under section 130 i. of the Atomic Energy Act would apply.

Section 104(f) provides that the authority under subsection (a)(1) to exempt a U.S.-India agreement on civil nuclear cooperation will terminate if a joint resolution, approved as required under section 123 d. (as amended by subsection (e)), is enacted. The purpose of this provision is to ensure that a future President may not use the authority of this title to exempt a new U.S.-India agreement on civil nuclear cooperation.

Section 104(g) provides for several reports to Congress.

Paragraph (1) requires the President to keep the appropriate congressional committees fully and currently informed of the facts and implications of any significant nuclear activities of India. This requirement includes information on any material noncompliance on the part of the Government of India with the nonproliferation commitments undertaken in the Joint Statement of July 18, 2005, the March 7, 2006, separation plan, the future IAEA-India safeguards agreement and Additional Protocol, a peaceful nuclear cooperation agreement between India and the United States, the terms and conditions of any approved licenses regarding the export or reexport of nuclear material or dual-use material, equipment, or technology, and United States laws and regulations regarding such licenses. This reporting requirement also encompasses information regarding the construction of a nuclear facility in India after the date of the enactment of this title, significant changes in the production by India of nuclear weapons or in the types or amounts of fissile material produced, and changes in the purpose or operational status of any unsafeguarded nuclear fuel cycle activities in India.

The term "fully and currently informed" creates an obligation upon the Executive branch to inform the appropriate committees whenever significant information becomes available, rather than waiting to include it in a regularly scheduled report. This does not mean that the committees can expect daily or weekly briefings; rather, the Executive branch is trusted to use common sense in determining how best to discharge its duty to keep the committees up to date on important information.

Paragraph (2) requires an "Implementation and Compliance Report" by the President to Congress not later than 180 days after the date on which a civil nuclear cooperation agreement between the U.S. and India enters into force and annually thereafter.

This report must include a description of any additional nuclear facilities and nuclear materials that the Government of India has placed or intends to place under IAEA safeguards; a comprehensive listing of all licenses that have been approved by the Nuclear Regulatory Commission and the Secretary of Energy for exports and reexports to India under parts 110 and 810 of title 10, Code of Federal Regulations; any licenses approved by the Department of Commerce for the export or reexport to India of commodities, related technology, and software which are controlled for nuclear nonproliferation reasons on the Nuclear Referral List of the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulation, or any successor regulation; any other United States authorizations for the export or reexport to India of nuclear materials and equipment; and with respect to each such license or other form of authorization as described: (1) the number or other identifying information of each license or authorization; (2) the name or names of the authorized end user or end users; (3) the name of the site, facility, or location in India to which the export or reexport was made; (4) the terms and conditions included on such licenses and authorizations; (5) any postshipment verification procedures that will be applied to such exports or reexports; and (6) the term of validity of each such license or authorization.

This report must also include information regarding any significant nuclear commerce between India and other countries, including any such trade that is not consistent with applicable NSG guidelines or decisions, or would not meet the standards applied to exports or reexports of such material, equipment, or technology of United States origin. In addition, the report must include either an assessment that India is in full compliance with the commitments and obligations contained in the agreements and other documents referenced above; or an identification and analysis of all compliance issues arising with regard to the adherence by India to its commitments and obligations, including (1) the steps the U.S. Government has taken to remedy or otherwise respond to such compliance issues; (2) the responses of the Government of India to such steps; (3) the steps the U.S. Government will take to this end in the coming year; and (4) an assessment of the implications of any continued noncompliance, including whether nuclear commerce with India remains in the national security interest of the United States.

Further, the report must contain an assessment of whether India is fully and actively participating in United States and international efforts to dissuade, isolate, and, if necessary, sanction and contain Iran for its efforts to acquire weapons of mass destruction, including a nuclear weapons capability and the capability to enrich uranium or reprocess nuclear fuel, and the means to deliver weapons of mass destruction, including a description of the specific measures that India has taken in this regard; and if India is not assessed to be fully and actively participating in these efforts, a description of: the measures the United States Government has taken to secure India's full and active participation, the responses of the Government of India to such measures, and the measures the United States Government plans to take in the coming year to secure India's full and active participation.

The report must provide an analysis of whether United States civil nuclear assistance to India is in any way assisting India's nuclear weapons program, including through the use of any U.S. equipment, technology, or nuclear material by India in an unsafeguarded nuclear facility or nuclear-weapons related complex; the replication and subsequent use of any U.S. technology by India in an unsafeguarded nuclear facility or unsafeguarded nuclear weapons-related complex, or for any activity related to the research, development, testing, or manufacture of nuclear explosive devices; and the provision of nuclear fuel in such a manner as to facilitate the increased production by India of highly-enriched uranium or plutonium in unsafeguarded nuclear facilities.

A detailed description is also required regarding U.S. efforts to promote national or regional progress by India and Pakistan in disclosing, securing, limiting, and reducing their fissile material stockpiles, including stockpiles for military purposes, pending creation of a world-wide fissile material cutoff regime, including the institution of a Fissile Material Cut-off Treaty; the responses of India and Pakistan to such efforts; and assistance that the United States is providing, or would be able to provide, to India and Pakistan to promote the aforementioned national and regional progress by India and Pakistan.

The report must also contain an estimate of the amount of uranium mined and milled in India during the previous year, the amount of such uranium that has likely been used or allocated for the production of nuclear explosive devices, and the rate of production in India of fissile material for nuclear explosive devices and of nuclear explosive devices, along with an estimate of the amount of electricity India's nuclear reactors produced for civil purposes during the previous year, and the proportion of such production that can be attributed to India's declared civil reactors, given that India's military reactors produce some electricity for use in the civil sector. In addition, there must be an analysis as to whether imported uranium has affected the rate of production in India of nuclear explosive devices.

The report must also provide a detailed description of efforts and progress made toward the achievement of India's full participation in the Proliferation Security Initiative and formal commitment to the Statement of Interdiction Principles of the PSI; public announcement of its decision to conform its export control laws, regulations, and policies with the Australia Group and with the Guidelines, Procedures, Criteria, and Controls List of the Wassenaar Arrangement; and effective implementation of these decisions.

Finally, this report requires information regarding the disposal during the previous year of spent nuclear fuel from India's civilian nuclear program, and any plans or activities relating to future disposal of such spent nuclear fuel.

Paragraph (3) allows the President to submit the aforementioned reports under Paragraph (2) with other annual reports. The report shall be unclassified but may contain a classified annex.

Section 105. United States compliance with its Nuclear Nonproliferation Treaty obligations

Sec. 106 states that nothing in this title constitutes authority for any action in violation of an obligation of the United States under the NPT. As stated earlier in this report, the conferees consider the NPT to be the cornerstone of U.S. nuclear nonproliferation policy. They expect the Executive branch to keep its NPT obligations in mind when considering each export or reexport, transfer,or retransfer pursuant to an agreement for cooperation, and especially pursuant to such an agreement with a state that is not a State Party to the NPT.

Section 106. Inoperability of determination and waivers

Sec. 106 states that a determination and any waiver under section 104 shall cease to be effective if the President determines that India has detonated a nuclear explosive device after the date of the enactment of this Act. The conferees intend this section to make absolutely clear a point that already follows from section 129 of the Atomic Energy Act (42 U.S.C. 2158). This title affords no waiver from section 129 for an Indian nuclear detonation after July 18, 2005.

Section 107. MTCR adherent status

Section 107 is included to clarify the status accorded to India. Section 73 of the Arms Export Control Act (AECA) mandates sanctions on transfers of MTCR equipment or technology if the President determines that a foreign person knowingly exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under the AECA; or if a foreign person conspires to or attempts to engage in such export, transfer, or trade; or if a foreign person facilitates such an export, transfer, or trade by any other person; or if the President has made a determination with respect to a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 USC App. 2410b(b)(1)). Section 73 of AECA is, however, inapplicable to MTCR adherents if the export in question is "any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud" or if the export, transfer, or trade of an item is to an end user in a country that is an MTCR adherent (section 73(b)). Section 73 also provides for the termination of sanctions when an MTCR adherent takes steps toward effective judicial enforcement against persons violating the prohibitions in section 73, if such actions are "comprehensive" and are "performed to the satisfaction of the United States" and the findings of such proceedings are satisfactory to the United States (section 73(c)(1)(A) and (B) and section 73(c)(2)).

Secretary Rice has stated that "India would not be considered an 'MTCR Adherent' as defined under Section 73" because:

"India has committed to unilaterally adhere to the Missile Technology Control Regime (MTCR) Guidelines. The missile sanctions law would generally still apply to a "unilateral adherent" to the MTCR.

Unilateral adherence to the MTCR Guidelines means that a country makes a unilateral political commitment to abide by the Guidelines and Annex of the MTCR. In particular, an MTCR unilateral adherent commits to control exports of missile-related equipment and technology according the MTCR Guidelines, including any subsequent changes to the MTCR Guidelines and Annex. Inter alia, this means that MTCR unilateral adherent countries need to have in place laws and regulations that permit them to control the export of MTCR Annex equipment and technology consistent with the MTCR Guidelines.

An "MTCR Adherent" is a specially defined status in terms of Section 73 of the Arms Export Control Act (also referred to as the missile sanctions law). An 'MTCR Adherent,' as defined in Section 73 of the missile sanctions law, is a country that "participates" in the MTCR or that, "pursuant to an international understanding to which the United States is a party, controls MTCR equipment and technology in accordance with the criteria and standards set forth in the MTCR." India's "unilateral adherence" to the MTCR would not meet this requirement.

Since India's unilateral adherence does not qualify it as an MTCR adherent under section 73 of AECA, the conferees included section 107 to clarify this point. While the provision accomplishes this, it is also drafted in such a manner as to permit India, should it so decide in the future, to enjoy the benefits of AECA section 73 by becoming a full adherent to the MTCR. Because the provision states a factual finding by Congress, the provision would no longer have effect if India were to meet the requirements laid out as in Secretary Rice's statement. Under section 107, however, India's transfers of missile or missile-related equipment, technology and technical data, remain for now subject to U.S. sanctions if they should violate subsection 73(a) of the AECA.

Section 108. Technical amendment

Sec. 108 is a technical amendment regarding Section 1112(c)(4) of the Arms Control and Nonproliferation Authorization Act of 1999 (title XI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–486).

Section 109. United States-India Scientific Cooperative Nuclear Nonproliferation Program

Section 109 authorizes the Secretary of Energy to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards. The conferees believe that there are exciting opportunities for cooperative efforts between U.S. and Indian scientists and engineers in this area, and they hope that the two countries' civil nuclear power experts, in particular, will share new ideas and best practices for the benefit of all. Section 109 is not intended to create an obligation for India to meet, but rather to open an avenue for increased cooperation on topics of concern to both countries.

Subsection (c) mandates that the Secretary of Energy enter into an agreement with the National Academies to develop recommendations for the implementation of the cooperative nonproliferation program. The National Academies, which include, inter alia, the National Academy of Sciences, the National Academy of Engineering, and the National Research Council, have a long and distinguished history of cooperation with Indian scientists and are skilled at building bridges to further joint efforts. The conferees encourage the Secretary of Energy to arrange for this National Academies assistance in the coming months, even if funds for the cooperative program cannot be appropriated until fiscal year 2008.

Section 110. Definitions

Section 110 defines terms used in this Act.

TITLE II—UNITED STATES ADDITIONAL PROTOCOL IMPLEMENTATION

Title II is a Senate provision, based almost entirely upon S. 2489, the U.S. Additional Protocol Implementation Act, reported by the Senate Committee on Foreign Relations on April 3, 2006, in Senate Report 109–226. It implements the Additional Protocol between the United States and the International Atomic Energy Agency (T. Doc. 107–7), to which the Senate gave advice and consent to ratification on March 31, 2004.

The Senate adopted amendments to the S. 2489 text when it was debated as title II of this bill, and the conferees recommend a small number of further amendments. The conferees hereby incorporate by reference Senate Report 109–226, except where provisions were later amended either in the Senate or by the conferees.

Sections 252 and 253 were modified by the Senate, principally to require that location-specific IAEA environmental sampling not be permitted in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapon state. The conferees are persuaded that the IAEA is unlikely to propose such sampling, given that the United States, as a nuclear weapon state, is not barred from using fissile material for military purposes.

The conferees are further persuaded that these sections will not prevent the United States from fulfilling its obligations under the Additional Protocol. This is true even though section 254, also added by the Senate, limits the purposes that may be construed as covered by the phrase "necessary to increase the capability of the IAEA to detect undeclared nuclear activities in a non-nuclear weapon state."

Subtitle F of title II, Protection of National Security Information and Activities, was added by the Senate. Section 261(a) provides that no current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol. Similarly, under section 261(b), no information of direct national security significance regarding such locations, sites, or facilities shall be provided under the Additional Protocol. These requirements parallel statements that Administration officials have made for several years regarding how the Additional Protocol's national security exemption will be implemented.

Sections 261(c) and 261(d) provide that nothing in this title shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 or of national security information and other classified information. These provisions parallel an understanding in the resolution of ratification approved by the Senate in 2004 that the Additional Protocol does not require any such disclosure. The conferees note that these provisions do not bar the Executive branch, however, from using any other authority that it may possess to provide classified information to the IAEA.

Section 262(a) provides that no national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement. Both the Additional Protocol and the underlying U.S.-IAEA safeguards agreement allow the United States to bar individual inspectors from engaging in inspections in the United States, and the United States has routinely exercised that right as appropriate. The conferees know of no occasion on which a national of a state sponsor of terrorism has conducted an IAEA inspection in this country.

Section 262(b) requires that IAEA inspectors be accompanied at all times by U.S. Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol. The conferees understand that this provision will not require any change in current practices.

Section 262(c) provides that the President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol. The conferees understand that once this title is enacted, the Executive branch will resume such assessments.

Subtitle G of title II provides for several reports from the Executive branch. Sections 271 through 273 provide for prior notice of sites, locations, facilities, and activities in the United States to be declared to the IAEA or removed from that status, along with the reasons for those decisions; and certification that the necessary security assessments have been conducted and appropriate measures taken to ensure that information of direct national security significance will not be compromised.

Section 274 provides for reports on: measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon States Party; and on assistance that has been provided or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon States Party and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding. The conferees believe that the safeguards function is a vital element of U.S. nonproliferation policy and urge the Executive branch to maintain robust funding for U.S. assistance to the IAEA, taking into account the continuing need for improved safeguards in countries of concern, the additional safeguards load that the IAEA will have to bear when India begins to engage in large-scale civil nuclear commerce, and the likely advent of additional safeguards requirements as the world moves to increase nuclear power production.

Section 275 provides that the President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol. Article 10 says that the IAEA shall inform the United States of activities carried out under the Additional Protocol, including those in response to questions or inconsistencies the IAEA had brought to the attention of the United States, the results of those IAEA activities, and the conclusions that the IAEA has drawn. Article 10 notifications will take place at least annually.

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JOHN BOEHNER,
TOM LANTOS,
Managers on Part of the House.

RICHARD G. LUGAR,
CHUCK HAGEL,
GEORGE ALLEN,
BILL FRIST,
JOE BIDEN,
CHRIS DODD,
Managers on the Part of the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6344) to reauthorize the Office of National Drug Control Policy Act, as amended.

The Clerk read as follows:

H.R. 6344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE, AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Office of National Drug Control Policy Reauthorization Act of 2006".

(b) AMENDMENT OF OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Office of National Drug Control Policy Reauthorization Act of 1998 (Public Law 105–277; 21 U.S.C. 1701 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, reference, and table of contents.

TITLE I—ORGANIZATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY AND ROLES AND RESPONSIBILITIES

Sec. 101. Amendments to definitions.
Sec. 102. Establishment of the Office of National Drug Control Policy.
Sec. 103. Appointment and responsibilities of the Director.
Sec. 104. Amendments to ensure coordination with other agencies.
Sec. 105. Budgetary matters.

TITLE II—THE NATIONAL DRUG CONTROL STRATEGY

Sec. 201. Annual preparation and submission of National Drug Control Strategy.
Sec. 202. Performance measurements.
Sec. 203. Annual report requirement.

TITLE III—HIGH INTENSITY DRUG TRAFFICKING AREAS

Sec. 301. High Intensity Drug Trafficking Areas Program.
Sec. 302. Funding for certain high intensity drug trafficking areas.
Sec. 303. Assessment.

TITLE IV—TECHNOLOGY

Sec. 401. Counterdrug Technology Assessment Center.

TITLE V—NATIONAL YOUTH MEDIA CAMPAIGN

Sec. 501. National Youth Anti-Drug Media Campaign.

TITLE VI—AUTHORIZATIONS AND EXTENSION OF TERMINATION DATE

Sec. 601. Authorization of appropriations.
Sec. 602. Extension of termination date.

TITLE VII—ANTI-DOPING AGENCY

Sec. 701. Designation of United States Anti-Doping Agency.
Sec. 702. Records, audit, and report.
Sec. 703. Authorization of appropriations.

TITLE VIII—DRUG-FREE COMMUNITIES

Sec. 801. Reauthorization.
Sec. 802. Suspension of grants.
Sec. 803. Grant award increase.
Sec. 804. Prohibition on additional eligibility criteria.
Sec. 805. National Community Anti-Drug Coalition Institute.

TITLE IX—NATIONAL GUARD COUNTERDRUG SCHOOLS

Sec. 901. National Guard counterdrug schools.

TITLE X—NATIONAL METHAMPHETAMINE INFORMATION CLEARINGHOUSE ACT OF 2006

Sec. 1001. Short title.
Sec. 1002. Definitions.
Sec. 1003. Establishment of clearinghouse and advisory council.
Sec. 1004. NMIC requirements and review.
Sec. 1005. Authorization of appropriations.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Repeals.
Sec. 1102. Controlled Substances Act amendments.
Sec. 1103. Report on law enforcement intelligence sharing.
Sec. 1104. Requirement for South American heroin strategy.

Sec. 1105. Model acts.
Sec. 1106. Study on iatrogenic addiction associated with prescription opioid analgesic drugs.
Sec. 1107. Requirement for strategy to stop Internet advertising of prescription medicines without a prescription.
Sec. 1108. Requirement for study on diversion and inappropriate uses of prescription drugs.
Sec. 1109. Requirement for Afghan Heroin Strategy.
Sec. 1110. Requirement for Southwest Border Counternarcotics Strategy.
Sec. 1111. Requirement for Scientific Study of Mycoherbicide in Illicit Drug Crop Eradication.
Sec. 1112. Requirement for Study of State Precursor Chemical Control Laws.
Sec. 1113. Requirement for Study of Drug Endangered Children Programs.
Sec. 1114. Study on drug court hearings in nontraditional places.
Sec. 1115. Report on tribal Government participation in HIDTA process.
Sec. 1116. Report on school drug testing.
Sec. 1117. Report on ONDCP performance bonuses.
Sec. 1118. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communication materials.
Sec. 1119. Awards for demonstration programs by local partnerships to coerce abstinence in chronic hard-drug users under community supervision through the use of drug testing and sanctions.
Sec. 1120. Policy relating to syringe exchange programs.

TITLE I—ORGANIZATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY AND ROLES AND RESPONSIBILITIES

SEC. 101. AMENDMENTS TO DEFINITIONS.

(a) DEMAND REDUCTION.—Section 702(1) is amended—

(1) in subparagraph (F), by striking "and" after the semicolon;

(2) in paragraph (G), by striking the period at the end and inserting ", including the testing of employees;"; and

(3) by adding at the end the following:

"(H) interventions for drug abuse and dependence;

"(I) international drug control coordination and cooperation with respect to activities described in this paragraph; and

"(J) international drug abuse education, prevention, treatment, research, rehabilitation activities, and interventions for drug abuse and dependence.".

(b) NATIONAL DRUG CONTROL PROGRAM.—Section 702(6) is amended by adding before the period the following: ", including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs".

(c) PROGRAM CHANGE.—Section 702(7) is amended by—

(1) striking "National Foreign Intelligence Program," and inserting "National Intelligence Program,"; and

(2) inserting after "Related Activities," the following: "or (for purposes of section 704(d)) an agency that is described in section 530C(a) of title 28, United States Code,".

(d) OFFICE.—Section 702(9) is amended by striking "implicates" and inserting "indicates".

(e) STATE, LOCAL, AND TRIBAL AFFAIRS.—Paragraph (10) of section 702 is amended to read as follows:

"(10) STATE, LOCAL, AND TRIBAL AFFAIRS.—The term 'State, local, and tribal affairs' means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of illegal drugs, including—

"(A) coordination and enhancement of Federal, State, local, and tribal law enforcement drug control efforts;

"(B) coordination and enhancement of efforts among National Drug Control Program agencies and State, local, and tribal demand reduction and supply reduction agencies;

"(C) coordination and enhancement of Federal, State, local, and tribal law enforcement initiatives to gather, analyze, and disseminate information and law enforcement intelligence relating to drug control among domestic law enforcement agencies; and

"(D) other coordinated and joint initiatives among Federal, State, local, and tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs.".

(f) SUPPLY REDUCTION.—Section 702(11) is amended to read as follows:

"(11) SUPPLY REDUCTION.—The term 'supply reduction' means any activity or program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of illegal drugs in the United States or abroad, including—

"(A) law enforcement outside the United States;

"(B) source country programs, including economic development programs primarily intended to reduce the production or trafficking of illicit drugs;

"(C) activities to control international trafficking in, and availability of, illegal drugs, including—

"(i) accurate assessment and monitoring of international drug production and interdiction programs and policies; and

"(ii) coordination and promotion of compliance with international treaties relating to the production, transportation, or interdiction of illegal drugs;

"(D) activities to conduct and promote international law enforcement programs and policies to reduce the supply of drugs; and

"(E) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program agencies, relating to the production and trafficking of drugs in the United States and in foreign countries.".

(g) DEFINITIONS OF APPROPRIATE CONGRESSIONAL COMMITTEES AND LAW ENFORCEMENT.—Section 702 is amended by adding at the end the following:

"(12) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except where otherwise provided, the term 'appropriate congressional committees' means the Committee on the Judiciary, the Committee on Appropriations, and the Caucus on International Narcotics Control of the Senate and the Committee on Government Reform, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

"(13) LAW ENFORCEMENT.—The term 'law enforcement' or 'drug law enforcement' means all efforts by a Federal, State, local, or tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.".

SEC. 102. ESTABLISHMENT OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) RESPONSIBILITIES.—Section 703(a) is amended to read as follows:

"(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

"(1) develop national drug control policy;

"(2) coordinate and oversee the implementation of the national drug control policy;

"(3) assess and certify the adequacy of National Drug Control Programs and the budget for those programs; and

"(4) evaluate the effectiveness of the national drug control policy and the National Drug Control Program agencies' programs, by developing and applying specific goals and performance measurements.".

(b) POSITIONS.—Section 703(b) is amended to read as follows:

"(b) DIRECTOR OF NATIONAL DRUG CONTROL POLICY AND DEPUTY DIRECTORS.—

"(1) DIRECTOR.—There shall be a Director of National Drug Control Policy who shall head the Office (referred to in this Act as the 'Director') and shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code.

"(2) DEPUTY DIRECTOR.—There shall be a Deputy Director of National Drug Control Policy who shall report directly to the Director (referred to in this Act as the 'Deputy Director').

"(3) OTHER DEPUTY DIRECTORS.—

"(A) IN GENERAL.—There shall be a Deputy Director for Demand Reduction, a Deputy Director for Supply Reduction, and a Deputy Director for State, Local, and Tribal Affairs.

"(B) REPORTING.—The Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall report directly to the Deputy Director of the Office of National Drug Control Policy.

"(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—The Deputy Director for Demand Reduction shall be responsible for the activities in subparagraphs (A) through (H) of section 702(1).

"(D) DEPUTY DIRECTOR FOR SUPPLY REDUCTION.—The Deputy Director for Supply Reduction shall—

"(i) have substantial experience and expertise in drug interdiction and other supply reduction activities; and

"(ii) be responsible for the activities in subparagraphs (A) through (C) in section 702(11).

"(E) DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS.—The Deputy Director for State, Local, and Tribal Affairs shall be responsible for the activities—

"(i) in subparagraphs (A) through (D) of section 702(10);

"(ii) in section 707, the High Intensity Drug Trafficking Areas Program; and

"(iii) in section 708, the Counterdrug Technology Assessment Center.".

SEC. 103. APPOINTMENT AND RESPONSIBILITIES OF THE DIRECTOR.

(a) SUCCESSION.—Section 704(a) is amended by amending paragraph (3) to read as follows:

"(3) ACTING DIRECTOR.—If the Director dies, resigns, or is otherwise unable to perform the functions and duties of the office, the Deputy Director shall perform the functions and duties of the Director temporarily in an acting capacity pursuant to subchapter III of chapter 33 of title 5, United States Code.".

(b) RESPONSIBILITIES.—Section 704(b) is amended—

(1) in paragraph (4), by striking "Federal departments and agencies engaged in drug enforcement" and inserting "National Drug Control Program agencies";

(2) in paragraph (7), by inserting after "President" the following: "and the appropriate congressional committees";

(3) in paragraph (13), by striking "(beginning in 1999)";

(4) by striking paragraph (14) and inserting the following:

"(14) shall submit to the appropriate congressional committees on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

"(A) each of the evaluations received by the Director under paragraph (13); and

"(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency developed under section 706(c);";

(5) in paragraph (15), by striking subparagraph (C) and inserting the following:

"(C) supporting the substance abuse information clearinghouse administered by the Administrator of the Substance Abuse and Mental Health Services Administration and established in section 501(d)(16) of the Public Health Service Act by—

"(i) encouraging all National Drug Control Program agencies to provide all appropriate and relevant information; and

"(ii) supporting the dissemination of information to all interested entities;"; and

(6) by inserting at the end the following:

"(16) shall coordinate with the private sector to promote private research and development of medications to treat addiction;

"(17) shall seek the support and commitment of State, local, and tribal officials in the formulation and implementation of the National Drug Control Strategy;

"(18) shall monitor and evaluate the allocation of resources among Federal law enforcement agencies in response to significant local and regional drug trafficking and production threats;

"(19) shall submit an annual report to Congress detailing how the Office of National Drug Control Policy has consulted with and assisted State, local, and tribal governments with respect to the formulation and implementation of the National Drug Control Strategy and other relevant issues; and

"(20) shall, within 1 year after the date of the enactment of the Office of National Drug Control Policy Reauthorization Act of 2006, report to Congress on the impact of each Federal drug reduction strategy upon the availability, addiction rate, use rate, and other harms of illegal drugs.".

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) is amended—

(1) in subparagraph (C)(iii), by inserting "and the appropriate congressional committees," after "House of Representatives"; and

(2) in subparagraph (D)(ii)(II)(bb), by inserting "and the appropriate congressional committees," after "House of Representatives".

(d) POWERS OF DIRECTOR.—Section 704(d) is amended—

(1) in paragraph (9), by striking "Strategy; and" and inserting "Strategy and notify the appropriate congressional committees of any fund control notice issued in accordance with section 704(f)(5);"; and

(2) in paragraph (10), by inserting before the period the following: "and section 706 of the Department of State Authorization Act for Fiscal Year 2003 (22 U.S.C. 229j–1)".

(e) FUND CONTROL NOTICES.—Section 704(f) is amended by adding at the end the following:

"(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

"(5) RESTRICTIONS.—The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner—

"(A) contrary, in whole or in part, to a specific appropriation; or

"(B) contrary, in whole or in part, to the expressed intent of Congress.".

(f) DRUG INTERDICTION.—

(1) IN GENERAL.—Section 711 is amended by adding at the end the following:

"SEC. 711. DRUG INTERDICTION COORDINATOR AND COMMITTEE.

"(a) UNITED STATES INTERDICTION COORDINATOR.—

"(1) IN GENERAL.—The United States Interdiction Coordinator shall perform the duties of that position described in paragraph (2) and such other duties as may be determined by the Director with respect to coordination of efforts to interdict illicit drugs from entering the United States.

"(2) RESPONSIBILITIES.—The United States Interdiction Coordinator shall be responsible to the Director for—

"(A) coordinating the interdiction activities of the National Drug Control Program agencies to ensure consistency with the National Drug Control Strategy;

"(B) on behalf of the Director, developing and issuing, on or before March 1 of each year and in accordance with paragraph (3), a National Interdiction Command and Control Plan to ensure the coordination and consistency described in subparagraph (A);

"(C) assessing the sufficiency of assets committed to illicit drug interdiction by the relevant National Drug Control Program agencies; and

"(D) advising the Director on the efforts of each National Drug Control Program agency to implement the National Interdiction Command and Control Plan.

"(3) STAFF.—The Director shall assign such permanent staff of the Office as he considers appropriate to assist the United States Interdiction Coordinator to carry out the responsibilities described in paragraph (2), and may also, at his discretion, request that appropriate National Drug Control Program agencies detail or assign staff to the Office of Supply Reduction for that purpose.

"(4) NATIONAL INTERDICTION COMMAND AND CONTROL PLAN.—

"(A) PURPOSES.—The National Interdiction Command and Control Plan shall—

"(i) set forth the Government's strategy for drug interdiction;

"(ii) state the specific roles and responsibilities of the relevant National Drug Control Program agencies for implementing that strategy; and

"(iii) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

"(B) CONSULTATION WITH OTHER AGENCIES.—The United States Interdiction Coordinator shall issue the National Interdiction Command and Control Plan in consultation with the other members of the Interdiction Committee described in subsection (b).

"(C) LIMITATION.—The National Interdiction Command and Control Plan shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

"(D) REPORT TO CONGRESS.—On or before March 1 of each year, the United States Interdiction Coordinator shall provide a report on behalf of the Director to the appropriate congressional committees, to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate, which shall include—

"(i) a copy of that year's National Interdiction Command and Control Plan;

"(ii) information for the previous 10 years regarding the number and type of seizures of drugs by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas of such seizures; and

"(iii) information for the previous 10 years regarding the number of air and maritime patrol hours undertaken by each National Drug Control Program agency conducting drug interdiction activities, as well as statistical information on the geographic areas in which such patrol hours took place.

"(E) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the report described in subparagraph (D) that involves information classified under criteria established by an Executive order, or the public disclosure of which, as determined by the Director, the Director of National Intelligence, or the head of any Federal Government agency the activities of which are described in the plan, would be detrimental to the law enforcement or national security activities of any Federal, State, or local agency, shall be presented to Congress separately from the rest of the report.

"(b) INTERDICTION COMMITTEE.—

"(1) IN GENERAL.—The Interdiction Committee shall meet to—

"(A) discuss and resolve issues related to the coordination, oversight and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy;

"(B) review the annual National Interdiction Command and Control Plan, and provide advice to the Director and the United States Interdiction Coordinator concerning that plan; and

"(C) provide such other advice to the Director concerning drug interdiction strategy and policies as the committee determines is appropriate.

"(2) CHAIRMAN.—The Director shall designate one of the members of the Interdiction Committee to serve as chairman.

"(3) MEETINGS.—The members of the Interdiction Committee shall meet, in person and not through any delegate or representative, at least once per calendar year, prior to March 1. At the call of either the Director or the current chairman, the Interdiction Committee may hold additional meetings, which shall be attended by the members either in person, or through such delegates or representatives as they may choose.

"(4) REPORT.—Not later than September 30 of each year, the chairman of the Interdiction Committee shall submit a report to the Director and to the appropriate congressional committees describing the results of the meetings and any significant findings of the Committee during the previous 12 months. Any content of such a report that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director, the chairman, or any member, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the report. by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.".

(2) CONFORMING AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended—

(A) in subsection (c), by striking "Except as provided in subsection (d), the" and inserting "The"; and

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(3) TECHNICAL AMENDMENTS.—Section 704 (21 U.S.C. 1703) is amended—

(A) by amending subsection (g) to read as follows:

"(g) INAPPLICABILITY TO CERTAIN PROGRAMS.—The provisions of this section shall not apply to the National Intelligence Program, the Joint Military Intelligence Program, and Tactical and Related Activities, unless such program or an element of such program is designated as a National Drug Control Program—

"(1) by the President; or

"(2) jointly by—

"(A) in the case of the National Intelligence Program, the Director and the Director of National Intelligence; or

"(B) in the case of the Joint Military Intelligence Program and Tactical and Related Activities, the Director, the Director of National Intelligence, and the Secretary of Defense."; and

(B) by amending subsection (h) to read as follows:

"(h) CONSTRUCTION.—Nothing in this Act shall be construed as derogating the authorities and responsibilities of the Director of National Intelligence or the Director of the Central Intelligence Agency contained in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or any other law.".

SEC. 104. AMENDMENTS TO ENSURE COORDINATION WITH OTHER AGENCIES.

Section 705 is amended—

(1) in subsection (a)(1)(A), by striking "abuse";

(2) in subsection (a)(2)(A), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence";

(3) in subsection (a)(2)(B), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence and the Director of the Central Intelligence Agency";

(4) by amending subsection (a)(3) to read as follows:

"(3) REQUIRED REPORTS.—

"(A) SECRETARIES OF THE INTERIOR AND AGRICULTURE.—Not later than July 1 of each year, the Secretaries of Agriculture and the Interior shall jointly submit to the Director and the appropriate congressional committees an assessment of the quantity of illegal drug cultivation and manufacturing in the United States on lands owned or under the jurisdiction of the Federal Government for the preceding year.

"(B) SECRETARY OF HOMELAND SECURITY.—Not later than July 1 of each year, the Secretary of Homeland Security shall submit to the Director and the appropriate congressional committees information for the preceding year regarding—

"(i) the number and type of seizures of drugs by each component of the Department of Homeland Security seizing drugs, as well as statistical information on the geographic areas of such seizures; and

"(ii) the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Homeland Security.

"(C) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number of air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of the Department of Defense.

"(D) ATTORNEY GENERAL.—The Attorney General shall, by July 1 of each year, submit to the Director and the appropriate congressional committees information for the preceding year regarding the number and type of—

"(i) arrests for drug violations;

"(ii) prosecutions for drug violations by United States Attorneys; and

"(iii) seizures of drugs by each component of the Department of Justice seizing drugs, as well as statistical information on the geographic areas of such seizures.";

(5) in subsection (b)(2)(B), by striking "Program" and inserting "Strategy"; and

(6) in subsection (c), by striking "in" and inserting "on".

SEC. 105. BUDGETARY MATTERS.

(a) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—Section 704(c)(1) is amended by adding at the end the following:

"(C) CONTENT OF DRUG CONTROL BUDGET REQUESTS.—A drug control budget request submitted by a department, agency, or program under this paragraph shall include all requests for funds for any drug control activity undertaken by that department, agency, or program, including demand reduction, supply reduction, and State, local, and tribal affairs, including any drug law enforcement activities. If an activity has both drug control and nondrug control purposes or applications, the department, agency, or program shall estimate by a documented calculation the total funds requested for that activity that would be used for drug control, and shall set forth in its request the basis and method for making the estimate.".

(b) NATIONAL DRUG CONTROL BUDGET PROPOSAL.—

(1) NATIONAL ORGANIZATIONS.—Section 704(c)(2) is amended by inserting "and the head of each major national organization that represents law enforcement officers, agencies, or associations" after "agency".

(2) TOTAL BUDGET.—Section 704(c)(2)(A) is amended by inserting before the semicolon: "and to inform Congress and the public about the total amount proposed to be spent on all supply reduction, demand reduction, State, local, and tribal affairs, including any drug law enforcement, and other drug control activities by the Federal Government, which shall conform to the content requirements set forth in paragraph (1)(C)".

(c) REVIEW AND CERTIFICATION OF NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c)(3) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIFIC REQUESTS.—The Director shall not confirm the adequacy of any budget request that—

"(i) requests funding for Federal law enforcement activities that do not adequately compensate for transfers of drug enforcement resources and personnel to law enforcement and investigation activities;

"(ii) requests funding for law enforcement activities on the borders of the United States that do not adequately direct resources to drug interdiction and enforcement;

"(iii) requests funding for drug treatment activities that do not provide adequate results and accountability measures;

"(iv) requests funding for any activities of the Safe and Drug-Free Schools Program that do not include a clear anti-drug message or purpose intended to reduce drug use;

"(v) requests funding for drug treatment activities that do not adequately support and enhance Federal drug treatment programs and capacity;

"(vi) requests funding for fiscal year 2007 for activities of the Department of Education, unless it is accompanied by a report setting forth a plan for providing expedited consideration of student loan applications for all individuals who submitted an application for any Federal grant, loan, or work assistance that was rejected or denied pursuant to 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) by reason of a conviction for a drug-related offense not occurring during a period of enrollment for which the individual was receiving any Federal grant, loan, or work assistance; and

"(vii) requests funding for the operations and management of the Department of Homeland Security that does not include a specific request for funds for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458).";

(3) in subparagraph (D)(iii), as so redesignated, by inserting "and the appropriate congressional committees" after "House of Representatives"; and

(4) in subparagraph (E)(ii)(II)(bb), as so redesignated, by inserting "and the appropriate congressional committees" after "House of Representatives".

(d) REPROGRAMMING AND TRANSFER REQUESTS.—Section 704(c)(4)(A) (21 U.S.C. 1703(c)(4)(A)) is amended—

(1) by striking "$5,000,000" and inserting "$1,000,000"; and

(2) adding at the end the following: "If the Director has not responded to a request for reprogramming subject to this subparagraph within 30 days after receiving notice of the request having been made, the request shall be deemed approved by the Director under this subparagraph and forwarded to Congress.".

(e) POWERS OF DIRECTOR.—Section 704(d) is amended—

(1) in paragraph (8)(D), by striking "have been authorized by Congress;" and inserting "authorized by law;";

(2) in paragraph (9), by striking "Strategy; and" and inserting "Strategy and notify the appropriate congressional committees of any fund control notice issued; and"; and

(3) in paragraph (10), by striking "(22 U.S.C. 2291j)." and inserting "(22 U.S.C. 2291j) and section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1).".

(f) FUND CONTROL NOTICES.—Section 704(f) (21 U.S.C. 1703(f)) is amended by adding at the end the following:

"(4) CONGRESSIONAL NOTICE.—A copy of each fund control notice shall be transmitted to the appropriate congressional committees.

"(5) RESTRICTIONS.—The Director shall not issue a fund control notice to direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated, modified, or altered in any manner contrary, in whole or in part, to a specific appropriation or statute.".

TITLE II—THE NATIONAL DRUG CONTROL STRATEGY

SEC. 201. ANNUAL PREPARATION AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.

Section 706 is amended to read as follows:

"SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

"(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

"(1) TIMING.—Not later than February 1 of each year, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan for the year to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of, and reducing the demand for, illegal drugs.

"(2) CONTENTS.—

"(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include the following:

"(i) Comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States.

"(ii) Annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year beginning on the date on which the National Drug Control Strategy is submitted.

"(iii) A 5-year projection for program and budget priorities.

"(iv) A review of international, State, local, and private sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government.

"(v) An assessment of current illicit drug use (including inhalants and steroids) and availability, impact of illicit drug use, and treatment availability, which assessment shall include—

"(I) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of nondependent and dependent illicit drug use;

"(II) illicit drug use in the workplace and the productivity lost by such use; and

"(III) illicit drug use by arrestees, probationers, and parolees.

"(vi) An assessment of the reduction of illicit drug availability, as measured by—

"(I) the quantities of cocaine, heroin, marijuana, methamphetamine, ecstasy, and other drugs available for consumption in the United States;

"(II) the amount of marijuana, cocaine, heroin, methamphetamine, ecstasy, and precursor chemicals and other drugs entering the United States;

"(III) the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

"(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized and other drugs; and

"(V) changes in the price and purity of heroin, methamphetamine, and cocaine, changes in the price of ecstasy, and changes in tetrahydrocannabinol level of marijuana and other drugs.

"(vii) An assessment of the reduction of the consequences of illicit drug use and availability, which shall include—

"(I) the burden illicit drug users placed on hospital emergency departments in the United States, such as the quantity of illicit drug-related services provided;

"(II) the annual national health care cost of illicit drug use; and

"(III) the extent of illicit drug-related crime and criminal activity.

"(viii) A determination of the status of drug treatment in the United States, by assessing—

"(I) public and private treatment utilization; and

"(II) the number of illicit drug users the Director estimates meet diagnostic criteria for treatment.

"(ix) A review of the research agenda of the Counterdrug Technology Assessment Center to reduce the availability and abuse of drugs.

"(x) A summary of the efforts made to coordinate with private sector entities to conduct private research and development of medications to treat addiction by—

"(I) screening chemicals for potential therapeutic value;

"(II) developing promising compounds;

"(III) conducting clinical trials;

"(IV) seeking Food and Drug Administration approval for drugs to treat addiction;

"(V) marketing the drug for the treatment of addiction;

"(VI) urging physicians to use the drug in the treatment of addiction; and

"(VII) encouraging insurance companies to reimburse the cost of the drug for the treatment of addiction.

"(xi) An assessment of Federal effectiveness in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the objectives and targets for reducing illicit drug use for the previous year were met and reasons for the success or failure of the previous year's Strategy.

"(xii) A general review of the status of, and trends in, demand reduction activities by private sector entities and community-based organizations, including faith-based organizations, to determine their effectiveness and the extent of cooperation, coordination, and mutual support between such entities and organizations and Federal, State, local, and tribal government agencies.

"(xiii) Such additional statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children of substance abusers), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

"(xiv) A supplement reviewing the activities of each individual National Drug Control Program agency during the previous year with respect to the National Drug Control Strategy and the Director's assessment of the progress of each National Drug Control Program agency in meeting its responsibilities under the National Drug Control Strategy.

"(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

"(C) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion under subparagraph (A), the Director shall ensure—

"(i) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

"(ii) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

"(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

"(A) shall consult with—

"(i) the heads of the National Drug Control Program agencies;

"(ii) Congress;

"(iii) State, local, and tribal officials;

"(iv) private citizens and organizations, including community and faith-based organizations with experience and expertise in demand reduction;

"(v) private citizens and organizations with experience and expertise in supply reduction; and

"(vi) appropriate representatives of foreign governments;

"(B) in satisfying the requirements of subparagraph (A), shall ensure, to the maximum extent possible, that State, local, and tribal officials and relevant private organizations commit to support and take steps to achieve the goals and objectives of the National Drug Control Strategy;

"(C) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to support or implement the National Drug Control Strategy; and

"(D) with the concurrence of the Director of National Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to support or implement the National Drug Control Strategy.

"(b) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

"(1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

"(2) if a new President or Director takes office.".

SEC. 202. PERFORMANCE MEASUREMENTS.

Section 706 is amended by adding at the end the following:

"(c) PERFORMANCE MEASUREMENT SYSTEM.—Not later than February 1 of each year, the Director shall submit to Congress as part of the National Drug Control Strategy, a description of a national drug control performance measurement system, that—

"(1) develops 2-year and 5-year performance measures and targets for each National Drug Control Strategy goal and objective established for reducing drug use, availability, and the consequences of drug use;

"(2) describes the sources of information and data that will be used for each performance measure incorporated into the performance measurement system;

"(3) identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;

"(4) evaluates the contribution of demand reduction and supply reduction activities as defined in section 702 implemented by each National Drug Control Program agency in support of the National Drug Control Strategy;

“(5) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency's goals and budgets support and are fully consistent with the National Drug Control Strategy; and

“(6) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

“(A) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

“(B) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the illicit drug user population, and groups that are at risk for illicit drug use;

“(C) the adequacy of the coverage of existing national treatment outcome monitoring systems to measure the effectiveness of drug abuse treatment in reducing illicit drug use and criminal behavior during and after the completion of substance abuse treatment; and

“(D) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of this subsection.

“(d) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug performance measurement system described in subsection (c) shall be included in each report submitted under subsection (b).”.

SEC. 203. ANNUAL REPORT REQUIREMENT.

(a) IN GENERAL.—On or before February 1 of each year, the Director shall submit a report to Congress that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

(6) specific policies and steps implemented to ensure compliance with title IV of this Act;

(7) steps taken to ensure that the national media campaign will secure, to the maximum extent possible, no cost matches of advertising time and space or in-kind contributions that are directly related to the campaign in accordance with title IV of this Act; and

(8) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

(b) AUDIT.—The Government Accountability Office shall, at a frequency of not less than once per year—

(1) conduct and supervise an audit and investigation relating to the programs and operations of the—

(A) Office; or

(B) certain programs within the Office, including—

(i) the High Intensity Drug Trafficking Areas Program;

(ii) the Counterdrug Technology Assessment Center; or

(iii) the National Youth Anti-drug Media Campaign; and

(2) provide the Director and the appropriate congressional committees with a report containing an evaluation of and recommendations on the—

(A) policies and activities of the programs and operations subject to the audit and investigation;

(B) economy, efficiency, and effectiveness in the administration of the reviewed programs and operations; and

(C) policy or management changes needed to prevent and detect fraud and abuse in such programs and operations.

TITLE III—HIGH INTENSITY DRUG TRAFFICKING AREAS

SEC. 301. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

Section 707 is amended to read as follows:

“SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program (in this section referred to as the ‘Program’).

“(2) PURPOSE.—The purpose of the Program is to reduce drug trafficking and drug production in the United States by—

“(A) facilitating cooperation among Federal, State, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;

“(B) enhancing law enforcement intelligence sharing among Federal, State, local, and tribal law enforcement agencies;

“(C) providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

“(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

“(b) DESIGNATION.—

“(1) IN GENERAL.—The Director, in consultation with the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area.

“(2) ACTIVITIES.—After making a designation under paragraph (1) and in order to provide Federal assistance to the area so designated, the Director may—

“(A) obligate such sums as are appropriated for the Program;

“(B) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

“(C) take any other action authorized under section 704 to provide increased Federal assistance to those areas; and

“(D) coordinate activities under this section (specifically administrative, recordkeeping, and funds management activities) with State, local, and tribal officials.

“(c) PETITIONS FOR DESIGNATION.—The Director shall establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area. Such regulations shall provide for a regular review by the Director of the petition, including a recommendation regarding the merit of the petition to the Director by a panel of qualified, independent experts.

“(d) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

“(1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution;

“(2) State, local, and tribal law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

“(3) drug-related activities in the area are having a significant harmful impact in the area, and in other areas of the country; and

“(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

“(e) ORGANIZATION OF HIGH INTENSITY DRUG TRAFFICKING AREAS.—

“(1) EXECUTIVE BOARD AND OFFICERS.—To be eligible for funds appropriated under this section, each high intensity drug trafficking area shall be governed by an Executive Board. The Executive Board shall designate a chairman, vice chairman, and any other officers to the Executive Board that it determines are necessary.

“(2) RESPONSIBILITIES.—The Executive Board of a high intensity drug trafficking area shall be responsible for—

“(A) providing direction and oversight in establishing and achieving the goals of the high intensity drug trafficking area;

“(B) managing the funds of the high intensity drug trafficking area;

“(C) reviewing and approving all funding proposals consistent with the overall objective of the high intensity drug trafficking area; and

“(D) reviewing and approving all reports to the Director on the activities of the high intensity drug trafficking area.

“(3) BOARD REPRESENTATION.—None of the funds appropriated under this section may be expended for any high intensity drug trafficking area, or for a partnership or region of a high intensity drug trafficking area, if the Executive Board for such area, region, or partnership, does not apportion an equal number of votes between representatives of participating Federal agencies and representatives of participating State, local, and tribal agencies. Where it is impractical for an equal number of representatives of Federal agencies and State, local, and tribal agencies to attend a meeting of an Executive Board in person, the Executive Board may use a system of proxy votes or weighted votes to achieve the voting balance required by this paragraph.

“(4) NO AGENCY RELATIONSHIP.—The eligibility requirements of this section are intended to ensure the responsible use of Federal funds. Nothing in this section is intended to create an agency relationship between individual high intensity drug trafficking areas and the Federal Government.

“(f) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the Program are expended for the establishment or expansion of drug treatment programs, and shall ensure that not more than 5 percent of the Federal funds appropriated for the Program are expended for the establishment of drug prevention programs.

“(g) COUNTERTERRORISM ACTIVITIES.—

“(1) ASSISTANCE AUTHORIZED.—The Director may authorize use of resources available for the Program to assist Federal, State, local, and tribal law enforcement agencies in investigations and activities related to terrorism and prevention of terrorism, especially but not exclusively with respect to such investigations and activities that are also related to drug trafficking.

"(2) LIMITATION.—The Director shall ensure—

"(A) that assistance provided under paragraph (1) remains incidental to the purpose of the Program to reduce drug availability and carry out drug-related law enforcement activities; and

"(B) that significant resources of the Program are not redirected to activities exclusively related to terrorism, except on a temporary basis under extraordinary circumstances, as determined by the Director.

"(h) ROLE OF DRUG ENFORCEMENT ADMINISTRATION.—The Director, in consultation with the Attorney General, shall ensure that a representative of the Drug Enforcement Administration is included in the Intelligence Support Center for each high intensity drug trafficking area.

"(i) ANNUAL HIDTA PROGRAM BUDGET SUBMISSIONS.—As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a budget justification that includes—

"(1) the amount proposed for each high intensity drug trafficking area, conditional upon a review by the Office of the request submitted by the HIDTA and the performance of the HIDTA, with supporting narrative descriptions and rationale for each request;

"(2) a detailed justification that explains—

"(A) the reasons for the proposed funding level; how such funding level was determined based on a current assessment of the drug trafficking threat in each high intensity drug trafficking area;

"(B) how such funding will ensure that the goals and objectives of each such area will be achieved; and

"(C) how such funding supports the National Drug Control Strategy; and

"(3) the amount of HIDTA funds used to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year, and a description of how those funds were used.

"(j) EMERGING THREAT RESPONSE FUND.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Director may expend up to 10 percent of the amounts appropriated under this section on a discretionary basis, to respond to any emerging drug trafficking threat in an existing high intensity drug trafficking area, or to establish a new high intensity drug trafficking area or expand an existing high intensity drug trafficking area, in accordance with the criteria established under paragraph (2).

"(2) CONSIDERATION OF IMPACT.—In allocating funds under this subsection, the Director shall consider—

"(A) the impact of activities funded on reducing overall drug traffic in the United States, or minimizing the probability that an emerging drug trafficking threat will spread to other areas of the United States; and

"(B) such other criteria as the Director considers appropriate.

"(k) EVALUATION.—

"(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this section, the Director shall, after consulting with the Executive Boards of each designated high intensity drug trafficking area, submit a report to Congress that describes, for each designated high intensity drug trafficking area—

"(A) the specific purposes for the high intensity drug trafficking area;

"(B) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area;

"(C) the measurements that will be used to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals; and

"(D) the reporting requirements needed to evaluate the performance of the high intensity drug trafficking area in achieving the long-term and short-term goals.

"(2) EVALUATION OF HIDTA PROGRAM AS PART OF NATIONAL DRUG CONTROL STRATEGY.—For each designated high intensity drug trafficking area, the Director shall submit, as part of the annual National Drug Control Strategy report, a report that—

"(A) describes—

"(i) the specific purposes for the high intensity drug trafficking area; and

"(ii) the specific long-term and short-term goals and objectives for the high intensity drug trafficking area; and

"(B) includes an evaluation of the performance of the high intensity drug trafficking area in accomplishing the specific long-term and short-term goals and objectives identified under paragraph (1)(B).

"(l) ASSESSMENT OF DRUG ENFORCEMENT TASK FORCES IN HIGH INTENSITY DRUG TRAFFICKING AREAS.—Not later than 1 year after the date of enactment of this subsection, and as part of each subsequent annual National Drug Control Strategy report, the Director shall submit to Congress a report—

"(1) assessing the number and operation of all federally funded drug enforcement task forces within each high intensity drug trafficking area; and

"(2) describing—

"(A) each Federal, State, local, and tribal drug enforcement task force operating in the high intensity drug trafficking area;

"(B) how such task forces coordinate with each other, with any high intensity drug trafficking area task force, and with investigations receiving funds from the Organized Crime and Drug Enforcement Task Force;

"(C) what steps, if any, each such task force takes to share information regarding drug trafficking and drug production with other federally funded drug enforcement task forces in the high intensity drug trafficking area;

"(D) the role of the high intensity drug trafficking area in coordinating the sharing of such information among task forces;

"(E) the nature and extent of cooperation by each Federal, State, local, and tribal participant in ensuring that such information is shared among law enforcement agencies and with the high intensity drug trafficking area;

"(F) the nature and extent to which information sharing and enforcement activities are coordinated with joint terrorism task forces in the high intensity drug trafficking area; and

"(G) any recommendations for measures needed to ensure that task force resources are utilized efficiently and effectively to reduce the availability of illegal drugs in the high intensity drug trafficking areas.

"(m) ASSESSMENT OF LAW ENFORCEMENT INTELLIGENCE SHARING IN HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.—Not later than 180 days after the date of the enactment of this section, and as part of each subsequent annual National Drug Control Strategy report, the Director, in consultation with the Director of National Intelligence, shall submit to Congress a report—

"(1) evaluating existing and planned law enforcement intelligence systems supported by each high intensity drug trafficking area, or utilized by task forces receiving any funding under the Program, including the extent to which such systems ensure access and availability of law enforcement intelligence to Federal; State, local, and tribal law enforcement agencies within the high intensity drug trafficking area and outside of it;

"(2) the extent to which Federal, State, local, and tribal law enforcement agencies participating in each high intensity drug trafficking area are sharing law enforcement intelligence information to assess current drug trafficking threats and design appropriate enforcement strategies; and

"(3) the measures needed to improve effective sharing of information and law enforcment intelligence regarding drug trafficking and drug production among Federal, State, local, and tribal law enforcement participating in a high intensity drug trafficking area, and between such agencies and similar agencies outside the high intensity drug trafficking area.

"(n) COORDINATION OF LAW ENFORCEMENT INTELLIGENCE SHARING WITH ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM.—The Director, in consultation with the Attorney General, shall ensure that any drug enforcement intelligence obtained by the Intelligence Support Center for each high intensity drug trafficking area is shared, on a timely basis, with the drug intelligence fusion center operated by the Organized Crime Drug Enforcement Task Force of the Department of Justice.

"(o) USE OF FUNDS TO COMBAT METHAMPHETAMINE TRAFFICKING.—

"(1) REQUIREMENT.—As part of the documentation that supports the President's annual budget request for the Office, the Director shall submit to Congress a report describing the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year.

"(2) CONTENTS.—The report shall include—

"(A) the number of methamphetamine manufacturing facilities discovered through HIDTA-funded initiatives in the previous fiscal year;

"(B) the amounts of methamphetamine or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by HIDTA-funded initiatives in the area during the previous year; and

"(C) law enforcement intelligence and predictive data from the Drug Enforcement Administration showing patterns and trends in abuse, trafficking, and transportation in methamphetamine and listed chemicals.

"(3) CERTIFICATION.—Before the Director awards any funds to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities participating in that HIDTA are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

"(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this section—

"(1) $240,000,000 for fiscal year 2007;

"(2) $250,000,000 for fiscal year 2008;

"(3) $260,000,000 for fiscal year 2009;

"(4) $270,000,000 for fiscal year 2010; and

"(5) $280,000,000 for each of fiscal year 2011.".

SEC. 302. FUNDING FOR CERTAIN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) Short Title.—This section may be cited as the “Dawson Family Community Protection Act”.

(b) Findings.—Congress finds the following:

(1) In the early morning hours of October 16, 2002, the home of Carnell and Angela Dawson was firebombed in apparent retaliation for Mrs. Dawson's notification to police about persistent drug distribution activity in their East Baltimore City neighborhood.

(2) The arson claimed the lives of Mr. and Mrs. Dawson and their 5 young children, aged 9 to 14.

(3) The horrific murder of the Dawson family is a stark example of domestic narco-terrorism.

(4) In all phases of counternarcotics law enforcement—from prevention to investigation to prosecution to reentry—the voluntary cooperation of ordinary citizens is a critical component.

(5) Voluntary cooperation is difficult for law enforcement officials to obtain when citizens feel that cooperation carries the risk of violent retaliation by illegal drug trafficking organizations and their affiliates.

(6) Public confidence that law enforcement is doing all it can to make communities safe is a prerequisite for voluntary cooperation among people who may be subject to intimidation or reprisal (or both).

(7) Witness protection programs are insufficient on their own to provide security because many individuals and families who strive every day to make distressed neighborhoods livable for their children, other relatives, and neighbors will resist or refuse offers of relocation by local, State, and Federal prosecutorial agencies and because, moreover, the continued presence of strong individuals and families is critical to preserving and strengthening the social fabric in such communities.

(8) Where (as in certain sections of Baltimore City) interstate trafficking of illegal drugs has severe ancillary local consequences within areas designated as high intensity drug trafficking areas, it is important that supplementary High Intensity Drug Trafficking Areas Program funds be committed to support initiatives aimed at making the affected communities safe for the residents of those communities and encouraging their cooperation with tribal, local, State, and Federal law enforcement efforts to combat illegal drug trafficking.

(c) Funding for Certain High Intensity Drug Trafficking Areas.—Section 707, as amended by section 301, is amended by adding at the end the following:

“(q) Specific Purposes.—

“(1) In general.—The Director shall ensure that, of the amounts appropriated for a fiscal year for the Program, at least $7,000,000 is used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems.

“(2) Required uses.—The funds used under paragraph (1) shall be used—

“(A) to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of potential witnesses of illegal drug distribution and related activities; and

“(B) to combat illegal drug trafficking through such methods as the Director considers appropriate, such as establishing or operating (or both) a toll-free telephone hotline for use by the public to provide information about illegal drug-related activities.”.

SEC. 303. ASSESSMENT.

The Director shall assess the ability of the HIDTA Program to respond to the so-called “balloon effect”, whereby urban drug traffickers facing intensive law enforcement efforts expand and spread their trafficking and distribution into rural, suburban, and smaller urban areas by conducting a demonstration project examining the ability of the New York/New Jersey HIDTA, with its new single colocated Organized Crime and Drug Enforcement Task Force/High Intensity Drug Trafficking Area Strike Force and HIDTA Regional Intelligence Center, to address the movement of drug traffickers into the more rural, suburban, and smaller areas encompassed by the counties of Albany, Onondaga, Monroe, and Erie in New York State and by annexing these counties into the existing New York/New Jersey HIDTA.

TITLE IV—TECHNOLOGY

SEC. 401. COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER.

(a) Chief Scientist.—Section 708(b) is amended to read as follows:

“(b) Chief Scientist.—There shall be at the head of the Center the Chief Scientist, who shall be appointed by the Director from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.”.

(b) Responsibilities.—

(1) Research and development.—Section 708 is amended by—

(A) redesignating subsection (d) as subsection (e); and

(B) striking subsection (c) and inserting the following:

“(c) Research and Development Responsibilities.—The Director, acting through the Chief Scientist, shall—

“(1) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, local, and tribal drug supply reduction agencies, including—

“(A) advanced surveillance, tracking, and radar imaging;

“(B) electronic support measures;

“(C) communications;

“(D) data fusion, advanced computer systems, and artificial intelligence; and

“(E) chemical, biological, radiological (including neutron and electron), and other means of detection;

“(2) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

“(A) improving treatment through neuroscientific advances;

“(B) improving the transfer of biomedical research to the clinical setting; and

“(C) in consultation with the National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness and availability of drug treatment;

“(3) make a priority ranking of such needs identified in paragraphs (1) and (2) according to fiscal and technological feasibility, as part of a National Counterdrug Research and Development Program;

“(4) oversee and coordinate counterdrug technology initiatives with related activities of other Federal civilian and military departments;

“(5) provide support to the development and implementation of the national drug control performance measurement system established under subsection (c) of section 706; and

“(6) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counterdrug technology research and development.

“(d) Limitation on Authority.—The authority granted to the Director under this section shall not extend to the awarding of contracts, management of individual projects, or other operational activities.”.

(2) Assistance and support.—Subsection (e) of section 708, as redesignated by this section, is amended to read as follows:

“(e) Assistance and Support to the Office of National Drug Control Policy.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counterdrug technology assessment.”.

(3) Technology transfer program.—Section 708 is amended by adding at the end the following:

“(f) Technology Transfer Program.—

“(1) Program.—The Chief Scientist, with the advice and counsel of experts from State, local, and tribal law enforcement agencies, shall be responsible to the Director for coordination and implementation of a counterdrug technology transfer program.

“(2) Purpose.—The purpose of the Technology Transfer Program shall be for the Counterdrug Technology Assessment Center to transfer technology and associated training directly to State, local, and tribal law enforcement agencies.

“(3) Priority of receipts.—Transfers shall be made in priority order based on—

“(A) the need of potential recipients for such technology;

“(B) the effectiveness of the technology to enhance current counterdrug activities of potential recipients; and

“(C) the ability and willingness of potential recipients to evaluate transferred technology.

“(4) Agreement authority.—The Director may enter into an agreement with the Secretary of Homeland Security to transfer technology with both counterdrug and homeland security applications to State, local, and tribal law enforcement agencies on a reimbursable basis.

“(5) Report.—On or before July 1 of each year, the Director shall submit a report to the appropriate congressional committees that addresses the following:

“(A) The number of requests received during the previous 12 months, including the identity of each requesting agency and the type of technology requested.

“(B) The number of requests fulfilled during the previous 12 months, including the identity of each recipient agency and the type of technology transferred.

“(C) A summary of the criteria used in making the determination on what requests were funded and what requests were not funded, except that such summary shall not include specific information on any individual requests.

“(D) A general assessment of the future needs of the program, based on expected changes in threats, expected technologies, and likely need from potential recipients.

“(E) An assessment of the effectiveness of the technologies transferred, based in part on the evaluations provided by the recipients, with a recommendation whether the technology should continue to be offered through the program.”.

(c) ASSISTANCE FROM SECRETARY OF HOMELAND SECURITY.—Section 708(d) (21 U.S.C. 1707(d)) is amended by inserting ", the Secretary of Homeland Security," after "The Secretary of Defense".

TITLE V—NATIONAL YOUTH MEDIA CAMPAIGN

SEC. 501. NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—Section 709 (21 U.S.C. 1708) is amended to read as follows:

"SEC. 709. NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN.

"(a) IN GENERAL.—The Director shall conduct a national youth anti-drug media campaign (referred to in this subtitle as the 'national media campaign') in accordance with this section for the purposes of—

"(1) preventing drug abuse among young people in the United States;

"(2) increasing awareness of adults of the impact of drug abuse on young people; and

"(3) encouraging parents and other interested adults to discuss with young people the dangers of illegal drug use.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts made available to carry out this section for the national media campaign may only be used for the following:

"(A) The purchase of media time and space, including the strategic planning for, and accounting of, such purchases.

"(B) Creative and talent costs, consistent with paragraph (2)(A).

"(C) Advertising production costs.

"(D) Testing and evaluation of advertising.

"(E) Evaluation of the effectiveness of the national media campaign.

"(F) The negotiated fees for the winning bidder on requests for proposals issued either by the Office or its designee to enter into contracts to carry out activities authorized by this section.

"(G) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

"(H) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

"(I) Operational and management expenses.

"(2) SPECIFIC REQUIREMENTS.—

"(A) CREATIVE SERVICES.—

"(i) In using amounts for creative and talent costs under paragraph (1)(B), the Director shall use creative services donated at no cost to the Government (including creative services provided by the Partnership for a Drug-Free America) wherever feasible and may only procure creative services for advertising—

"(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

"(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost; or

"(III) the Director determines that the Partnership for a Drug-Free America is unable to provide, pursuant to subsection (d)(2)(B).

"(ii) Subject to the availability of appropriations, no more than $1,500,000 may be expended under this section each fiscal year on creative services, except that the Director may expend up to $2,000,000 in a fiscal year on creative services to meet urgent needs of the national media campaign with advance approval from the Committee on Appropriations of the Senate and of the House of Representatives upon a showing of the circumstances causing such urgent needs of the national media campaign.

"(B) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under paragraph (1)(D), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and no more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

"(C) EVALUATION OF EFFECTIVENESS OF MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national media campaign under paragraph (1)(E), the Director shall—

"(i) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

"(I) the Monitoring the Future Study published by the Department of Health and Human Services;

"(II) the Attitude Tracking Study published by the Partnership for a Drug-Free America;

"(III) the National Household Survey on Drug Abuse; and

"(IV) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

"(ii) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to reduction of illicit drug use among youth and such other measures of evaluation as the Director determines are appropriate.

"(3) PURCHASE OF ADVERTISING TIME AND SPACE.—Subject to the availability of appropriations, for each fiscal year, not less than 77 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign, subject to the following exceptions:

"(A) In any fiscal year for which less than $125,000,000 is appropriated for the national media campaign, not less than 72 percent of the amounts appropriated under this section shall be used for the purchase of advertising time and space for the national media campaign.

"(B) In any fiscal year for which more than $195,000,000 is appropriated under this section, not less than 82 percent shall be used for advertising production costs and the purchase of advertising time and space for the national media campaign.

"(c) ADVERTISING.—In carrying out this section, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

"(d) DIVISION OF RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Partnership for a Drug-Free America, shall determine the overall purposes and strategy of the national media campaign.

"(2) RESPONSIBILITIES.—

"(A) DIRECTOR.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in subsection (a), and shall approve—

"(i) the strategy of the national media campaign;

"(ii) all advertising and promotional material used in the national media campaign; and

"(iii) the plan for the purchase of advertising time and space for the national media campaign.

"(B) THE PARTNERSHIP FOR A DRUG-FREE AMERICA.—The Director shall request that the Partnership for a Drug-Free America—

"(i) develop and recommend strategies to achieve the goals of the national media campaign, including addressing national and local drug threats in specific regions or States, such as methamphetamine and ecstasy;

"(ii) create all advertising to be used in the national media campaign, except advertisements that are—

"(I) provided by other nonprofit entities pursuant to subsection (f);

"(II) intended to respond to high-priority or emergent campaign needs that cannot timely be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America;

"(III) intended to reach a minority, ethnic, or other special audience that cannot be obtained at no cost (not including production costs and talent reuse payments), provided that any such advertising material is reviewed by the Partnership for a Drug-Free America; or

"(IV) any other advertisements that the Director determines that the Partnership for a Drug-Free America is unable to provide or if the Director determines that another entity is more appropriate, subject to the requirements of subsection (b)(2)(A).

If the Director determines that another entity is more appropriate under clause (ii)(IV), the Director shall notify Congress, through the committees of jurisdiction in the House and Senate, in writing, not less than 30 days prior to contracting with a party other than the Partnership for a Drug-Free America.

"(C) MEDIA BUYING CONTRACTOR.—The Director shall enter into a contract with a media buying contractor to plan and purchase advertising time and space for the national media campaign. The media buying contractor shall not provide any other service or material, or conduct any other function or activity which the Director determines should be provided by the Partnership for a Drug-Free America.

"(e) PROHIBITIONS.—None of the amounts made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant current anti-drug community-based coalitions.

"(2) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

"(3) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(4) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

"(5) To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use.

"(6) To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.

"(f) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Amounts made available under subsection (b) for media time and space shall be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions of the same value.

"(2) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that at least 70 percent of no-cost match advertising provided directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign, except that in any fiscal year in which less than $125,000,000 is appropriated to the national media campaign, the Director shall ensure that at least 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

"(3) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

"(g) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

"(1) audits and reviews of costs of the national media campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) an audit to determine whether the costs of the national media campaign are allowable under section 306 of such Act (41 U.S.C. 256).

"(h) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

"(1) the strategy of the national media campaign and whether specific objectives of the media campaign were accomplished;

"(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

"(3) plans to purchase advertising time and space;

"(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

"(5) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

"(i) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available under this section for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

"(j) PREVENTION OF MARIJUANA USE.—

"(1) FINDINGS.—The Congress finds the following:

"(A) 60 percent of adolescent admissions for drug treatment are based on marijuana use.

"(B) Potency levels of contemporary marijuana, particularly hydroponically grown marijuana, are significantly higher than in the past, rising from under 1 percent of THC in the mid-1970s to as high as 30 percent today.

"(C) Contemporary research has demonstrated that youths smoking marijuana early in life may be up to 5 times more likely to use hard drugs.

"(D) Contemporary research has demonstrated clear detrimental effects in adolescent educational achievement resulting from marijuana use.

"(E) Contemporary research has demonstrated clear detrimental effects in adolescent brain development resulting from marijuana use.

"(F) An estimated 9,000,000 Americans a year drive while under the influence of illegal drugs, including marijuana.

"(G) Marijuana smoke contains 50 to 70 percent more of certain cancer causing chemicals than tobacco smoke.

"(H) Teens who use marijuana are up to 4 times more likely to have a teen pregnancy than teens who have not.

"(I) Federal law enforcement agencies have identified clear links suggesting that trade in hydroponic marijuana facilitates trade by criminal organizations in hard drugs, including heroin.

"(J) Federal law enforcement agencies have identified possible links between trade in cannabis products and financing for terrorist organizations.

"(2) EMPHASIS ON PREVENTION OF YOUTH MARIJUANA USE.—In conducting advertising and activities otherwise authorized under this section, the Director may emphasize prevention of youth marijuana use.

"(k) PREVENTION OF METHAMPHETAMINE ABUSE AND OTHER EMERGING DRUG ABUSE THREATS.—

"(1) REQUIREMENT TO USE 10 PERCENT OF FUNDS FOR METHAMPHETAMINE ABUSE PREVENTION.—The Director shall ensure that, of the amounts appropriated under this section for the national media campaign for a fiscal year, not less than 10 percent shall be expended solely for the activities described subsection (b)(1) with respect to advertisements specifically intended to reduce the use of methamphetamine.

"(2) AUTHORITY TO USE FUNDS FOR OTHER DRUG ABUSE UPON CERTIFICATION THAT METHAMPHETAMINE ABUSE FELL DURING FISCAL YEAR 2007.—With respect to fiscal year 2008 and any fiscal year thereafter, if the Director certifies in writing to Congress that domestic methamphetamine laboratory seizures (as reported to the El Paso Intelligence Center of the Drug Enforcement Administration) decreased to at least 75 percent of the 2006 level, or the Director has documented a highly, statistically significant increase in a specific drug, from a baseline determined by locally collected data, that can be defined as a local drug crisis, the Director may apply paragraph (1)(A) for that fiscal year with respect to advertisements specifically intended to reduce the use of such other drugs..

"(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, $195,000,000 for each of fiscal years 2007 and 2008 and $210,000,000 for each of fiscal years 2009 through 2011.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—The Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801 et seq.) is repealed.

TITLE VI—AUTHORIZATIONS AND EXTENSION OF TERMINATION DATE

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 714 is amended—

(1) by striking "title," and inserting "title except activities otherwise specified,"; and

(2) by striking "1999 through 2003" and inserting "2006 through 2010".

SEC. 602. EXTENSION OF TERMINATION DATE.

Section 715(a) is amended by striking "September 30, 2003, this title and the amendments made by this title" and inserting "September 30, 2010, this title and the amendments made to this title".

TITLE VII—ANTI-DOPING AGENCY

SEC. 701. DESIGNATION OF UNITED STATES ANTI-DOPING AGENCY.

(a) DEFINITIONS.—In this title:

(1) UNITED STATES OLYMPIC COMMITTEE.—The term "United States Olympic Committee" means the organization established by the "Ted Stevens Olympic and Amateur Sports Act" (36 U.S.C. 220501 et seq.).

(2) AMATEUR ATHLETIC COMPETITION.—The term "amateur athletic competition" means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete (36 U.S.C. 220501(b)(2)).

(3) AMATEUR ATHLETE.—The term "amateur athlete" means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes (36 U.S.C. 22501(b)(1)).

(4) GENE DOPING.—The term "gene doping" means the nontherapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance.

(b) IN GENERAL.—The United States Anti-Doping Agency shall—

(1) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic Committee;

(2) ensure that athletes participating in amateur athletic activities recognized by the United States Olympic Committee are prevented from using performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping;

(3) implement anti-doping education, research, testing, and adjudication programs to prevent United States Amateur Athletes participating in any activity recognized by the United States Olympic Committee from using performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping;

(4) serve as the United States representative responsible for coordination with other anti-doping organizations coordinating amateur athletic competitions recognized by the United States Olympic Committee to ensure the integrity of athletic competition, the health of the athletes and the prevention of use of performance-enhancing drugs, or performance-enhancing genetic modifications accomplished through gene-doping by United States amateur athletes; and

(5) permanently include "gene doping" among any list of prohibited substances adopted by the Agency.

SEC. 702. RECORDS, AUDIT, AND REPORT.

(a) RECORDS.—The United States Anti-Doping Agency shall keep correct and complete records of account.

(b) REPORT.—The United States Anti-Doping Agency shall submit an annual report to Congress which shall include—

(1) an audit conducted and submitted in accordance with section 10101 of title 36, United States Code; and

(2) a description of the activities of the agency.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Anti-Doping Agency—

(1) for fiscal year 2007, $9,700,000;
(2) for fiscal year 2008, $10,300,000;
(3) for fiscal year 2009, $10,600,000;
(4) for fiscal year 2010, $11,000,000; and
(5) for fiscal year 2011, $11,500,000.

TITLE VIII—DRUG-FREE COMMUNITIES

SEC. 801. REAUTHORIZATION.

(a) IN GENERAL.—Section 1024(a) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1524(a)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) in paragraph (10), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(11) $109,000,000 for fiscal year 2008;
"(12) $114,000,000 for fiscal year 2009;
"(13) $119,000,000 for fiscal year 2010;
"(14) $124,000,000 for fiscal year 2011; and
"(15) $129,000,000 for fiscal year 2012.".

(b) ADMINISTRATION COSTS.—Section 1024(b) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1524(b)) is amended to read as follows:

"(b) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 3 percent of the funds appropriated for this chapter may be used by the Office of National Control Policy to pay for administrative costs associated with their responsibilities under the chapter.

"(2) DESIGNATED AGENCY.—The agency delegated to carry out this program under section 1031(d) may use up to 5 percent of the funds allocated for grants under this chapter for administrative costs associated with carrying out the program.".

SEC. 802. SUSPENSION OF GRANTS.

(a) IN GENERAL.—Section 1032(b) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532(b)) is amended by adding at the end the following:

"(4) PROCESS FOR SUSPENSION.—A grantee shall not be suspended or terminated under paragraph (1)(A)(ii), (2)(A)(iii), or (3)(E) unless that grantee is afforded a fair, timely, and independent appeal prior to such suspension or termination.".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a report detailing the appeals process required by section 1032(b)(4) of the Drug-Free Communities Act of 1997, as added by subsection (a).

SEC. 803. GRANT AWARD INCREASE.

Subsections (b)(1)(A)(iv), (b)(2)(C)(i), and (b)(3)(F) of section 1032 of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532) are amended by striking "$100,000" and inserting "$125,000".

SEC. 804. PROHIBITION ON ADDITIONAL ELIGIBILITY CRITERIA.

Section 1032(a) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532(a)) is amended by adding at the end the following:

"(7) ADDITIONAL CRITERIA.—The Director shall not impose any eligibility criteria on new applicants or renewal grantees not provided in this chapter.".

SEC. 805. NATIONAL COMMUNITY ANTI-DRUG COALITION INSTITUTE.

Section 4 of Public Law 107–82 (21 U.S.C. 1521 note), reauthorizing the Drug-Free Communities Support Program, is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall, using amounts authorized to be appropriated by subsection (d), make a directed grant to Community Anti-Drug Coalitions of America to provide for the continuation of the National Community Anti-drug Coalition Institute.";

(2) by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following:

"(4) For each of the fiscal years 2008 through 2012, $2,000,000.".

TITLE IX—NATIONAL GUARD COUNTERDRUG SCHOOLS

SEC. 901. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than 5 schools (to be known generally as "National Guard counterdrug schools").

(b) PURPOSE.—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

(1) Federal agencies.

(2) State, local, and tribal law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) USE OF NATIONAL GUARD PERSONNEL.—

(1) IN GENERAL.—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) DEFINITION.—In this subsection, the term "State drug interdiction and counterdrug activities plan", in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) ANNUAL REPORTS ON ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) CONTENTS.—Each report under paragraph (1) shall set forth the following:

(A) FUNDING.—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) ACTIVITIES.—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, $30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) CONSTRUCTION.—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

TITLE X—NATIONAL METHAMPHETAMINE INFORMATION CLEARINGHOUSE ACT OF 2006

SEC. 1001. SHORT TITLE.

This title may be cited as the "National Methamphetamine Information Clearinghouse Act of 2006".

SEC. 1002. DEFINITIONS.

In this title—

(1) the term "Council" means the National Methamphetamine Advisory Council established under section 1003(b)(1);

(2) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or other effects of methamphetamine production or use by another person;

(3) the term "National Methamphetamine Information Clearinghouse" or "NMIC" means the information clearinghouse established under section 1003(a); and

(4) the term "qualified entity" means a State, local, or tribal government, school board, or public health, law enforcement, nonprofit, community anti-drug coalition, or other nongovernmental organization providing services related to methamphetamines.

SEC. 1003. ESTABLISHMENT OF CLEARINGHOUSE AND ADVISORY COUNCIL.

(a) CLEARINGHOUSE.—There is established, under the supervision of the Attorney General of the United States, an information clearinghouse to be known as the National Methamphetamine Information Clearinghouse.

(b) ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established an advisory council to be known as the National Methamphetamine Advisory Council.

(2) MEMBERSHIP.—The Council shall consist of 10 members appointed by the Attorney General—

(A) not fewer than 3 of whom shall be representatives of law enforcement agencies;

(B) not fewer than 4 of whom shall be representatives of nongovernmental and nonprofit organizations providing services or training and implementing programs or strategies related to methamphetamines; and

(C) 1 of whom shall be a representative of the Department of Health and Human Services.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for 3 years. Any

vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) PERSONNEL MATTERS.—

(A) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(B) NO COMPENSATION.—The members of the Council shall not receive compensation for the performance of the duties of a member of the Council.

SEC. 1004. NMIC REQUIREMENTS AND REVIEW.

(a) IN GENERAL.—The NMIC shall promote sharing information regarding successful law enforcement, treatment, environmental, prevention, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs.

(b) COMPONENTS.—The NMIC shall include—

(1) a toll-free number; and

(2) a website that provides a searchable database, which—

(A) provides information on the short-term and long-term effects of methamphetamine use;

(B) provides information regarding methamphetamine treatment and prevention programs and strategies and programs for drug endangered children, including descriptions of successful programs and strategies and contact information for such programs and strategies;

(C) provides information regarding grants for methamphetamine-related programs, including contact information and links to websites;

(D) allows a qualified entity to submit items to be posted on the website regarding successful public or private programs or other useful information related to the production, use, or effects of methamphetamine;

(E) includes a restricted section that may only be accessed by a law enforcement organization that contains successful strategies, training techniques, and other information that the Council determines helpful to law enforcement agency efforts to identify or combat the production, use or effects of methamphetamine;

(F) allows public access to all information not in a restricted section; and

(G) contains any additional information the Council determines may be useful in identifying or combating the production, use, or effects of methamphetamine.

Thirty days after the website in paragraph (2) is operational, no funds shall be expended to continue the website methresources.gov.

(c) REVIEW OF POSTED INFORMATION.—

(1) IN GENERAL.—Not later than 30 days after the date of submission of an item by a qualified entity, the Council shall review an item submitted for posting on the website described in subsection (b)(2)—

(A) to evaluate and determine whether the item, as submitted or as modified, meets the requirements for posting; and

(B) in consultation with the Attorney General, to determine whether the item should be posted in a restricted section of the website.

(2) DETERMINATION.—Not later than 45 days after the date of submission of an item, the Council shall—

(A) post the item on the website described in subsection (b)(2); or

(B) notify the qualified entity that submitted the item regarding the reason such item shall not be posted and modifications, if any, that the qualified entity may make to allow the item to be posted.

SEC. 1005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) for fiscal year 2007—

(A) $500,000 to establish the NMIC and Council; and

(B) such sums as are necessary for the operation of the NMIC and Council; and

(2) for each of fiscal years 2008 and 2009, such sums as are necessary for the operation of the NMIC and Council.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. REPEALS.

(a) ACT.—Section 710 is repealed.

(b) FORFEITURE ASSETS.—Section 6073 of the Assets Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is repealed.

SEC. 1102. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking "except that the" and inserting the following: "unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The"; and

(2) in subparagraph (J)—

(A) in clause (i), by striking "thereafter" and all that follows through the period and inserting "thereafter.";

(B) in clause (ii), by striking "Drug Addiction Treatment Act of 2000" and inserting "Office of National Drug Control Policy Reauthorization Act of 2006"; and

(C) in clause (iii), by striking "this paragraph should not remain in effect, this paragraph ceases to be in effect" and inserting "subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective".

SEC. 1103. REPORT ON LAW ENFORCEMENT INTELLIGENCE SHARING.

Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report—

(1) evaluating existing and planned law enforcement intelligence systems used by Federal, State, local, and tribal law enforcement agencies responsible for drug trafficking and drug production enforcement; and

(2) addressing—

(A) the current law enforcement intelligence systems used by Federal, State, local, and tribal law enforcement agencies;

(B) the compatibility of such systems in ensuring access and availability of law enforcement intelligence to Federal, State, local, and tribal law enforcement;

(C) the extent to which Federal, State, local, and tribal law enforcement are sharing law enforcement intelligence information to assess current threats and design appropriate enforcement strategies; and

(D) the measures needed to ensure and to promote effective information sharing among law enforcement intelligence systems operated by Federal, State, local, and tribal law enforcement agencies responsible for drug trafficking and drug production enforcement.

SEC. 1104. REQUIREMENT FOR SOUTH AMERICAN HEROIN STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director, in coordination with the Secretary of State, shall submit to Congress a comprehensive strategy that addresses the increased threat from South American heroin, and in particular Colombian heroin, and the emerging threat from opium poppy grown in Peru and often intended for transit to Columbia for processing into heroin.

(b) CONTENTS.—The strategy submitted under subsection (a) shall include—

(1) opium eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(2) interdiction and precursor chemical controls;

(3) demand reduction and treatment;

(4) alternative development programs, including direct assistance to regional governments to demobilize and provide alternative livelihoods to former members of insurgent or other groups engaged in heroin, cocoa, or other illicit drug production or trafficking;

(5) efforts to inform and involve local citizens in the programs described in paragraphs (1) through (4), such as through leaflets advertising rewards for information; and

(6) an assessment of the specific level of funding and resources necessary to simultaneously address the threat from South American heroin and the threat from Colombian and Peruvian coca.

(c) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy submitted under subsection (a) that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement of national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1105. MODEL ACTS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall provide for or shall enter into an agreement with a non-profit corporation that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to—

(1) advise States on establishing laws and policies to address alcohol and other drug issues, based on the model State drug laws developed by the President's Commission on Model State Drug Laws in 1993; and

(2) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in the alcohol and drug abuse problems in the State involved.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000 for each of fiscal years 2007 through 2011.

SEC. 1106. STUDY ON IATROGENIC ADDICTION ASSOCIATED WITH PRESCRIPTION OPIOID ANALGESIC DRUGS.

(a) IN GENERAL.—

(1) STUDY.—The Director of the Office of National Drug Control Policy shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute agrees to study certain aspects of iatrogenic addiction to prescription opioid analgesics included in schedules II and III of the Controlled Substances Act (21 U.S.C. 812).

(2) IATROGENIC ADDICTION.—In this section, the term "iatrogenic addiction" means an

addiction developed from the use of an opioid analgesic by an individual with no previous history of any addiction, who has lawfully obtained and used the drug for a legitimate medical purpose by administration from, or pursuant to the prescription or order of, an individual practitioner acting in the usual course of professional practice.

(b) REQUIREMENTS.—The study conducted pursuant to this section shall assess the current scientific literature to determine, if possible—

(1) the rate of iatrogenic addiction associated with the appropriate use of prescription drugs described in subsection (a);

(2) the impact of iatrogenic addiction associated with the appropriate use of prescription drugs described in subsection (a) on the individual, the prescriber, other patients, and society in general;

(3) the comparative abuse liability of prescription drugs described in subsection (a) when used properly by the ultimate user for a legitimate medical purpose; and

(4)(A) what types of prospective or retrospective studies should be undertaken to determine the rate of iatrogenic addiction associated with the appropriate use of the prescription drugs described in subsection (a); and

(B) a feasible timeline for conducting and reporting such studies, should the current state of the scientific literature be insufficient to determine the rate, impact, and comparative abuse liability of prescription drugs described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall ensure that the agreement under subsection (a) provides for the submission of a report to the Congress on the status of the study conducted pursuant to this section.

SEC. 1107. REQUIREMENT FOR STRATEGY TO STOP INTERNET ADVERTISING OF PRESCRIPTION MEDICINES WITHOUT A PRESCRIPTION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a strategy to stop advertisements that provide information about obtaining over the Internet drugs (as defined in section 702(3) of the Office of National Drug Control Policy Reauthorization Act of 1998) for which a prescription is required without the use of such a lawful prescription.

SEC. 1108. REQUIREMENT FOR STUDY ON DIVERSION AND INAPPROPRIATE USES OF PRESCRIPTION DRUGS.

Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that includes a plan to conduct a study on the illegal diversion and inappropriate uses of prescription drugs, including the following:

(1) Methods to utilize both public use surveys that are in existence as of the date of enactment of this Act and other surveys to provide appropriate baseline data on the natural history of diversion and abuse of prescription drugs that are included in schedules under the Controlled Substances Act to evaluate the extent and nature of potential problems with such use to guide corrective actions which may reduce such problems without unintentionally hindering access to these drugs for legitimate medical purposes. Specifically, other surveys to be considered are those that address the abuse of these substances on a regional or national basis, and those that address the diversion of these substances on a regional or national basis.

(2) A scientifically based analysis of the relative contribution of both innate and acquired genetic factors, environmental factors, psychological factors, and drug characteristics that contribute to addiction to prescription drugs.

SEC. 1109. REQUIREMENT FOR AFGHAN HEROIN STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a comprehensive strategy that addresses the increased threat from Afghan heroin.

(b) CONTENTS.—The strategy shall include—

(1) opium crop eradication efforts to eliminate the problem at the source to prevent heroin from entering the stream of commerce;

(2) destruction or other direct elimination of stockpiles of heroin and raw opium, and heroin production and storage facilities;

(3) interdiction and precursor chemical controls;

(4) demand reduction and treatment;

(5) alternative development programs;

(6) measures to improve cooperation and coordination between Federal Government agencies, and between such agencies, agencies of foreign governments, and international organizations with responsibility for the prevention of heroin production in, or trafficking out of, Afghanistan; and

(7) an assessment of the specific level of funding and resources necessary significantly to reduce the production and trafficking of heroin.

(c) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant Federal agency, would be detrimental to the law enforcement or national security activities of any Federal, foreign, or international agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1110. REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every 2 years thereafter, the Director of National Drug Control Policy shall submit to the Congress a Southwest Border Counternarcotics Strategy.

(b) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

(2) state the specific roles and responsibilities of the relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement that strategy.

(c) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

(1) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

(2) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

(d) CONSULTATION WITH OTHER AGENCIES.—The Director shall issue the Southwest Border Counternarcotics Strategy in consultation with the heads of the relevant National Drug Control Program agencies.

(e) LIMITATION.—The Southwest Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

(f) REPORT TO CONGRESS.—The Director shall provide a copy of the Southwest Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

(g) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Southwest Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the strategy.

SEC. 1111. REQUIREMENT FOR SCIENTIFIC STUDY OF MYCOHERBICIDE IN ILLICIT DRUG CROP ERADICATION.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the Congress a report that includes a plan to conduct, on an expedited basis, a scientific study of the use of mycoherbicide as a means of illicit drug crop elimination by an appropriate Government scientific research entity, including a complete and thorough scientific peer review. The study shall include an evaluation of the likely human health and environmental impacts of mycoherbicides derived from fungus naturally existing in the soil.

(b) STUDY.—The study required by this section shall be conducted in United States territory and not in any foreign country.

SEC. 1112. REQUIREMENT FOR STUDY OF STATE PRECURSOR CHEMICAL CONTROL LAWS.

(a) STUDY.—The Director of National Drug Control Policy, in consultation with the National Alliance for Model State Drug Laws, shall conduct a study of State laws with respect to precursor chemical controls.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit a report to Congress on the results of the study under subsection (a), including—

(1) a comparison of the State laws studied and the effectiveness of each such law; and

(2) a list of best practices observed with respect to such laws.

SEC. 1113. REQUIREMENT FOR STUDY OF DRUG ENDANGERED CHILDREN PROGRAMS.

(a) STUDY.—The Director of National Drug Control Policy shall conduct a study of methamphetamine-related activities that are conducted by different Drug Endangered Children programs administered by States.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress a report on the results of the study under subsection (a). Such report shall include—

(1) an analysis of the best practices of the activities studied; and

(2) recommendations for establishing a national policy to address drug endangered children, based on the Drug Endangered Children programs administered by States.

(c) DEFINITIONS.—In this section—

(1) the term "methamphetamine-related activity" means any activity related to the production, use, or effects of methamphetamine; and

(2) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or effects of methamphetamine by another person.

SEC. 1114. STUDY ON DRUG COURT HEARINGS IN NONTRADITIONAL PLACES.

(a) FINDING.—Congress finds that encouraging drug courts and schools to enter into partnerships that allow students to see the repercussions of drug abuse by non-violent offenders may serve as a strong deterrent and promote demand reduction.

(b) STUDY.—The Director of the Office of National Drug Control Policy shall conduct a study on drug court programs that conduct hearings in nontraditional public places, such as schools. At a minimum, the study shall evaluate similar programs in operation, such as the program operated in the Fourth Judicial District Drug Court, in Washington County, Arkansas.

(c) REQUIREMENT.—At the same time the President submits to Congress the National Drug Control Strategy due February 1, 2007, pursuant to section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998, the President shall submit to Congress a report on the study conducted under subsection (b). The report shall include an evaluation of the results of the study and such recommendations as the President considers appropriate.

(d) DEMAND REDUCTION.—In this section, the term "demand reduction" has the meaning provided in section 702(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701(1)).

SEC. 1115. REPORT ON TRIBAL GOVERNMENT PARTICIPATION IN HIDTA PROCESS.

(a) REPORT REQUIREMENT.—The Director of the Office of National Drug Control Policy shall prepare a report for Congress on the representation of tribal governments in the High Intensity Drug Trafficking Areas Program and in high intensity drug trafficking areas designated under that Program. The report shall include—

(1) a list of the tribal governments represented in the Program and a description of the participation by such governments in the Program;

(2) an explanation of the rationale for the level of representation by such governments; and

(3) recommendations by the Director for methods for increasing the number of tribal governments represented in the Program.

(b) DEADLINE.—The report prepared under subsection (a) shall be submitted not later than 1 year after the date of the enactment of this Act.

(c) DEFINITION.—In this section, the term "High Intensity Drug Trafficking Areas Program" means the program established under section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706)

SEC. 1116. REPORT ON SCHOOL DRUG TESTING.

(a) REPORT REQUIREMENT.—The Director of National Drug Control Policy shall prepare a report on drug testing in schools. The report shall include a list of secondary schools that have initiated drug testing from among those schools that have attended conferences on drug testing sponsored by the Office of National Drug Control Policy.

(b) DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 1117. REPORT ON ONDCP PERFORMANCE BONUSES.

(a) REPORT REQUIREMENT.—The Director of National Drug Control Policy shall prepare a report on performance bonuses at the Office of National Drug Control Policy. The report shall include a list of employees who received performance bonuses, and the amount of such bonuses, for the period beginning on October 1, 2004, and ending on the date of submission of the report.

(b) DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Director of National Drug Control Policy shall submit to Congress the report required under subsection (a).

SEC. 1118. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

Section 712 is amended to read as follows:

"SEC. 712. REQUIREMENT FOR DISCLOSURE OF FEDERAL SPONSORSHIP OF ALL FEDERAL ADVERTISING OR OTHER COMMUNICATION MATERIALS.

"(a) REQUIREMENT.—Each advertisement or other communication paid for by the Office, either directly or through a contract awarded by the Office, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by the Office.

"(b) ADVERTISEMENT OR OTHER COMMUNICATION.—In this section, the term 'advertisement or other communication' includes—

"(1) an advertisement disseminated in any form, including print or by any electronic means; and

"(2) a communication by an individual in any form, including speech, print, or by any electronic means.".

SEC. 1119. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

At the end of the Act, insert the following:

"SEC. 716. AWARDS FOR DEMONSTRATION PROGRAMS BY LOCAL PARTNERSHIPS TO COERCE ABSTINENCE IN CHRONIC HARD-DRUG USERS UNDER COMMUNITY SUPERVISION THROUGH THE USE OF DRUG TESTING AND SANCTIONS.

"(a) AWARDS REQUIRED.—The Director shall make competitive awards to fund demonstration programs by eligible partnerships for the purpose of reducing the use of illicit drugs by chronic hard-drug users living in the community while under the supervision of the criminal justice system.

"(b) USE OF AWARD AMOUNTS.—Award amounts received under this section shall be used—

"(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership;

"(2) to develop and field a drug testing and graduated sanctions program for chronic hard-drug users living in the community under criminal justice supervision; and

"(3) to assist individuals described in subsection (a) by strengthening rehabilitation efforts through such means as job training, drug treatment, or other services.

"(c) ELIGIBLE PARTNERSHIP DEFINED.—In this section, the term 'eligible partnership' means a working group whose application to the Director—

"(1) identifies the roles played, and certifies the involvement of, two or more agencies or organizations, which may include—

"(A) State, local, or tribal agencies (such as those carrying out police, probation, prosecution, courts, corrections, parole, or treatment functions);

"(B) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and United States Attorney offices); and

"(C) community-based organizations;

"(2) includes a qualified researcher;

"(3) includes a plan for using judicial or other criminal justice authority to administer drug tests to individuals described in subsection (a) at least twice a week, and to swiftly and certainly impose a known set of graduated sanctions for non-compliance with community-release provisions relating to drug abstinence (whether imposed as a pretrial, probation, or parole condition or otherwise);

"(4) includes a strategy for responding to a range of substance use and abuse problems and a range of criminal histories;

"(5) includes a plan for integrating data infrastructure among the agencies and organizations included in the eligible partnership to enable seamless, real-time tracking of individuals described in subsection (a);

"(6) includes a plan to monitor and measure the progress toward reducing the percentage of the population of individuals described in subsection (a) who, upon being summoned for a drug test, either fail to show up or who test positive for drugs.

"(d) REPORTS TO CONGRESS.—

"(1) INTERIM REPORT.—Not later than June 1, 2009, the Director shall submit to Congress a report that identifies the best practices in reducing the use of illicit drugs by chronic hard-drug users, including the best practices identified through the activities funded under this section.

"(2) FINAL REPORT.—Not later than June 1, 2010, the Director shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,900,000 for each of fiscal years 2007 through 2009.".

SEC. 1120. POLICY RELATING TO SYRINGE EXCHANGE PROGRAMS.

Section 703(a) (21 U.S.C. 1702(a)) is amended by adding at the end the following:

"When developing the national drug control policy, any policy of the Director relating to syringe exchange programs for intravenous drug users shall be based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use. In making any policy relating to syringe exchange programs, the Director shall consult with the National Institutes of Health and the National Academy of Sciences.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would first like to thank Government Reform Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for working with us in the Drug Policy Subcommittee and gaining their support and assistance in passing this bipartisan bill.

It is tough to pass bipartisan bills, particularly major legislation like this, at this time of year and in general. This authorization program is multiyear, $530 million directly and hundreds of millions more in some programs that were added to the original ONDCP bill, and to do something like that unanimously and have it be worked through both bodies has been an incredible accomplishment and an adventure.

I would also like to thank Judiciary Chairman SENSENBRENNER, as well as the minority, for waiving the right to go to the Judiciary Committee. I know that is rare, but in our negotiations with the Senate, we had multiple changes over the last few days, and that was a very important waiver. His staff and the staff of Senator SPECTER in the Senate have been very important allies in moving this bill. Also Senators GRASSLEY, BIDEN, LEAHY and LEVIN have made multiple changes in this bill in the last few days, all of which I think have helped improve this bill. I very much appreciate the bipartisan spirit with which we are trying to pass anti-drug legislation.

Of course my friend and colleague, Congressman ELIJAH CUMMINGS, the ranking member, and I have had a great working relationship these past few years and have been able to tackle one of the toughest issues that is hitting both urban America, suburban America and rural America, together, and build a very close friendship during these years too and a passion. I know from his experience in Baltimore seeing it firsthand as a State legislator and as a resident in the communities so hard hit, he brought a passion to this issue that has been very important. It has been a real privilege working together during this period.

I now would like to read my opening statement.

Across America, individuals, families and communities continue to be devastated by the scourge of drug abuse, and it remains one of the most pressing and unforgiving problems our country faces. This bill is largely the same language that the House passed on March 9 on a vote of 399–5, with some improvements that came from negotiations with the other body and the administration.

It is a forceful and bipartisan recommitment to our broad national efforts to control drug abuse and to renew our support for strong leadership from the Office of National Drug Control Policy, often known as the Drug Czar. By renewing this authorization, we believe we will soon see an even better coordination of the President's strategy to demonstrably reduce drug abuse by America's young people and to control its sad consequences.

This reauthorization will preserve and improve our anti-drug efforts in a number of ways. It will preserve the success of the High Intensity Drug Trafficking Areas, or HIDTA programs.

As the ONDCP's principal law enforcement program, HIDTA brings Federal, State, and local law enforcement together in specific high trafficking areas for sharing of intelligence and joint enforcement actions. It is perhaps the best model of governments working together in such a coordinated way, in a model that in Homeland Security we are attempting to duplicate but thus far have not had the same success. This bill keeps HIDTA in ONDCP where it belongs, focusing on dismantling drug trafficking organizations.

It also provides a process for redirecting scarce funds to those HIDTA regions where the need is greatest, as well as enacting much-needed performance measurements. It will refocus the National Youth Anti-Drug Media Campaign, which all of us see in radio and television and it is our principal program to reach young people on prevention. This bill clarifies the purposes of this campaign, establishing that it is intended for mass media advertising to direct and steer young people away from drug abuse. This will turn the campaign away from projects not related to such mass media advertising.

It will strengthen the Southwest Border Counternarcotics Strategy. Perhaps you have heard that we don't exactly control the southwest border at this time. Increasingly, the drug trade and all its attendant violence and corruption is concentrating on the southwest border.

This bill requires the director of ONDCP to issue within 120 days of enactment a strategy identifying how the government will deal with this narcotics problem on the border, the roles of the various agencies in it, and the resources needed.

Quite frankly, it is astounding that such a southwest border strategy does not currently exist. It will elevate the rank and status of the ONDCP director because the director is tasked with coordinating the drug control efforts of numerous agencies, including Cabinet-level Departments.

This bill designates that he has the same rank and status as a Cabinet officer. This does not interfere with the President's authority to determine the makeup of his Cabinet, but it does assure that the director will be able to work Department heads as an equal, which is critical when you are working with State, Defense, Judiciary, Homeland Security and the many other agencies. This is essential if he is to have full cooperation and teamwork from these other executive offices.

It will improve effectiveness and accountability in drug treatment. The bill will enhance drug treatment programs by requiring, for the first time, a uniform system of evaluating the success of drug treatment.

Further, it will prevent the director from certifying any Federal budget request related to drug treatment that does not provide for adequate result and accountability measures.

I want to address a few other things that were added over the last few days with the Senate. One is the Drug Free Communities Act. This was developed by former Congressman Portman and Congressman LEVIN here and has been backed widely in this body.

It usually has a separate reauthorization. It has been put into this bill. It is already under ONDCP, but it usually moves in a separate bill. It has been combined with this bill so we are also reauthorizing the Drug Free Communities bill, which is absolutely one of the most effective grass-roots prevention programs.

It, along with drug free schools and the national media campaign, are our only prevention efforts. It reauthorizes the National Guard counterdrug schools, which uses our National Guard in different States. In Indiana they are very active in going into schools and is a supplement to the Drug Free Schools program. And it authorizes the U.S. Anti-doping Agency, which has been very critical in the steroids fight and something we have been pushing for to get national measurements and a more aggressive attitude towards abuse of steroids among young people, and this authorizes that agency.

I once again want to thank all of those involved in this, particularly Ranking Member CUMMINGS, Chairman TOM DAVIS, and Ranking Member WAXMAN of the full committee.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 6344, as amended by the amendment of the gentleman from Indiana (Mr. SOUDER). This bill to reauthorize the Office of National Drug Control Policy and related anti-drug programs is the product of a bipartisan and bicameral process that began more than 3 years ago in the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, on which I serve as the ranking minority member. For nearly that period of time, the office has operated without legislative authorization.

I want to again thank and congratulate Chairman SOUDER. He talked about my passion. I had an opportunity to see his when we visited his district. He has spent just a phenomenal amount of time on this legislation and spent a lot of time on this problem that we suffer from in this country, and I want to thank him for his leadership, and his very strong leadership at that.

I also want to thank our full committee chairman, TOM DAVIS, and the Government Reform ranking member, Mr. HENRY WAXMAN, for their strong leadership and cooperation in shaping a bill that we were able to report out of committee and pass on the House floor with strong bipartisan support.

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This legislation incorporates additions and modifications negotiated with the Senate Republicans and Democrats, most notably Senators GRASSLEY, HATCH, BIDEN, LEAHY, and LEVIN.

At its core, the bill before us today is substantially the same as the legislation passed by the House on March 9. The bill reauthorizes the drug czar's office for 5 years and also reauthorizes several key anti-drug programs managed by ONDCP, including the National Youth Anti-Drug Media Campaign, the High Intensity Drug Trafficking Areas, or HIDTA program, and the Counterdrug Technology Assessment Center. In addition to authorizing funding for these programs, the bill contains provisions to strengthen them and make them more accountable.

ONDCP, as the central coordinating body for drug control strategy in the White House, plays a vital role in shaping the Federal response to a national drug problem that claims more than 20,000 American lives each year. Through its formulation of the National Drug Control Strategy and its authority to certify the drug control budgets of agencies throughout the executive branch, ONDCP provides critical guidance and support to our efforts to address illegal drug abuse through programs in the areas of prevention, treatment, domestic law enforcement, interdiction, and international supply reduction efforts. We are taking an important step by reauthorizing the drug czar's office today.

I am especially pleased that this bill preserves bipartisan agreements achieved through good faith negotiations during committee consideration of the bill, including a provision to ensure that funds for the National Youth Anti-Drug Media Campaign are not used to advocate for or against any candidate or legislative or regulatory measure.

I am also pleased that we will finally pass the Dawson Family Community Protection Act which authorizes $7 million of HIDTA program funds to be devoted to supporting efforts to improve safety and facilitate cooperation with police and communities ravaged by drug violence.

This provision memorializes the courageous efforts of Angela Dawson, a Baltimore City resident, who along with her husband and five children lost her life when a drug dealer fire-bombed the family's home in retaliation for Ms. Dawson's reporting of drug distribution activities in the immediate vicinity of her home. I might add that Ms. Dawson's home is within a mile of my home.

HIDTA plays a vital role in combating drug trafficking in many areas of the country, and this provision will help to ensure that funds are available to address urgent threats to community safety due to drug violence.

The amendments adopted by the other body augment and mainly improve upon the House-passed bill. This bill adds reauthorization of the Drug-Free Communities Support Program, one of the most popular and effective Federal drug prevention programs that we have. One other addition included in this bill also deserves particular mention.

The provision proposed by Senator LEVIN would amend the Controlled Substances Act to increase from 30 to 100 the number of patients to whom a doctor can prescribe buprenorphine, an extremely effective drug for the use of opiate addiction. This important and welcome change will have a tremendous impact in places like my own city of Baltimore where opiate addiction is far too common and access to treatment is far too limited. The bill would immediately triple the capacity of physicians to prescribe this drug for patients with opiate addiction and should have a substantial impact.

The substitute amendment implements two further changes negotiated with the Senate in recent days. The first would modify a provision in the House-passed bill calling for a study of mycoherbicides, requiring that any testing be conducted inside the United States. The second would restore a provision offered by Mr. WAXMAN that would require ONDCP to consult with the National Institutes of Health and the National Academy of Sciences when formulating policy on syringe exchange programs aimed at preventing HIV transmission among injection drug users. The provision calls for ONDCP to base any decisions on the scientific evidence regarding the efficacy of syringe exchange and its impact on drug use.

Madam Speaker, the devastating impact of drugs on communities throughout this Nation is difficult to overstate. In some communities, drugs are a quiet, invisible, disruptive force. In others, as in the case of America's inner cities and rural communities afflicted by meth, it is impossible not to see, and it is impossible not to feel the pain. But no community is completely untouched or immune from this problem.

I am confident that this bill will preserve and strengthen our Nation's most essential tools for fighting the good fight against drug abuse and related crime and social problems.

I am also very pleased about the provisions with regard to accountability for drug treatment. Mr. SOUDER and I have agreed over and over again and done everything in our power to make sure that if there is going to be drug treatment, that that drug treatment be effective and efficient. We wanted to make sure that those who go into treatment came out better off than what they went in.

One of the things that I have discovered as an elected official and talking to many addicts is they go into drug treatment, and they feel they have not been treated properly or that the treatment has not been effective. That makes them reluctant to go into treatment again if need be, and at the same time, many of them would not have gotten better. That is not to take away from the many, many great organizations that are doing a great job of treating drug-addicted folks, but we just want to make sure that when America's taxpayers' dollars are spent, that they are spent, again, in an effective and efficient manner, but we also want something else. We want to make sure that those people who find themselves in the clutches of drug addiction are able to depend upon treatment that can best help them.

So I applaud my colleagues on both sides of the aisle and in both Houses for their cooperative efforts, and I again want to thank Mr. SOUDER for all the hard work. We have come now to what appears to be an end to a long journey, but I am hopeful that what we have done in this bill will affect generations yet unborn, for there are so many people that will never know what we were able to accomplish in this legislation, but they will be affected and they will be able to raise their families, hopefully get back to work, do the things that productive citizens do, and perhaps, just perhaps, another generation of folk who may have gone into drugs, we may have just prevented some of that.

Madam Speaker, I reserve the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

I wanted to make a couple of additional comments before I yield back fully. This is a very comprehensive bill. It includes many programs that Members are familiar with in their districts but they may not have realized was under the Office of National Drug Control Policy.

One is the Counterdrug Technology Assessment Center. That is the primary resource of the United States Government that transfers technology to your local law enforcement. It has also been a great model. This bill requires it to be coordinated more closely with homeland security.

Quite frankly, I think one of the challenges in the homeland security is to make sure that they do what we have done in narcotics enforcement. And that is, if a local small town wants certain equipment because they think it is a fancy gadget, there is a review process that says that is not really what you need; this is more likely to effect and impact the type of narcotics enforcement you need in your community. But it is the primary transfer program for technology and a great model, and it reauthorizes that.

Also, we have had an exasperating 3-year fight with the drug czar over the lack of coordination in this administration on methamphetamine. There is a section here, approximately 4½ pages long, in the National Methamphetamine Information Clearinghouse Act: While the Combat Meth Act we passed in coordination with many State acts have at least leveled off and in some States resulted, actually resulted in a drop in the so-called mom-and-pop labs that are home grown, in some States they are still coming in. Florida has had an expansion. Some of this is to moving to Internet and some to crystal meth.

We have had no clearinghouse in the United States Government that worked with meth. This bill will add, in addition the our Combat Meth Act, it will put the office of the national director, who is supposed to be in charge of narcotics, in a position of having an organized effort now on methamphetamine, which has been in every State an increasing major threat to so many families. It has sections on drug-endangered children and others.

Approximately 75 to 90 percent of all crime in America is related or at least enabled by drug and alcohol abuse; that in many States where we had hearings as many as 80 percent of the kids in child custody protection were because of meth or other drug abuse and danger to children. We heard horror stories about people high on narcotics who even put their baby children in a stove or others to warm them up because they were so wiped out. The Dawson family in Baltimore who were fire-bombed because they were afraid they were going to be witnesses in a case.

This bill addresses most of those things. It is absolutely essential that we get this department reauthorized with some guidelines because, unless Congress does its work, there are no guidelines on the executive branch to try to respond to what we are hearing in our grass roots.

So, once again, I want to thank Mr. CUMMINGS, Mr. DAVIS, Mr. WAXMAN and those in the Senate who have worked so long and hard on this, and I urge all Members to pass it.

Madam Speaker, I reserve my time.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), a member of our subcommittee who has worked tirelessly on this issue and has just been a real champion.

Mr. DAVIS of Illinois. Madam Speaker, first of all, I want to thank the gentleman from Maryland for yielding.

I also want to commend Chairman SOUDER and Ranking Member CUMMINGS for the tenacious and outstanding work that they have done on this issue ever since I have been associated with them and affiliated with the subcommittee. As a matter of fact, they have traveled all over America, the length and breadth of the country, listening to people, visiting with people. As a matter of fact, I do not know anybody who has worked harder on an issue than they have, and so I commend both of you for your tenacity and outstanding work.

I rise in support of H.R. 2829, Drug Control Policy Reauthorization Act of 2005, a policy which addresses prevention, interdiction and treatment, as well as all aspects of law enforcement.

The use and abuse of illegal, illicit and contraband drugs is one of the most challenging and difficult problems facing America. For example, in Cook County where I live, in a survey that was taken a couple of years ago, 800,000 individuals indicated that they used drugs, 800,000. I grant you that we have a population of over 5 million people but 800,000 of those said that they used illicit drugs; 300,000 indicated that they were what we call hard core drug users, every day or whenever they could find the money to purchase what they need. As a matter of fact, the Chicago police records suggest that 75 percent of all the people that they arrest test positive for drug use.

If we could somehow or another reduce the use of drugs, crime statistics would go so far down until sometimes we would have a hard time finding them. There is a direct correlation between crime and drug use in America.

As a result of looking at this problem, I have become more and more a fan of what I call treatment on demand; that is, enough resources so that when individuals who are addicted decide that they are ready for treatment, that treatment is available to them and so that they do not have to wait 90 days or 60 days to get into a program, because in 90 days or 60 days or 30 days they may have decided that they do not want treatment anymore. So we lose the opportunity.

While again I commend Chairman SOUDER, Ranking Member CUMMINGS and certainly Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for all of the attention that they have given, I hope that as we go into the new Congress in January that we can build upon the outstanding work that this subcommittee and the Committee on Government Reform has done and make certain that we have not only the resources available for law enforcement for prevention but that we also have enough resources available for treatment.

□ 1615

Mr. SOUDER. Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, may I inquire as to how much time we have.

The SPEAKER pro tempore. The gentleman from Maryland has 6 minutes remaining.

Mr. SOUDER. Has the gentleman closed on the other side?

The SPEAKER pro tempore. And the gentleman from Indiana has 10 minutes remaining.

Mr. CUMMINGS. I just want to say this, Madam Speaker. One of the things that we were concerned about was our HIDTA programs, High Intensity Drug Trafficking Areas. When we saw the budget, the budget basically cut substantially the funds for HIDTA, and we in our subcommittee and in our committee have seen the great work of the HIDTA throughout our country and we were determined to make sure that they stayed intact and continued to do the jobs that they have done so effectively.

One of the good things about HIDTA is that they are able to bring together our Federal, our local, and our State law enforcement officers so they can work together. And, again, going back to our taxpayers' tax dollars, to use those dollars effectively and efficiently to fight drug violence and drug crimes, crimes related to drugs.

But as I sat and listened to Congressman DAVIS and certainly to Mr. SOUDER, I could not help but be reminded of just about 4 months ago as I was standing in my district in a supermarket and a young man standing in front of me was talking to me saying he was looking for a job, and he pulled up his shirt and he showed me the barrel of a gun. And as he was standing there, he said, I am looking for a job because I simply do not want to continue to go around sticking up people to feed my drug habit.

That thing really shook me up, because when you have got somebody possibly committing two or three robberies a day, as he told me, that says a lot. And I think that we fail sometimes to understand how deep this problem is and how it goes against the very safety of all of our residents, no matter where they may live. And if there is anything that I have learned from being on this subcommittee, it is that there are no boundaries. There really are no boundaries with regard to drug addiction and the problem of drugs. One of the things that I know Mr. SOUDER will agree with me, when we got so much interest from our friends in the Congress who are seeing just a terrible problem with methamphetamines, they have come forth and they have been very, very helpful in helping us to figure out how to address not only the problems of methamphetamines, but the problems associated with heroin, associated with crack cocaine, with cocaine, and so many other drugs.

So I think that all of us have to understand that, no matter where we may live or who we may represent, that we all may have different problems but still we need to work together to address those problems in a way that is effective for all of us, because, again, we are trying to heal the Nation and heal those people who have again found themselves in the clutches of this horrible, horrible situation.

Madam Speaker, I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, today before we passed H.R. 6344, I took the opportunity to thank the various members of the House and Senate, without whom we could not have passed this important and long-overdue legislation. As a point of personal privilege, I want to take this opportunity to thank the many staff members who worked so long and so hard for us.

First, I must thank the Staff director of our Subcommittee on Criminal Justice, Drug Policy and Human Resources. Marc Wheat has been with us for over three years, and he has been relentless and energetic in pursuing this daunting project. There is no other staffer on the House or Senate side who deserves more credit.

Subcommittee counsel Dennis Kilcoyne, who joined our staff in February, has led the negotiations with the Senate for months and skillfully steered this legislation through the demands and critiques of the many competing parties in Congress, the Administration and private sector. It was a huge task requiring patience, skill and diplomacy, without which the effort would not have succeeded.

The bipartisan nature of this negotiation has been an inspiration, and that is represented on the House side by Tony Haywood, counsel to the minority staff of the Government Reform Committee, who has ably represented the interests of our ranking Subcommittee member, ELIJAH CUMMINGS. He has been a team player with our staff.

I cannot forget the role played by our former Staff Director Chris Donesa—now with the House Intelligence Committee—and our former Subcommittee counsel Nick Coleman. These men brought great insight and skill that has contributed much to this legislation.

And I would be remiss if I didn't thank Susie Schulte of the Government Reform Committee and Matt Miller of the Speaker's Drug Task Force, as well as his predecessor Andy Tiongson. All of these people have been enthusiastic and resourceful partners in this fight.

Finally, I must mention all those staff members on the Senate side who responded so well to the hard work of our House Staff. First, I must thank Gavin Young—who represents Chairman SPECTER on the Judiciary Committee—and his predecessor Matt McPhillips, who just left last week to take up his FBI assignment in Denver. These two proved every bit as skillful in shepherding the bill in the last few weeks of maneuvering in that mysterious body we call the United States Senate.

Also we thank Jeremy Mischler and Melissa Sundberg of the Senate Drug Caucus. They have worked long on behalf of Senator GRASSLEY to help us finally reach the elusive goal of passing this bill.

Jackie Parker of Senator LEVIN's staff and Reagan Taylor of Senator BIDEN's staff have been working this issue for a long time, and my staff have nothing but high praise for their team efforts. Roscoe Jones of Senator LEAHY's staff worked hard and in good faith in recent weeks with my staff to hammer out the last few wrinkles in the negotiations, and we thank him for his efforts also.

I also want to salute John Mackey of the House International Relations Committee, Janice O'Connell of the Senate Foreign Relations Committee, and Tim Rieser of the Senate Appropriations Foreign Operations Subcommittee, who did so much in the drafting of the provisions to ensure that the Director of ONDCP carries out a study on the use of mycoherbicides as a way to kill off coca and opium poppy plants in an environmentally safe manner. Their efforts may succeed where thousands of tons of chemical spraying has failed.

Among the private sector groups, we are especially grateful to Sue Thau of the Community Anti-Drug Coalitions of America, Marcia Lee Taylor of the Partnership for a Drug-Free America, and Ron Brooks of the National Narcotics Officers Associations Coalitions. From the treatment, prevention and law enforcement sides—respectively—they have been indispensable partners in our efforts to enact this law. Additionally, I must thank Professor Charles O'Keeffe of Virginia Commonwealth University, who gave us such helpful guidance on provisions to allow doctors to treat more heroin addicts who needs drugs like buprenorphine for treatment.

Finally, I am particularly proud that this Act to be signed by the President takes the first step to prevent what C. S. Lewis referred to as "the abolition of Man." In the section authorizing the U.S. Anti-Doping Agency, it explicitly bans from athletic competition anyone who has been genetically modified for performance enhancement. This technology of "gene-doping" is not yet viable in humans, but it is widely anticipated to be on the horizon. To that end, it is critical to anticipate the problem and explicitly address it.

The protocol set by the U.S. Anti Doping Agency, which follows the World Anti-Doping Agency, is also the standard followed by the International Olympic Committee. These standards state that "The non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance, is prohibited." Although the U.S. Anti Doping Agency and the World Anti-Doping Agency presently prohibit gene-doping, there is no guarantee that gene-doping will remain on the prohibited list. The prohibition of gene-doping by statute and further public dialogue is critical. I salute my House and Senate colleagues for their foresighted efforts in this regard.

I urge all Members to support the passage of H.R. 6344, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 6344, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL WILDLAND FIREFIGHTER CLASSIFICATION ACT

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5697) to provide for the appropriate designation of certain Federal positions involved in wildland fire suppression activities, as amended.

The Clerk read as follows:

H.R. 5697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Wildland Firefighter Classification Act".

SEC. 2. REQUIREMENT.

(a) IN GENERAL.—In the administration of chapter 51 of title 5, United States Code, the Director of the Office of Personnel Management shall ensure that the official title assigned under such chapter to any class or other category of positions described in subsection (b) shall include the designation of "Wildland Firefighter" or words to that effect.

(b) APPLICABILITY.—This section shall apply in the case of any class or other category of positions that consists primarily or exclusively of forest technician positions, range technician positions, or any other category of positions the duties and responsibilities of which include significant wildland fire suppression activities.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "class" and "position" shall have the meanings set forth in section 5102 of title 5, United States Code; and

(2) the terms "forest technician position", "range technician position", and "significant wildland fire suppression activities" shall have the meanings specified by the Director of the Office of Personnel Management.

SEC. 3. HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.

Section 5545(d)(1) of title 5, United States Code, is amended by striking all after "except" and inserting an em-dash and the following:

"(A) an employee in an occupational series covering positions for which the primary duties are wildland firefighting, as determined by the Office; and

"(B) in such other circumstances as the Office may by regulation prescribe; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

H.R. 5697, the Federal Wildland Firefighter Classification Act, was introduced in June by Representatives RICHARD POMBO and JON PORTER to ensure that Federal wildland firefighters receive the recognition that they deserve in the Federal hiring process. Specifically, the legislation would designate employees who engage in firefighting duties as having the title "wildland firefighter" in Federal job classifications. The importance of this legislation is well documented in hearings and testimony before several congressional committees. Also, we have witnessed the sacrifice these firefighters are willing to make to keep communities and their property safe.

Current wildland firefighter classification standards are far outdated and simply do not accurately reflect the all-risk duties performed by these brave men and women all year round. This legislation is the least we can do for these Federal wildland firefighters who lost their lives and those who continue to rehab from serious scarring and life-altering burns.

I urge all Members to join me today in supporting this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, last August, the Federal Workforce and Agency Organization Subcommittee held a hearing in Las Vegas on Federal firefighter compensation. In addition to pay, one of the concerns raised at the hearing by the Federal Wildland Fire Service Association was the classification of Federal wildland firefighters.

Federal wildland firefighters are classified as either general schedule or wage-grade employees of the Federal Government. However, many of them are placed in the occupational series called forestry technicians, range technicians, and biological science technicians that do not reference their firefighting duties. These current classifications do not accurately represent the work performed by these wildland firefighters. H.R. 5697 would correct that by redesignating forest and range technicians as Federal wildland firefighters. This bill changes the name but not the pay of those currently called wildland firefighters or technicians. H.R. 5697 is supported by the FWFSA, and I urge my colleagues to do the same.

Madam Speaker, I strongly support this bill, and yield back the balance of my time.

Mr. SOUDER. I have no further speakers, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 5697, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 10 o'clock and 25 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

H. Con. Res. 497. Concurrent resolution to honor the memory of. Arnold "Red" Auerbach.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5946. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1876. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

The message also announced that the Senate agreed to the amendment of the

House to the bill (S. 843) "An Act to amend the Public Health Service Act to combat autism through research, screening, intervention and education".

HOUR OF MEETING ON TOMORROW

Mr. REGULA. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I hereby reappoint Mr. Michael Wessel of Falls Church, Virginia, to the United States-China Economic and Security Review Commission for a term expiring December 31, 2008. His current term expires December 31, 2006.

In addition, I hereby appoint to that Commission Mr. Jeffrey L. Fiedler of Great Falls, Virginia, to fill the remainder of the term of Mr. George Becker, who is resigning effective December 31, 2006. The current term on which Mr. Fiedler succeeds Mr. Becker expires December 31, 2007.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM DEMOCRATIC LEADERS OF UNITED STATES HOUSE OF REPRESENTATIVES AND SENATE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader, U.S. House of Representatives, and the Honorable HARRY REID, Democratic Leader, U.S. Senate:

CONGRESS OF THE UNITED STATES,
Washington, DC, December 7, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of Public Law 109-236, we hereby appoint the following individual to serve as a member of the MINER Act Technical Study Panel: Dr. James L. Weeks of Maryland.

Sincerely,

NANCY PELOSI,
Democratic Leader, House of Representatives
HARRY REID,
Democratic Leader, U.S. Senate.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 2230

FAREWELL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, 14 years ago I began my fight for social and economic justice in the House of Representatives on behalf of middle-class families in my State of Ohio. During those years, this Chamber saw at times heated, even acrimonious debate that often divided this room. At other times, the Nation, through C–SPAN, bore witness to bipartisan teamwork on behalf of families across our country. I treasure every moment as I prepare to leave the House and join the Senate.

I will be forever grateful to my House colleagues of both parties with whom I worked side by side on issues of great importance to middle-class families, to working families, on health care and trade and education. You are all too many in number to name, but so many played a significant role in making my time here in the House one of which I will be exceptionally proud.

I thank you all for that.

It was an arduous year for the country and an inspiring one. It served as a reminder that those of us blessed with the privilege of serving in this great institution do so always at the pleasure of the people in our great country.

This year showed something equally important: The time has come to put the fight for social and economic justice and progressive values into action on behalf of middle-class families and working families. It is time for Democrats and Republicans to work together to deliver upon promises made during stump speeches. It is time for the House and Senate to work together to raise the minimum wage, to build an alternative energy industry, to expand access to affordable health care, to lower the cost of tuition, to revamp our trade policy so we again create good-paying jobs in our communities.

It is time to unabashedly take up the fight for social and economic justice at every level of government and at every corner of our free market system. We are the world's leading superpower, and with that comes the responsibility to lead by example. It is time for Congress to lead by example and fight for justice for all Americans.

In a few short weeks, I will take that fight to the United States Senate. I will take with me the values that served me well during these past 14 years, values shared by so many of my colleagues in Washington, by families across Ohio, and by one very special friend.

It is often at the hardest times that the greatest truths are confirmed. Such was the case this week for my family and me.

We lost a dear friend, my best friend of 30 years, John Kleshinski, last Wednesday. He was only 55. John was not just a champion of social and economic justice, he was a hero to so many. A successful businessman, John was also a man of great faith, who felt his formidable professional accomplishments bestowed upon him a responsibility to give back to his community, to fight for justice for the weakest among us. A man who took up piano in his late forties, he had his first recital at 50 and became the board chairman of the local community organization and established scholarships for underprivileged children. He gave back in more ways than I can mention in 5 minutes.

But more important than the generosity of his time and money was his generosity of spirit. He was a man who found joy in the triumph of others, and in doing so he led by example showing us all the best we can be when we commit ourselves, neighbor to neighbor, Democrat to Republican. John left a legacy that will now be emulated by the thousands of lives he touched. We will all, in effect, pay it forward. Thank you, John, for that.

We are the legacy we create, each of us as husbands and fathers, as wives and mothers, as employees and workers, and, yes, as elected officials. It is the mission of the 110th Congress to create a legacy in which families thrive and our Nation is strengthened, social and economic justice, fair trade, affordable health care for all, quality education. They sound like campaign slogans, and for the last year across this country they were, but they are now our tasks at hand.

We have much work to do, the House and the Senate, Democrats and Republicans. It is our time to lead by example to chart a path that establishes a legacy of unparalleled productivity on behalf of middle-class families. It is time that social and economic justice takes its rightful place in the halls of Congress. It is time to get to work.

I wish the families of Ohio and this country a safe holiday season and a blessed 2007. I especially thank my family, my mother Emily, who has led the fight and education in our family for social and economic justice; my brother, Bob, and his wife, Catherine Scalon; and my brother Charlie, and his wife Anne Swanson; my daughter Emily and her husband Mike; my daughter Elizabeth; my daughter

Caitlin; my son Andy and his fiance, Stina; and, more than anybody, my dear wife, Connie Schultz, who has stood and led and done so much to make the lives of our family so much better and the lives of people around my State better.

God bless you, John. We will all miss you.

GENERAL LEAVE

Mr. REGULA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit statements for the RECORD on the retirement of MICHAEL G. OXLEY, a Member from Ohio.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO THE HONORABLE MICHAEL G. OXLEY UPON HIS RETIREMENT FROM THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Madam Speaker, it is my pleasure to rise today to pay tribute to my friend and colleague of the Ohio delegation, MIKE OXLEY, as he concludes 25 years of service to the constituents of Ohio's Fourth Congressional District, this House and the people of this Nation. Many of MIKE's colleagues will be submitting statements today or tomorrow to pay tribute to MIKE, or during the week. So I will limit my remarks in order to allow each of them the opportunity to speak if they should so desire.

MIKE has been a member of our Ohio delegation in this House since 1981. He has served with distinction for these past 25 years. He has put in the hard work required to learn the issues that have come before him within the committee jurisdictions of both the House Energy and Commerce Committee and, most recently, the House Financial Services Committee. As chairman of the Financial Services Committee, he is the author of the Sarbanes-Oxley Act, a historic corporate accountability bill.

In addition to his commitment to the serious work of this body, MIKE's friendly, outgoing personality and his love of sports, particularly baseball, helped to bring a positive atmosphere both in his committee and here in the House. We will miss MIKE very much and wish him and his wonderful wife, Pat, well in their future pursuits.

Mike Oxley is completing a twenty-five-year career in the U.S. Congress and a career in public life of over thirty years.

Mike was born in Findlay, Ohio, on February 11, 1944, to Maxine and Garver Oxley. He attended public schools there through his graduation from Findlay High School. Mike earned his B.A. from Miami University (Oxford, Ohio) in 1966, where he was student body president, and his law degree from The Ohio State University College of Law in 1969. He worked on the staffs of U.S. Representative Jackson Betts, Attorney General William B. Saxbe, Lieutenant Governor John W. Brown, and Cleveland Mayor Ralph Perk. After law school graduation, he became a special agent of the Federal Bureau of Investigation based in Boston and New York, where he met Patricia Pluguez. Mike and Pat were married in November 1971, and are the parents of a son, Chadd. The Oxleys moved to Findlay, where Mike joined his father's law firm: Oxley, Malone, Fitzgerald, and Hollister. He was elected to the Ohio General Assembly in 1972. He represented the 82nd Ohio District until he won a special election in July of 1981 that sent him to Washington to serve in the U.S. House of Representatives.

In a lifetime of representing his districts in rural and small-town Ohio, Oxley has dedicated himself to promoting the values and policy goals he shares with his constituents: economic prosperity, family, lean government, low taxes, a strong defense and intelligence capability, free trade, competition, and the U.S. as the leader of the free world.

District Accomplishments:

Transportation and Economic Development

Joint Systems Manufacturing Center-Lima

Ohio Air National Guard 179th Airlift Wing

Marathon Oil

University of Findlay Center for Terrorism Preparedness

River Valley Schools

Public Safety

Agriculture

Health and Environment

Housing

Reagan-Bush I Era:

Economic Recovery Tax Act (1981)

Tax Reform Act (1986)

Rebuilding the U.S. Military

MX Missiles and the Nuclear Freeze

A Strong Foreign Policy

Gulf War Resolution (1990)

Improving Economic Competitiveness

Curbing Entitlements and Wasteful Government Spending

Energy and Environment

Social Security Reform (1983)

The Republican Majority Era:

Contract with America

Protecting America's National Security

Restoring the National Defense

Tax Relief and Economic Growth

Fiscal Responsibility

Regulatory and Tort Reform

Open Markets and International Trade

Welfare Reform

Health Care

Moral Values

Personal Legislative Achievements:

Sarbanes-Oxley Act (2002)

PATRIOT Act (2001)

Financial Services Modernization

Telecommunications Reform

Trade and Economic Opportunity

Energy and Environment

Decency in the Internet Age

Muhammad Ali Boxing Safety Act

Public Safety

Defending American Values

A Legacy of Leadership Financial Services:

Sarbanes-Oxley Act (2002)

The Common Cents Stock Pricing Act (1999)

The Investor and Capital Markets Fee Relief Act (2001)

PATRIOT Act (2001)

Terrorism Risk Insurance Act (2002)

Gramm-Leach-Bliley Act (1999)

Fair and Accurate Credit Transactions Act (2003)

Check 21 Act (2002)

Deposit Insurance Modernization (2006)

American Dream Downpayment Act (2003)

Mike Oxley's credo has always been "play hard, but play fair." He was guided by that philosophy both in the halls of Congress and on the athletic field. Oxley played in the Congressional Baseball Game for Charity for 16 years, manning every position except pitcher and catcher. He managed the Republican team for the last eight years, compiling a 7-1 managerial record and raising more than a half million dollars for charitable causes.

Mr. BACHUS. Mr. Speaker, it is with great admiration that I rise today to recognize the 25 years of public service that Chairman OXLEY has bestowed upon this body. He is a dedicated and hard-working public servant whose leadership as Chairman of the Financial Services Committee has been exemplary. Under Chairman OXLEY's leadership, the Financial Services Committee enjoyed an unprecedented level of collegiality and comity that permitted us all to work together and get things done.

Chairman OXLEY has a series of legislative successes few others can rival. When investor confidence was at a low, Chairman OXLEY restored confidence in our financial markets by authoring the landmark Sarbanes-Oxley Act. This legislation established tough new standards to ensure corporate accountability to all American shareholders. In addition Chairman OXLEY was responsible for the passage of The Fair and Accurate Credit Transactions Act, or FACT Act, which gave consumers new identity theft protections and also improved credit report accuracy. Chairman OXLEY also spearheaded efforts to reform our nation's deposit insurance system and modernize our check clearing process which brought our antiquated systems into the 21st century. These achievements will have a positive impact on our financial services system for generations to come.

Aside from his leadership in the House, MIKE OXLEY has been a true mentor and friend. Fortunately, this is not a retirement for MIKE OXLEY but a beginning of a new chapter in his career. I look forward to working with him in whatever his future endeavors may be. Although I am losing a colleague and fellow Member, Linda and I look forward to many years of continued friendship with MIKE and his wife Pat.

Mr. HOBSON. Madam Speaker, I rise today to join my colleagues in paying tribute to our friend and colleague, Congressman MIKE OXLEY.

When I was first elected to Congress, I really didn't know MIKE, but I had heard about his prowess on the basketball court and on the golf course. But, one of the things that I have come to appreciate over the years has been the depth of knowledge and experience he has in the business and financial services sector. It is because of this that MIKE has earned the respect of financial leaders in the United States and worldwide.

MIKE is leaving us with a legacy that includes his work on the landmark Sarbanes-Oxley bill to bring more accountability and responsibility to the corporate world. In the weeks following the 9/11 attacks, he led the swift response to target terrorist financing by working to pass a new money laundering statute.

I think it's also important to mention that MIKE's leadership in shaping policy over the years has reached beyond the corporate world. He has also made a significant difference in promoting personal savings and investments at the individual level.

Prior to redistricting, I used to represent two counties that are now in MIKE's district. While I was disappointed to lose Champaign and Logan Counties, it has given us an opportunity to work together on issues important to communities in those counties. We also worked together during the most recent Base Realignment and Closure (BRAC) round on behalf of the Ohio National Guard bases located in Mansfield and Springfield.

MIKE and I have also had some fun over the years. In a previous campaign, he has been kidding me about my campaign radio ads. He says they made him gag because they were a bit too warm and fuzzy for his taste, but I tell him that they worked because he remembered them verbatim.

But seriously, we are going to miss MIKE as a friend and as a leader on business and financial issues. He and his team, including his Chief of Staff Jim Conzelman, and his longtime scheduler, Debbi Deimling, will also be greatly missed.

MIKE, I wish you and your wife, Pat, and Elvis all of the best as you begin this new chapter in your lives. And maybe someday, I will be good enough to play golf with you.

Ms. PRYCE of Ohio. Madam Speaker, I rise today to honor one of our colleagues who will be sorely missed next year in the United States House of Representatives, the gentleman from the Buckeye State, Mr. OXLEY.

MIKE OXLEY has been a good friend, and we will miss his leadership in this House and in Ohio. For the last 25 years, MIKE has represented the Fourth District of Ohio with honor and integrity.

In 1981, when he arrived, he brought with him a belief in the hope offered by Ronald Reagan—a hope of economic prosperity guided by the expansion of free enterprise and open markets. MIKE OXLEY has spent every day of his Congressional career spreading that hope.

As Chairman of the Financial Services Committee for the last 6 years, MIKE saw our economy through some of its toughest tests. It is a testament not only to the resilience of our economy, but to the leadership provided by Chairman OXLEY that our economy and our financial sector have not only endured, but prospered.

OX has been our captain and our coach. He stuck firm to his core beliefs, while never sacrificing civility. We can all learn from MIKE OXLEY's leadership: When it comes to the well-being of our country, bipartisanship can carry the day. And if and when we do disagree, we should openly and honestly discuss our differences, like statesmen.

We have not seen the last of MIKE OXLEY. Be it in a boardroom or at a Buckeye game, his presence will surely be known.

It is an honor to call MIKE OXLEY a friend, and we wish him Godspeed.

Mr. GILLMOR. Madam Speaker, I rise today to honor MIKE OXLEY, a man who will be greatly missed in this House. Not only does he have more friends in this chamber than nearly anyone else, he has compiled one of the most distinguished legislative records in this body.

I have had the privilege of knowing MIKE for more than thirty years going back to when we served together in the Ohio Legislature and he has been a good friend to have over that entire period of time.

In Congress, MIKE has not only been involved in the issues of the day, he has been a good athlete and has led his colleagues in pursuing healthful activities. He was Chairman of the Gym Committee. In College, we used to think that anyone who became a three letter man was something special. MIKE has been a three letter man here and much more. He was the manager of the Republican Congressional Baseball, Basketball and Golf teams and compiled a great record of victories.

His record of legislative accomplishments is a long one. With a great ability to reach across the aisle, MIKE OXLEY helped calm the financial markets during a period of great turmoil. Sarbanes-Oxley was the most sweeping reform to our securities laws in 70 years and helped bring an era of corporate scandal to an end. Other successes during MIKE's tenure at the helm of the Financial Services Committee include deposit insurance reform, regulatory relief for banks and thrifts, tireless work on reforms for the government sponsored enterprises, and tremendous work on providing opportunities for increased homeownership.

As MIKE OXLEY leaves to enter another phase of his life, we wish both he and his wonderful wife Pat the very best.

Mr. TURNER. Madam Speaker, I have the honor to recognize a fellow colleague from the Great State of Ohio, Chairman MICHAEL OXLEY. Chairman OXLEY has served with distinction in this House for 25 years and is retiring at the end of the 109th Congress.

Many people know Chairman OXLEY either from his work on the Financial Services Committee, his tireless work for the constituents of the Fourth District of Ohio, or his years of participation as a player and manager of the Republican Baseball Team. Chairman OXLEY is also a tireless advocate of the military and especially the Joint Systems Manufacturing Center—Lima, formerly known as the Lima Army Tank Plant.

The Joint Systems Manufacturing Center—Lima traces its history back to WWII when it prepared and processed more than 100,000 combat vehicles. The plant today is the sole producer of the M–1 Abrams tank.

Chairman OXLEY worked with the Department of Defense over the years to encourage the utilization of the workforce and available space at the facility. Through his efforts, the plant has grown beyond its original mission, providing a wide variety of cutting-edge military vehicles for the Army, Navy and Marine Corps.

Most recently, Rep. OXLEY was successful in working with Task Force LIMA during the 2005 Base Realignment and Closure to ensure the Joint Systems Manufacturing Center remained a strong and continued asset for the Nation, the State of Ohio and the greater Lima community. Chairman OXLEY was also able to restore funding for the modernization of the M–1 tank, further ensuring our men and women in uniform remain the best equipped fighting force in the world.

Chairman OXLEY is a distinguished member of the Ohio Delegation and of this House. He has made his mark on this Nation not only through his ardent support of the financial service industry, but also his unwavering support of the military. His tireless support of the Joint Systems Manufacturing Center—Lima has placed it in a strong position for the future. As Chairman OXLEY sometimes quotes former President Reagan's farewell address, "My friends, we did it. We weren't just marking time. We made a difference." For 25 years, Chairman OXLEY has made a difference not only for Ohioans but for all Americans. The House of Representatives has benefited from his ideas and leadership.

Mrs. SCHMIDT. Madam Speaker, I rise to add my voice in tribute to retiring Chairman MIKE OXLEY.

Today is a sad day for me. Though I haven't known him nearly as long as my fellow colleagues from Ohio, I, too, will miss our Coach.

I use that word not just as a tribute to his years of Congressional baseball and basketball dominance. I call Chairman OXLEY my Coach because that is what he has been to so many of us. Chairman OXLEY has been a model of public service since graduating from the Ohio State University School of Law in 1969. Coach OXLEY has been legislating for over 30 years and he has always been kind enough to help others learn the ropes. He has taken me and literally hundreds like me by the hand and guided us through the legislative process.

A kindness that I will never be able to repay.

Coach OXLEY, we will miss you in the halls of this great institution. I will miss your counsel and will be forever disappointed that you retired before the long hotly debated issue over which Member from Ohio has the lowest handicap was completely resolved. However, I trust that future coaching sessions will be available by phone.

Congratulations, Mr. Chairman, to you and your family.

Mr. MCHENRY. Madam Speaker, Congressman MIKE OXLEY served the 4th district of Ohio for 25 years with great distinction. Much can be said about a man who dedicates himself to the People's House for a quarter-century. Perhaps the most telling example of his magnetism and leadership can be seen in the number of staff members who dedicated themselves to serving Mr. OXLEY during his distinguished tenure.

The longstanding members of Mr. OXLEY's staff—Jim Conzelman, Debi Deimling, Bonnie Dunbar, Bob Foster, Phil Holloway, Tim Johnson, Kelly Kirk and Peggy Peterson—have served the chairman a combined 250 years among them. This is an amazing feat, given the fact that Capitol Hill is synonymous with high turnover rates and the frequent shuffling of staff members. I believe this speaks to the statesmanship MIKE OXLEY exhibited over his congressional career. His colleagues—just like his staffers—recognize his character, which inspires loyalty and perseverance.

Mr. CROWLEY. Madam Speaker, I rise to salute my friend and colleague from Findlay, Ohio, MIKE OXLEY. I think I can honestly say MIKE OXLEY is the most famous name to come out of Findlay since the original square hamburger, And MIKE is so well liked around here, even the square hamburger could well fall behind MIKE in popularity.

I got to know MIKE OXLEY from our days playing basketball when he brought the Congressional team to New York to play the New York State Assembly where I served at the time. Although we beat him twice, he never let me forget it!

He was always a good friend of my predecessor, Tom Manton. Tom, who recently passed away, developed a strong and lasting friendship with MIKE OXLEY; and as I came to Congress, Tom—my friend and mentor—told me to seek out MIKE. He told me MIKE was a straight shooter and someone who I should get to know. Tom was right.

And then, I had the pleasure of working with Chairman OXLEY during the 6 years I served as a member of the House Financial Services Committee, which he has chaired since its creation. Our Committee has had a long record of accomplishment, but he will be best known for the act that bears his name, Sarbanes-Oxley.

Created during the corporate scandals of Enron, Worldcom, Waste Management Inc. and others, this law helped restore confidence to our nation's investors, who were questioning the safety of their funds in our country's capital markets. But he has had a hand in so many other laws as well, including tough new identity theft and anti-money laundering laws, as well as guiding our capital markets during a time of mergers, globalization and modernization. While these are the things he will be remembered for in the newspapers, and in the history books, it may not be the exactly what we all—those who know him remember him for.

We know him for his friendship, his great stories and his good nature. And of course, his great record on the baseball diamond—the only place I think he should have tried to be more bipartisan. But he was a great coach, and possibly the one area where a lot of us on this side won't miss him. But in an era of politics of personal destruction and "take no prisoners", MIKE succeeded here both professionally and personally as someone who worked with and listened to everybody. Friends were friends, not Democrats or Republicans.

MIKE is a solid conservative and a good Republican, but that never stopped him from working with Democrats to pass legislation, or to work to find common ground. If more members were like MIKE OXLEY, we wouldn't all be lamenting the partisan gridlock and meanness in Washington. MIKE, we will miss seeing you every day in the chamber but I know that this is not the last time we will see you. So as your career in Congress ends, and you start new adventures, I look forward to working with you again, albeit in your new capacity. So tonight, I wish you and Pat my best as you end one chapter and open another.

Mr. REGULA. Madam Speaker, I yield back the balance of my time.

WAR AND THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the President has repeatedly said that he is not interested in engaging in Iran in an effort to stabilize Iraq. There is a tragic irony in the President's intransigence. While the President is unwilling to talk to Iran, his policies in Iraq, in reality, are allowing Iran to take over Iraq. But if we don't recognize and act on this soon, Iran will succeed.

This is real, it is not rhetorical. Actions by the President, through his appointed surrogate to run Iraq, Paul Bremer, that date back to the first days of the U.S. invasion, have created a situation today that makes Iraq a prime candidate for what Iran could never accomplish on its own militarily; that is, taking over Iraq, its oil, its infrastructure, even its existence as a separate Nation. Iran couldn't successfully invade Iraq, but we did, and now we are playing right into the hands of the Iranians by not acting on what Iraqis see happening.

The media portrays an overly simplistic picture of sectarian struggle. We hear a lot about Shi'a and Sunni Iraqis, but we don't hear about Persians; that is, Iran and the Persian versus Arab is where the real battle for Iraq will be won or lost. Every time the President meets with Iranian Shi'a clerics, or those connected or controlled by them, he confirms in the Iraqi-Arab minds, both Shi'a and Sunni, that he is ceding control to the Iranians.

It began with Bremer's decision to give the Shi'a control of the governing council. Then his decision to disband the Iraqi Army and the Baathist technocrat government further confirmed to the Arabs the feeling that the United States, despite its protests to the contrary, was opening up Iraq to an Iranian takeover. The borders were open.

This is not my speculation, this is what moderate leaders in the Middle East told me in face-to-face meetings I attended in Amman, Jordan recently. Moderate leaders desperately want the American people to understand what is really going on, because they see that as perhaps their last hope of getting our President to see.

To the Iraqi Arabs, there are only two explanations to account for Paul Bremer's actions: a blunder based upon ignorance of the history of the region, or a deliberate decision to neutralize Iraq as a strong Arab secular nation, thereby making it more susceptible to U.S. influence in the future.

Moderates in the region see it this way. The President, and therefore America, continues to openly act in ways that enable an Iranian takeover. Just the other day, the President met with the leader of the Supreme Council of Islamic Revolution in Iraq, Abdul Aziz Hakim, in the White House. He is controlled and tied to the Iranians. This comes on the heels of the President's meeting and endorsement of al-Maliki.

Meeting with Iranian-controlled Iraqis, no matter what sect they belong to, confirms to many in the region that the President doesn't understand the current situation. Moderates told me the resistance in Iraq is based on the U.S. occupation and a power grab by the Iranian-controlled clerics. Blaming it all on Sunni-Shi'a tensions is not just incorrect, they say, it is exactly what Iran hopes for, because it leaves them hidden.

Here is another example. Moqtada al-Sadr, a Shi'a leader, left the coalition with the Iranian-controlled SCIRI and joined the Arab Sunnis. Al-Sadr strongly opposes the U.S. occupation of Iraq, and some see the meeting between the President and the Iranian leader of SCIRI as only deepening the passions against the United States. Friends of the United States in the region, and even foes, believe the same.

To many in the region, one only need look at history to understand. Arabs and Persians have fought for centuries before Islam even existed, and their enmity remains intense. Persians are the Iranians. Arabs are the ones in Iraq. Failure by the President to understand it is Persian versus Arab or Iran versus Iraq that is going on, has produced one disastrous decision after another. The solution, they believe, is obvious. Strategically, redeploy the U.S. troops out of Baghdad, out of the cities, and onto the Iranian border to stop the infiltration of Iranian agents into Iraq.

Some Arab leaders told me they estimate as many as 14,000 Persians, Iranians, have infiltrated to run death squads who are killing the Arab Sunnis and inciting a civil war as cover for the real war that is Iran versus Iraq.

Unless we change the course, unless we draw back our troops out to the borders in preparation for ultimately leaving the country, the day will come when the only banner proclaiming "mission accomplished" will be flown by Iran. We can't let that happen. We have to change the course. The President must see this is not a sectarian fight between Shi'a and Sunni, it is between Iraq and Iran. They fought for 8 years, just recently, and now they are doing it again, and we have allowed them, the Iranians, to have the goal of making it happen.

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HONORING VETERANS AND THEIR OUTSTANDING COMMUNITY SERVICE

The SPEAKER pro tempore (Mr. REGULA). Under a previous order of the

House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in remembrance of Pearl Harbor Day, to honor those who fought for us in World War II and those who lost their lives this day 65 years ago. Also I am honored to pay tribute to two extraordinary veterans from Winston-Salem, North Carolina who continue to work tirelessly for our country and its veterans.

These distinguished men have served our Nation with bravery and honor, and years after they have retired from active duty their commitment to community and other veterans remains an important part of their lives.

Sergeant George W. Carter served in the United States Army during the Korean War and earned the Silver Star for gallantry against an armed enemy. In addition to earning the Silver Star, Mr. Carter was awarded the Bronze Star with two V's, along with the Purple Heart, Army Good Conduct Medal, Occupation of Japan Medal, National Defense Service Medal and several other medals. After the war, Mr. Carter served 5 years in the Reserves and then returned to the trucking industry, from which he retired in 1994.

In 1999, Mr. Carter was employed by the Department of Veterans Affairs as a security guard. At the age of 76, Mr. Carter retired from the Department of Veterans Affairs, but did not retire from service to his country.

In 2003, Mr. Carter began volunteering at the Winston-Salem outpatient clinic 3 days a week. He often picks up Krispy Kreme donuts at 5:30 a.m. and arrives at the outpatient clinic at 6 a.m. to set up coffee tables, napkins and snacks before the first patients arrive.

Today, December 7, 2006, Mr. Carter at 79 years old is still serving his country. In the last 3 years, he has volunteered over 2,000 hours to serve, console and support veterans.

Another distinguished gentleman is Mr. Howard Petree, a World War II and Korean War veteran who also continues to serve his country and community with honor and dedication long after his active military service.

He served in the United States Army stateside in World War II after being drafted in 1943. In 1946, Mr. Petree served in the Army Field Artillery with a T-4 rank. He also served in the Korean War as a First Class Supply Sergeant. After being honorably discharged in 1952, Mr. Petree worked in a local municipality as a commercial water repairman for 32 years.

In 1997, Mr. Petree became one of the first volunteers at the Winston-Salem Outpatient Clinic. He volunteered from 6:45 a.m. until 12 noon 3 days a week until 2005. In 2005, he reduced his volunteer time to 2 days a week.

Mr. Petree also volunteers setting up coffee tables, napkins and snacks before the first patients arrive. He serves coffee, as well as answers questions for veterans and shares his experiences with them.

Today, Mr. Petree at 84 years old is still serving his country out of a selfless personal obligation to help others and to connect and assist other veterans. In the last 8 years, he has volunteered over 4,000 hours.

It is appropriate to honor these two gentlemen today. Years after their active military service, they continue to work with veterans and support those who have defended our country from tyranny and oppression, just as they themselves did. Although these men may no longer wear the uniform on active duty, their obligation and love of this country continues.

I ask my colleagues to join me in honoring Mr. George W. Carter and Mr. Howard Petree for their steadfast and faithful service to this Nation and their continued work with the very men and women who have made this the free country that it is today. The Winston-Salem Outpatient Clinic is lucky to have such fine men who are a inspiration to us all.

TURKEY MUST OPEN PORTS TO CYPRUS; EUROPEAN UNION MUST NOT ALLOW DEFIANCE TO CONTINUE

The SPEAKER pro tempore (Mr. REGULA). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, over the next couple of weeks the world will see how serious Turkey takes its accession talks with the European Union. We will also learn if the European Union is serious about ensuring Turkey complies with promises it made in order to begin those talks last year.

Last month, Turkey's accession talks took a turn for the worse when it broke a promise to begin trading with EU Member Cyprus. Back in July of 2005, Turkey agreed to open its ports and airports to 10 new European members, including Cyprus, as one of the conditions for beginning membership talks with the EU. Talks began later that year, but to date Turkey has refused to begin trading with Cyprus.

Turkey simply cannot be allowed to defy established European Union conditions without facing penalties. It must open its ports and airports to Cyprus ships and airplanes under the conditions it agreed to back in 2005. Cyprus is a Member of the European Union, and if Turkey is really interested in joining the Union, it cannot be unwilling to trade with one of the EU members.

Fortunately, Mr. Speaker, the European Union has taken note of Turkey's defiance. Late last month, EU Enlargement Commissioner Olli Rehn recommended a partial suspension of eight of the 35 policy areas included in the EU accession talks. Foreign ministers of the European Union will decide next week whether to back those recommendations.

I want to commend Commissioner Rehn for taking this action and strongly recommend that the foreign ministers approve it so that Turkey knows that the European Union is serious about living up to the promises it made before this process began.

In response to the European Union's action, Turkey came back with a proposal earlier this week that would allow ships from Cyprus into Turkey ports only if they are air carrying Cypriot goods. Turkey also demanded again, separate from the promises they made in 2005, that one of the ports in the illegally occupied north be opened for international traffic. The Cypriot Government correctly called this latest proposal a mockery of the European Union and the EU official said the proposal is not yet suitable to end the stalemate. Turkey should not simply be able to renegotiate promises they have already made.

Mr. Speaker, I am also baffled by some editorial pages here in the U.S. and around the world and some world leaders, including British Prime Minister Tony Blair, who have chosen to take the collective opinion that the European Union action was taken only to embarrass Turkey and to put another roadblock up in front of it, making it more difficult, if not impossible, for them to join the European Union. This thinking is dangerous.

Turkey said it would open its ports and airports to Cyprus and has yet to do it. What is the European Union supposed to do, just allow this to continue without any penalties? It is not as if the accession talks have come to a close. The talks will continue with only eight of the 35 policy areas being frozen until Turkey agrees to open its ports.

This is a fair recommendation that must be approved by foreign ministers next week. If the recommendation is rejected, Turkey will come away believing that it can get away with breaking promises in the future without any penalties, and that is dangerous for a country that still must make major strides in human rights and other areas before it meets the criteria to join the European Union.

Some world leaders seem to think that Turkey should not have to make some of the same concessions that other countries made in order to join simply because of its strategic position in the world. I reject this notion. I believe that the relationship between Cyprus and Turkey is one that must seriously be addressed by the European Union before Turkey is allowed to join.

Today, Turkey continues its 30 year illegal occupation of the northern third of Cyprus. Not one country other than Turkey recognized the occupied section as its own nation. Turkey simply will not be able to join the European Union without finally conceding this land back to its rightful owners.

I strongly urge the European Union foreign ministers to send a strong message to Turkey that it must comply with promises it made before the accession talks began. They can do this by passing Commissioner Rehn's recommendations next week and not allowing Turkey to renegotiate issues concerning Cyprus.

GENERAL LEAVE

Ms. KAPTUR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

TRIBUTE TO THE HONORABLE LANE EVANS, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening to pay special tribute to our beloved colleague from Illinois, Congressman LANE EVANS.

Truly, LANE has been a man for others throughout his entire life; a patriot, a marine, someone who began his career after serving in Vietnam as a marine as a legal aid lawyer. He was always there for others. He truly is a beloved Member of this House, probably one of our most humble Members, and yet heroic throughout his service; a very, very strong human being.

I was privileged to be elected with LANE back in 1982 as we became classmates in the 98th Congress of that year. It was quite a large class, over 60 new Members at that time. I can remember meeting him at the very beginning, another son of the working class of people who came here to make a difference.

LANE ultimately became a leader in veterans affairs, a leader in fighting for better jobs with wages and pensions that people can depend upon, and taking on causes that were close to his heart, obviously representing rural Illinois. He cochaired the Ethanol Caucus long before we had the kind of attention paid to it today.

But in his capacity on the Veterans Affairs' Committee where he served from the very beginning, he was successful in spearheading efforts to pass legislation to compensate Vietnam veterans for diseases linked to exposure to Agent Orange.

I can remember the debate in those days back in the 1980s when the scientists would come up and say, Well, you know, we can't really prove why those cancers are caused, all these soft tissue cancers related to Agent Orange. The committee, with LANE's leadership and personal experience, came to conclude that there is a difference between doing what is morally right and what is scientifically provable, and LANE EVANS always stood for what is morally right.

Many words come to mind when I think of LANE: his honesty, his trustworthiness, his likability. He was a man of his word, a really good human being, and a good humored human being. He always had a joke. He was kind to all of us, intelligent, persevering and very, very unselfish.

He won passage of a law that delivers health and compensation benefits to children of veterans exposed to Agent Orange who were born with spinal bifida, a crippling birth defect. It represented the first time children of veterans received that benefit. And he led efforts to expand services to women veterans and pushed for increased help for veterans suffering from PTSD, posttraumatic stress disorder, and crafted legislation to direct services to the large numbers of homeless veterans.

I can remember his efforts to set up the storefront homeless centers all across our country so that homeless veterans would feel comfortable. Many of them were not going into the traditional veterans facilities. He understood that. He played a leadership role in helping us to recognize the health needs of First Gulf War Syndrome.

In 1995, he rose to become ranking member on the Veterans' Affairs Committee, and he was the chief House sponsor of legislation to ban the use of anti-personnel land mines. He knew a lot about that, having been a veteran himself.

In recognition of his outstanding leadership, Congressman EVANS in 1990 was awarded the Vietnam Veterans of America first annual President's Award for Outstanding Achievement, and then in 1994 he received the AMVETS Silver Helmet Award, called the Oscar of veterans honors.

LANE is the son of a firefighter and a nurse and has been a tireless advocate and champion of the rights and needs of working Americans, from fighting for higher minimum wage, to seeking affordable health care for all Americans, to protecting good jobs at good wages in Illinois and throughout our country. Throughout our two decades here, that has been a monumental struggle, and he never let up on his persevering efforts.

I want to thank the people of Illinois tonight for sending such a great human being to this Congress.

Eight years ago, LANE EVANS contracted Parkinson's disease. As he has served with us and we have sat by him and worked with him, he never complained once. We watched him as it became more difficult for him to smile and to lift his arms and to come here to the floor, and he has done that through his 24th year.

I can remember when he started the basketball games over at Georgetown to raise money for philanthropic causes here in the Capitol for the needy. He was always helping others, and he did not pay that much attention to himself. In fighting Parkinson's disease, which he is still fighting, he became a model to all of us on what the words "Semper Fidelis" mean.

So, LANE EVANS, I want to thank you on behalf of the people of Ohio and on behalf of your colleagues here in the House. You truly have been a worthy servant and it has been an honor to serve by your side. We wish you Godspeed, and we thank you so very much for making us better by knowing you.

Mr. COSTELLO. Madam Speaker, I rise tonight to honor the distinguished career of my good friend and colleague, Congressman LANE EVANS. LANE is retiring at the end of this Congress, and the House of Representatives will miss his leadership and untiring support of our nation's veterans.

LANE has devoted most of his entire professional life to service to the United States of America. He grew up in the heart of the district he represents, entering the Marines out of high school and serving in Vietnam. When he returned, he went to college and earned his law degree at Georgetown, and was elected to Congress in 1982.

Since then, he has made a tremendous impact on issues of national importance, such as agent orange compensation for affected veterans, investigating Gulf War illness, and the effort to ban land mines. While never seeking the spotlight, our veterans, military retirees and active duty service personnel know they have not had a greater advocate in Congress than LANE EVANS. LANE was awarded the Vietnam Veterans of America's first annual President's Award for Outstanding Achievement in 1990 and he received the AMVET's Silver Helmet Award in 1994, known as the "Oscar" of veterans honors.

At the same time, LANE has always defended the rights of working men and women, protecting the ability to collectively bargain while opposing unfair trade deals that have sent good paying jobs overseas. He has been a leader on environmental issues and a friend of the family farmer. Above all, LANE has been a steady presence for the issues he believes in and the constituents he represents.

Over the last several years, LANE also gained prominence for his ongoing battle with Parkinson's disease. The dignity with which he has faced this disease has inspired many, and helped educate the public about the disease. Not many people know how painful the disease can be, and you would never know it from LANE, as he has faced this ordeal with the same courage and determination he went to war and served in Congress.

Madam Speaker, what I appreciate most about LANE is his consistency. Whenever LANE was needed, he was there. His service to our country has been profound and I wish him the I best as he prepares for this next chapter in his life. I am honored to call him my friend.

Mr. OBEY. Madam Speaker, I rise in joining my colleagues tonight in recognizing the service of LANE EVANS. LANE is one of those people who came to Congress willing to work and not very interested in getting much attention or claiming much credit. All the work he did demonstrated his beliefs that we are here not to make a name for ourselves, but to make life better for the people who make this country strong. He was an advocate for the American worker and an advocate for the American Veteran. Since 1995 when LANE became Ranking Member of the House Committee Veterans Affairs, no one has tried harder to honor our obligations to those who have served our Country in uniform. Like the lighthouses on the Great Lakes, LANE has been a beacon of wisdom. When you follow LANE EVANS, you know you are going in the right direction.

In addition, he is just a first rate human being. I wish him well and offer my sincere gratitude for his service.

Mrs. MALONEY. Madam Speaker, I rise to honor a dear friend and colleague, Congressman LANE EVANS.

I've gotten to know LANE through our work as co-chairs of the Congressional Working Group on Parkinson's Disease. He is a deeply dedicated, kind, and courageous person who I admire and who I will truly miss.

For the past 24 years, Congressman EVANS has been a champion of veterans and Parkinson's issues on Capitol Hill and a great friend to both communities. Earlier this week, I was proud to see a bill passed that included a program, Parkinson's Disease Research, Education and Clinical Centers, PADRECCs, conceived and created by LANE. By working with the former and current VA Administration, Representative EVANS helped to establish these Centers that serve American veterans battling Parkinson's disease.

As a former Marine, Ranking Member on the VA Committee, and person battling Parkinson's disease, Representative LANE EVANS has a strong sense of mission about providing the highest standards of care for both constituencies. Though I am sad to see LANE go, I am encouraged by his commitment to help others and make a difference in people's lives. I hope to continue his legacy while working with the Working Group on Parkinson's Disease to find a cure for this terrible disease.

This body is losing a true patriot, but we can all agree, LANE, that we are proud to know you, proud to have served with you, and are proud to honor you today.

Mr. LANGEVIN. Madam Speaker, I rise today to honor the service of my colleague and good friend from Illinois, Mr. LANE EVANS.

LANE has always served his country with honor. From 1969 to 1971, he served in Vietnam in the U.S. Marine Corps, and as they say, "once a marine, always a marine." When he was elected to Congress in 1982, he immediately worked to make sure veterans were given the benefits that they deserve, and he has fought to bring up issues that would go unknown if it was not for his voice. For almost a quarter of a century in Congress, LANE has been a champion of America's veterans, and his passion for this cause will truly be missed.

LANE and I were able to develop a friendship that transcended politics. We worked together on many issues as members of the House Armed Services Committee. Serving others, especially his constituents, was something LANE did exceedingly well. I was able to see this firsthand when I traveled to his district in 2004. I was impressed, but not shocked, by the large amount of people who showed up at an event he hosted, which certainly speaks to how well-liked and respected he is in the 17th district of Illinois. Serving with LANE has truly been an amazing and educational experience.

Unfortunately, LANE has had to battle Parkinson's Disease since 1995. In his fight against this debilitating disease, he has yet again shown courage and perseverance that proved to everyone that he was not going to easily give up. LANE has also been a great partner in the effort to advance stem cell research, which is a matter of great importance to me. This effort will continue so that patients with spinal cord injuries, Parkinson's Disease and other conditions will benefit from this research in the future.

LANE, thank you for making a difference. While you will be missed in the halls of Congress, I wish you the very best in the next chapter of your life.

Ms. NORTON. Madam Speaker, I rise today to join my colleagues in honoring the service of a highly effective and respected 24-year Member of Congress, on the occasion of his departure. I am grateful that I have been able to serve with Congressman LANE EVANS, who has long been a champion of working people and will always be remembered as a special champion of our Nation's veterans. The American people and our veterans are particularly fortunate indeed that Congressman EVANS served as ranking member of the House Committee on Veterans Affairs, beginning in 1995.

I associate myself with the remarks of my colleagues, who have spoken of LANE'S many accomplishments during his tenure here. He has adroitly used his legislative skills and concern to the benefit and well-being of the American people during his entire service, but his single-minded concentration on veterans' issues made that in many ways his very own issue. LANE'S experience in the Marine Corps, his service in Vietnam, and the affects of military service on the families of enlisted men and women never left LANE EVANS.

Over the course of his career, Congressman EVANS led a successful effort to pass legislation compensating Vietnam veterans for diseases linked to Agent Orange exposure, secured passage of legislation that provides health and compensation benefits for children of veterans exposed to Agent Orange, and cosponsored legislation to ban the use of antipersonnel landmines which kill and maim people worldwide. It is no wonder that Congressman EVANS was named the recipient of the Vietnam Veterans of America's first annual Presidents Award for Outstanding Achievement, as well as the prestigious AMVET Silver Helmet Award.

I am pleased and proud to have served with Congressman LANE EVANS. I am certain that constituents and family are especially proud of his many accomplishments. LANE goes home with the best wishes and gratitude of Republicans and Democrats alike in this House.

Mr. FARR. Madam Speaker, I rise to pay tribute to Congressman LANE EVANS, who is retiring after serving this institution honorably for 24 years.

As Ranking Member of the House Veterans' Affairs Committee, Rep. EVANS has served not only his 17th District constituents, but he has also been the voice for veterans nationwide. As a Marine and Vietnam veteran, Rep. EVANS had a deep and abiding understanding of veterans' issues and a keen sense of the unique issues affecting Vietnam veterans, like Agent Orange. He has been a tireless advocate for improving veterans' health care and benefits and was not afraid to challenge the Veterans Administration if he thought they were shortchanging veterans' programs, particularly VA services for homeless veterans.

He shone a bright light on the horrific problems of antipersonnel land mines and authored the first law prohibiting the export of landmines which ultimately led to the awarding of the 1997 Nobel Peace Prize to the International Campaign to Ban Land Mines. His legacy on landmines has saved countless lives around the globe.

It is with a heavy heart that I bid farewell to Rep. LANE EVANS, one of the most dedicated and principled public servants that I have ever had the privilege to serve with. Semper Fi.

Mr. EMANUEL. Madam Speaker, I rise to honor my friend and colleague, Congressman LANE EVANS, for his service in the House of Representatives and his dedication to the people of the 17th district of Illinois and veterans around the nation.

Congressman EVANS has served honorably in this chamber for eleven terms, and leaves with a long record of unwavering advocacy for his constituency and the welfare of the American public.

Throughout his tenure, Congressman EVANS has been a staunch supporter of our Nation's servicemen and women, serving on the House Veterans' Affairs Committee since 1983. His ten years as ranking member have earned him the admiration and respect of every major veteran service organization.

A former Marine, Congressman EVANS is acutely aware to the needs of our men and women in uniform, and has advanced several important pieces of legislation which provide our servicemen and women with the proper care they are due.

Acting as one of the strongest voices for Desert Storm veterans, Congressman EVANS succeeded in raising awareness of the important specialized treatment returning veterans required, and ultimately enabled them to receive this life-saving care.

Congressman EVANS has also provided dedicated service to the troops currently serving our Nation in harms way, providing vigorous oversight of our military's spending and readiness as a member of the House Armed Services Committee.

Madam Speaker, LANE EVANS has provided twenty four years of steadfast and honorable service to this great Nation, and I am proud to call him my colleague and friend. I would like to thank him for his career of service, and wish him the very best in all of his future endeavors.

Ms. CARSON. Madam Speaker, I rise today to give tribute to a great American, a colleague and most importantly, a friend. LANE

EVANS has served this body with his full heart and soul for the past 24 years and for his service and friendship I thank him so much.

LANE is an amazing man in every sense of the word. His tireless work as Ranking Member of the Veterans' Affairs Committee has set the bar for which future Chairmen should strive to achieve. As a young Marine serving in Vietnam, he saw firsthand the rigors of war and it helped him to realize that our soldiers must be treated for all the symptoms of war and that some of the worst battle scars are visible but below the surface. His fight to get fair treatment for those suffering from Agent Orange in Vietnam ensured he would be one of the first to recognize and push for treatment of Gulf War Syndrome and post-traumatic stress disorder.

Physical and mental health were not the only fights that he entered into on behalf of Veterans. He also led the battle to get equitable treatment for female veterans and worked tirelessly to combat the plight of homeless veterans across America. His work to ensure a high quality of life for those who have served us with honor will be one of his most noted legacies in this body.

LANE, I thank you for your friendship, your leadership and all of your service to our Nation. I know you have forever left your mark on your Nation, the House of Representatives, and all the veterans who have received better treatment because of your work.

Madam Speaker, it is my privilege to enclose with my statement the remarks of my predecessor and friend who also served this body with his full heart and soul, the Honorable Andy Jacobs, former Congressman for the 10th Congressional District of Indiana.

DECEMBER 8, 2006.

Hon. LANE EVANS, MC.
House of Representatives,
Washington, DC.

DEAR LANE: The time has come for me to put on paper what I have fervently entertained in my mind through the years of our acquaintance.

To begin, you are one of my authentic heroes. British Lord Chesterton said, "Sometimes it takes less courage to die for one's country than to tell her the truth." On many more than one occasion you have displayed that greater courage in the profoundly patriotic performance of your chores as a member of Congress, service quite literally "above and beyond the call of duty."

In your effective opposition to the mindless, gratuitous and vicarious militarism of some national leaders, you have helped save the lives of hapless public spirited young Americans. Thus, you have done God's work most nobly.

For the young Americans who have been forced into unnecessary permanent combat disability, you have been a major national factor in achieving justice in terms of veterans' benefits.

You have also given our Nation bright lessons of prudence with the public purse. Thank you for being my friend and friend to all peace-loving freedom-loving Americans.

Sincerely,

ANDY JACOBS, JR.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to pay tribute to my colleague and treasured friend, LANE EVANS. As the 109th Congress comes to an end so, too, does the remarkable 24-year tenure in the House of Representatives of one of the bravest and most decent members to have served in this body.

I had the privilege of working in LANE EVANS' first campaign in 1982. At the time LANE declared his candidacy, he was considered a sacrificial lamb running against a well-entrenched Republican incumbent. His was a pipe dream—except to the many labor union workers, consumer and civil rights activists, and ordinary residents of this western Illinois district who saw something special in this young, legal assistance attorney.

When the incumbent lost his primary election to a State Representative from the far right wing of the party, LANE EVANS' campaign gained momentum and this young Democrat become the Congressman, the first Democrat to do so since the Civil War.

In the first campaign, LANE spent lots of time with his young volunteers. After all, he wasn't much older than they. He sported a Beatle-like bowl hair cut that he maintained until rather recently, resisting all good-natured recommendations for a style update. He was modest, unassuming, friendly, and also inspiring. He showed a humble respect for each and every voter, addressing them in the soft-spoken, sincere manner that he never lost. The quiet strength that came from being a United States Marine during the Vietnam era always shone through.

From the first day and throughout his career in the House, LANE EVANS remained true to his core progressive beliefs. The working and retired men and women of his district and the veterans throughout the nation could always count on LANE EVANS being there for them—no excuses, no exceptions. Environmentalists named him an "Environmental Hero."

There were those who encouraged LANE to trim his positions in order to ensure his reelection. In the end, his consistency proved to be a great asset, appreciated by his constituents who always knew exactly where he stood and who trusted that LANE would not bend with the changes in the polls.

As the Ranking Democrat of the House Veterans' Affairs Committee, LANE EVANS is recognized as the leading advocate of veterans in Congress, responsible for legislation to compensate veterans and their families for the effects of Agent Orange, help Persian Gulf and women veterans, and those now returning from Iraq and Afghanistan. The veterans' service organizations have honored Lane with their highest awards.

LANE EVANS has always been a leader in the fight for universal health care. Parkinson's disease has forced him to end his productive service in the House. Even now, however, he acknowledges how fortunate he is to be able to afford the best care, while so many Americans are not. He has become an advocate for expanding funding for research into the cure for Parkinson's and many other diseases that might benefit from government-funded embryonic stem cell research. As in all things at all times, LANE EVANS is handling this newest challenge with courage and dignity.

On a personal note, LANE EVANS has been a close and dear friend to me and my husband, Bob Creamer, since that very first campaign in 1982. That friendship, through thick and thin, has been and will always be so precious to us. We are grateful to LANE for being such an important part of our lives. We love him very much.

LANE EVANS will be sorely missed on a day-to-day basis in this House of Representatives, but his legacy will ever be reflected in the improved lives of the veterans of the United States and all the working families who will continue to benefit from his outstanding service.

Mrs. JONES of Ohio. Madam Speaker, I join the people of Illinois and the people of this country in celebrating the tremendous service of my dear colleague and friend Congressman LANE EVANS.

Congressman EVANS was a native of Rock Island, IL. Drawing on his first-hand experience a U.S. Marine Veteran in Vietnam, Congressman EVANS has fought hard to bring to light the experience for our veterans in the Persian Gulf War. His experience served him well on the Armed Services Committee. He worked to increase funding and to expand and build new veteran clinics across America. Before coming to Congress, Evans fought as a lawyer for working families and the poor in Rock Island. In Congress, in addition to fighting for veterans he also fought for the Environment. In fact, he was named an "Environmental Hero" by the League of Conservation Voters and he was awarded the Conservationist of the Year in 1995 by the Illinois Sierra Club.

My most fond memories of Rep. EVANS were when LANE invited me to participate in the Homecourt Basketball Tournament. Homecourt Charity Basketball Game features members of Congress playing against the Georgetown Law School Faculty to raise money for the Homeless Legal Center. In 2000, Mervyn L. Jones II, my son, age 16, began playing on our team. He has played in every game since 2000. Mervyn and LANE have gotten to know each other well and he and I will miss our annual games under the leadership of LANE EVANS. LANE was the manager and former Rep. Carrie Meek and I were the coaches. Upon Rep. Meek's retirement I took on the coaching responsibilities. I am committed to keeping the LANE EVANS Homecourt Basketball tradition alive.

I will truly miss my friend and colleague, LANE EVANS' presence on the hill and on the Basketball Court. I pray that God will continue to bless LANE EVANS and his family.

Ms. KAPTUR. Madam Speaker, I yield back the balance of my time.

□ 2300

TRIBUTE TO LANE EVANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise today to pay tribute to my colleague from Illinois, LANE EVANS, and recognize his long, distinguished career in public service.

From his time in the U.S. Marine Corps to nearly a quarter century in the House of Representatives, LANE has always put his country first, and now with his retirement at the end of the

109th Congress I join my colleagues in thanking LANE for his great service to his district, the State of Illinois and our Nation.

LANE EVANS bravely served in the Marine Corps during the Vietnam War. His experience in the military and his firsthand knowledge of veterans' issues led LANE to become a leading advocate for veterans during his time in Congress. On issues critical to veterans, such as post-traumatic stress disorder, the effects of Agent Orange, and homelessness to veterans, LANE EVANS was consistently a leader in crafting real policy solutions. LANE's leadership on veterans' issues was formally recognized in 1995 when was named ranking member of the House Committee on Veterans Affairs.

In addition to his great work on veterans' issues, LANE has always dutifully served his constituents and the State of Illinois. He has been a strong advocate for working Americans and was one of the first to see the need for renewable energies, especially for ethanol.

My own experience in the hallowed halls of Congress began more than 20 years ago when I worked as an intern in LANE EVANS' office. I will never forget how he was a great example to me. He showed how to be a truly compassionate and effective leader in the House.

LANE EVANS' legacy will certainly reflect his commitment to our great Nation. His insight, passion and presence will be deeply missed by all of us.

I wish LANE all the best in his retirement, and we are all truly grateful for his dedicated service, and we will truly miss the man and his dedication and the friend that he was to so many in this chamber.

VACATING 5-MINUTE SPECIAL ORDER

Mr. LEWIS of Georgia. Madam Speaker, I have a Special Order for tonight I am taking out with Mr. SCOTT and Mr. BISHOP.

The SPEAKER pro tempore. Without objection, the 5-minute for Mr. LEWIS is vacated.

There was no objection.

PROPOSED DELTA/U.S. AIRWAYS MERGER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. LEWIS) is recognized for 28 minutes as the designee of the minority leader.

Mr. LEWIS of Georgia. Madam Speaker, joining me tonight are Mr. SCOTT and Mr. BISHOP from Georgia.

Madam Speaker, I rise tonight to tell you about a bad deal, a very bad deal. You may have read about the recent unwanted, unsolicited and unnecessary bid from U.S. Airways to take over a strong, proud, Georgia company named Delta Airlines.

But Americans have learned the hard way that bigger is not always better, and in this case, Delta's takeover by U.S. Airways will have a devastating impact on the people of Atlanta, on the east coast of this country, and it will rob the American travelers of the economic advantages that competition creates.

Mr. Speaker, today I represent thousands of Delta employees all over Georgia, hundreds of Delta pilots, and the executive leadership of that organization. Delta employees and its executive are working through some difficult problems right now as they reshape the company, but when it comes to this merger, they speak with one strong and mighty voice.

Management and employees agree on this. None of them are for this deal. I think that speaks volumes, Madam Speaker. It demonstrates how deeply they believe this takeover will impair the quality of airline transportation in our country.

You may have heard that Delta had run into some problems and was going through bankruptcy proceedings, but it is about to emerge from this bankruptcy a stronger, better airline, with a renewed commitment to serve the American people, American travelers and world travelers.

Delta had problems but it was not a failing company. They have used the hardship of bankruptcy to make tremendous progress. In spite of its challenges, it has created 70 new international destinations. It offers service to all 50 States. Employee morale has improved. Pensions for 90,000 employees and retirees were saved, and 2,500 pilots, machinists and other employees have been called back to work.

It is because of the sacrifice of Delta employees and executives to make good on its commitments to its creditors that it became a prime target for this hostile merger. It is because Delta was able to win the uphill battle of bankruptcy and is poised to emerge transformed that U.S. Airways want to take it over against its will. That is not right, that is not fair, and that is not just.

This is not a case of the survival of the fittest. U.S. Airways is in trouble. It has already gone through two bankruptcies and cannot seem to bring its merger with America West to a close.

In 2004, U.S. Airways was on death's doorstep. It had no choice but to merge with America West. It would have had to liquidate all its assets if it had not merged with another company, but 2 years later, the integration of U.S. Airways and America West is still not complete. The majority of its labor groups are still working under separate contracts. It still has two IT systems. U.S. Airways has not even repainted all of its aircraft.

Madam Speaker, even though U.S. Airways cannot seem to manage its own merger, it is hoping and praying that it can take advantage of the hard work and tough sacrifices the good people of Delta have already made so that it can survive. This is not a win-win situation. It is a win for U.S. Airways and an incredible risk for Delta Airlines and for all of its customers.

It is a risk for the people of Atlanta, a risk for Hartsfeld-Jackson Airport, the largest commercial airport in the world. It is a risk for the State of Georgia and thousands of American citizens.

At this time, Madam Speaker, I want to yield to my colleague and friend from the State of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, I thank very much my colleague Mr. LEWIS.

This is indeed an extraordinary moment in the history of this country and history of American business. Let us see if we cannot set the stage properly so we understand exactly what is going on.

As my colleague Mr. LEWIS has stated and given history of Delta Airlines' brilliant and hard fought effort to come out of bankruptcy, this is a great American story. It is perhaps one of the greatest business recovery stories in American history.

Delta Airlines was at the bottom, but that company came together. It made the sacrifices. Its pilots' union gave and gave. Its employees gave back raises. They combined their efforts. That company, under brilliant management and leadership, brought itself together.

We owe it to Delta to have their bankruptcy plan now go into effect, and they have a plan to come out of bankruptcy, which they will have and they will come out of bankruptcy within the next 6 months. Do we not owe it to Delta to give them that opportunity to make it work?

Meanwhile, lurching on the sidelines, almost like a vulture, is U.S. Airways. Let me take a moment to describe U.S. Airways at this point. Here is a company that is just coming out of bankruptcy itself, a company that has just gone through a merger, that is now problematic, a company that has a merger in which it is now dealing with two sets of pilots' unions, two sets of flight attendants' unions, two reservation systems and two scheduling systems. How in the world can we, in effect, for a creditor who has an indebtedness with Delta feel that that investment can best be met by investing in a company, an airline company that is beset with a ton of labor problems?

I want to deal with the other issue. Not only is it bad for the creditors, it is bad in terms of our own antitrust practices. In a previous case in which there was a United Airlines merger, the Justice Department's antitrust division ruled that that could not merge, and they did not nearly have the overlapping that this does.

So now we have a case here that with Delta in bankruptcy, even if this merger does proceed to a point, then it goes into bankruptcy, then the antitrust division of the Justice Department must rule.

That is why it is important for us in Congress to make this bold statement and urge the Justice Department and urge that we have hearings and do everything we can to stop this merger from going through on the grounds that it is anti-competitiveness, it is anti-consumer and it is anti-American for this important reason.

Another thing about U.S. Airways, they buy their airplanes from foreign governments, whereas Delta buys theirs from American governments.

Mr. LEWIS of Georgia. Mr. SCOTT should know we have two more BISHOPS waiting to speak. We have BISHOP of Georgia and BISHOP of Utah, and they both live in cities that are served by Delta. BISHOP of Georgia from Albany, Georgia, and BISHOP of Utah in Salt Lake City.

Madam Speaker, I now yield to Mr. BISHOP, my colleague from Georgia.

Mr. BISHOP of Georgia. Madam Speaker, I thank my colleague for yielding.

I rise tonight to discuss Delta Airline's tremendous progress since it entered bankruptcy in September 2005 toward its long-planned goal toward emerging in the first part of next year as a financially strong, stand-alone, independent airline.

This is a very positive story that has involved difficult decisions by Delta's management, sacrifices from its employees and strong support from its creditors, from the home State of Georgia and other communities it serves.

This is also an important story to tell tonight because U.S. Airways' unsolicited merger proposal would jeopardize the progress and saddle Delta with a huge debt that would put it at a competitive disadvantage.

On November 15, when U.S. Airways went public with this unsolicited merger proposal, Delta's CEO Gerald Grinstein wrote to Delta's 45,000 employees and said, Delta people have participated in the hard work and tough choices driving our company's already remarkable restructuring progress. I know you care deeply about what this means for our airline.

Less than a week later, Mr. Grinstein wrote again to Delta's employees to share how the outpouring of support for Delta's future as a profitable, strong, stand-alone airline and for you, the people who have been fighting hard to reach that goal, has been overwhelming.

So what is the story behind this remarkable restructuring progress since Delta entered bankruptcy in September 2005? In short, Delta has reduced costs, increased revenue, improved customer service, launched new domestic and international air services and achieved tangible progress on other major fronts.

As Business Week recently put it, Delta's senior management has worked around-the-clock renegotiating thousands of contracts, bucking up demoralized employees, imploring bankers to provide financing and wrangling with creditors to keep them from picking all the meat off Delta's bones.

To give just a few examples of Delta's tremendous progress over the last year, Delta has overhauled its vast domestic and international network, shifting as much as 20 percent of its domestic capacity and its largest aircraft to international service, all while expanding to all 50 States and serving 70 new international cities.

□ 2315

Delta recently announced the recall in the coming months of hundreds of furloughed employees, pilots, flight attendants, mechanics, and others. Most recently, Delta announced that it will recall another 200 pilots beyond the 130 pilots already recalled this year. Similarly, Delta recently brought back 1,250 flight attendants and 900 mechanics and maintenance workers. This brings to nearly 2,500 the number of employees recalled in just the recent months.

This week, in a move critical to its ability to emerge from bankruptcy, Delta agreed with the Pension Benefit Guaranty Corporation to terminate Delta's pension plan for its pilots. Retired Delta pilots will receive more than $800 million in allowed claims. A group representing most of Delta's retired pilots agreed not to fight this agreement. Further, and perhaps of greatest significance, at the time of this announcement Delta also reconfirmed that it will preserve its nonpilot retirement plan for 90,000 active and retired ground employees and flight attendants.

Based on this tremendous progress, Delta plans to file a plan of reorganization with the bankruptcy court in the coming weeks, and expects to emerge as a strong, competitive, stand-alone airline during the first part of next year. Such a result will be good for competition, good for the flying public in Georgia and throughout the U.S., and good for Delta employees, for their customers, and for their creditors.

In contrast, Mr. Speaker, US Airways' proposal would be bad for competition because of the monopoly it would create, bad for the flying public in Georgia and throughout the U.S. because of its potential rate increases, and terrible for Delta's employees, customers, and creditors because of the jobs that would be lost.

In short, US Airways' proposal would jeopardize all that Delta, with strong support from its employees, creditors, and local communities and others, has worked towards for more than a year now. We sincerely hope that it will be soundly rejected.

Mr. SCOTT of Georgia. If the gentleman would yield for a moment, you hit on a very good point. But not only in Georgia is this significant, but this is a national issue. And we have our distinguished gentleman, Mr. BISHOP from Utah, who will tell how this impacts the Nation as a whole.

Mr. BISHOP of Utah. I appreciate yielding from the three distinguished gentlemen from Georgia, including my namesake who has preceded me here as well as on the voting list every time we look up there on the board.

Indeed, Delta has an impact in the State of Utah as well. Delta and its feeder services have about 7,000 employees; they fly 350 flights out of Salt Lake City every day; they have added 30 nonstop flights since their recovery process is going through. It is significant not just to the consumers of Utah but the entire Intermountain West and indeed the West, as we now have a situation of competition that exists.

US Air had a hub in Las Vegas. It merged with America West with a hub in Phoenix. Delta has a hub in Salt Lake. That has a competitive overlap which gives the consumers of the West a choice in where their air travel goes and the kinds of air fare in a free market environment.

The southeast of this Nation has basically the same situation, with a hub already for US Air in Charlotte as well as Delta in Atlanta. Those are very close hubs geographically. It makes no sense, especially in the West, of a company, even though they have said they would, to maintain a hub in Las Vegas and Phoenix and Salt Lake at the same time. Business sense would say something would have to close. And if that happens, the net result is that there are fewer air travel opportunities and less competition for consumers in our area of the Nation. In fact, and the concern I also have is the merger between America West and US Air I am told resulted in four times as many fare increases in cities as it did in fare decreases. Now, I am also told that if this merger would go through, there would be near monopolistic competition, as some of you have already mentioned. Twenty-three States would be in a near monopoly situation; 71 cities, including those in the East, would have almost monopolistic situations, with 57 percent of the slots and 44 percent of the gates controlled by simply one company. That does not lead to better economic situations and better choices for our customers and our citizens.

If this was a willing merger, I would not be so upset, but it is not. Delta does not wish to enter into this arrangement. They wish to stay a stand-alone strong company, and I would suggest that is significantly and fundamentally a different situation than

US Air was in when they merged with America West. It is a company that is in economic recovery and very close to being in full economic recovery. And as the gentleman has already said, this is a company where the morale of their employees is on the upswing.

As the gentleman from Georgia said, the employees are now coming back to this company as they have now turned the economic corner and can enter the market a strong, viable, stand-alone company, giving extra service, giving extra opportunity, giving consumer choice, which is for the betterment of all our constituents. Were this merger to go through, the service would be less in the Intermountain West, the choices would be less in the Intermountain West, and there would be significant harm done to my constituents.

So I agree with my good friends over here that this is not in the best interest of any of our areas; it is not in the best interests of the flying public of America. And I also oppose this forced hostile takeover.

Mr. LEWIS of Georgia. Let me thank our colleague from Utah for participating in this Special Order. As we said earlier, Madam Speaker, this is a bad deal, this is not a good deal, and that is why we are speaking out tonight and we will continue to speak out in opposition against this proposed takeover bid until this proposal is off the table. As it has been said, we want to secure Delta's future as a strong stand-alone company. That is in the best interests of the American people, not just to people in the Southeast, but to people in the West and all over this country.

Madam Speaker, I rise tonight to tell you about a bad deal. You may have read about the recent unwanted, unsolicited, and unnecessary bid from US Airways to take over a strong, proud, Georgia company, named Delta Airlines.

But, Americans have learned the hard way that bigger is not always better. And in this case, a Delta takeover by US Airways will have a devastating impact on the people of Atlanta, on the east coast of this country, and it will rob American travelers of the economic advantages that competition creates.

Mr. Speaker, today I represent thousands of Delta employees all over Georgia, hundreds of Delta pilots, and the executive leadership of that organization. Delta employees and its executives are working through some difficult problems right now as they reshape the company, but when it comes to this merger, they speak with one voice.

Management and employees agree on this. None of them are for this deal. I think that speaks volumes, Mr. Speaker. It demonstrates how deeply they all believe this takeover will impair the quality of airline transportation in the United States.

You may have heard that Delta had run into some problems and was going through bankruptcy proceedings. But it is about to emerge from this bankruptcy a stronger, better airline, with a renewed commitment to serve America's cities. Delta had problems, but it was not a failing company.

It has used the hardship of bankruptcy to make tremendous progress. In spite of its challenges, it has created 70 new international destinations. It offers service to all 50 states. Employee morale has improved. Pensions for 90 thousand employees and retirees were saved. And 2,500 pilots, machinists and other employees have been called back to work. And it is because of the sacrifice of Delta employees and executives to make good on its commitments to its creditors that it became a prime target for this hostile merger. It's because Delta was able to win the uphill battle of bankruptcy and is poised to emerge transformed, that US Airways wants to take it over against its will.

This merger puts the very successful efforts of an independent corporation in jeopardy, . . . and it would leave this important transportation resource in the hands of an institution that cannot seem to get its own house in order.

This is not a case of the survival of the fittest. US Airways is in trouble. It has already gone through two bankruptcies, and cannot seem to bring its merger with America West to a close.

In 2004, US Airways was on death's door—it had no choice but to merge with America West. It would have had to liquidate all its assets if it had not merged with another company.

But two years later, the integration of US Airways and America West is still not complete. The majority of its labor groups are still working under separate contracts. It still has two I–T systems. US Airways hasn't even repainted all its aircraft!

Madam Speaker, even though US Airways can't seem to manage its own merger, it is hoping and praying that it can take advantage of the hard work and tough sacrifices the good people of Delta have already made so that it can survive. This is not a win-win situation. It is a win for US Airways and an incredible risk for Delta Airlines.

It is a risk for the people of Atlanta, a risk for Hartsfield-Jackson Airport, the largest commercial airport in the world. It is a risk for the State of Georgia and thousands of American citizens.

I think freedom in the marketplace is important, but when a bad business deal like this one threatens the economies of so many communities and the lives of so many citizens, I think Members of Congress must take notice. I think we must step in and take a long hard look at the economic impact of this kind of hostile takeover.

Why must the American people pay, why must the employees pay, why must travelers pay when American businesses can't get their house in order? This takeover attempt will hurt people in my district, it will damage the economy of the State of Georgia, and it will isolate communities in the Southeast that have come to depend upon air travel.

I think the Members who stand with us tonight would encourage the Justice Department and the House Judiciary Committee to review this takeover with a fine-toothed comb so we can make sure it serves the best interests of the American people.

Madam Speaker, US Airways keeps using the word "synergy" to describe this takeover. They want to make us feel comfortable about this deal. But, synergy is just a codeword for cutting flights and eliminating competition. And that means higher prices for American consumers.

"Synergy" means two companies working together to accomplish what one couldn't, but that's not what will happen in this merger. Delta could emerge as an independent company from this bankruptcy in a few months.

That's something US Airways could not do when it was in trouble. An independent Delta will continue to serve hundreds of markets that US Airways will cut off or cut back. This is not synergy; it is exploitation. It is suffocation.

US Airways wants to take over the strength of a new Delta Airlines for its own benefit and raise fares so it can service the huge new debt it has to take on to pay for this merger. Meanwhile American travelers will have to pay more money for less service.

If this merger is not stopped, travelers in many American cities will only have one air carrier to choose from. If they want to fly, they will have to accept monopoly prices or stay home. And if the past is any indication, the "New Delta," as US Airways likes to call the results of this merger, will take full advantage of their monopoly.

Using the name, "New Delta," tells us something about which airline has real strength and a better reputation. Madam Speaker, it would seem that US Airways has more confidence in Delta, than they do in themselves.

If the proposed merger goes as planned, there may be some reduction in fares between some big cities, but service to hundreds of small cities throughout the northeast region of this country—cities that are just beginning to build a new economic life, cities like Asheville, Augusta, Birmingham, and Jacksonville. That's what US Airways did when it merged with America West. There's no reason to think they won't do it again.

Some analysts say that a merger with Delta would be good for the airline industry. But, US Airways will weigh Delta down with $23 billion in debt. $23 Billion Dollars!

Delta went into bankruptcy because it had $21 billion in debt. This plan will probably send the two airlines right back into bankruptcy!

The whole purpose of Delta's bankruptcy negotiations was to reconfigure its debt load. It was a tough struggle, but Delta did it. And now US Airways wants to pile up staggering amounts of new debt in hopes that Delta can bear some of the load, hoping that a more efficient organization can solve its problems. That's like asking an expert swimmer to save one that's drowning. It might work, but there's just as much chance that they will both die.

There is no economic model, except maybe voodoo economics, that resolves debt by adding debt. This extra burden would drain the competitiveness of the merged airline and threaten the survival of both companies.

This is not a promising plan for Delta's creditors who are taking a risk that a company which cannot complete its own merger, could somehow juggle a brand new merger at the same time. Practically and economically, it doesn't make sense. This is a win for US Airways and much too risky for Delta.

US Airways executives have said they will find so-called "synergies" if the merger occurs when Delta is still in bankruptcy. Don't be fooled—that just means that the Delta executives and employees who have already sacrificed a lot, will be asked to sacrifice even more. And it means that all the agreements they worked so hard to gain are up for grabs.

It means US Airways wants to make new agreements that benefit its stock price without regard to the harm it would cause Delta's employees, Delta's passengers, or Delta's creditors. That's right—Delta's creditors!

Gaining "synergies" while Delta is still in bankruptcy means rejecting contracts and leases Delta has already negotiated. That is a win for US Airways and a risk for Delta's creditors.

There are some who claim that airline mergers are unavoidable and good for the industry. In some instances, like the US Airways and America West case, end-to-end mergers of that sort can be good and competitive if they are executed well. Both of those airlines had very little overlapping service.

But Delta is in a very different position than US Airways was in when it received the America West offer. Delta is returning to profitability. It will emerge from bankruptcy in a few months. Delta's network is strong.

The morale of Delta's people is good. Delta's revenue picture is impressive. In no way does Delta need US Airways to survive. But US Airways needs Delta to survive. That's why this is a hostile takeover. It knows Delta would have no good reason to participate in this deal, except by force.

Madam Speaker, I am here today to raise the question: Will this merger really serve the best interests of the American people?

Will it benefit travelers and business people in small communities to fly at the will of a monopoly? Will the service cuts and hub closures benefit business and individual citizens in those cities? Most small communities that lose service will never again see a low-cost carrier come to town to save the day.

Just look at Georgia—there are no low cost carriers today in any cities other than Atlanta and Savannah.

Airlines won't take on those routes for the very reason that they haven't up to now. They don't believe in that kind of service. There are not enough passengers for them.

Delta is proposing to maintain those routes, and US Airways now has to compete with Delta to win in those markets. That competition helps keep fares down and provides choices a monopoly carrier will not offer.

And Madam Speaker, what about justice for Delta's employees? Delta's employees have sacrificed a lot to turn the company around.

They have been through lay offs, pay cuts, and uncertainty about the company's future and even their retirement benefits. They deserve to reap what they've sown. They have hung in there. They didn't give up in hard times. And this is the kind of nation that rewards hard work and sacrifice.

Delta employees should reap the benefits of their sacrifice. They don't deserve the risks of a US Airways takeover. They have been through the worry of losing their jobs and benefits. They have fought hard to win back their security. They don't deserve to lose the seniority they've worked so long to achieve.

And that's why—they don't want US Airways! They don't want to go back. They want to move forward with a free and independent Delta airlines.

Madam Speaker, I submit to you that the U.S. Government must look at this takeover bid and measure it against our nation's antitrust laws. We must begin a rigorous antitrust investigation by the Department of Justice. House and Senate Committees must also investigate this merger proposal thoroughly.

It is our duty, it is our obligation, it is our responsibility as Members of Congress to represent the best interests of our constituents and our nation, and to hold the feet of the responsible agencies of the Federal Government to the fire to make sure that their review is thorough, careful, and fair.

I am convinced that, if they look at this deal, they will find that it is more anti-competitive than the 2000 United-US Airways merger, which the Justice Department opposed. I am convinced that this deal is more anti-competitive than almost any other airline combination possible.

Over the years, Delta has been a significant economic engine, fueling the region's growth. It has helped to make Atlanta one of the world's most important international transportation centers. The potential loss of Atlanta as Delta's home would be a tragedy—a real blow to Atlanta, to the State of Georgia, and the people of the United States.

Madam Speaker, this is a bad deal. That is why we are speaking here tonight, and we will continue to speak in opposition to this takeover bid until it is off the table. We want to secure Delta's future as a strong, stand-alone company in the heart of Atlanta.

Madam Speaker, I yield to Mr. SCOTT.

Mr. SCOTT of Georgia. Madam Speaker, I think it is very important for us to make sure that we sum up these major points that we have made here this evening, and that is this: one, this planned hostile takeover, which hopefully we will arrest and stop in the next few days, is anti-consumer, it is anti-competitive; it is not in the best interests of the American traveling public, it is not in the best interests of the creditors to Delta, and it certainly violates, as the gentleman from Utah so eloquently stated point by point, it clearly violates the antitrust statutes of the Justice Department of this country.

So it is within the spirit of what is good and what is right about America, and let me say this to my colleagues and to you, Madam Speaker, that this country is grounded on justice. The American people are expecting justice. This is not just a case for Delta Airlines; it is not just a case for the airline industry. This is a case for the American people, and they are looking at this Congress to provide leadership, keep the feet to the fire, and make sure that this hostile takeover does not take place in the form of any kind of merger, and that Delta Airlines is allowed to stand alone and earn the right that they deserve to come back full flushed and be the outstanding airline that we know that they are.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF H.R. 6411, TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–722) on the resolution (H. Res. 1099) relating to consideration of the bill (H.R. 6411) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6406, TRADE LAWS MODIFICATION

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–723) on the resolution (H. Res. 1100) providing for consideration of the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE U.S.-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–724) on the resolution (H. Res. 1101) waiving points of order against the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–725) on the resolution (H. Res. 1102) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today and December 8 on account of personal business.

Mr. GERLACH (at the request of Mr. BOEHNER) for today after 6:00 p.m. on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. COSTELLO, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Mr. REGULA) to revise and extend their remarks and include extraneous material:)

Mr. HEFLEY, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, today.

Mr. REGULA, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, December 8.

Mr. MCCRERY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2322. An act to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

ADJOURNMENT

Mr. BISHOP of Utah. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 8, 2006, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10459. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 05-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10460. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-12, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10461. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 05-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10462. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 05-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10463. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of a violation of the Antideficiency Act by the National Aeronautics and Space Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10464. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting Notification of an initial performance decision to convert functions currently performed by Department of the Nay personnel to contract performance for Satellite Operations in Oxnard, CA; Finegayan, GU; Prospect Harbor, ME; and Falcon AFB, CO; to the Committee on Armed Services.

10465. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2006, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

10466. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Charles L. Munns, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10467. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Walter B. Massenburg, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10468. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General James L. Jones, Jr., United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

10469. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jan C. Huly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10470. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10471. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Vines, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10472. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert T. Clark, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10473. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Larry J. Dodgen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10474. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edward Hanlon, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10475. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Justin D. McCarthy, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10476. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10477. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S.

exports to the Republic of Korea, Luxembourg and other countries yet to be determined pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10478. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2005, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

10479. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2006, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

10480. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-sixth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

10481. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2004 through December 2005, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

10482. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, "Creating Livable Communities," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

10483. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, covering the fiscal year from October 1, 2004, through September 30, 2005, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

10484. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled "Performance Improvement 2006: Evaluation Activities of the U.S. Department of Health and Human Services," as required by Section 241(b) of the Public Health Service (PHS) Act; to the Committee on Energy and Commerce.

10485. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report entitled, "Assessment of Demand Response and Advanced Metering," as required by Section 1252 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10486. A letter from the Executive Director and Chief Operating Officer, American Battle Monuments Commission, transmitting the Commission's annual report in accordance with the FAIR Act of 1998, 31 U.S.C. 501; to the Committee on Government Reform.

10487. A letter from the Assistant to the President for Presidential Personnel, Office of Presidential Personnel, transmitting Notification that the Office is working to make an appointment to the Office of the Architect of the Capitol, pursuant to Pub. L. 101-163; to the Committee on House Administration.

10488. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the Audit Report — Improvements Are Needed in the House Transit Benefit Program (Report No. 06-CCS-07); to the Committee on House Administration.

10489. A letter from the Staff Director, Commission on Civil Rights, transmitting the corrected charters for the Connecticut, Georgia, North Carolina and Utah advisory committees to the Commission on Civil Rights; to the Committee on the Judiciary.

10490. A letter from the Secretary, Department of Health and Human Service, transmitting the Department's determination on a petition on behalf of a class of workers from the Oak Ridge Institute of Nuclear Studies Cancer Research Hospital in Oak Ridge, Tennessee be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10491. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the postconviction DNA testing remedy for federal cases, pursuant to 18 U.S.C. 3600; to the Committee on the Judiciary.

10492. A letter from the Secretary, Judicial Conference of the United States, transmitting a Joint Proposal from the United States District and Bankruptcy Courts for the District of Columbia to consolidate their clerks' offices, pursuant to 28 U.S.C. 156(d); to the Committee on the Judiciary.

10493. A letter from the Director, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina during the periods of August 29, 2005 through October 1, 2005, in the State of Arizona, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

10494. A letter from the Secretary, Department of Transportation, transmitting the Department's report on obligations and unobligated balances of funds provided for Federal-aid highways and highway safety construction programs for Fiscal Year 2004, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

10495. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Report entitled, "Report to Congress on Implementing the BEACH Act of 2000," required by Section 7 of the Beaches Environmental Assessment and Coastal Health Act of 2000; to the Committee on Transportation and Infrastructure.

10496. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report on Trade-Related Barriers to the Export of Greenhouse Gas Intensity Reducing Technologies, pursuant to Section 1611 of the Energy Policy Act of 2005; to the Committee on Ways and Means.

10497. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report of the Labor Advisory Committee on the United States — Colombia Trade Promotion Agreement, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974; to the Committee on Ways and Means.

10498. A letter from the Commissioner, Social Security Administration, transmitting the Commission's report on Social Seucity and Supplemental Security Income payment increases; to the Committee on Ways and Means.

10499. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2005; to the Committee on Ways and Means.

10500. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at San Francisco International Airport will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

10501. A letter from the Comptroller, Department of Defense, transmitting Notification of funding transfers made during FY 2006 under the authority of Section 8005 of the Department of Defense Appropriations Act, 2006, and Section 1001 of the National Defense Authorization Act for Fiscal Year 2006; jointly to the Committees on Armed Services and Appropriations.

10502. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's Fiscal Year 2005 Annual Report to Congress for the Office For Civil Rights, in accordance with the requirements of the Department of Education Organization Act; jointly to the Committees on Education and the Workforce and the Judiciary.

10503. A letter from the Executive Director, Citizens' Health Care Working Group, transmitting the Group's annual report submitted in compliance with a requirement of Section 1014(m) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

10504. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Collaborative Demonstration-Based Review of Physician Practice Expense Geographic Adjustment Data," pursuant to Public Law 108-173, section 605; jointly to the Committees on Energy and Commerce and Ways and Means.

10505. A letter from the Secretary, Department of Health and Human Services, transmitting Notification concerning the report mandated by Section 609 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; jointly to the Committees on Ways and Means and Energy and Commerce.

10506. A letter from the Inspector General, Department of Health and Humans Services, transmitting the Department's report entitled, "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2004," pursuant to Section 912 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

10507. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the October 2006 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375; jointly to the Committees on Armed Services, Government Reform, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee of Conference. Conference report on H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (Rept. 109-721). Ordered to printed.

Mr. GINGREY: Committee on Rules. House Resolution 1099. Resolution relating to consideration of the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending (Rept. 109–722). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1100. Resolution providing for consideration of the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes (Rept. 109–723). Referred to the House Calendar.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 1101. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (Rept. 109-724). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 1102. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (Rept. 109–725). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 6406. A bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Waxman, Mr. McHugh, and Mr. Davis of Illinois):

H.R. 6407. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. THOMAS:

H.R. 6408. A bill to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Resources, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 6409. A bill to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. ACKERMAN:

H.R. 6410. A bill to amend the Communications Act of 1934 to prohibit a provider of telephone exchange service, exchange access, or commercial mobile service from imposing a charge for number portability (other than a one-time, separate charge to port a number), and for other purposes; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 6411. A bill to amend title 18, United States Code, to provide penalties with respect to employers' conduct relating to persons engaging in sexual conduct with children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 6412. A bill to amend title 18, United States Code, to prohibit the use of interstate commerce for suicide promotion; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 6413. A bill to establish the Sacramento River National Recreation Area consisting of certain public lands administered by the Bureau of Land Management in Tehama and Shasta Counties, California, and for other purposes; to the Committee on Resources.

By Mr. HOLT:

H.R. 6414. A bill to amend the Help America Vote Act of 2002 to establish standards for the open and accurate tabulation of votes and aggregation of vote counts in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. KIRK (for himself and Mr. Larsen of Washington):

H.R. 6415. A bill to limit immunity from criminal jurisdiction for accredited representatives of foreign governments to the United States and accredited representatives of foreign governments to the United Nations with respect to acts of disbursing radioactive or other substances posing a lasting, clear and present danger to public health, and for other purposes; to the Committee on International Relations.

By Mr. MCHENRY:

H.R. 6416. A bill to amend the Sarbanes-Oxley Act of 2002 to exempt certain financial institutions from the internal control assessment requirement under such Act; to the Committee on Financial Services.

By Mr. MEEHAN:

H.R. 6417. A bill to repeal tax subsidies enacted by the Energy Policy Act of 2005 for oil and gas and certain other oil and gas subsidies in the Internal Revenue Code of 1986, and to establish a greenhouse gas intensity reduction investment tax credit; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. Pastor, Mr. Renzi, and Mr. Flake):

H.R. 6418. A bill to create a new nonimmigrant visa category for registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. Spratt, Mr. Berman, Mr. Meehan, and Mr. Smith of Washington):

H.R. 6419. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H.J. Res. 102. A joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes; to the Committee on Appropriations.

By Mr. ISRAEL (for himself, Mrs. Tauscher, and Mr. Larsen of Washington):

H. Con. Res. 501. Concurrent resolution expressing the sense of Congress that the Government of the United States should submit the Government of Iraq a draft bilateral status-of-forces agreement by not later than June 1, 2007; to the Committee on International Relations.

By Ms. LEE (for herself and Mr. Lewis of Georgia):

H. Res. 1103. A resolution expressing the sense of the House of Representatives regarding modern-day slavery; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

448. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 162 memorializing the Congress of the United States to increase funding to fully implement the Vaccine for Children Program; to the Committee on Energy and Commerce.

449. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 31 urging the Administrator of the Environmental Protection Agency to adopt federal regulations limiting emissions from marine vessels, locomotives, and aircraft in order to achieve healthful air quality in California and other areas with air quality problems; to the Committee on Energy and Commerce.

450. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 835 urging the President of the United States and the Congress of the United States to enact S. 1110 or H.R. 2567 of the 109th Congress relative to the addition of denatonium benzoate to antifreeze containg ethylene glycol; to the Committee on Energy and Commerce.

451. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 876 urging the Government of Turkey to cease its discrimination of the Ecumenical Partiarchate, to grant the Ecumenical Patriach appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on International Relations.

452. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution on the Fiftieth Anniversary of the 1956 Hungarian Revolution for Freedom and Democracy; to the Committee on International Relations.

453. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 287 memorializing the Congress of the United States to enact legislation to direct the Joint Committee on the Library to accept the donation

of a bust dipicting Sojourner Truth for display in our Nation's Capitol; to the Committee on House Administration.

454. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 3 memorializing the Congress of the United States to place a statue of Ronald Wilson Reagan alongside the statue of Father Junipero Serra in the Congressional collection representing the State of California; to the Committee on House Administration.

455. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 13 urging the President of the United States and the Congress of the United States to amend the Federal Raillroad Safety Act; to the Committee on House Administration.

456. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 22 memorializing the Congress of the United States and the President of the United States to enact the Microbicide Development Act; to the Committee on House Administration.

457. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 676 urging the Pennsylvania Congressional Delegation to support legislation calling for Federal approval of the extension of the Lewis and Clark National Historic Trail; to the Committee on Resources.

458. Also, a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Resolution No. 23 expressing the deep rejection of the Municipality of Hormigueros to capital punishment; to the Committee on the Judiciary.

459. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 311 urging the Federal Aviation Administration to conduct at least three public hearings throughout Delaware County to properly inform residents and government officials of the proposed air traffic diversion plan; to the Committee on Transportation and Infrastructure.

460. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 836 recognizing the Federal Aviation Administration's plan to divert air traffic from the Philadelphia International Airport over Delaware County and calling on the Federal Aviation Administration to conduct public hearings to obtain additional input on the issue and to afford residents and local government officials an opportunity to comment on the proposed plan; to the Committee on Transportation and Infrastructure.

461. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Commemorative Resolution No. 15-15 honoring Marine Corporal Guy Louis Gabaldon for his valiant and heroic deeds in Saipan during World War II and expressing profound grief and sadness at the passing of an individual greatly loved and admired by the people of the Commonwealth of the Northern Mariana Islands; to the Committee on Veterans' Affairs.

462. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 18 memorializing the Congress of the United States and the President of the United States to approve construction of a state veterans' cemetery at Fort Ord in Monterey County, California; to the Committee on Veterans' Affairs.

463. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 307 memorializing the Congress of the United States to enact legislation to extend the Production Tax Credit for Wind Power Energy Development; to the Committee on Ways and Means.

464. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 23 urging the House of Representatives of the United States to support and pass the Veterans' Rights to Know Act to bring relief to veterans involved in Project 112 and Project SHAD and other instances of chemical or biological testing; jointly to the Committees on Armed Services and Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Ms. BORDALLO.

H.R. 267: Mr. SESSIONS.

H.R. 759: Mr. CONYERS.

H.R. 839: Mr. ROTHMAN.

H.R. 1356: Mr. HOLDEN.

H.R. 1376: Mr. LEWIS of Georgia and Ms. BORDALLO.

H.R. 1405: Mr. BOREN.

H.R. 1671: Mrs. DRAKE and Mr. RYUN of Kansas.

H.R. 1704: Mr. LIPINSKI.

H.R. 2719: Mr. FATTAH.

H.R. 3885: Mr. CASTLE.

H.R. 4366: Mr. WELLER.

H.R. 4716: Ms. BALDWIN.

H.R. 4993: Mr. HIGGINS.

H.R. 5022: Mr. ENGEL.

H.R. 5131: Mr. FATTAH.

H.R. 5372: Mr. MEEHAN.

H.R. 5458: Mr. REYES.

H.R. 5558: Mr. THOMPSON of Mississippi.

H.R. 5834: Mrs. MALONEY.

H.R. 5918: Mr. MORAN of Virginia.

H.R. 6046: Mr. RUSH, Mr. MCGOVERN, Mr. AL GREEN of Texas, and Mr. PAYNE.

H.R. 6117: Mr. TIBERI.

H.R. 6133: Ms. FOXX.

H.R. 6242: Mr. WICKER.

H.R. 6269: Mr. LOBIONDO, Mr. LATOURETTE, Mr. PLATTS, and Mr. JOHNSON of Illinois.

H.R. 6328: Mr. PITTS, Mr. ENGEL, Mr. SOUDER, Ms. LEE, Mr. NADLER, Mr. GEORGE MILLER of California, and Mrs. MALONEY.

H.R. 6334: Mr. REHBERG, Mrs. MALONEY, Ms. BORDALLO, Mr. ISRAEL, and Mrs. TAUSCHER.

H.R. 6356: Mr. JOHNSON of Illinois.

H.R. 6384: Ms. ZOE LOFGREN of California, Mr. MOLLOHAN, Mr. PICKERING, Mr. WALDEN of Oregon, and Mr. FILNER.

H.J. Res. 28: Mr. EVANS.

H.J. Res. 89: Mr. SKELTON.

H. Con. Res. 487: Mr. KINGSTON, Mrs. CUBIN, and Mr. WAMP.

H. Con. Res. 488: Mr. STUPAK, Mr. KILDEE, Mr. CONYERS, Mr. DINGELL, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. AL GREEN of Texas, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. MEEK of Florida, Ms. BERKLEY, Mr. OWENS, Mr. KUCINICH, Mr. PAYNE, Mr. CLEAVER, Mrs. MILLER of Michigan, Mr. RUSH, Mr. SCOTT of Georgia, Mr. TOWNS, Mr. REYES, Mr. MCGOVERN, Mr. RANGEL, Mr. MCCOTTER, Ms. WATERS, Ms. LEE, Mr. ROTHMAN, Mr. SHERMAN, Ms. BALDWIN, Ms. BORDALLO, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. OBEY, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. WASSERMAN SCHULTZ, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. WYNN, Ms. CARSON, Mr. CAMP of Michigan, and Mr. WATT.

H. Res. 222: Mr. MCCAUL of Texas and Ms. BORDALLO.

H. Res. 518: Mr. GOODLATTE.

H. Res. 733: Mr. MCCAUL of Texas, Mr. WEINER, Mr. DELAHUNT, Ms. DELAURO, Mrs. TAUSCHER, Ms. WATSON, Mrs. JONES of Ohio, Mr. ORTIZ, Mr. NADLER, Mr. BARROW, Mr. BRADY of Pennsylvania, and Mr. DOYLE.

H. Res. 1005: Mrs. CUBIN.

H. Res. 1020: Mr. ANDREWS.

H. Res. 1021: Mr. ANDREWS.

H. Res. 1022: Mr. ANDREWS.

H. Res. 1023: Mr. ANDREWS.

H. Res. 1024: Mr. ANDREWS.

H. Res. 1031: Mr. WATT.

H. Res. 1071: Mr. STARK.

H. Res. 1080: Mr. KING of New York.

H. Res. 1081: Mr. POE, Mr. LEWIS of Georgia, Ms. BALDWIN, and Mr. COSTA.

H. Res. 1086: Mr. MCCOTTER, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEKS of New York, Ms. BERKLEY, Ms. NORTON, Mr. BLUMENAUER, and Mr. HOLT.

H. Res. 1091: Mr. HONDA and Mr. HOLT.

H. Res. 1095: Mr. CHABOT, Mr. BAIRD, Mr. ACKERMAN, Mr. BACHUS, Mr. WAMP, Mr. KIRK, and Mr. LANTOS.

H. Res. 1097: Mr. LANTOS, Ms. KAPTUR, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, and Ms. DELAURO.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

155. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 531 requesting that the United States Senate pass and the United States House of Representatives introduce and pass S. 1948 — the Cameron Gulbransen Kids and Cara Safety Act of 2005; to the Committee on Energy and Commerce.

156. Also, a petition of the City Council of Chicago, Illinois, relative to a Resolution urging the Congress of the United States and the President of the United States to committ the leadership of the United States Government to effective implemention of the World Summit Outcome declaration; to the Committee on International Relations.

157. Also, a petition of the Town of New Paltz, New York, relative to a Resolution calling for the impeachment of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

158. Also, a petition of the Council of the District of Columbia, relative to Council Resolution 16-677, "Sense of the Council that Federal Homeland Security Funding Must be Trageted on the Highest-Threat Jurisdictions Emergency Resolution of 2006"; to the Committee on Homeland Security.

159. Also, a petition of Mr. Gregory D. Watson, a Citizen of Austin, Texas, relative to a petition urging the United States Congress to reject and oppose those portions of H.R. 5818 which would discontinue the minting of the American penny; jointly to the Committees on Financial Services and the Budget.

SENATE—*Thursday, December 7, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, our stronghold in times of trouble, bless today our Senators. Lord, 65 years ago, America experienced a day of infamy. As we remember Pearl Harbor, our hearts turn toward the men and women of our Armed Forces and their families. Thank You for their investment in freedom and their sacrifices for our liberties. Comfort those who mourn and those who bear the scars of battle. Be a companion to those who must stare at an empty chair during this holiday season. Defend those in harm's way with Your heavenly grace, and give them courage to face perils with trust in You. Give them a sense of Your abiding presence, wherever they may be.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ANDREW VON ESCHENBACH TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the nomination of Andrew von Eschenbach, of Texas, which the clerk will report.

The legislative clerk read the nomination of Andrew von Eschenbach to be Commissioner of Food and Drugs, Department of Health and Human Services.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will vote on the motion to invoke cloture on the nomination of the FDA Commissioner, Andrew von Eschenbach. Senators can expect to have this vote around 10:30 to 10:45 this morning, following the 1 hour for debate. As I mentioned yesterday morning, this is a very important position, and to have this confirmation finally being accomplished will be a great achievement for this Congress.

Once cloture has been invoked, we will try to schedule that vote on confirmation early in the day. There are several critical items the Senate must act on before we adjourn sine die, and therefore Senators should adjust their travel plans to be here voting over the coming days.

I will be working with colleagues on both sides of the aisle to wrap up our business for the Congress, and I appreciate Senators' willingness to work together on a number of legislative and executive matters.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

MOVING THE LEGISLATIVE AGENDA

Mr. REID. Mr. President, Andrew von Eschenbach is cleared on this side, so as far as we are concerned there is no need for a cloture vote. We look forward to working with the distinguished majority leader today, maybe tomorrow, maybe Saturday, to try to get as much cooperation out of Senators as possible. I know the finance folks have worked long and hard to try to come up with something that is very important for the country. We will continue to monitor that and do everything we can as we try to move this legislative agenda forward.

PROTECTING AMERICAN VALUES

Mr. FRIST. Mr. President, I will be very brief. I want to speak on another matter. I know we want to get to the hour of pre-vote time here shortly.

Hopefully, tomorrow will officially end the 109th Congress. At the end of the day tomorrow, if we do our work today successfully, and tonight, the Senate will be able to adjourn. That will also mark, once we adjourn, this official change in leadership and change in the Senate agenda. I know many of my colleagues and many of my conservative allies view this change with a bit of trepidation, but change is good, change is constructive. It can be difficult, it can be painful, and it can be messy, but change forces us all to reexamine who we are, where we are, and where we want to go; what we know, what we believe.

I believe it is our responsibility to protect traditional, commonsense American values. I believe when we give the American people the freedom to invest their money as they choose, the economy is going to flourish. It is going to have more freedom to grow. At the end of the day, I believe good leaders don't talk about principles—don't talk about them—but good leaders lead on principle. They act, and they act with solutions, even if they don't know that the outcome is going to be 100-percent successful every time a bill is taken to the floor.

I think that is one of the things that at least I tried to do, is not say let's only take to the floor what will necessarily pass but what is the right thing to do, on principle; what is the right thing for us to be considering.

During my tenure in public office, it is what I tried to do, to lead on principle and act with solutions. It does come from that surgical approach of fixing things, of operating, of action.

For example . . . for 10 years, we grappled with the issue of Internet gambling. We watched the industry mushroom from a $30 million industry in 1996 to a $12 billion industry today. We watched an addiction undermine families, dash dreams, and fray the fabric of a moral society.

So we acted with a solution . . . by passing the Internet Gambling Prohibition and Enforcement Act to provide new enforcement tools to prosecute illegal Internet gambling.

Let me give you a few more recent examples of how we have led on principle, and acted with solutions.

We passed the Adam Walsh Child Protection and Safety Act . . . which creates a national sex offender registry, strengthens measures to prevent child pornography, and reinforces laws against child porn.

We passed the Trafficking Victims Protection Reauthorization Act, which renewed the first federal law to strengthen prosecution efforts against human traffickers.

We passed legislation securing the right to prayer in U.S. military academies.

We passed legislation protecting the Mount Soledad Memorial Cross.

We passed the Broadcast Decency Enforcement Act, which allows for the 10-fold increase of FCC fines for indecency violations.

We passed Cord blood legislation that harnesses the power of stem cells in cord blood to develop new cures for life-threatening diseases.

We passed the Fetus Farming Prohibition Act, which prohibits the gestation of fetal tissue in order to use it for research.

We passed the Stem Cell Research Alternatives bill, which provides federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

funding for a variety of stem cell research that do not involve destroying human embryos.

And perhaps most notably . . . we confirmed John Roberts Chief Justice of the Supreme Court . . . and Samuel Alito as an associate Justice of the Supreme Court.

We confirmed 18 Circuit court nominees and 87 District court judges, including six previously obstructed nominees. America needs judges who are fair, independent, unbiased, and committed to equal justice under the law . . . and we made sure that's what America got.

Over the past 12 years, what Republicans have done has changed our economy, our country, and our way of life for the better.

Our record of success, combined with the lessons of November's election, ensures that our party will rededicate itself to serving the interests of America, both here at home and around the world.

That vision—optimistic, forward-looking, hopeful—will be grounded in the fundamentals of commonsense conservative values best found on Main Street and in families with whom we have the privilege of interacting all across the country.

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate prior to the cloture vote, with time divided as follows: the Senator from Wyoming, Mr. ENZI, or his designee, 30 minutes; the Senator from Iowa, Mr. GRASSLEY, 20 minutes; the Senator from Louisiana, Mr. VITTER, 10 minutes.

Who yields time? The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise to discuss the pending nomination of Dr. Andrew von Eschenbach to be the Commissioner of Food and Drugs. The FDA has a very broad and critical mission in protecting our public health. The Commissioner of Food and Drugs is in charge of an agency that regulates $1 trillion worth of products a year. The FDA ensures the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, and animal drugs and feed. Let me repeat that: the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, animal drugs and feed. It also oversees the safety of a vast variety of food products, as well as medical and consumer products including cosmetics.

As Commissioner of Food and Drugs, Dr. von Eschenbach would be responsible for advancing the public health by helping to speed innovations in its mission areas, and by helping the public get accurate, science-based information on medicines and food. Dr. von Eschenbach has a strong record. He is an accomplished scientist, a proven manager, and a man with a vision. He is also a cancer survivor, and he has brought that perspective, and the compassion that goes with it, to his Government service. He gave up a job he loved, a challenging but rewarding post directing the National Cancer Institute, to offer his service for what I believe is a much more challenging and definitely thankless job of leading the FDA.

The FDA has been without a confirmed Commissioner for all but 18 months of the last 5½ years. Have you ever seen a business that can run for 5½ years without a boss except for 18 months? And that was a tenuous 18 months. I believe we can all agree that we need a strong leader at the FDA now, and one who has a mandate to act. He needs full authority to bring back the morale of the Department and get the job done. We must be forward looking. There are many items before the FDA that require the immediate attention of an FDA Commissioner vested with full authority. But that authority flows directly from the act of Senate confirmation. Without a Senate-confirmed leader, we can't expect the FDA to be as effective as we need it to be. I urge my colleagues to consider this.

I know some of my colleagues on and off the committee are not completely satisfied with their interactions with the FDA during Dr. von Eschenbach's tenure. Some would urge that the Food and Drug Administration move quickly on certain matters before it. However, I am not sure that holding up a nomination over single products or single issues is the right way to achieve faster action and to ensure that agency processes are free from the pressure of politics. In fact, I strongly believe the opposite would occur. I think this is a position that has more Catch-22s than any other position in Government.

I do respect the right of my colleagues to disagree with the President's choice for this position or the policies a President's nominee might pursue. If our disagreements with the President's choice are so strong, we ought to vote against the nominee. But, in light of the trillion dollars worth of drugs and products overseen by the FDA and hundreds of drug approvals reviewed every year, I think we would be setting a dangerous precedent if any of us hold up the President's choice for FDA Commissioner over decisions made involving one product or one issue or something extraneous, even, to the Food and Drug Administration. It would be an especially dangerous precedent at this point.

We have a lot on our plate with respect to the FDA during the 110th Congress. We have to reauthorize both the drug and device user fee programs, address two expiring pediatric programs, and improve our drug safety system.

The FDA needs a leader with the backing and mandate that Senate confirmation provides in order to be our partner in these efforts. Dr. von Eschenbach has received significant support from the HELP Committee. This man could serve patients in many different ways, and has offered to serve them by running this critically important agency. I am talking about a doctor with cancer expertise, management expertise, and vision, who has agreed to run this agency at what we pay because he wants to give back to his country.

I urge my colleagues who are not on our committee to give Dr. von Eschenbach a chance to effectively run the FDA with full statutory authority, so I urge my colleagues to accept the President's nominee, Dr. Andrew von Eschenbach, and vote to confirm him as the next Commissioner of Food and Drugs. Voting yes on this cloture vote will be the first step voting on a permanent head to oversee our Nation's food and drug system.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my opposition to the cloture motion is as much about whether we are going to be able to fulfill our constitutional responsibilities of oversight of the administrative branch of Government as it is about the particular qualifications of the nominee. I intend to vote against cloture and I hope that Democrats who are listening—particularly those Democrats in the last election who were bellyaching because there wasn't any oversight on the part of Republicans toward the executive branch of Government—would pay attention to the fact that this nominee has something to do with and is an illustration of the lack of cooperation on the part of the executive branch, failure to cooperate with Congress on the issue of congressional oversight.

I have serious concerns about what this cloture vote means, then, to congressional oversight of the executive branch now and in the future, and what it means for Members such as me, who placed a hold on this nominee. This was not a secret hold. I made this hold public.

I am voting against cloture and ask my colleagues to join me because I believe we need to send a message to the executive branch that it is not OK to impede congressional investigations. It is not OK to limit the Senate's access to documents, information, and employees of the executive branch. In his book on congressional government, Woodrow Wilson, before he was President, when he was a professor at Princeton, wrote, in 1885: "Quite as important as lawmaking is vigilant oversight of the administration."

Our work as lawmakers does not end with the passage of a bill. This body has a responsibility to the American people to make sure that laws work and that they are being implemented effectively, efficiently, and economically. Congressional oversight serves very important goals, and we should not lose sight. They include reviewing actions taken and regulations adopted by executive agencies to make sure that the agencies are executing law according to the intent of Congress, and, second, ensuring that the Federal Government is not wasting taxpayers' dollars. Oversight work allows us to evaluate the ability of agencies and managers to carry out program objectives and improve the efficiency, effectiveness, and economy of Government programs; next, ensuring that executive policies reflect the public interest and that public interest is expressed in the laws of Congress; and, lastly, protecting the rights and liberties of the American people.

Woodrow Wilson also said in his book that:

> It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes, the voice and embody the wisdom and the will of its constituents.

In America, with our Government, the public's business ought to be public. But when you have coverups and the lack of information going to Congress, as demonstrated by this request for documents, and when we get a document back with practically 57 pages removed, what is in those 57 pages that we ought to have access to? That is just one example of lack of information and the lack of cooperation from this agency.

Throughout history, Congress has engaged in oversight of the executive branch. The right to congressional oversight has been asserted from the earliest days of our Republic. In 1792, the House invoked its authority to conduct oversight when it appointed a committee to investigate the defeat of General St. Clair and his Army by Indians in the Northwest and empowered the "call for such persons, papers, and records as may be necessary" for that inquiry.

In fact, the Constitution grants Congress extensive authority to oversee and investigate executive branch activities.

Congressional oversight was also recognized explicitly in the passage of the Legislative Reorganization Act of 1946, which required the standing committees of Congress to exercise continuous watchfulness over programs of agencies in their jurisdiction. Numerous Supreme Court decisions will support all the precedents for Congress to see all aspects of the Federal Government.

In 1927, in McGrain v. Daugherty, the Supreme Court upheld congressional authority to conduct oversight of the Teapot Dome scandal. Justice Van Devanter writing for the unanimous Court stated:

> We are of the opinion that the power of inquiry with the process to enforce it is an essential and appropriate auxiliary to the legislative function.

To do oversight, Congress needs access to information and people in the executive branch. And that is what I did not, and still may not, be getting from the FDA under the leadership of Dr. Von Eschenbach—as an example, 47 pages removed; another example, 43 pages removed.

How are you going to conduct oversight when you get answers such as that from the Food and Drug Administration?

I take exception to the statement made in support of the cloture motion. People ought to be ashamed of saying Dr. Andrew von Eschenbach has done a superb job in the position he is currently occupying with an answer such as that to the Congress of the United States. That is an insult. Before you cast your vote in favor of cloture, consider what is at stake—and particularly Members on the other side of the aisle who, during the campaign, in campaign commercial after campaign commercial, after campaign commercial, said Congress is not doing its job of oversight, implying that Republicans were covering up wrongdoing by the administration. If you want to preserve your access to information and do the oversight that you think you are going to do, when you are in the majority and you get answers such as that, do you think you are going to be able to do the job of oversight?

In my interactions with the Department of Health and Human Services and the FDA these last 8 months, I have seen a complete and utter disrespect for congressional authority and hence the law. The department and the Food and Drug Administration have repeatedly failed to act in good faith in responding to congressional investigations—and the lack of 43 pages is just one example.

Although the Director's leadership at the FDA has failed to fully comply with two congressional subpoenas that were issued 7 months ago, efforts to accommodate the agency's concerns fall on deaf ears, and I wonder if I am dealing with dysfunction by design. Not only has the NEDA withheld documents that do not appear to be privileged, but it also says what has been withheld and why. The subpoenas compel a privilege log, but the FDA has not provided us with that privilege log.

For Democrats in the majority next year doing the oversight that they said they were going to do because Republicans weren't doing it—they didn't let me—let me ask you this: Are you going to be able to conduct oversight when you get answers such as that? Are you going to be able to conduct oversight when, for 7 months, you don't get your subpoenas responded to? What is the agency's explanation? The FDA has said that many documents have been withheld, that it is unduly burdensome to provide a privilege log. Even in the FDA, general counsel, as recently as Tuesday of this week, could not see why the agency needed to comply with the law and the terms of the subpoena which was issued by the committee.

In denying the committee access to the documents responsive to the subpoena, which the department and the FDA administration have claimed "prosecutorial deliberative process" or "confidential communications" or "agency prerogatives" to determine who will be interviewed and testify before a jurisdictional committee, when those on the other side of the aisle get answers such as that when you are going to be in the majority, what are you going to do about it? Are you going to keep your commitment to the American people when you won the majority? And are you going to be able to do the oversight when you get rationales such as "prosecutorial deliberative process" or "confidential communications" or "agency prerogatives?"

I could not talk to a line agent named West because you can't talk to line agents, when 3 months before I talked to line agents? There was someone from the Justice Department before the Judiciary Committee, when Senator KENNEDY said, "I want access to line agents," unrelated to what I am talking about: Line Agent West, whom I wanted to talk to and I was told I couldn't talk to because you can't talk to line agents, the official at the Justice Department said to Senator KENNEDY:

> You can talk to line agents. We will get them for you.

I do not know whether that ever happened. But that was the answer.

When I went around doing my questioning of Justice Department officials, I said: What about my ability to talk to Line Agent West? It just seemed as if I was going to be able to talk to Line Agent West. But yet this very day the Justice Department is advising the Secretary of the Interior that we can't talk to Line Agent West, which is key to whether some of these investigations are allowing dangerous drugs on the market. In Cedar Rapids, IA, I have a family that lost an 18-year-old because of a drug that was on the market then and which is not on the market now.

It seems to me that if you are concerned about the safety of drugs, this information is important, and if you are going to have it covered up in the FDA, you aren't protecting the public. If Congress knows about it, you are not doing your job of oversight.

This past summer I asked the Congressional Research Service to look into the department's policies regarding this matter. And the Congressional Research Service told me that there is "no legal basis" for the department's executive branch assertion. The legal analysis provided by Congressional Research Service supports the committee's position that these executive agencies' claims have been consistently rejected and compliance with congressional requests in the past has been forthcoming. The CRS cites numerous court cases which establish and support Congress's power to engage in oversight and investigate activities and its access to executive branch personnel and documents in carrying out our powers of oversight.

The Department of Health and Human Services, the FDA within Health and Human Services, says it has been responsive because the agency made available hundreds of thousands—even millions—of pages of documents to the Finance Committee in response to its subpoena. But the agency can give me all of the books and all the documents housed at the Library of Congress and it won't matter if it is not what I have asked for and the pages are removed.

It is this type of cooperation that I am getting under this Director that you are now going to confirm. I am very concerned about the cooperation, if any, that we have once he becomes a permanent commissioner. Every Member of Congress should be equally concerned if they take their constitutional duty of conducting oversight of the executive branch seriously, and most importantly to the new majority when you are going to carry out your campaign promises to make sure that there is proper oversight, checks and balances against an executive branch of Government you think is exceeding authority. Every Member should be concerned. I cannot emphasis this enough.

A vote for cloture today is a vote against oversight, and that is not what this Senate should be doing. It is not what the American people sent us here to do. We need to step up congressional oversight to protect our Nation's system of checks and balances and not reward those who seek to impede our constitutional authority.

This body should not walk hand in hand with the executive branch and sit idly by as instances of abuse and fraud continue to endanger the health and safety of American people. This Senate needs to make it clear to the executive branch that Congress takes its oversight responsibilities seriously and to vote against cloture. If we do have cloture, I will have other remarks during postcloture debate.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Wyoming.

Mr. ENZI. Madam President, I want to briefly comment.

I understand the frustration. I have been working with him trying to get documents, trying to get the interview with Mr. West. I want you to put yourself in Dr. Von Eschenbach's position. He has not been confirmed. He does not have the full authority to run that department. So what he has to do is rely on the Department of Justice, as the Senator mentioned. The Department of Justice tells him what he is supposed to do. I don't think he has authority to go beyond what the Department of Justice says.

The Senator is one of the most diligent Members to hold oversight hearings of anybody that I know. I appreciate the depth that you go to for individuals as well as groups. I know it is what you are doing on this one. Unless we give him full authority, he has to rely on the Justice Department. The way one has to take on the Department of Justice is through the Judiciary Committee and bring them to task for giving him that kind of advice. I think he is just following the advice he has gotten from those he has to rely on until he has authority. I think it will be different when he has full authority.

I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, during my time of almost 7 years as chairman of the Appropriations Committee, I have met with Dr. Von Eschenbach quite often. We had many requests for documents. I can't remember once that he refused. But beyond that, I came to the floor today to say that I have gotten to know Dr. Von Eschenbach personally, and I can't think of a more qualified man at this time to be confirmed to this position. I hope the Senate will vote cloture and we will confirm Dr. Andrew von Eschenbach as requested by the President. I thank the Chair.

Mr. ENZI. Madam President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I thank Senator ENZI for giving me this time. I am pleased to rise to support Dr. Andrew von Eschenbach's nomination for Commissioner of the Food and Drug Administration. I am speaking about a person whom I know. I know him as a person. I know him as a human being. I can say, with full confidence, there is no one more qualified and more well suited to lead this very important agency.

I was very pleased the committee overwhelmingly, unanimously, supported his nomination. Not only is Dr. Von Eschenbach a wonderful friend of mine, but he is so qualified for this position. His experience and integrity make him the right choice to lead the FDA.

He is a nationally recognized urologic surgeon, medical educator, and cancer advocate. He is a three-time cancer survivor. There is no one who can understand what it is like to go through a fight against cancer than someone who has done it. So many doctors haven't had that experience, one might not get the impression that they really understand what a patient is going through. Not Dr. Andy von Eschenbach. He has been through the hard time of being told he has this dreaded disease and fighting it with all his might. He does relate to patients' struggles.

During his 25 years at the University of Texas M.D. Anderson Medical Center, he led a faculty of 1,000 cancer researchers and clinicians. He was the chief academic officer at this great cancer institution. He was also the founding director of M.D. Anderson's Prostate Cancer Research Program. In this position, he developed integrated programs to study, treat, and prevent prostate cancer. Before arriving at M.D. Anderson, he served his country as lieutenant commander in the U.S. Navy Medical Corps from 1968 to 1971. In 1976, he joined M.D. Anderson as a urologic oncology fellow. He became part of the faculty and was named chairman of the Department of Urology in 1983.

When he left M.D. Anderson in 2002, he became Director of the National Cancer Institute. At the time, he was president-elect of the American Cancer Society which, of course, is one of the leading organizations in our country that fights for victims of cancer.

He has, also, been published in more than 200 publications. This year, Time Magazine named Andy von Eschenbach as one of the 100 people who shape our world.

The FDA is fortunate to have Dr. von Eschenbach. It is one of the Nation's oldest and most respected consumer protection agencies. It regulates $1 trillion worth of products available to American consumers, and it makes sure the products are safe and effective.

Dr. Von Eschenbach is the right person to lead the FDA's mission. I completely trust him. I cannot think of a more qualified candidate. I hope we will put politics aside in this very important nomination and we will confirm this very qualified individual. He is balanced. He has good judgment. He will continue to be a cancer advocate as well as a patient advocate.

He knows, also, from the FDA standpoint, of the issues involved with the drug approval process—that products face extensive testing and studies compared to other countries. I have talked to him about this. Of course, their first and foremost responsibility is safety. That is why they have this arduous and comprehensive process of approving drugs.

On the other hand, he also knows you need to make drugs available for patients who otherwise may not survive. He realizes these concerns from every angle. He knows it from the research angle, from the academic angle, from the Government angle, and from the patient advocate angle.

It would be a tragedy if we did not give him the full authority and the full congressional confirmation he deserves. He deserves it because he left the private sector at a world renowned cancer research institution to serve his country and the responsibility it takes in a high public policy position.

Sometimes I wonder how we attract such qualified academics and people who are not experienced in this arena. They are not used to the compromise of politics. They have been researchers and in academia all their lives. They come into public service and all of a sudden they are hit with the public exposure and scrutiny. Sometimes they are unfairly characterized in a way they never dreamed.

Yet we have someone of the caliber of Andy von Eschenbach willing to take all of that to do something better for our country and for cancer patients in the country and in the world. We owe him the ability to have this position without any further delay, with the complete imprimatur of the Senate as well as the President of the United States. He deserves it.

I hope our colleagues will look at this, not from a political prism but from the standpoint of a qualified individual who is trying to help medical research and safety in this country go forward, who is a patient advocate, first and foremost.

I thank Senator **ENZI** and Senator **KENNEDY** for working together to bring this nomination to the Senate. We should have a bipartisan vote in confirming Dr. Andrew von Eschenbach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise today to speak against the cloture motion to confirm Dr. Andrew von Eschenbach as Commissioner of the FDA. I have had a public hold on this nomination and have been very upfront about it. Because my serious concerns have not been addressed in any significant way, I will vote against cloture. If cloture is invoked, I will vote against the nomination.

In doing so, I want to be clear I have nothing against Dr. Von Eschenbach's technical credentials or professional experience. They are very impressive in many ways. I strongly object to this nomination because the FDA and Dr. Von Eschenbach, acting on orders from the administration, has had a complete and utter lack of action creating a reasonable, safe system for reimportation of prescription drugs from Canada and elsewhere.

Clearly, this nomination making him the permanent head of the FDA will only further delay that reasonable implementation of a good, safe reimportation policy. In fact, at my extensive meeting with Dr. Von Eschenbach, my discussion with him made that perfectly clear. I give him credit, I suppose, for being very direct about that, although I am not sure he fully understood my serious interest in reimportation. It is for this reason I will vote against cloture. If cloture is invoked, I will vote against the nomination.

The FDA is completely capable of setting up a reimportation system, one that is safe and effective. The FDA can do this. It is not a matter of technical ability. We have great technical and other resources in this country. It is a matter of political will. At any time, the FDA could act and set up this safe and reasonable system.

My hold on this nomination, as I said, was very public, upfront, and clear. I made it clear I would lift it, contingent on a very simple request to implement some sort of prescription drug reimportation plan—perhaps beginning with personal reimportation from Canada, including Internet and mail order sales. The FDA could do this. It is fully capable of doing this. It has the know-how to do this. It simply will not because of lack of political will.

The need for this is very obvious to me. Every time I talk to consumers in Louisiana, particularly seniors, it becomes more and more obvious. As obvious and as important is the growing support for this—not just out in the country where that support has always been strong but in the Congress, in the Senate, in the House.

The House passed comprehensive drug reimportation language in 2003. It passed it by an overwhelming majority. More recently, the Senate passed my amendment coauthored by Senator **BILL NELSON** of Florida by a vote of 68 to 32. That was this past July. That was a significant breakthrough because it was the first time we had a meaningful, straight up-or-down vote on a reimportation issue in the Senate. Again, the vote was clear. It was overwhelming. That important amendment passed 68 to 32.

All this shows that the majority of Americans strongly support allowing all Americans to purchase safe, cheaper prescription drugs from Canada and elsewhere. Yet the administration absolutely refuses to budge. Not only does the administration refuse to budge, it even went so far as to quietly implement a new policy last year at U.S. Customs and Border Protection to go after individual American citizens crossing back into the United States from other countries—mostly Canada—with medicine, actually seizing their packages containing legal medication at those border checkpoints. That is a very high-handed policy, when these citizens are doing nothing but trying to get absolutely necessary prescription drugs at a reasonable cost.

Coupled with the FDA and the administration's stubborn reluctance to implement even the most modern program, this has led me to conclude that no change would be made with the confirmation of this nominee.

Again, this is an issue of utmost importance to every American family and, of course, it particularly impacts seniors. I talk to affected families and affected seniors in Louisiana about this all the time. They tell me, at a time when pharmaceutical companies are making record profits, the costs of prescription drugs are still skyrocketing and the very same medicines usually manufactured by the very same companies are sold at a fraction of the costs a few miles north of the border in Canada or in other countries around the world. Louisianians see that and they are very skeptical. They should be. I share that attitude. I share that skepticism.

Opposing the right of an American to buy prescription drugs, FDA-approved medication they intend to use for themselves, is a wrong policy. We pay the highest prices in the world for prescription drugs in America. Our prices subsidize not only rockbottom prices in almost every other country but also sky-high and escalating profits of the pharmaceutical companies. That is not fair. That should not be allowed to continue. That is why we need to pass this important policy of reimportation.

Many of my colleagues have spoken about this significant issue in the Senate.

In September, my colleague from Michigan spoke of her bus trips with her constituents to Canada where they were able to buy safe, FDA-approved drugs at a fraction of the U.S. cost: Lipitor, a very important cholesterol-lowering drug, for 40 percent less; Prevacid, an ulcer medication, for 50 percent less; antidepression medications such as Zyprexa for 70 percent less.

In June, my colleague from North Dakota spoke eloquently about the need to allow the reimportation of safe drugs as a way to pressure U.S. pharmaceutical companies to lower prices here. That is the key, not just offering this option of cheaper drugs from another source but breaking up the present system that allows companies to charge dramatically different prices for the same drug around the world. And, of course, the highest prices in the world by far are right here in the United States. That system will not be able to withstand reimportation. That system will fall with reimportation.

So that is why I continue this fight. That is why it is so important. Although certainly this nominee may very well be confirmed by the Senate today, I am very optimistic that, as we make progress on this issue, we march to a very certain victory, probably next year, on the issue.

Again, we have been making steady progress. My amendment this past summer—the first vote on the floor of the Senate—was a breakthrough vote that showed overwhelming support here on the floor of the Senate for reimportation. Previous House votes, similarly, showed not just majority support, overwhelming support for this change in policy. Just recently, I again joined with Senator BILL NELSON of Florida to put up another important amendment to the Agriculture appropriations bill that would go a step further. We will continue to pursue that. Then, next year, I fully expect a full-blown reimportation plan to be here on the floor of the Senate for a full debate and a fair vote.

So as I oppose cloture, as I oppose this nomination, I do so in that spirit and with real optimism that we are not only making progress, but we will, in fact, win on this issue in the near future. Next year, I expect my bill to be fully debated. In this Congress, that bill is S. 109, the Pharmaceutical Market Access Act. I believe it will reach the floor and will get a full debate with other significant bills on the issue next year.

I look forward to that continued progress. I look forward to that ultimate victory because Americans, particularly seniors, all across our country, including in Louisiana, need this very important relief. We can give them this relief in a safe, reliable way to dramatically bring down prescription drug prices.

With that, I yield back the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to acknowledge the intense, enthusiastic, and persistent work of the Senator from Louisiana, Mr. VITTER, for drug importation. I do not know that I have seen anybody lead as much on an issue or work as hard on an issue. Around here, that is a talent which is very much appreciated.

I do want to mention that, again, Dr. Von Eschenbach has not been confirmed, so he does not have full authority to run the Department or to do what he would like to do or might need to do. He has to rely on the advice of other people, particularly until he is confirmed. After that, even then, he will have to abide by the laws.

I would point out that drug importation is illegal right now, and it is Congress, not the FDA, that has determined that. So until we change the law, until we do some or all of the things the Senator from Louisiana is suggesting, Dr. Von Eschenbach would really be stepping out of bounds to do drug importation. So I hope we do not hold that against him or hold up his nomination for that reason. We should hold him accountable for what is within his control, but urge him to work with Congress.

I have had dozens of meetings with him on a variety of issues, as Senators have brought them up. Most of them have been resolved. Those within the law, those the Department of Justice has not contested, have been resolved.

Mr. VITTER. Will the Senator yield very briefly?

Mr. ENZI. Yes.

Mr. VITTER. Just very briefly, first of all, I appreciate your kind comments. Very briefly, my comments regarding his and FDA's ability to move forward on this is based on current law, including the Medicare Modernization Act, which says that if they institute a safety regime and certify the safety of these drugs, they can, in fact, move forward with the reimportation regime. So under present law, that is possible, and that is what I was referring to. But I respect the Senator's point of view.

Mr. ENZI. I appreciate that comment. If you were a person who was in a catch-22 position, a very qualified doctor, and you really wanted to do a good job with FDA and you knew that half the people or a third of the people or even 10 percent of the people did not want drug importation and you were the guy in charge of maybe making this determination for the first time—even though 6 or 8 years previously Congress had opposite opinions on it—I do not think you would want to put yourself in that position.

He has just had a number of catch-22 positions where he can irritate half or more of us by making a decision, and nobody is going to make a decision in their confirmation process that way.

It is actually the Health and Human Services Secretary who has to certify under the new law as well.

So I hope we can get him confirmed and then do the kind of oversight we need to do to make sure he does everything that is possible to make sure we have safe food and drugs.

Mr. President, I yield up to 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I did not plan to talk about drug reimportation, but coming on the heels of this conversation, I simply want to make this one observation: The key statement made by the Senator from Louisiana was safe drug reimportation. And the key problem here is certifying that the drugs coming across the border—after they have been sent and then are reimported are, in fact, the same drugs, they are, in fact, safe.

The Congress has said the drugs can be reimported back into the United States as soon as the Secretary can certify that they are, in fact, safe. I have seen the sample runs, if you will, that have been made on this issue. They have found again and again that a certain percentage of the drugs coming back are, in fact, not drugs manufactured in the United States. They have been manufactured elsewhere, packaged in Canada or Mexico or wherever, and then sent back to the United States fraudulently, as if they were, in fact, the original drugs.

Now, they have not yet killed anybody that I know of. They are not so unsafe that they have, in fact, poisoned anybody. Overwhelmingly, the history has been that the dosage in the drugs is simply not the same as advertised in the drugs manufactured in the United States. They have traces of whatever the drug might be in the fraudulent packages, but the dose control is not the same, and it is dangerous to the individual taking the drug if he or she assumes they are getting a certain dosage and, in fact, they are getting less.

That has been the challenge. That has been the problem. And until the Secretary of HHS, be it Donna Shalala or Michael Leavitt, can come forward and certify that all of these are, in fact, as advertised, it is the law that they cannot be brought into the United States. I think that is an appropriate law protecting people in the United States.

I agree with the Senator from Wyoming that it really is not appropriate to hold up Dr. Von Eschenbach's confirmation on this issue because it has to be decided by the scientists and those who are doing the sampling of the shipments rather than the head of the FDA.

I have gotten to know Dr. Von Eschenbach as the chairman of the Agriculture Appropriations Subcommittee. You usually think of agricultural appropriations in terms of crop supports and USDA activities. But for whatever reason, in its wisdom, Congress at one point put jurisdiction over the Food and Drug Administration into that subcommittee. So, if you will, I have been in the position of dealing with this man as he has come begging.

As we are in the Appropriations subcommittees, everybody who has responsibility over which we have control comes begging; that is, they come asking for things, they come outlining their position, and they come describing what they will do with the money. All of us who have been on the Appropriations Committee have had this experience with a wide variety of people from the executive branch. I have never seen anyone who has come before our subcommittee better prepared, with a better understanding of how the money will be spent, and with more vision as to where the money ought to be spent to take the agency into the future than Dr. Von Eschenbach.

We have not just sat and discussed budget issues; we have not just sat and talked about dollars and cents—what are you going to spend here and what are you going to spend there—he has outlined for me in our conversations where he thinks the FDA of the future ought to be and what it will cost to get it there.

I have been very struck and impressed by his vision for the FDA. This is not a man who is content to simply superintend what he has on his plate.

This is a man who has the capacity to look to the horizon, and maybe even over the horizon, to see where America ought to be.

In the practice of medicine right now, drug therapy is the cutting edge. Yes, we are developing new operations. We are developing new surgical procedures to try to push the envelope out further as far as health care is concerned. But the major breakthroughs are coming through drug therapy. There are all kinds of situations now where it can be handled with drug therapy that obviates the need for an operation or any kind of surgical intrusion. The implications of that are huge, and the role of the FDA in that kind of medical revolution of the future is paramount. We absolutely have to have at the head of the FDA, in that kind of revolution, a man who is visionary, a man who looks to the future, and a man who understands the potential that lies in the area which he superintends.

Dr. Von Eschenbach, I am convinced, is such a man. I have his resume. We have heard it outlined here. It is an outstanding resume. But people with good resumes can come before us all the time and, in fact, have no vision. They spend their time tending what is on their own plate. This is a man with vision. This is a man who sees what can happen and who desperately wants to take the FDA in that direction.

He said to me: Senator, I don't feel that I can institute these kinds of long-term changes as long as I am acting. I feel—I think appropriately, from my point of view—that I cannot make these kinds of structural changes in FDA's mission and direction until I have the imprimatur of the U.S. Senate and full confirmation.

The longer we hold up his nomination, the longer we keep him from being confirmed, the longer we will wait for that kind of vision to be established in that agency. I think we have waited too long. I salute the majority leader for his persistence in bringing this nomination to the floor. At this time, with all the other things we have to do before this Congress comes to an end, this is one he could easily have put off. I am grateful that he did not. I am grateful that he filed a cloture motion to hold our feet to the fire on this one and say: It is time for us to act. It is time for us to give this man the imprimatur of our confirmation vote so he can move forward, he can infuse the agency with the kind of vision and excitement that I know he has.

I have spent enough time with him, I have had enough conversation with him—have talked to his peers outside of the agency to know that the President has made an outstanding choice in Dr. Von Eschenbach. We as a country would be well served to have him in this place, and I urge the Senate to invoke cloture and confirm this nomination as quickly as we possibly can.

Mr. HATCH. Mr. President, to me it is simply unconscionable that the Food and Drug Administration, one of the best little agencies in Government, has gone leaderless for such a period of time.

Here we have an agency that governs, by some estimates, 25 cents out of every consumer dollar, and yet we treat it as a stepchild. We do not provide it with the funding it needs. We allow it to exist without a confirmed commissioner for months and months on end, for repeated periods. And yet we expect it to be the vital consumer watchdog agency it was intended to be.

When you think about what this agency does, what the daily business of the FDA is, you can see how dire the situation really is.

This is an agency that makes certain the drugs and medical devices we use are safe and effective, that the cosmetics, dietary supplements, and over-the-counter medications we count on are sold safely, with truthful and nonmisleading claims. This agency regulates animal drugs and radiological devices and so much more. Yet, time after time, it does without a confirmed commissioner. And this is the absolutely wrong time for that to happen.

Think about the key FDA issues we are facing: the safety of the food supply, how to improve drug safety, instituting a new system of mandatory adverse event reporting for serious events associated with the use of dietary supplements and nonprescription drugs, extending the user fee programs for drugs and devices, and the incentives for pediatric drug testing—and I have named only a few of the issues. We are facing all these pressing public policy issues, and yet we expect the agency to do its job without a confirmed commissioner. That is not right. It is simply not right.

The President has nominated a well-qualified, more-than-capable medical doctor to the position of Commissioner of Food and Drugs.

I know Dr. Von Eschenbach well. He is a man of integrity. He is a good manager. He is a good listener. He knows the importance of working well with Congress, and I believe he will work well with us.

I urge my colleagues—no, I implore my colleagues—to do what is right and vote to invoke cloture on this nomination. It is what Dr. Von Eschenbach deserves. It is what the agency deserves. And it is what the American people deserve.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Utah for his delightful comments. He speaks so clearly and explains things so well. I know of his contacts with Dr. Von Eschenbach. I hope people will follow his advice and vote for cloture.

Dr. Von Eschenbach's qualifications are excellent. He is supported by many organizations. We had received a number of letters in support of his nomination prior to his confirmation hearing. Those were duly entered in the hearing record. However, since then we have received additional letters of support.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OMERIS,
Columbus, OH, August 2, 2006.

Hon. MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

Hon. EDWARD M. KENNEDY,
Ranking Member, Committee on Health, Education, Labor and Pensions, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN ENZI: On behalf of Omeris, Ohio's bioscience membership and development organization, and our member companies, I am writing in support of the nomination of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration.

Dr. von Eschenbach is an excellent choice to head the FDA. He has an outstanding career as a physician, researcher, and administrator in both the public and the private sectors. As a physician, he has treated cancer patients for almost thirty years. As a researcher, he has published more than 200 articles and books and was the founding director of M.D. Anderson's Prostate Cancer Research Program. As an administrator, he has served as the president-elect to the American Cancer Society.

It is critically important to our industry and to the nation that the position of the FDA Commissioner be filled. Strong leadership is essential if the FDA is to most effectively fulfill its mission of assuring the food Americans eat is safe and healthful, that the drugs they take are safe and effective, and that the medical devices they rely on for cures and treatment are safe and effective and represent the latest and best that our industry can offer. Experience has shown that a permanent director continued by the Senate is necessary to assure that the agency has the authoritative leadership it needs to respond promptly and effectively to all the challenges it faces.

Prompt confirmation of Dr. von Eschenbach is especially important in view of the issues that are currently facing the FDA. Next year, both the medical device and drug user fee programs must be renewed by Congress, and the agreements between industry and the FDA that will be the starting point for the reauthorization are being negotiated right now. The critical path initiative, which offers so much potential for speeding the development and approval of safe and effective products) is just getting off the ground and needs a strong advocate. The challenge of determining how FDA can most effectively conduct postmarket surveillance to assure the safety and effectiveness of approved products is an issue that needs strong leadership from the top. The continuing challenges of food safety and preparation for a pandemic or bioterrorist attack need a strong FDA voice.

Omeris members, Ohio's bioscience companies, help revitalize our state's economy while developing critical tools, treatments, and technologies that benefit the world. Omeris is a focal point for the bioscience and biotechnology community, providing networking and educational events, continually developing web-based resources, addressing public policy, and analyzing resource and funding issues.

We respectfully urge you to support Dr. von Eschenbach's prompt confirmation. Thank you for considering this request.

Sincerely,

ANTHONY J. DENNIS,
President & CEO.

NEW YORK STATE
CANCER PROGRAMS ASSOCIATION, INC.,
Buffalo, NY, August 3, 2006.

To: Senate Health, Education, Labor and Pensions Committee.

From: Dr. Edwin A. Mirand, Secretary-Treasurer, NYSCPA.

Subject: Nomination of Dr. Andrew von Eschenbach as Permanent Commissioner of Food and Drug Administration.

The New York State Cancer Program Association, Inc. supports the nomination by President Bush as permanent Commissioner of Food and Drug Administration (FDA) Dr. Andrew von Eschenbach.

Dr. von Eschenbach's experience as a researcher and physician will provide the FDA with a better focus to confront the challenges and new opportunities facing the agency. Dr. von Eschenbach will lead the agency and strengthen the credibility of its decision-making process.

EDWIN A. MIRAND,
Secretary.

THE AMYOTROPHIC LATERAL
SCLEROSIS ASSOCIATION,
Washington, DC, July 24, 2006.

Hon. MICHAEL ENZI,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

Hon. EDWARD KENNEDY,
Ranking Member, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ENZI AND RANKING MEMBER KENNEDY: The ALS Association strongly supports the nomination of Andrew von Eschenbach, M.D., to be Commissioner of the Food and Drug Administration and we urge the Committee to favorably report the nomination to the full Senate.

The ALS Association is the only national voluntary health association dedicated solely to the fight against Amyotrophic Lateral Sclerosis (ALS), more commonly known as Lou Gehrig's disease. Our mission is to improve the quality of life for those living with ALS and to discover a treatment and cure for this deadly disease.

We believe that strong leadership at the FDA is essential so that the Agency can fulfill its mission and not only ensure that drugs and medical devices are safe and effective, but also that people have timely access to the latest medical technologies. This is especially important for people with ALS, for there is no known cause or cure for ALS, and only one drug available to treat the disease. That drug, approved by the FDA in 1995, provides only modest benefits, prolonging life by just a few months.

Dr. von Eschenbach would provide the vital leadership that is needed at the FDA. Moreover, his diverse background as a physician, educator and advocate will be a tremendous asset to the Agency and to the Nation, for he can view the Agency's mission from many different perspectives and help to foster the collaboration that is so important to advancing medical science and quality health care.

The ALS Association is pleased to offer our strong support for this nomination and again urge the Committee and the Senate to support Dr. von Eschenbach as the next Commissioner of the Food and Drug Administration.

Sincerely,

STEVE GIBSON,
Vice President,
Government Relations and Public Affairs.

CANCER CURE COALITION,
Palm Beach Gardens, FL, August 25, 2006.

Senator MICHAEL B. ENZI,
Chairman, U.S. Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR SENATOR ENZI: The Cancer Cure Coalition is supporting the nomination of Dr. Andrew VonEschenbach as commissioner of the U.S. Food and Drug Administration and we have today issued a press release announcing our support. Attached is a letter from the coalition to Dr. VonEschenbach which gives the reasons for our support.

The Cancer Cure Coalition supports changes at the FDA which will improve its operation. We believe the appointment of Dr. VonEschenbach will lead to that result. If it would help your committee in its decision on Dr. VonEschenbach's appointment I would be pleased to appear before the committee to testify. My bio appears on the Cancer Cure Coalition's website www.cancercurecoalition.org and I am attaching a copy of it for you to review.

If you need any further information please feel free to contact me.

Sincerely,

CHARLES A. REINWALD,
President.

Mr. ENZI. Those letters are from Omeris, Ohio's bioscience membership and development organization; the New York State Cancer Association; the ALS Association; the Cancer Cure Coalition, and there are others. These groups recognize the absolute necessity of having a Senate-confirmed Commissioner of Food and Drugs. I understand some of my colleagues are not satisfied. They seek to use this nomination as leverage to accomplish some other agendas. That is something you can do in the Senate. However, I urge them to consider the consequences of those actions. In the upcoming year we face an exceptionally full agenda with respect to the FDA. We need this man in place. This man could work anywhere in America, probably anywhere in the world, and do much better than what we are offering.

I appreciate his sense of wanting to give back. He is a three-time cancer survivor and understands a lot about food and drugs outside of being a doctor.

I ask my colleagues to join me in getting cloture so that we can get the confirmation accomplished.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. It is my understanding that the previous speakers did yield their time back. So all time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. If all time is yielded back, under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 907, the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

William H. Frist, Michael B. Enzi, Richard Burr, Thad Cochran, George V. Voinovich, Robert F. Bennett, Tom Coburn, Norm Coleman, Conrad R. Burns, Jon Kyl, Pat Roberts, Mel Martinez, John Ensign, Lamar Alexander, Elizabeth Dole, Christopher Bond, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 907, the nomination of an Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray

Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Warner
Wyden

NAYS—6

Baucus
DeWine
Grassley
Santorum
Vitter
Voinovich

NOT VOTING—5

Biden
Hatch
Jeffords
Kennedy
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. ENZI. Mr. President, I thank the Chamber for allowing us to do the cloture vote. With the strong support shown by the cloture vote, I would highly recommend that we get this man confirmed so he can actually have the opportunity to do the kinds of things that have been expected of him in the debate we have had. I also thank Senator KENNEDY for his tremendous help. We have had a number of meetings, a number of hearings. This is the second confirmation of an FDA Director we have worked on. It will be nice to have somebody actually in the position, but I do thank Senator KENNEDY and all of his staff.

I do want to mention the staff person who has directed my health issues. Stephen Northrup is on the floor, and I thank him particularly for all of the work on all of the health issues we have had. Anybody who has looked at the list of those we have done will find it has been a very productive session in the health area, and we are still working on another half dozen issues that could pass yet in this session before the week ends. So I thank Stephen for all of his tremendous help. I ask that people support the nomination of Dr. Von Eschenbach.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I spoke earlier this morning against cloture. Cloture passed, which for the public listening means there are 60 percent or more in support of stopping debate, and there is under the rules the possibility of 30 hours of debate. I don't intend to probably speak for more than a half hour, so if anybody is interested in how long postcloture debate might go on, it won't go on very long from my point of view. But I do want to take some time to tell people, even though it is quite obvious this nominee will be approved, why I think he should not be approved.

I placed a hold on this nominee for quite a few weeks. That hold obviously was ignored by the leader when he filed cloture, which is his right to do. I voted against cloture because I take my constitutional duty to conduct oversight of the executive branch of Government very seriously, and I think the nominee is standing in the way of Congress doing its oversight of the agency of which he is now Acting Director and will probably soon be the confirmed Director. That sort of lack of cooperation violates the separation of powers and the checks and balances within our constitutional system.

I hope my colleagues know that I take a great deal of time to make sure that we do both jobs we have the responsibility to do here in the Congress. One is to pass laws. But the one we are never taught much about in political science classes is the constitutional job of oversight, which is the responsibility to make sure the laws are faithfully executed and money is being spent according to congressional intent, and the overseeing of the administrative branch of Government. So I take a great deal of my time in the Senate trying to make Government work not just by passing laws but by making sure they are faithfully executed. I don't do that all by myself as a single Senator. I have good staff. I charge my staff to conduct oversight rigorously and to investigate any areas where the Federal Government is failing to be transparent, accountable, and effective. Transparency is so important, because the public's business, which is everything about the Federal Government, ought to be public. If the work of the executive branch fails the sniff test and the law is not being faithfully executed or the public's business is not being made public, that is when it is my constitutional responsibility to blow the whistle.

Quite frankly, I don't want to take credit for what I am able to blow the whistle on, because there are a lot of good, patriotic employees in the executive branch of Government who also know it is their constitutional responsibility to execute the laws and spend the money right. When they see it isn't happening, and particularly when they go up the chain of command and don't get results, or when taxpayers monies are being wasted and it seems nobody cares, then they exercise the right they have under laws to blow the whistle to Members of Congress.

So we obviously count on whistleblowers—in other words, patriotic Federal employees—who report something wrong when people above them don't care. They care enough to come to us and give us a lot of good information. So today I am blowing the whistle on this nominee. In good conscience, I did put a hold on the nominee, and I will not vote in favor of him for the reasons I have given before and reasons that will be more spelled out now. A vote for this nominee would be an endorsement of the stonewalling, but, more importantly, the disrespect for Congress he has shown by not cooperating with congressional oversight. I can say this not only because of his actions but because of his words which are on the record.

In response to a nomination question in which I asked this nominee if he would cooperate with congressional oversight, Dr. Von Eschenbach identified a number of "executive branch interests" as a basis for not complying with congressional requests, including "matters pending before the agency." And "predecisional deliberative process information," and "open investigation information." You get this sort of gobbledegook as excuses for not giving information to Congress as they promised to do but, outside of that, that the Constitution requires they do; that is if you believe in the checks and balances of our Government and if you believe it is backed up by Supreme Court decisions. It seems to me it has a good basis.

This nominee was not well-served by whoever counseled him on these matters. He should know that during my years in the Senate, my investigators have obtained access to every single one of these categories of so-called confidential information. I would say to the distinguished chairman of the HELP Committee who is watching over this nomination process—confirmation process—he said to me before the vote on cloture it would help if we got Dr. Von Eschenbach approved because now he is an acting and maybe he can't do all the things that he can do as Director, and that may be true. But not once in my discussions or my staffs' discussions with people at FDA was there ever a hint from the nominee himself that once approved, he would be able to give us all of these documents. I use this chart as an example: You get an answer to a request and you get 57 pages removed. Another chart I had up here showed 43 pages were removed. And what is in those pages? Who knows what is in them. We don't even know why they were removed, and we don't know who made the decision to remove them.

That is cooperation with Congress? Not once, I say to Senator ENZI, did he ever tell me or my staff or people who are working for him that if we could get this confirmation over, we will be able to satisfy what you want done. So I don't see anything better, with a vote of approval by the Senate, of cooperation with us than before.

But he wasn't well-served by those who counseled him. He should know that during my years in the Senate, my investigators have obtained access to every single one of these categories of so-called confidential information. His answer is at odds with my belief that congressional oversight is one of the best ways to shake things up at a government agency and expose the truth. The truth will make Government look better, or if the truth doesn't make Government look better, at least you are being candid with the American people. Besides, it is the public's business, and whether it is good news or bad news, it ought to be public.

Dr. Von Eschenbach's answers happen to be at odds with my belief that congressional oversight is one of the best ways to get to the bottom of things. This is true not just of the FDA; it is true of any Government agency. If an agency is not doing the right thing, typically behind it there is an effort to keep information suppressed, an effort to keep people from doing what they think ought to be done, an effort to keep people from doing what their job requires them to do, or to not let them put out that information. The muzzling of dissent and information is too common throughout our Government. Things that should be transparent in Government simply are not. And under Dr. Von Eschenbach, the FDA has not only avoided transparency, it also has threatened those who are trying to desperately expose the truth.

That is not just under Dr. Von Eschenbach. For years before him, there has been intense pressure brought to bear upon scientists who want to do the scientific process. I say "do the scientific process" because the scientific process answers itself or gives the answer. That is what we want: answers on safety and efficacy of drugs.

There is a culture there—even prior to Dr. Von Eschenbach, for any serious Director who wants to change it—that is going to make it very difficult to change because you have an agency that is more interested in its public relations and how they look to the public-at-large than what their job is. That is when they end up getting egg on their face, when they are more concerned about their public relations than just doing the job. In most instances, if these agencies do what they are supposed to do, things get done and get done effectively, and then the public relations takes care of itself. Good policy, good administering of law, is good public relations. It will take care of itself.

I met with this nominee after the White House sent his nomination to the Senate last March. I hoped he would provide the kind of strong, permanent leadership this agency needs to change its culture, where scientists are intimidated from doing their work. Over the next 9 months, this nominee showed me that he is unlikely to provide that kind of leadership. My belief is what you see is what you get. I fear what we will get from this nominee is what we got from him where he is now as the Acting Commissioner. Let me tell you why, with just a few examples.

First, the doctor failed to live up to his word. In our meeting, he said he respected and understood the important role Congress plays as an equal branch of Government. But it didn't take long after that meeting before the first red flags appeared.

In April, the committee began its investigation of the Food and Drug Administrations's approval and post-market surveillance of the Ketek drug, an antibiotic that came under renewed scrutiny last January. It looks as though it is another drug where the FDA was caught flatfooted. The Finance Committee issued two subpoenas in May after the FDA refused to provide documents related to Ketek. I referred to a family in Cedar Rapids, IA, who lost an 18-year-old son.

During this time, the Food and Drug Administration also refused access to Food and Drug Administration officials. The Finance Committee was forced to issue a subpoena to a special agent in the FDA's Office of Criminal Investigation. The FDA refused to allow my staff to speak to this Federal employee, citing a policy against providing access to line agents. Yet, only months before, just a few weeks before that, my staff interviewed two line agents from the Food and Drug Administration on another case. What rule was in place when I interviewed them, but a few weeks later you couldn't interview another? Apparently, the policy was abruptly changed. I have seen it change over the years with other investigations. This policy is not law, and it is typically enforced when the stakes are at their highest and there is something to hide.

I took this matter seriously enough that I went to the Department of Health and Human Services to meet with this agent. I was told that if this agent wanted to speak to me, he would have to assert his status as a whistleblower under Federal law. I ask today what I asked that day: Why does this Government employee have to become a whistleblower to talk to me or anybody else in Congress if the public's business is really public?

So I have to ask my colleagues, is that acceptable? When you are doing your constitutional responsibility of oversight, is it acceptable to the rest of you in the Senate that they thumb their noses?

Also, this Government employee's supervisors put him in a no-win situation, and because of that he risked being in contempt of Congress. This is an agent who put a doctor in jail for fraud in the Ketek study.

You understand, I said this started back in January with Ketek and our getting involved in the oversight. There was fraud in this Ketek study. Did the agent do the right thing? It is a closed case. We want to talk to him about the closed case, and the Food and Drug Administration says no. So I have to ask, what does the FDA have to hide or cover up?

There are enough instances of political leaders and public servants being ruined by coverup. Can't lessons be learned, that when, in this town, two people know something about it, it is no longer a secret?

Under this Acting Commissioner, the Food and Drug Administration has also attempted to hide and cover up documents. The Finance Committee has received hundreds of pages that say, as I indicate here, "57 pages removed." There is another poster behind it that looks exactly the same: "43 pages removed." Other documents have whole pages, paragraphs, or sentences redacted, with no explanation as to why. Sometimes documents are marked "redacted." Other times they are not marked, even when it is evident that information is missing. There is no explanation for what documents have been withheld or redacted. It is incomprehensible, and it looks like the work of the Keystone Cops rather than an agency responsible to the American public for the safety of drugs and devices and the efficacy of drugs and devices.

One of the Food and Drug Administration's most incompetent and absurd moments was when it sent one of my own request letters back to me with information redacted out of it. Let's get this clear. You folks are defending a person who is running an agency from which I asked for information and they redacted the letter I sent to them. The letter I wrote came back as part of the information. Does that meet the commonsense test? Does that meet the test of competency?

Recently, I wrote Secretary Leavitt and Attorney General Gonzales to explain the basis for some of these redactions. I don't know whether you call a blank page a redaction because you don't know what has been there to redact, but obviously there is no information on a blank page unless it is about the competency of the people who work within the agency.

Again, two copies of the same document were redacted differently. Think of this. They want to keep us from getting information. They send us two copies. One copy has one sentence redacted, and the other copy doesn't redact that sentence but redacts another sentence. So we got the whole document but presumably a basis for things we were not supposed to know but now we know. Do you think this guy with a medical degree, with this sort of background, is going to go in and change that culture even if there was nothing wrong with him? Even if he cooperated with me? So it calls into question the good-faith basis for redaction at all.

I could go on and on with examples showing the stonewalling and the withholding of information from legitimate congressional requests, pursuing our constitutional responsibility of oversight. What it boils down to is that this nominee has demonstrated he does not understand that Government truly is the people's business. He doesn't seem to understand that the people who finance it, the taxpayers, have a right to know what their Government is doing and how their money is being spent.

I will give one final example. I have been a longtime champion of whistleblowers. I was the lead Senate sponsor of the 1986 whistleblower amendments to the False Claims Act. Back then, we were interested in dismantling a too-cozy relationship between defense contractors and the Pentagon. Today, whistleblowers are once again the key to dismantling the cozy relationship between some drug companies and the Food and Drug Administration.

In June, Dr. Von Eschenbach held a meeting of FDA staff involving this drug I have been investigating, questioning how it was handled—Ketek. FDA employees who were present say that he used a lot of sports metaphors regarding being a "team player" and keeping opinions "inside the locker room." Basically, he said to not criticize the FDA outside the locker room, "outside the locker room" being his words. Apparently he stated that anyone who spoke outside the locker room might find themselves "off the team."

How are you going to do your job of congressional oversight if you have somebody you are getting confirmed who says that if you want to talk to anybody, they better not talk to you, at least not talk off note, because they are no longer on the team? Just think of the intimidation that brings throughout the Federal bureaucracy.

This nominee held this meeting in the midst of this ongoing congressional investigation of this drug Ketek. He called the meeting after a number of critical reports in the media about the FDA's handling of Ketek. A number of FDA employees interviewed by the committee were offended by his comments, found them highly questionable, inappropriate, and potentially threatening. I don't think there was any "potential" about it, they were meant to be threatening, and I agree with the employees.

Leaders of an agency should not hold a meeting to suggest that dissenters will be kicked off the team, particularly when the lives of American people are at stake, when drugs are going to be put on the line and they might not be safe. I can refer to the death of an 18-year-old in Cedar Rapids, IA. His is the type of action that shows the true stripes of the nominee. He broke his word that he respected whistleblowers—that is what he told me; quite obviously he doesn't respect whistleblowers—and that he would never raise even the appearances of retaliation. If this meeting isn't an example of retaliation, I don't know what it is. When it comes to health care and public safety, we need to empower whistleblowers more than ever. They demonstrate extraordinary courage in the face of extraordinary adversity. It is extremely difficult to be a whistleblower. As I like to say, they are about as welcome as a skunk at a picnic. Yet it is whistleblowers in Government who put their job security on the line to come forward and expose fraud or wrongdoing for the public good. My Finance Committee staff has been investigating serious allegations raised by whistleblowers at the FDA on various issues over a period of 3 years. Many of these allegations are very serious and call into question whether the Food and Drug Administration is fulfilling its mission to protect the health and safety of Americans. The way the Food and Drug Administration under this nominee has handled the investigation of Ketek shows the agency would like to keep its business secret. It doesn't want these issues made public or subjected to scrutiny. The culture at the FDA has been we will let the public know what we think they need to know.

The American people do not want the government making decisions about what is good for them behind closed doors.

The goal of the Finance Committee's oversight has been straightforward. As chairman, I wanted to bring out in the open the decisions made by the FDA. For too long the agency has been making its decisions behind closed doors.

This nominee is not likely to serve well because he just does not seem to get it. He has placed media relations over the mission of the FDA. First and foremost, he is supposed to do the right thing on behalf of Americans. Dr. Von Eschenbach has other interests to serve and they are not always the interests of John Q. Public.

I hear from time to time from other agencies that particular documents are especially sensitive or that the release of certain documents could jeopardize a criminal investigation—I understand that. But in those circumstances, I have reached accommodations. Unfortunately, in this case, my efforts to work with Dr. Von Eschenbach and his subordinates have been all but summarily dismissed.

As I am sure you know, I intend to keep pressing the FDA for greater transparency and openness. I think there is going to be new leadership in the Congress which is going to be even more aggressive and has a history of being more aggressive in this area. I have been welcoming and I continue to welcome that sort of help.

As I continue with my constitutional duties to conduct oversight, I look forward to working with my colleagues to ensure transparency, accountability, and effective governance by the executive branch. The bottom line is Congress needs to stay committed to oversight of the executive branch. The public depends on Congress to fulfill its duty and hold executive agency leadership accountable. To sum up, that is what congressional oversight is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

TRIBUTE TO KENNETH JORDAN

Mr. ALLARD. Mr. President, I rise today to honor the service and sacrifice of Colorado Springs police officer Kenneth Jordan.

My wife Joan and I were deeply saddened to hear of the senseless death of Officer Kenneth Jordan while in the line of duty this past Tuesday in Colorado Springs, CO, during a traffic stop.

It takes a person of great courage to become an officer of the law. It takes a strong, hardworking, and considerate individual. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Officer Kenneth Jordan was just this person. Unfortunately, Officer Kenneth Jordan paid the ultimate price.

Officer Kenneth Jordan was the 12th Colorado Springs police officer to be killed in the line of duty. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 231 in Colorado.

The shock to the city of Colorado Springs this week at his death is especially harsh—Kenneth Jordan was the second Colorado Springs officer to be killed this year. Officer Jared Jensen made the ultimate sacrifice last February. The memorial service for officer Kenneth Jordan held at 1 p.m. Monday at New Life Church will be a grim repeat of the day 10 months ago when Officer Jensen was laid to rest. Before Officer Jensen Colorado Springs police had not held a funeral for one of their own in 24 years.

A Chicago native at 32 years of age, Kenneth Jordan joined the Colorado Springs Police Department in January 2000 and was known for his unwavering professionalism and strong work ethic. In February 2004. Officer Kenneth Jordan became a DUI officer, whose passion was getting drunk drivers off the road. According to his colleagues, Officer Jordan made 584 DUI arrests since joining this elite team and nearly broke the yearly record of 283 when he made 270 arrests in 2005. Officer Jordan was honored in 2004 by the Mothers Against Drunk Drivers for his dedication to enforcing DUI laws.

Officer Kenneth Jordan was a brother and a son. He is survived by his sister, his loving parents and his girlfriend. Kenneth was well liked by his peers and others with whom he came in contact. He was always willing to lend a hand to friend or a stranger alike.

The city of Colorado Springs has lost a valuable member of its community, and we are all forever grateful for Officer Kenneth Jordan's service and dedication to the safety and well-being of others. His service to the city of Colorado Springs is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of Officer Kenneth Jordan. May his bravery and unwavering sense of duty serve as a role model for the future generation of law officers. Thank you for your service, Officer Jordan. Rest in peace, Sir.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that myself, the Senator from Idaho, and the Senator from California, Senator FEINSTEIN, be allowed to speak as if in morning business for the next 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LABOR SHORTAGE

Mr. CRAIG. Mr. President, the Senator from California, Senator FEINSTEIN, will be here in a few moments to join me in what we believe is an important message, to continue to speak not only to our colleagues here in the Senate but to America as a whole. It is a speech not unlike the one we gave before we recessed for the break before the election, when it was becoming increasingly obvious that America was finding itself in a major labor shortage, primarily in agriculture and some of the service industries. In fact, while I was home during this recess period of time, the shortage of orange juice in the U.S. market made national news as the price went up substantially.

A shortage of orange juice today in the American market is because nearly a million cases of oranges rotted on the trees of Florida this fall, late summer, because there were not hands to pick them, put them in the crates, and move them to the processing sheds. That became painfully obvious across America as the harvest season went on, especially in those areas that require concentrated hand labor, whether it was Florida, California, and the great San Joaquin Valley of California, whether it was my State of Idaho that began to see labor shortages in a variety of areas, whether it was Washington or Oregon, where many of the fresh fruits and vegetable crops simply did not get picked and apples rotted on the trees, whether it was in Kentucky, Illinois, Colorado or Michigan, it became so obvious this Congress, in its effort to pass comprehensive immigration reform, simply failed to do so. America grew angry about it, grew angry about the number of illegals in our country and the fact this Congress did little or nothing about it.

A great deal is going on. One of the reasons the labor shortages began to appear is because this Congress insisted, and the administration agreed, we put money behind the securing and the closing of our southwest border where literally a million-plus people were moving across annually into our labor market.

We viewed that as untenable and irresponsible for a great nation to fail to control and secure its borders. We are doing that now. We are continuing to invest and will continue to invest in a secured border environment. But in doing that, and failing to couple with a more secure border a comprehensive immigration reform package that allows a real, honest, legal, fair guest worker program, American agriculture now hurts as they have never hurt before.

On December 4, all of my colleagues received a letter that in itself was almost unprecedented, a letter from over 400 agricultural groups around the country—not just agricultural groups but nursery groups, warehouse groups, storage groups, all of them generally agriculture related.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 4, 2006.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: The organizations on the attached list urge you to support passage of a comprehensive agricultural worker program this year!

You've read the headlines. Food grown for American tables has rotted in American fields this year. The cause? In this case it's not the weather. It's something the Congress can address—labor. We need agricultural worker reform before the end of the 109th Congress.

The facts are clear: on many American farms, immigrant labor plants, tends and picks the fruits, vegetables, and other crops. Immigrant workers tend the livestock—feeding the chickens, turkeys, horses, sheep, hogs and cattle and milking the cows. Immigrant workers also produce, install, and maintain the plants that make our homes, towns, and cities livable.

The current agricultural temporary worker program—known as H2A is flawed and needs reform. There is no area of the country where H2A workers make up more than 10 percent of the necessary farm workforce. In most areas, it's far less than that. Nationally, only two percent of farm workers are provided by the unresponsive and litigation-plagued H2A program. American agriculture needs a reformed H2A program that is timely, effective and streamlined, and a transition approach that allows for retaining the experienced workforce while capacity is built on the farm and at the border to support wider use of a program like reformed H2A.

Language that seeks to address the challenges specific to agriculture was included in the bill passed with a bipartisan majority in the Senate. Many House members of both parties have acknowledged the need to address immigration reform for agriculture. Polls show the American people overwhelmingly favor a common-sense approach to immigration reform including sensible foreign worker programs and earned legal status subject to strict conditions for workers currently in the country.

Another fact we must point out, at this late date in the year, is that agriculture issues are rarely partisan issues. While they are sometimes regional, in this case every area of the country is affected by agricultural labor shortages and support for a common-sense solution comes from every region of the country as well.

Reports in the media have told the story this harvest season: not enough workers to pick the apples in New York and Washington or the cherries in Oregon and Michigan or the oranges in Florida. One major daily newspaper showed on its front page a massive pile of pears on the ground in California—rejected by the packing house because they were picked too late due to labor shortage. Worker shortages have been reported from coast to coast, from border to border.

It is time for the Congress to act. After a decade of debate and with worker shortages now a reality, American agriculture needs your help.

The sheer number and geographic representation of the organizations on the attached list show the widespread and urgent need for solving this problem. We urge you to support enactment of a comprehensive agricultural worker program, this year!

Sincerely,

Agriculture Coalition for Immigration Reform; Agri-Mark, Inc.; Agri-Placement Services, Inc.; American Agri-Women; American Farm Bureau Federation; American Farmland Trust; American Frozen Food Institute; American Horse Council; American Mushroom Institute; American Nursery & Landscape Association; American Sheep Industry Association (ASI); The Council of Northeast Farmer Cooperatives; Dairylea Cooperative Inc.; Dairy Farmers of America; Farwest Equipment Dealers Association; Federation of Employers and Workers of America; Irrigation Association; Landscape Contractors Association; National Association of State Departments of Agriculture; National Christmas Tree Association.

National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Greenhouse Manufacturers Association; National Milk Producers Federation; National Potato Council; National Watermelon Association; New England Apple Council; NISEI Farmers League; North American Bramble Growers Association; North American Horticultural Supply Association; Northeast Dairy Producers Association; Northeast Farm Credit Associations; Northern Plains Potato Growers Association; Northwest Farm Credit Services; Northwest Horticultural Council; Nursery & Landscape Association Executives of North America; OFA—An Association of Floriculture Professionals;

Pacific Northwest Christmas Tree Association; Perennial Plant Association; Produce Marketing Association.

Society of American Florists; South East Dairy Farmers Association; Southern Christmas Tree Association; Southern Nursery Association (AL, DE, FL, GA, KY, LA, MD, MI, MO, OK, NC, SC, TN, TX, VA, WV); Turfgrass Producers International; United Agribusiness League; United Egg Producers; United Fresh Produce Association; U.S. Apple Association; Western Growers; Western Plant Health Association; Western United Dairymen; Wholesale Nursery Growers of America; WineAmerica; Wine Institute; Alabama Nursery & Landscape Association; Alabama Watermelon Association; Arizona Nursery Association; Pasquinelli Produce Co., Yuma, AZ; Arkansas Green Industry Association.

Allied Grape Growers (CA); Brand Flowers Inc, Wilja Happe, Owner (CA); California-Arizona Watermelon Association; California Association; of Nurseries and Garden Centers; California Association of Wheat Growers; California Association of Winegrape Growers; California Avocado Commission; California Bean Shippers Association; California Canning Peach Association; California Citrus Mutual; California Cotton Ginners & Growers Associations; California Dairies, Inc.; California Egg Industry Association; California Farm Bureau Federation; California Fig Advisory Board; California Floral Council; California Grain and Feed Association; California Grape and Tree Fruit League; California League of Food Processors; California Pear Growers Association.

California Seed Association; California State Floral Association; California Strawberry Nurserymen's Association; California Warehouse Association; California Women for Agriculture; Carol and Bill Chandler, Chandler Farms, LP (CA); Colab Imperial County (CA); Family Winemakers of California; Fresno County Farm Bureau (CA); Grower-Shipper Association of Central California; Imperial County Farm Bureau (CA); Imperial Valley Vegetable Growers Association (CA); Kern County Farm Bureau (CA); Kings County Farm Bureau (CA); Lake County Farm Bureau (CA); Lassen County Nursery (CA); Madera County Farm Bureau (CA); Merced County Farm Bureau (CA); Monterey County Farm Bureau (CA); Napa County Farm Bureau (CA).

Olive Grower Council of California; Orange County Farm Bureau (CA); Pacific Coast Producers; Pacific Egg and Poultry Association (CA); Raisin Bargaining Association (CA); San Diego County Farm Bureau (CA); San Diego County Flower & Plant Association; San Joaquin County Farm Bureau (CA); Santa Barbara County Farm Bureau (CA); Santa Clara County Farm Bureau (CA); Stanislaus County Farm Bureau (CA); Sun Maid Growers of California; Tulare County Farm Bureau (CA); Ventura County Agricultural Association (CA); Yolo County Farm Bureau (CA); Duane Abe, Tree Fruit, Citrus, Vegetable Grower (CA); Mitch Bagdasarian, Grape and Tree Fruit Grower (CA); Anthony Balakian, Fruit Patch, Inc. (CA); Stephen J. Barnard, Mission Produce, Inc. (CA); Charanjit Batth, Raisin & Almond Grower (CA).

Doug Benik, Grape Grower (CA); Bobby Bianco, Anthony Vineyards, Inc. (CA); Pete Binz, Raisin Grower (CA); Stephen Biswell, Mt. Campbell Development (CA); Bill Boos, Grape, Tree Fruit and Citrus Grower (CA); Nicholas Bozick, R. Bagdasarian, Inc. (CA); Wayne Brandt, Brandt Farms, Inc. (CA); Rod Burkett, Olive Grower (CA); Tony Campos, Diversified Grower (CA); Anton Caratan, Anton Caratan & Sons (CA); Chris Caratan, M. Caratan, Inc. (CA); Blake Carlson, Tree Fruit and Grape Grower (CA); Kirk Cerniglia, Royal Madera Vineyards (CA); Bill Chandler, Grape & Almond Grower (CA); Micheal Conroy, Conroy Farms, Inc. (CA); Allan Corrin, Corrin Farming (CA); Stanley Cosart, W.F. Cosart Packing Co. (CA); Verne Crookshanks, Venida Packing, Inc. (CA); Anthony Cubre, Sr., Grape Grower (CA); Frank Dalena, Poultry and Vegetable Grower (CA).

Jerry Dibuduo, Ballantine Produce Co., Inc. (CA); Maurice Dibuduo, Grape Grower (CA); Nat Dibuduo, Jr., Allied Grape Growers (CA); John Diepersloot, Tree Fruit Grower (CA); Tony Domingos, Grape Grower (CA); Edge Dostal, Chiquita Fresh North America (CA); Dan Dreyer, Olive Grower (CA); Russel Efird, Diversified Grower (CA); Richard Elliot, David J. Elliot & Sons (CA); Ken Enns, Enns Packing Co., Inc. (CA); Dan Errotabere, Diversified Grower (CA); Tony Fazio, Tri-Boro Fruit Co., Inc. (CA); Steve Ficklin, Grape Grower (CA); Ron Frauenheim, Frauenheim Farms (CA); George Fujihara, Raisin Grower (CA); Fred Garza, Farm Labor Contractor (CA); Micky George, George Bros., Inc. (CA); Dan Gerawan, Gerawan Farming, Inc. (CA); Randy Giumarra, Guimarra Vineyards Corporation (CA); Jim Hamilton, Nut Grower and Processor (CA).

John Harris, Feed Lot, Diversified Farming (CA); Mak Hase, Tree Fruit Grower (CA); Steve Hash, Steve Hash Farms (CA); Doug Hemly, Greene and Hemly, Inc. (CA); Phil Herbig, Enns Packing Co., Inc. (CA); Leland Herman, Raisin Grower (CA); Phil Herman, Grape Grower (CA); David Hoff, Raisin Grower (CA); Allen Huebert, Grape and Tree Fruit Grower (CA); Tim Huebert, Tree Fruit Grower (CA); Robert Ikemiya, Ito Packing Company, Inc. (CA); Daniel Jackson, Tree Fruit Grower and Packer (CA); David Jackson, David Jackson Farms (CA); George Jackson, Tree Fruit Grower (CA); Mike Jensen, Grape, Tree Fruit Grower and Packer (CA); David Johnson, Citrus Grower (CA); Steve Johnson, Johnson Orchards, Inc. (CA); Brian Jones, Sun Valley Packing (CA); Herb Kaprielian, KCC Holding LLC (CA); Alan Kasparian, Grape Grower (CA).

Aubrey Cairns, Kaweah Lemon Company (CA); Pat Kurihara, Citrus, Tree Fruit and Grape Grower (CA); Paul Lanfranco, Grape & Tree Fruit Grower (CA); Ben Letizia, Grape and Tree Fruit Grower (CA); Jim Lloyd-Butler, James Lloyd-Butler Family Partnership (CA); Jerry Logoluso, Grape Grower (CA); Dave Loquaci, Grape Grower (CA); Ronald Lund, Raisin Grower (CA); Fred Machado, Dairy Farmer (CA); David Marguleas, Sun World International, LLC (CA); Harold McClarty, Tree Fruit Grower and Packer (CA); Mark Melkonian, Tree Fruit and Dehydrator (CA); Richard Milton, Tree Fruit Grower (CA); Keith Nilmeier, Tree Fruit Grower (CA); James Oliver, Grape and Tree Fruit Grower (CA); Louis Pandol, Pandol Bros., Inc. (CA); Dennis Parnagian, Fowler Packing Company, Inc. (CA); Justin Parnagian, Fowler Packing Company, Inc. (CA); Ron Peters, Tree Fruit Grower (CA); Scott Peters, Tree Fruit, Citrus and Grape Grower (CA).

Jerald Rebensdorf, Fresno Cooperative Raisin, Inc. (CA); Bob Reimer, Tree Fruit and Grape Grower (CA); Pat Ricchwti, Jr., Almond, Tree Fruit & Grape Grower and Packer (CA); Cliff Rolland, Abe-el Produce (CA); Cliff Sadoian, Sadoian Bros., Inc. (CA); Bobby Sano, Grape, Tree Fruit and Nut Grower (CA); Sark Sarabian, Sarabian Farms (CA); Tom Sasselli, Grape Grower (CA); Tom Schultz, Chase National Kiwi Farms (CA); Mike Scott, Raisin Grower (CA); Andrew J. Scully, Philip E. Scully, Toni M. Scully, Pear & Packing (CA); Don Serimian, Tree Fruit & Grape Grower and Packer (CA); Jim Simonian, Simonian Fruit Company (CA); Dave Smith, Olive Grower (CA); Brent Smittcamp, Wawona Packing Co., LLC. (CA); Kent Stephens, Marko Zaninovich, Inc. (CA); Ty Tavlan, Tree Fruit Grower and Packer (CA); Dean Thonesen, Sunwest Fruit Company, Inc. (CA); Bill Tos, Tree Fruit Grower & Walnut and Packer (CA); Stan Tufts, Tufts Ranch LLC (CA).

Steve Volpe, Table Grape Grower and Packer (CA); Eric Ward, Tree Fruit and Nut Grower (CA); Chiles Wilson, All State Packers, Inc. (CA); John D. Zaninovich, Zan Farms, Inc. (CA); Jon P. Zaninovich, Jasmine Vineyards, Inc. (CA); Marko S. Zaninovich, Marko Zaninovich, Inc. (CA); Ryan Zaninovich, V. B. Zaninovich & Sons, Inc. (CA); Associated Landscape Contractors of Colorado; Colorado Nursery & Greenhouse Association; Colorado Potato Administrative Committee; Colorado Sugar Beet Growers Association; Colorado Wine Industry Development Board; Bishops Orchards (CT); H. F. Brown Inc. (CT); Connecticut Nursery & Landscape Association; A. Duda & Sons (FL); Florida Citrus Mutual; Florida Citrus Packers; Florida Farm Bureau Federation; Florida Fruit & Vegetable Association.

Florida Grape Growers Association; Florida Nursery, Growers & Landscape Association; Florida Watermelon Association; Gulf Citrus Growers Association (FL); Tampa Bay Wholesale Growers (FL); Georgia Green Industry Association; Georgia Milk Producers; Georgia Watermelon Association; Winegrowers Association of Georgia; Environmental Care Association of Idaho; Idaho Apple Commission; Idaho Cherry Commission; Idaho Grower Shippers Association; Idaho Nursery & Landscape Association; Idaho-Oregon Fruit and Vegetable Association; Potato Growers of Idaho; Illinois Grape Growers and Vintners Association; Illinois Landscape Contractors Association; Illinois Nurserymen's Association; Illinois Specialty Growers Association.

Indiana-Illinois Watermelon Association; Indiana Nursery and Landscape Association; Iowa Nursery & Landscape Association; Farm Credit of Maine; Maine Potato Board; Maryland Nursery and Landscape Association; Maryland-Delaware Watermelon Association; Massachusetts Nursery and Landscape Association, Inc.; Michigan Apple Committee; Michigan Christmas Tree Association; Michigan Farm Bureau Federation; Michigan Green Industry Association; Michigan Horticultural Society; Michigan Nursery and Landscape Association; Michigan Vegetable Council; WineMichigan; Minnesota Nursery & Landscape Association; Mississippi Nursery and Landscape Association; Missouri-Arkansas Watermelon Association; Montana Nursery & Landscape Association.

Nebraska Nursery & Landscape Association; New Hampshire Farm Bureau; New Jersey Nursery & Landscape Association; Overdevest Nurseries (NJ); Agricultural Affiliates (NY); Cayuga Marketing (NY); Farm Credit of Western New York; First Pioneer Farm Credit (NY); New York Agriculture Affiliates; New York Apple Association; New York Farm Bureau; New York Horticulture Society; New York State Nursery & Landscape Association; New York State Vegetable Growers Association; PRO-FAC Cooperative, Inc. (NY); Torrey Farms Inc., NY; Upstate Farms Cooperative Inc. (NY); Yankee Farm Credit (NY); Addis Cates Company (NC); North Carolina Christmas Tree Association.

North Carolina Commercial Flower Growers' Association; North Carolina Greenhouse Vegetable Growers Association; North Carolina Farm Bureau; North Carolina Green Industry Council; North Carolina Muscadine Grape Association; North Carolina Nursery & Landscape Association; North Carolina Potato Association; North Carolina Strawberry Association; North Carolina Vegetable Growers Association; North Carolina Watermelon Association; North Carolina Wine & Grape Council; North Dakota Nursery and Greenhouse Association; Ohio Farm Bureau Federation; Ohio Nursery and Landscape Association; Oklahoma Greenhouse Growers Association; Oklahoma Nursery & Landscape Association; Hood River Grower-Shipper Association (OR); Oregon Association of Nurseries; Oregon Wine Board; Wasco County Fruit & Produce League (OR).

Hollabaugh Bros., Inc. (PA); Pennsylvania Landscape & Nursery Association; State Horticultural Association of Pennsylvania; Rhode Island Nursery & Landscape Association; South Carolina Greenhouse Growers Association; South Carolina Nursery & Landscape Association; South Carolina Watermelon Association; South Dakota Nursery and Landscape Association; Tennessee Nursery & Landscape Association, Inc.; Lone Star Milk Producers (TX); Plains Cotton Growers, Inc. (TX); Select Milk Producers (TX); South Texas Cotton and Grain Association; Texas Agricultural Cooperative Council; Texas Agri-Women; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Citrus Mutual; Texas Cotton Ginners Association; Texas Grain Sorghum Producers Assocation.

Texas Nursery & Landscape Association; Texas Poultry Federation and Affiliates; Texas Produce Association; Texas Produce Export Association; Texas-Oklahoma Watermelon Association; Texas Turfgrass Producers Association; Texas Vegetable Association; Western Peanut Growers (TX); Winter Garden Produce (TX); Utah Nursery & Landscape Association; St. Albans Cooperative Creamery (VT); Vermont Association of Professional Horticulturists (VAPH); Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia Green Industry Council; Virginia Christmas Tree Growers Association; Northern Virginia Nursery & Landscape Association; Southwest Virginia Nursery & Landscape Association; Independent Food Processors Company (WA); Mt. Adams Orchards Corporation (WA).

Underwood Fruit & Warehouse Company (WA); Washington Association of Wine Grape Growers; Washington Bulb Co.; Washington Growers Clearinghouse; Washington Growers League; Washington State Farm Bureau; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington Wine Commission; Commercial Flower Growers of Wisconsin; Gardens Beautiful Garden Centers; Hartung Brothers Inc. (WI); Lawns of Wisconsin Network; Wisconsin Christmas Tree Growers Association; Wisconsin Landscape Contractors Association; Wisconsin Nursery Association; Wisconsin Sod Producers Association.

Mr. CRAIG. What did they say? They said it very clearly: a failure to reform the H–2A program has put American agriculture in an untenable position. As we bring in the numbers this winter to do the harvest this summer and fall, it is reasonable to predict the loss that the American consumers are now hearing about in bits and pieces through the national news could well be equivalent to $4 billion to $5 billion of actual value lost at the farm gate—meaning the produce did not leave the farm, it did not make it to the processor, it will never make it to the consumer's shelf, and American consumers will grow increasingly dependent upon foreign sources for their food supply. For a great nation like ours, that is not only dangerous, it is foolish and irresponsible.

As we put American agriculture through this difficult time by our failure to enact comprehensive immigration reform, something else is going on out there on the farm. Diesel costs, fertilizer costs, equipment costs are at an all-time high. Of course, we know the general energy costs have increased at an unprecedented rate this year. Not only do we have the impact of high input costs in the production of American agriculture and agricultural foodstuffs, now there is nobody to pick the crop.

I was in the upper San Joaquin Valley late summer meeting with a group of agricultural people. One farmer said it as clearly as it could ever be said. He said: Senator CRAIG, if you can't bring the workers to me or if you can't make the workers available in the valley, I will have to go where the workers are.

What did he mean by that? He meant he was leasing land in Argentina or Mexico or Brazil where the labor force is today.

What will happen to the land in the great San Joaquin Valley? It will go fallow, or it will be put in homes. It will no longer be profitable to produce in that greatest agricultural valley in the world which produces the vegetable crops and all of the other kinds of crops the American consumer so readily needs, knows, and wants.

Last year, for the first time, by a near majority of months, America was consuming more from foreign import than they were consuming from their own production. That is something that should never happen in the greatest agricultural Nation in the world.

I think Americans get it. There was a very loud group who distorted the whole debate. But they also taught us something important, that Government had fumbled and Congress had failed in its responsible approach to a comprehensive, enforceable, immigration law. We ignored it for decades. In ignoring it, great problems had occurred. Not only did we have an unprecedented number of undocumented illegal foreign nationals in our country, but we had allowed industries such as agriculture to grow increasingly dependent on an illegal workforce.

Agriculture came to me in the late 1990s and said: Senator CRAIG, this problem has to get fixed.

We began to work on it then. Last year, the Senate passed a comprehensive bill with AgJOBS, the bill I had worked on with American agriculture and the coalition of over 400 agricultural groups. That was in the bill. But when the House failed to act and would not act, when we recognized that we had to gain confidence with the American people that we knew what we were doing and we would do it right, we increasingly began to put pressure on the border, to secure it, to make it a real border, to recognize that to cross it you had to be legal, you had to have the right papers and credentials. That is going on as we speak.

I was one who encouraged our President to maximize the use of our National Guard to help the Border Patrol to focus on those concentrated areas where greater movement of illegals coming across our border was occuring.

It is an issue of security; it is not just people wanting to cross the border to work. Last year, over 200,000 were apprehended who were non-Mexican. They were from all over the world. Many of them, tragically enough, were drug traffickers and illegals trying to get into our country for illegal purposes—not just a hard day's work in the hot sun of an agricultural field. Border security is critical.

I hope this Congress will do now what it must do, what it has to do for the American economy, for the American agricultural industries, and that is pass a responsible, comprehensive reform of the H–2A program.

Yes, we need to deal with the illegals who are currently in the country, but we also need to create a legal, identifiable flow of people who come to work and then go home. Ninety-plus percent who work here want to do just that: they want to go back from where they came. That is where their families are in large part. That is where the American dollar improves their lifestyle, back in their hometowns, predominantly in Mexico but in other parts of the world as well.

If we fail to pass comprehensive reform this year, American agriculture will go through another devastating year in the field, and real management choices will be made, management choices no longer to plant and grow in the United States, no longer to put fresh vegetable crops in the field in December to be harvested in February to supply our great and abundant markets and the needs of our consumers.

This is a very real issue today and a very real problem. That is why on December 4 this coalition sent to this Congress an urgent message, a plea. It said: Please listen to us. Support and pass comprehensive agricultural worker reform. Give us an H–2A program that works. That is what we must accomplish because even in all of our debates this is not going to happen overnight. We won't get to this for several months, and when we do, it will take time working with the House. Then it will pass. Then it has to be implemented.

So American agriculture will go through another very tough cropping season and billions of dollars will be lost. Wise business men and women will have to make decisions of whether they continue to farm in this country and produce in this country or if they go elsewhere to produce, and instead of being domestic producers, they become foreign importers. That is something that should never be allowed to happen.

My colleague from California has joined me. Senator FEINSTEIN and I and others have worked closely to craft the right kind of bill that works, that is legal, that is transparent, that recognizes the importance of border security and border control to get this great country back into the business of doing what it ought to do; that is, to allow into our country those we want and to keep out those we don't want.

We are a nation of immigrants. We are proud of that. Most all of us came from somewhere else some time ago. It is because of this we are a great nation. It is because of the ability to assimilate, to bring into our culture foreign nationals to become Americans that has made our country great.

In the last two decades, we failed to do that in a responsible fashion. Now, because of that, American agriculture hurts, other industries hurt. It is important we grow increasingly sensitive to getting this job done and getting it right. The job itself is passing AgJOBS, the comprehensive responsible bill to help American agriculture create a legal workforce.

Under the unanimous consent the Senator from California, Mrs. FEINSTEIN, has the next 15 or 16 minutes.

Mrs. FEINSTEIN. That is correct.

May I proceed, Mr. President?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Idaho. I also indicate how much I agree with the Senator.

Before I proceed, I note that Senator MURRAY is in the Senate. I ask unanimous consent she be given 10 minutes directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, Senator CRAIG rightly stated that management choices are being made right now. That, in fact, is true. We are seeing billions of dollars of an agricultural industry effectively being destroyed. Some of it is competition from abroad, but much of it is the fact that growers and farmers have a 20-percent—it is estimated—labor shortage to plant, to harvest, to prune. There is tremendous uncertainty, I can tell you for a fact, in the largest State in the Union, and the largest agricultural State. Farmers do not believe they can get workers to harvest their crops, ergo they are not planting these crops.

Senator CRAIG and I came to the Senate before. We have written a joint letter to the leader. We have asked, please, because comprehensive immigration reform tends to be stalled, at least pass AgJOBS. An industry depends on it.

We have worked out AgJOBS. It has passed the Senate as part of the immigration bill. Just take out the part that is AgJOBS and pass it. It is a 5-year pilot. It involves the ability of the agricultural industry of our country to get labor, both through H–2A reform, which is contained, and through a 5-year pilot to try to secure a workforce for agriculture.

While I was in California, I had the opportunity to meet with growers and farmers. The cry for labor reform has only grown louder. What I will do is talk a little bit about the micro impact and then the macro impact.

California olive farmers delivered only about 50,000 tons of olives this year. That is down from 142,000 tons last year. So only one-third of the crop could be harvested this year because of a lack of labor. Farmers knew their crops were going to be light because of weather troubles. But even with the smaller crop to harvest, farmers had trouble hiring enough workers to work in their groves.

In Stanislaus County, a farmer by the name of Kevin Chiesa he is a grower and is the president of the Stanislaus Farm Bureau—reported that they simply pulled their fig and peach trees out of the ground because they did not have enough workers to harvest the ripe fruit. Mr. President, 350 acres were pulled on his farm, leading to a net dollar loss of $200,000 and a gross loss of $750,000.

Now, that may not seem like much to some, but it sure is a lot to a farmer who depends on this money to pay his bank loans and to support his family and pay his mortgage.

In San Bernardino County, Richard Miller of Murai Farms saw his small farm of 130 acres struggle because of a lack of labor. He reported they experienced substantial loss in their strawberry crop, resulting in a half a million dollars in losses already this year. Mr. Miller has been farming since 1962, but the difficulties he has experienced have recently caused him to think about giving up his farm and leaving the profession for good.

Over and over again, I have heard that growers need an immediate fix. They do not know what to plant in the upcoming spring season because they do not know whether they will have the workers necessary to harvest the crops.

I will say that my friend and colleague, Senator BOXER, and I are in sync on this issue. She also has talked to growers and farmers. She also knows the problem. She also has been a strong supporter of the AgJOBS program. So in making my remarks today, I want to be certain that this body knows I am also speaking for my friend and colleague, Senator BOXER.

I have brought to the floor today a graphic illustration of one of our pear growers. Her name is Toni Scully. I have met Toni Scully. I met with her in California and she told me about the problems her family had experienced. Shown in this picture is Toni Scully in her pear orchard. Her family lost 25 percent of their bumper crop this year because they did not have sufficient labor to harvest the pears. As shown in the picture, here are the pears all over the ground. They are all going to be either plowed under or thrown in the garbage. Here is a woman who will have lost essentially everything this year.

Now, other growers tell me they are afraid for the future. They are afraid to plant crops that will later be left to rot in the fields. So some growers are experimenting with moving their farms to Mexico. Last week, the New York Times ran an article that pointed out how much imported produce is now rising above exported produce. And one of the big problems is the produce produced at home is not assured; therefore, more produce is coming in from outside.

This is so shortsighted because we are throwing American families into jeopardy. Farming families cannot support themselves if they cannot produce their crops.

The Grape and Tree League of California—now, this is a big trade organization representing what is a huge grape and fruit tree crop group—they estimate that my State alone—Senator BOXER's and my State—has suffered approximately $75 million in tree fruit and grape loss alone. That is a loss of $75 million.

The American Farm Bureau Federation estimates that if this labor shortage continues, California agricultural production loss could be as high as $3 billion each year in the short term and as high as $4.1 billion in the long term. This is decimating. California agricultural income loss is projected to reach $2.8 billion each year in the long term.

The problem is not just in California. Dairy farmers in Vermont, citrus growers in Florida, others throughout the country, have complained about the labor shortage and the uncertainty it creates for the future.

The Farm Credit Associations of New York estimate that if the labor shortage continues there, New York State will lose $195 million in value of agricultural production and over 200,000 acres in production over the next 24 months.

The American Farm Bureau Federation estimates that if agriculture loses its migrant labor force, the national production loss in fruits and vegetables will be between $5 billion and $9 billion a year. This is not my estimate. This is the American Farm Bureau's estimate. They also say that over the long term, the annual production loss would increase to $6.5 billion to $12 billion each year.

These losses are not just limited to growers. The impact is felt throughout the economy. For every job lost on family farms and ranches, the country loses three to four jobs in related sectors equipment, inputs, packaging, processing, transportation, marketing, lending, insurance—they are all supported by having agricultural production here in this country.

Low-producing farms mean a lowered local tax base as farms no longer generate income and create jobs.

Ultimately, the current farm labor situation is making Americans more dependent on foreign food. Instead of stocking produce grown and harvested in our country, America's grocers are increasingly filling their shelves with foreign-grown produce.

For decades, the fiercely independent fruit and vegetable growers of California, Florida, and other States, traditionally have shunned Federal subsidies. Now, they are now buckling under the pressure and asking us for Federal subsidies.

In just one example, because of labor shortages, U.S. avocado farmers may miss the January market window and lose out to Mexican avocado farmers who will be allowed to import into California in 2007. This will wipe out our local avocado crop. The fact that they cannot get the labor they need to harvest the fruits and vegetables only weakens our whole American agricultural industry.

Now, the reason for the shortage is simple. There is no readily available pool of excess labor to replace the 500,000 foreign migrant workers we have depended on for years. The work is hard. It is stooped. It is manual. The hours are long. To make a living, the laborer must travel around the region, from site to site, working for more than one employer, to coincide with the crop harvesting calendar. The problem is, we do not have enough American workers who are willing to do this job.

This week, Senator CRAIG and I received a letter signed by over 375 agricultural organizations and industry leaders from all over the country urging agricultural reform this year. As they point out, this is not a partisan issue. Every area of the country is affected.

In November, I received a letter signed by 147 growers' organizations and individual farmers. They point out in their letter that they cannot wait another year, that our State's pear growers had an exceptional crop, the best-looking crop in over 40 years, yet they suffered major losses. They point out:

> While the pear losses were the most dramatic among the commodities, other producers suffered as well from delayed harvests, degraded quality and deferred cultural practices.

These crises are a big deal. Farm worker crews in my State during harvest were 60 percent of normal—60 percent of normal. What they say is:

> Pending regulatory changes issued by the Department of Homeland Security propose to turn Social Security Administration's mismatch letters into immigration compliance documents. The proposal would allow DHS to prosecute and penalize employers across this country who do not terminate employees who cannot verify their status.

So, Mr. President, you see the problem. The farmers are going to be prosecuted if they hire someone who is not legal to harvest their crops. And they cannot find legal people to harvest their crops. That is the dilemma.

Further quoting the letter:

> Even though today's employers follow current SSA requirements regarding mismatch letters, they would be in violation of the Department of Homeland Security proposal. If finalized, the DHS proposal will aggravate the current labor shortage problem in agriculture.

Bottom line, we cannot continue the way we are going. That is why Senator CRAIG and I have come to the floor. He has worked on this bill for 7 years. I finally got involved and we made some agreed-upon changes. I was able to introduce it in the Judiciary Committee as part of the immigration bill with these changes. We were able to address H-2A reform—and I will go into that in a minute—and it passed the Senate. And, as I say, we believe we have in fact 60 votes in this House.

The letter I spoke about and quoted from is signed by the Allied Grape Growers; California Association of Nurseries & Garden Centers; California Association of Wheat Growers; California Association of Winegrape Growers; California Bean Shippers Association; California Citrus Mutual; California Cotton Ginners & Growers Associations; California Egg Industry Association; California Farm Bureau Federation; California Fig Advisory Board; California Floral Council; California Grape and Tree Fruit; California Grain and Feed Association; California League of Food Processors; California Pear Growers Association; California Seed Association; California State Floral Association; California Warehouse Association; Far West Equipment Dealers Association; almost every county farm bureau; Nisei Farmers League; Olive Grower Council of California; and on and on and on, with different farms, grape growers, olive growers, cotton ginners, poultry farmers—pages and pages of people pleading with us to do something. And we do nothing.

We will not repass a bill that has been passed by this Senate once, and we are in the middle of a major crisis. So I am kind of at my wit's end.

Let me tell you a little bit about the AgJOBS bill. It is a 5-year pilot. It would provide a one-time opportunity for trained and experienced agricultural workers to earn the right to apply for legal status. It would reform the H-2A visa process so that if new workers are needed, farmers and growers have a legal path to bring workers to harvest their crop. Workers can apply for a blue card if they can demonstrate with records that they have worked in American agriculture for at least 150 days within the previous 2 years.

I can see my time is running out. May I have a couple minutes more to sum up?

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed for at least 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much.

The blue card would require that they work in American agriculture for an additional 150 workdays per year for 3 years, or 100 workdays per year for 5 years. At the end of that time, they would be able to obtain a green card. Over the 5 years, it would apply to 1.5 million individuals, which would provide a stable, ongoing workforce for the United States. Workers would be required to pay a fine of $500, show that they are current on their taxes, that they have not been convicted of a crime that involves bodily injury or harm to property in excess of $500. Employment would be verified. The program would be capped and sunset.

The Department of Homeland Security would ensure that the ID cards are encrypted, that they have biometric identifiers, that they contain anticounterfeiting protections. So you would be able to identify 1.5 million people who are currently illegal. You would know who they are. You would know they are now legal. You would know they were working in agriculture, which desperately needs them.

We would also streamline the current agricultural guest worker program, the H–2A program, which is now unwieldy and ineffective. The bill would shorten the labor certification process, which now takes 60 days or more, reducing the approval process to 48 to 72 hours.

There are a number of specifics. It freezes the adverse wage rate for 3 years, to be gradually replaced with a prevailing wage standard. The H–2A visas would be secure and counterfeit resistant. In this way, agricultural labor would have a permanent workforce and you would have a secure guest worker program, H–2A, where necessary, to go in to areas for short periods of time. It is a win/win situation. It has passed this Senate.

The losses are in the hundreds of millions of dollars across the Nation, and we do nothing. We stiff the American agricultural industry. I have a hard time understanding that. I know the votes are here to do it. We could probably do it. Through the Chair, I ask Senator CRAIG, does he not believe we could pass this bill with maybe an hour on the floor of the Senate.

Mr. CRAIG. I thank the Senator for asking the question. This is not an unknown issue. We all understand it. The Congress understands it. The election is over. People can decide whether they survived or failed because of their position one way or another on immigration. The reality of what she and I talk about is so real today. We knew it then; we know it now. We have the 60 votes. We have had them for some time. There is no question in my mind, with the reforms we are talking about, this could become law and we could pass it in the Senate.

Mrs. FEINSTEIN. If I may, the letter we wrote to Leader FRIST asking that it be calendared, has the Senator received a response? Because I have not.

Mr. CRAIG. I have not either. Obviously, we are in the closing hours of the 109th Congress. Whether we could get it done now, but more importantly, get it done when we get back very early in the year, is going to be critical to us.

Mrs. FEINSTEIN. That is the point. We did not just write this letter. Perhaps the frustration is showing today. It would be my hope we could get this calendared sometime in January and get it passed so that the spring plant can happen all throughout this Nation. Otherwise, I can only tell you, in my State, farmers who can are going to go to Mexico. Farmers who can are going to plant in Mexico. Is this what we want to have happen? I don't think so.

I thank Senator CRAIG for his longstanding work on this issue and for his leadership. When one comes to the floor of the Senate, sometimes one thinks nobody is listening. I hope somebody is listening. I hope people recognize that we have a huge industry out there. It needs attention. It needs a workforce. Americans will not do this work. Therefore, it is a migrant workforce that does the work. There is a methodology to legalize it, to limit it, to sunset it, and to fix what has been a broken H–2A program and in a bill that has already passed the Senate once already during the 109th Congress.

I thank the Chair and my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that following my remarks, the Senator from Maryland be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TERRIBLE LEGACY

Mrs. MURRAY. Mr. President, I am here because families across this country are going to be hurt because this Republican Congress has not done its job. We have all heard that this session of Congress is a do-nothing Congress. It has earned that title. But there is one thing everybody ought to understand. When Congress doesn't do its job, it makes it harder for all Americans to do their jobs, whether it is teaching our children or providing health care or improving transportation or making our communities safer.

This may seem like a debate over process, but it affects you. If you fly on an airplane and are concerned about your safety, it affects you. If you drive on a highway and are concerned about traffic congestion, this affects you. If you want our Government to stop the flow of money to terrorist organizations, this affects you.

Today I want to share with the Senate a few examples of how it is going to hurt because the Senate Republican leadership has not done its job. I want to point out how it is going to hurt the priorities in my State of Washington, from their fight against drugs and gangs to the cleanup of the Hanford Nuclear Reservation. This Republican Congress's failure is going to make it harder for all of us to do our jobs next year, and that is a terrible legacy for the Republican leadership to leave our country.

Every year Congress has to pass its annual spending bills. They fund our Government. We work very hard on those bills. We craft them so they meet the needs that our constituents tell us about, on everything from health care to transportation to education. Sometimes it takes a while to finish those bills, but we get them done. Then the country is able to move forward. This year it has been very different. We did our work on the Appropriations Committee, but then the Senate Republican leadership blocked our progress. I serve on that Appropriations Committee. We did our job on time in a bipartisan manner back in July, under the leadership of Senators COCHRAN and BYRD. We completed work on 11 appropriations bills and sent them to the Senate floor.

Here is what is impressive. Every single Senator on the committee voted to report each and every bill. But since then, the Senate Republican leadership blocked our progress. They decided to only let 3 of those 11 bills move forward. Those bills cover extremely important functions—defense, homeland security, and military construction—but they are just 3 of the 11 bills. What about the needs of our communities? What about the needs of our schools and colleges and universities? What about the support of health research or investing in infrastructure or meeting the needs of our farmers or ranchers or law enforcement? Those are critical needs. The Senate Republican leadership decided this past summer that they could go on the back burner.

Never in my 14 years in the Senate have we started a new fiscal year with so little progress in the Senate in passing the appropriations bills and funding the critical functions of Government. Nine weeks ago we entered a new fiscal year. I came to the floor at the time to complain about the unfinished business of the Senate and expressed my disappointment that we were recessing for the elections without moving these bills. I always thought we would come back and the Republican leadership would finish its work this session. But they have made a different choice. It is now December 7. We have not seen one additional funding bill clear the Senate. And we are now hearing talk that the Republican leadership may formally adjourn the Senate by the end of this week, with most of the 11 appropriations bills never being sent to the President.

I think it is worth remembering that when this happened last time, there was a major shift of power back in November of 2002. I was serving at the time as chair of the Transportation Appropriations Subcommittee. After the election, just as now, the appropriations process was not complete. But

Democrats still worked to fulfill our responsibility by moving bills on the floor and sending them to conference. Unfortunately, we were blocked from completing our job. The Republican leadership that was due to come into the majority in January of 2003 prohibited us from moving those bills forward. They decided they wanted to complete the appropriations process when they were in control.

This year Democrats are taking a different approach. We should complete the appropriations process now, because it is important to America's families and communities. We are already 2 months into this fiscal year. The American people are paying a price for these delays. Democrats are willing to complete this process now, even under Republican control, because we believe the American people have waited long enough. Unfortunately, the Republican leadership didn't get the message. Now American families are going to pay the price of this negligence.

Some Senators have been suggesting that we simply pass a continuing resolution for the next entire fiscal year and everything will be fine, claiming there is no real difference between passing these bills we have worked so hard to put together and putting Government on auto pilot for a full year. There is a big difference. This country will pay a price under that scenario for airline safety.

Under a full year's CR, my colleagues should know we will only be able to hire half of the air traffic controllers we need, and we will not be able to hire the air traffic safety inspectors who are desperately needed. We are going to pay a price in highway safety because we are not going to be able to reverse the recent increase in traffic fatalities. We are going to pay a price in the fight against terrorism, because we are not going to be able to fund the Treasury Department's efforts to stop terrorist financing. And we are going to pay a price in educating our kids and improving our communities and training our workforce. Everywhere you look, we will pay a price if we fail to do our job.

The Republican mismanagement will hurt my State of Washington, from the fight against drugs and gangs to the cleanup effort at the Hanford Nuclear Reservation. If you sit down with law enforcement officers in my home State, as I have, they will tell you they are facing a methamphetamine epidemic. It is destroying families and communities, and law enforcement needs help to deal with it. Over the past few years I have worked to provide funding each year for the Washington State meth initiative. It is a coordinated Statewide effort that focuses on cleanup, treatment, prevention, and law enforcement, and it is a great model for other States. Again, this year in the Senate bill, I got a commitment to support my State's meth initiative. But now this funding is going to be delayed and put in jeopardy because Senate Republicans have refused to do their job and pass the Commerce-Justice-State spending bill. Because Republican Senators are not going to do their job, they are going to make it harder for police in my State to do their job, and that is wrong.

This failure to act will also delay and put at risk support for an antigang program in Yakima Valley. Back on October 16, I was in Yakima at the police department for a meeting with two dozen local officials, law enforcement, and prosecutors. They told me about the tremendous challenges they were facing, and the top issues on their list were meth and gangs. I heard their message, and I have fought for a commitment in the Senate to support a community-based gang task force. That funding is needed immediately. Now I have to go back to Yakima and tell those hard-working leaders that the funding I got was delayed and put at risk because Republicans don't want to do their jobs and pass the annual spending bills. People in my State deserve better than that.

Let me offer another example of how the Republicans' failure to do their jobs is hurting my State. Our Government has an obligation to clean up the Hanford Nuclear Reservation in Richland, WA. As I speak, that community is working hard to clean up nuclear waste, protect the community, and the environment. Here in the Senate I have fought for the funding we need to keep that cleanup moving forward. But now the Republicans are refusing to move the Energy and water bill. As a result, funding for Hanford cleanup is going to be delayed. That means it is going to take longer, and it will cost more money. The Republican leadership is going to have to explain to the people I represent in the Tri-Cities and throughout my State why Hanford funding is being delayed. They are going to have to answer for their failure to act on these and other priorities.

It doesn't have to be this way. Rather than spending the month of July and September debating unrelated bills for political reasons, we could have been debating these appropriations bills that are critically needed for our Nation's safety and security.

We could have been fighting for the people we represent. We could have been meeting their basic needs and protecting their livelihoods and ensuring their safety. Unfortunately, the Republican leadership said "no," and now our families are going to pay a price.

I think this Senate deserves better, but more important, the people we represent deserve a lot better.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I want to compliment the Senator from Washington State for commenting on the law enforcement aspects that are going to be lost under the way we are proceeding because she is absolutely right. I say to the Senator before she leaves the floor, that is in the Commerce, Justice, Science Committee, on which I am currently ranking member. We worked on a bipartisan basis—Senator SHELBY and I—to produce the bill that would have given the financial tools to local enforcement to fight the meth epidemic, the gangs that are coming, all with the most grim and ghoulish approaches in our local communities.

But we are saying, you know what, we are cutting and running. So we are cutting their budget, and we are running out of here. That phrase "cut and run" has been used so cavalierly, but I am telling you that is exactly what we are doing now. We are cutting and running from our responsibility to fund the programs that meet compelling human needs in our own States, in our own country, as well as those things that help with the national security, such as funding the FBI and to the security in our own communities. We are talking about meth and gangs, but I know the Senator feels as strongly as I do about sexual predators. We worked with Mr. Gonzales, the Attorney General, in terms of a very good antisexual predator approach, with listing and watch lists and those things that, again, empower the local law enforcement. We have a program that helps sheriffs.

So if we want to bring in the posse, we have to bring in the bucks. What I like about the sheriff initiative is it is in every community, not only urban areas but also out in the rural areas. But, oh, no, we have to get home. Well, I think we have abdicated our responsibility. I thank the Senator for what she has said.

Mr. President, we are abdicating our responsibility, and in abdicating our responsibility to pass the outstanding appropriations bills, we are having a very dire impact on our own country. Of the 12 appropriations bills, only 2 have passed. One is Defense and one is Homeland Security. I am so glad that we did pass those and we did them in a responsible way and in a timely manner. But one can say, then, we met our national security responsibilities. Well, not the way this Senator sees it. The national responsibility for national security also comes to our own FBI, comes to local law enforcement, comes to our U.S. Attorney's Offices, and we are walking away from this.

The voters have said they want us to change the tone and they want us to change the tempo. I can honestly say that working in Commerce, Justice, Science Appropriations, we have had an outstanding tone. I compliment my current chairman, Senator SHELBY from Alabama. Gosh, we worked so well in producing our appropriations bill. The Senator from Alabama made sure I was consulted, along with my staff. We worked on the compelling needs that must be funded but in a fiscally responsible way. That subcommittee doesn't need to change the tone, but, wow, do we need to change the tempo. Not because of what SHELBY and MIKULSKI did. We did our bill; we finished it. We have moved it out of the committee. It is now ready to go to the Senate floor. We did it on a bipartisan basis, and we feel confident, each of us and our members, of the bill we produced. So we are ready to go. We are similar to a plane circling the airport, but we are running out of fuel.

I am concerned particularly about those programs affecting the FBI and Federal law enforcement agencies, as well as the locals. The FBI to the sheriffs are going to be shortchanged, resulting in, I think, very serious consequences. We use budget-speak, Senate-speak with words such as "CR" and "omnibus," but whatever we are talking about, the fact is we are not finishing our job, when we could have done it if there was a willingness from both the House and the Republican leadership to move these bills. Many of them have been worked out—again, on a bipartisan basis.

I come to you today with my great concern about the global war against terrorism. I am a member of the Intelligence Committee, I am on the Appropriations Committee and I am also a member of Defense Appropriations, Homeland Security and also currently ranking—and soon to be chair—of the Subcommittee on Commerce, Justice, Science and Related Agencies that funds particularly the FBI. I live, along with my constituents, in the national capital region. We are a high-risk area. So we are committed to national security—whether it is the Port of Baltimore or whether it is Bethesda, whether it is the Naval Academy and looking out for them, but we need these resources. Sure, we need to fund defense and homeland security, but don't we need to fund the FBI? The CIA can spy around the world, but ultimately any information to come back and protect us against predators here comes through the FBI. The National Security Agency—hopefully, completely within the law with reforms that need to be made—can pull out these "cyber snitches," with the Internet, that is going on somewhere in the Middle East and prevent those attacks. We are proud of what they did in working with our British counterparts in London. No matter what happens over there, when it comes back here, the FBI needs to protect us. But, oh, no, we have to get home. That is what I mean about cutting and running. We are cutting and running.

When we do what we are about to do soon, the FBI will be short $100 million. What does that mean? Well, it means that the FBI will not be able to maintain the operations tempo that they have achieved since September 11. It means that they will not be able to hire and keep the agents that they have, including the important linguists. We have had to recruit people who can speak Farsi and a whole variety of other languages that are not well known and available in our universities. But Director Miller went out and found them. They are ready to go. They are already being trained. But we are saying: Oh, no, we cannot hire you now because the Congress had to go home. They have to cut and they have to run. Let me tell you, linguists, even though the private sector will hire you for more money, at an easier lifestyle, we know you were ready to join the FBI, but we have to go fa-la-la, fa-la-la somewhere. This is outrageous.

That is the basic kind of thing that will directly impact on our ability to fight terrorism here at home. It is what we said during the 9/11 Commission about the famous watch list and emerging technology. We have been working on the integration of the fingerprint systems between the FBI, DHS, and also Immigration, to make sure that we truly are stopping the people we need to stop who are trying to get into this country. But, oh, no, we are going to delay that and other technological improvements that the FBI so desperately needs. We are shortchanging the FBI.

Then, when we look at the global war against terrorism and how it is acted out in our own communities, I salute the U.S. Attorney's Office. For them, this CR and this cutting and running we are doing will essentially mean that the U.S. attorneys will be again shortchanged. In my own State, they run something called the Joint Terrorism Task Force. It is the U.S. attorney who gets all of the stakeholders in the same room, providing important legal guidance to all of the police chiefs, certainly, in the Baltimore area, and those involved in port security and local law enforcement. The people from the Governor's office run that. Whether it is in the national Capitol region, that we are in, or L.A. or New York, our U.S. attorneys run these forces. The local people love it, and they are part of the global war against terrorism because we don't have enough FBI agents, but with enough cops on the beat, we can do that. So we are shortchanging the U.S. Attorney's Office.

Let's go to the Bureau of Prisons. We are going to lose correctional officers. We might say that they are just thugs anyway. Let's talk about those "just thugs anyway." Right this minute, we are very concerned and have significant flashing yellow lights about the fact that right now in our Federal prisons there could be underground recruitment efforts going on to recruit people for terrorism or for these Latin American gangs, such as M-13. Talk to the head of the Bureau of Prisons and to the Attorney General. We have to stand centrally with own Federal prisons that we do not become the incubators not only of thugs but of terrorists and terrorizing gangs in our local communities.

When I talk about grim and ghoulish, I am going to use an example that is difficult to bring to the Senate floor. In my own State, there was a gang attack, where they cut off the arms and legs of a victim, using a machete. I could describe more ghoulish things, but I will not offend civilized people to give those examples.

We have to get serious. Are we going to fight the global war against terrorism or are we going to cut and run from the appropriations? Are we going to stand up for our FBI or cut and run from our duty? Are we going to stand up for Federal law enforcement, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives, who are working here and helped us catch the snipers and are working over there so we can deal with the IEDs that are killing our troops? Are we going to stand up for the DEA that is fighting drugs on the street corners of our communities and dealing with the drug problems in Afghanistan, with Mr. Karzai, that is now funding the Taliban? Oh, no, we have to cut and run.

Well, I am opposed to this strategy. I oppose this do-nothing Congress. We could do the job. I worked with my Republican colleague and, I must say, he worked with me. We don't have to worry about changing the tone, but we sure have to change the tempo. That is why the voters made a change in the Congress. So we are going to have to swallow this, but I will tell you that they can count on BARB MIKULSKI not to cut and run from her duty, her responsibility in fighting the global war against terrorism and the thugs and bums on our streets in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SERVICE

Mr. DAYTON. Mr. President, it has been almost 6 years since I was sworn in as Minnesota's 33rd U.S. Senator with my friend and colleague Paul Wellstone at my side. I began my term hopeful and optimistic. The Senate was evenly divided, with 50 Democrats and 50 Republicans, and President-elect George W. Bush was promising to change the tone in Washington with a new era of bipartisan cooperation.

Our country enjoyed peace and relative prosperity. Outgoing President Bill Clinton, a Republican-controlled Congress, and over 6 years of economic expansion had combined to create the first annual surpluses in the Federal Government's on-budget account in 39 years, and they were projected by OMB to continue for at least the next decade.

The Social Security trust fund's annual surpluses were going to be saved in a lockbox for the upcoming retirements of a large baby boom generation. There was even discussion of paying down the national debt to further strengthen our financial position. Yet we still would be able to increase funding for such essential needs as public education, affordable health care, seniors' drug coverage, and infrastructure improvements.

Just 6 years later, our country's condition has changed drastically, and mostly for the worse. We are mired in a disastrous war in Iraq despite the heroic efforts and sacrifices by our Armed Forces. The fiscal integrity of the Federal budget has been destroyed, with record-high annual deficits continuing, despite budget gimmickry and a modest economic recovery. The Federal tax base has been decimated by huge tax giveaways to the rich and superrich that will burden our children and grandchildren. The Social Security trust fund's surpluses have been spent every year on what the nonpartisan Concord Coalition has called "the most reckless fiscal policy" in our Nation's history.

The Bible says if the leaders don't lead, the people perish. Unfortunately, the Bush administration and the Republican majority in Congress have not led this country well, and our people are suffering the consequences: lost jobs, businesses, and farms; lost incomes, standards of living, and security; and lost loved ones killed or maimed in Iraq.

We have lost the national unity which followed the terrible atrocities of September 11, 2001, and the Bush administration has lost the world's support which they had after that awful attack. The President's decision to invade Iraq unilaterally, the absence of weapons of mass destruction that had been the initial justification for that invasion, and his administration's disastrous mismanagement of Iraq following the overthrow of Saddam Hussein has squandered most of our national unity and international goodwill.

The CONGRESSIONAL RECORD will show that I opposed those failed policies and supported other and better alternatives. I was 1 of 23 Senators to vote against the Iraq war resolution. I opposed the large tax giveaways to the rich and superrich. In fact, during my 6 years in the Senate, I voted 29 times to raise my own taxes. Why? Because our country needs those tax revenues, and I can darn well afford to pay my fair share of them, as can all other Americans with my good fortune.

I tried seven times unsuccessfully to get the Senate to honor its 30-year promise to school districts and schoolchildren and fully fund special education. The Senate did pass my "Taste of Our Own Medicine" amendment limiting Members of Congress's prescription drug coverage to what they provided to senior citizens through Medicare. However, my amendment was discarded by the House-Senate conference committee.

It has pained me deeply to see the Senate's majority lead our country into what I consider the wrong direction. Our Nation's founding principle was "we the people," and it remains so today. If we are not always united by the common cause, we are bound together by a shared destiny. If the laws this Senate passes are successful, "we the people" benefit together. If those laws fail, we suffer together. Some Americans will suffer more than others as unfair victims of social and economic injustices, but ultimately all Americans cannot escape our common national fate. United we stand and succeed; divided we fall and fail. I regretfully believe that during my Senate term this administration and its congressional followers have caused too many divisions, declines, and failures.

Thus, I leave the Senate with strong feelings of frustration and disappointment. I have been unable to pass most of what I believe was most important to Minnesota, to our country, and to the world. I remain convinced that those policies would improve the lives of most Americans far better than what the majority here enacted.

A cornerstone of democracy, which I honor, is that the majority prevails. Winning, however, does not make them right and, unfortunately, it does not make them wise. In those decisions with which I have disagreed, time will tell us and the American people who was right and who was wise.

I do want to thank my colleagues on both sides of the aisle for the privilege to serve these last 6 years with them. I am grateful for the friendships I have made, which I hope will continue after my departure.

I thank my excellent staff, those here in Washington and those in Minnesota, for their tremendous dedication and many hours of hard work. Most of the successes I have enjoyed here have been the result of their dedication and their abilities, and I thank them again for their support.

I especially want to thank the people of Minnesota who gave me this extraordinary opportunity to serve them in the Senate. Our democracy is, through all of human history, throughout the entire world, the most advanced and successful form of self-governance that human beings have ever devised. It is far from perfect, but it is far better than anything else. We who are elected as its leaders and its stewards have sacred duties to uphold its principles, to elevate its policies, and to improve its practices before we bequeath them to our successors. I have done my very best to fulfill those duties before I pass them on to my outstanding successor, Senator-elect Amy Klobuchar. We in the Senate and in the House of Representatives also have the duty to serve the best interests of all Americans. To be successful and sustainable, our Government must improve the lives of all of our citizens.

Unfortunately, here in Washington, the people who already have the most keep getting more than anyone else. The excessive influences of their money and political power on the Federal Government are serious threats to our democracy. They skew decisions and laws in favor of the rich and powerful, often at the expense of other Americans; the hard-working people who pay their taxes and hope their elected representatives will look out for them in Washington. It isn't too much for them to expect. However, it is too often more than they are getting.

They are told repeatedly that new laws and policies will improve their lives. Yet their real lives become worse, not better. They experience a deep disconnect between what they are told will happen and what is actually happening to them.

In attempts to hide those disparities, the words used in Washington are often carefully selected by very clever people in order to disguise reality rather than to describe it. For example, legislation that stripped many Americans of their bankruptcy protections for major medical expenses was named the Bankruptcy Abuse Prevention and Consumer Protection Act. Another bill that would have increased industrial pollution was entitled the Clear Skies Act. No Child Left Behind has knowingly underfunded Head Start, title I, and special education, which has left millions of schoolchildren behind.

These discrepancies and the disparities they create will be even more destructive to the American people's trust in their Government in the years ahead. That is because the choices facing Congress will become even more difficult as the needs of an aging population grow but revenues do not. In about a decade, the Social Security trust fund's large annual surpluses will be replaced by deficits, and its IOUs from the general fund will add to that fund's own chronic deficits. If combined with today's enormous and unsustainable balance of trade deficits and a continuing erosion of our manufacturing job base, the consequences could be catastrophic.

That somber forecast has replaced my hope and optimism of 6 years ago to my deep regret. Following the wisdom of "speak truth to power," I present my truth to the world's most powerful legislative body, the U.S. Senate, and one of the two institutions that must act to keep our Nation strong. I hope that you will. I will pray for your wisdom to discern what is right, for your courage to act accordingly, and for your success on behalf of our great Nation and the world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, for one final time, I wish to address the nominee before us, Dr. Von Eschenbach, who is up for Commissioner of the Food and Drug Administration and who I think should not be approved for the position by the Senate.

I have considered Dr. Von Eschenbach's performance on the job for more than a year now because he was appointed Acting Commissioner in September of 2005. In fact, over the last year I have closely monitored his actions, reactions, and his public and private comments to the FDA staff and to the public.

This nominee inherited a Food and Drug Administration plagued by cultural and structural and personnel problems, and I surely do not blame him for the problems, but I have to look at whether he is the person to correct those problems. Because this agency is plagued by these cultural and structural and personnel problems, FDA is in desperate need of a leader, a leader who can not only restore the public's confidence in the agency but also restore the agency's confidence in itself.

I met with Dr. Von Eschenbach more than once. We talked, and he seemed to be very nice. He has, of course, without dispute, excellent credentials. He promised me full cooperation in my oversight work I was doing and the investigations I was doing, but, in fact, it did not happen. Instead, I had to issue two subpoenas. So far, he has not complied with those subpoenas which were issued 7 months ago. This reflects a lack of respect for the authority of Congress conducting its constitutional responsibility of oversight of the executive branch of Government.

In addition, under Dr. Von Eschenbach's leadership, the FDA remains in a state of denial about all these cultural problems to which I have referred. A coherent action plan to address the problems is nowhere to be found. Dr. Von Eschenbach has told me that there is room for improvement in the area of technology, but it does not appear that he understands the depth and breadth of problems affecting the Food and Drug Administration.

The FDA is in serious trouble, and I am not the only one saying so. Over the last year, we have heard from the Government Accountability Office, the Union of Concerned Scientists, and just a few months ago we had a scathing report from the Institute of Medicine.

The Institute of Medicine completed a $3 million, 15-month study and set forth 25 recommendations. This report by the Institute of Medicine conveys a sense of urgency to fix the problems. Just last month at the Health, Education, Labor, and Pensions Committee hearing, the chairman of the Institute of Medicine committee that produced the report said:

> If there ever was a time that it was critical to address these issues, it is now.

The next Food and Drug Administration Commissioner must be a person who not only has excellent credentials, as I have said he has, but who also will accept the criticism of the agency and develop coherent solutions.

Here is what the Institute of Medicine reported:

> The committee believes that cultural changes are urgently needed to support a stronger, more systematic and more credible approach to drug safety in the Center of Drug Evaluation and Review and it recommends solutions to the problems created or exacerbated by the elements of the Center's management, structure and environment.

Now a short quote:

> Many have observed signs of an organizational culture in crisis.

Another quote:

> The Center's leaders have to be prepared to address the underlying cultural problems that divide and impair the optimal functioning of the Center's staff and effectively use the existing and new authorities and resources to achieve the Center's public health and regulatory mission.

These criticisms of the Food and Drug Administration have come from outside the agency, not from whistleblowers reporting to me. But I also continue to hear from these employees inside and also from managers inside the Food and Drug Administration who were concerned about the integrity of the Food and Drug Administration's work. What is also troubling is that some of these employees have experienced intimidation or reprisals for voicing legitimate concerns.

I have fought long and hard over the last two decades to protect the rights of numerous whistleblowers who expose fraud, waste, and abuse. When I met with Dr. Von Eschenbach in March, he told me that he was "committed to whistleblowers." Yet his actions seem to suggest otherwise.

The worst example may be when Dr. Von Eschenbach ordered a meeting with the FDA staff after the press reported information that was critical of how the FDA handled safety issues with the drug Ketek. I keep referring to Ketek because it is a drug involved in the death of an 18-year-old boy in Cedar Rapids, IA. As I understand it, Dr. Von Eschenbach sent a clear message at this staff meeting. Some suggested that this attempt was simply to boost morale among FDA employees, but some longtime FDA employees saw it differently. They took his word that anybody who spoke "outside the locker room" might find themselves "kicked off the team"—literally. And I don't blame them for taking offense at that. People are trying to do their job, and you talk about what is wrong and you might be fired for it? People like that ought to be upheld and honored. In the final analysis, they ought to have their concerns addressed within the agency and not have to come to those of us in Congress because they are not getting any ear in the agency. So they took his message to mean: Your career is in jeopardy if you happen to come to Senator GRASSLEY or outside the agency or to any Member of Congress. To me, it shows his poor judgment and intolerance for dissenting opinions and also for what is basic to American government, that the public's business ought to be public.

Dr. Von Eschenbach also told me that he was a man of "discipline, rigor and precision." Those are his words. He used those same words in a speech:

> We will retain all the rigor, all the discipline and all the precision of regulation, but our efforts will be geared so that things can move faster rather than slower."

We can all agree that new drugs and devices should be available to the public as soon as possible, but there is also the issue of safety and the protection of the public. The FDA must do its job and ensure that the drug's benefits outweigh its risks before approval.

My other concern regarding Dr. Von Eschenbach is that he assured me of his commitment to respond promptly to requests from Congress. That is a promise which was never kept. So do I have a reason to be concerned about this person, regardless of the very good credentials he has? My oversight of the FDA has consequently been slowed by inaction on the part of his agency. In fact, he has not responded to a letter I sent to him 9 months ago, and my requests for interviews with some FDA officials were ignored for more than 3 months and some still have not been scheduled. As Acting Commissioner, he has ignored congressional requests, and I do not expect that will change if he is confirmed by the Senate.

Before I close my remarks, I ask unanimous consent to have printed in the RECORD the full text of a letter I sent to the Acting Commissioner in September.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, September 20, 2006.
ANDREW C. VON ESCHENBACH, M.D.,
Acting Commissioner, U.S. Food and Drug Administration, Rockville, MD.

DEAR DR. VON ESCHNBACH: As a senior member of the United States Senate and as the Chairman of the Committee on Finance (Committee), it is my constitutional duty to conduct oversight into the actions of executive branch agencies. For nearly three years, I have been investigating matters related to, among other things, the safety and efficacy of products regulated by the Food and Drug Administration (FDA or agency).

I have reviewed and questioned how the FDA handles the pre-market review and postmarket surveillance of drugs, biologics, devices and veterinary medicines to assess whether or not the agency is fulfilling its mission to protect the public health. Additionally, I have worked to give voice to the concerns of a number of rank-and-file scientists and FDA managers who share a common complaint: a deep-seated cultural divide exists within the FDA, and it has led to systemic problems that plague the agency. Together we have shed sunlight on how frequently differences of scientific opinion are quashed, the nature of the cozy relationship between the FDA and the industries it is supposed to regulate, and the failure of the agency to be adequately transparent and accountable to the public.

Others also have identified serious leadership problems at the FDA. Editorial pages of publications across the nation, including a number of the most esteemed scientific journals, have recognized and expressed outrage at the FDA's failures in recent years. The Government Accountability Office (GAO), the independent and non-partisan agency that works on behalf of Congress and the American people, has also identified serious and systemic problems at the FDA. Still, the most powerful messages come from the increasing numbers of current and former FDA personnel, who often come forward at great personal and professional expense to express their disenchantment that the FDA has lost its way and "sold out" to the industries it is charged to regulate.

In the face of such criticism, the FDA appears to be focused on damage control rather than addressing its core problems. As a science-based agency, the FDA is remarkable for its lack of introspection, second-guessing, and failure to assess its own performance and capabilities in a systematic way. Despite all the recent criticism, the agency does not have a comprehensive plan of action in place to address its weaknesses. Instead, the FDA comes off as an agency in denial that chooses to keep its head in the sand in the hope its problems will go away. I am writing this letter to encourage you to establish and implement a resuscitation plan to restore the FDA's credibility in the mind of its own employees and the American public. An agency that hemorrhages whistleblowers is an agency needing critical care. The following concerns are by no means comprehensive, but they illustrate several common themes of my oversight of the FDA.

SUPPRESSION OF SCIENTIFIC DISSENT

I am very troubled by FDA's attempts to suppress scientific dissent by muzzling its own scientists. Such actions by the FDA show a lack of respect for the dedicated scientists working at the agency and a lack of respect for the scientific process.

In February 2004, the FDA held an advisory committee meeting to discuss whether or not there was a link between some antidepressant drugs and suicidal behavior in children. Dr. Andrew Mosholder, the FDA's expert on this matter, concluded that there was a link. However, his FDA supervisors disagreed and canceled Dr. Mosholder's presentation to the advisory committee. Instead, Dr. Mosholder was given a script by his supervisors to read if he were asked why he was no longer presenting before the advisory committee.

Similarly, in February 2005, Dr. David Graham was finishing a study on Medicaid patients taking COX–2 inhibitors and was told by his supervisors that he could not present his findings regarding these drugs at an upcoming advisory committee meeting. The scientific process ultimately prevailed, but only after then-Acting Commissioner Lester Crawford overruled Dr. Graham's supervisors to allow him to present his findings. This was not the FDA's first attempt, however, to muzzle Dr. Graham. Several months prior to the advisory committee meeting, Dr. Graham went public with allegations about the FDA's mishandling of the COX–2 inhibitor Vioxx, which was manufactured by Merck & Co, Inc. (Merck). According to Dr. Graham himself, as well as information and documents obtained by the Committee, senior FDA officials attempted to intimidate him so he would not testify about the adverse cardiac effects of Vioxx before Congress. The FDA also tried to prevent the publication of Dr. Graham's findings in Lancet.

In July 2005, the FDA approved the Vagus Nerve Stimulation (VNS) Therapy System, a medical device for treatment-resistant depression (TRD), even when FDA scientists could not determine if the device worked. Rather than allow the scientific process to dictate FDA's decision, a senior FDA official overruled a team of more than 20 FDA scientists, medical officers, and management staff who recommended against approval of the device based on their comprehensive scientific evaluation of the sponsor's application. In addition, while the FDA has publicized differences of scientific opinion within the agency regarding controversial regulatory decisions in the past, in this case, the FDA did not publicize scientific dissent regarding the effectiveness of the VNS Therapy System for TRD.

More recently, my office was approached by yet another FDA scientist who is being prohibited from submitting an article to a major scientific journal despite the fact that an appropriate disclosure statement would be made.

COZY RELATIONSHIP WITH INDUSTRY

I have frequently criticized the FDA for its relationship with the industry, which I believe is far too cozy. The FDA needs to distance itself from the industry and return to its role as regulator, not a facilitator. Despite findings from a Merck study that heart attacks were five times higher for Vioxx patients than for patients on another drug, nearly two years passed before label changes were made. The overriding concern of the FDA should have been the health and safety of the American people. However, while the FDA was negotiating label changes with the company, patients and doctors remained largely unaware of the cardiovascular risks. In addition, Merck was aggressively marketing Vioxx during that time.

Another troubling example of FDA's coziness with industry is the removal of Dr. Victoria Hampshire, a drug safety reviewer, from the review of ProHeart 6, a heartworm prevention drug for dogs. Dr. Hampshire was reassigned following the drug company's presentation of findings from its private investigation of Dr. Hampshire after the company met with then-Commissioner. It appears the purpose of that investigation was retaliatory and an effort to discredit Dr. Hampshire. The company's investigation led to a criminal investigation by the FDA; however, the investigation resulted in no action taken against Dr. Hampshire. In fact, Dr. Hampshire subsequently received an award for her job performance related to ProHeart 6.

Unfortunately; it appears that Dr. Hampshire is not the only FDA employee who was the target of a company's campaign to discredit individuals who may present impediments to its agenda. Two months ago, I wrote to the Department of Health and Human Services Office of Inspector General (HHS OIG) to investigate whether or not one or more FDA employees conspired with Merck to discredit Dr. Graham and/or call into question Dr. Graham's allegations regarding the safety and efficacy of Vioxx. FDA's handling of the antibiotic Ketek is another example where the FDA appears to have accommodated a drug company despite the fact that the company submitted fraudulent data from a safety study to the FDA and repeatedly provided incomplete safety information. What baffles me even more is the fact that the FDA continued to cite Study 3014 in publicly released safety information for Ketek even after its Division of Scientific Investigations concluded that Study 3014 involved "multiple instances of fraud" and that "the integrity of data from all sites involved in [the] study . . . cannot be assured with any degree of confidence."

PRESSURE TO ALTER OR EXCLUDE INFORMATION

Not only has the FDA disregarded and downplayed important concerns and warnings from its own scientists, but FDA supervisors have also pressured some of these scientists to change their findings or conclusions regarding the safety and/or efficacy of a product. Most notably Dr. Mosholder and Dr. Graham, among others, have been pressured by their supervisors to soften their safety findings or conclusions regarding antidepressants and Vioxx, respectively. In addition, a survey released by the Union of Concerned Scientists (UCS) and the Public Employees for Environmental Responsibility (PEER) on July 20, 2006, found that approximately one-fifth of the nearly 1,000 FDA scientists surveyed said that they had been asked, for nonscientific reasons, to inappropriately exclude or alter technical information or their conclusions. One-fifth said that they have been asked explicitly by FDA decision-makers to provide incomplete, inaccurate or misleading information to the public, industry, the media and government officials. My Committee staff are presently reviewing such allegations in ongoing investigations.

PRESSURE TO APPROVE PRODUCTS

Throughout numerous investigations by my Committee staff, FDA employees have also stated that they are under constant pressure to approve drugs within deadlines established by the Prescription Drug User Fee Act. For example, during the Committee's investigation into the delay in labeling changes regarding blindness risks for Viagra, the safety evaluator for that drug informed my staff that the Office of New Drugs is under such time pressure to approve new drugs that safety concerns were often "fit in" wherever they could. According to a survey by the HHS OIG in 2002, nearly one in five scientists polled said that they had been pressured to approve or recommend approval of a new drug despite concerns about its safety, effectiveness, or quality. This needs to be corrected immediately, and FDA needs to resume its science-based mission.

ATMOSPHERE OF FEAR OF REPRISAL

According to the FDA, there are regulations and procedures in place to help resolve organizational and individual disagreements. However, my Committee staff continues to hear from FDA employees who experience intimidation and reassignments when they raise concerns about the integrity of FDA's work. In addition, the 2006 UCS and PEER survey found that over one-third of the FDA scientists who responded to the survey said they could not openly express any concerns about public health within FDA without fear of retaliation. Moreover, the GAO found that the dispute resolution processes for disagreements over postmarket drug safety decisions "have not been used and may not be viewed as sufficiently independent."

Your recent meeting with FDA staff involved in the review of Ketek is a disturbing example that FDA's internal dispute resolution processes are not working. Instead of reassuring FDA employees that they can raise concerns without being subjected to retaliation or intimidation, the meeting itself appears to be an act of intimidation. Scientists who speak up about problems and concerns, whether internally or externally, help ensure that our government operates efficiently, effectively, and in the best interest of the American people. FDA employees need to hear from the leader of the agency that they can freely voice their concerns without fear of reprisal.

ORGANIZATIONAL CHALLENGES

The GAO report released on April 21, 2006, calls for long overdue reform at the FDA. Under the current FDA review system, patient safety takes a back seat to the fast approval of products. For example, the drug safety office, now known as the Office of Surveillance and Epidemiology, is under the thumb of the Office of New Drugs (OND), which is hampered by real and perceived conflicts of interest. According to the GAO report, the drug safety office is under-funded, lacks independence and lacks decision-making responsibility. OND—which is responsible for approving or disapproving drug applications in the first place—is the office responsible for taking regulatory actions related to the safety of drugs already on the market, not the drug safety office.

To improve the decision-making process for postmarket drug safety, the GAO has recommended that Congress expand the FDA's authority to require drug companies to conduct postmarket studies when additional data is needed. A number of us in Congress have repeatedly asked the FDA what additional authorities and/or resources are needed to enable the agency to achieve its mission. In a related matter, during private meetings with FDA management, the need to have pharmaceutical companies submit their applications for new drugs and other requests electronically comes up repeatedly as critical to improving the efficiency and effectiveness of the FDA. Yet, the FDA continuously denies the need for greater authority and resources. Why the FDA is resisting such offers from Congress is a mystery to me.

LACK OF LEADERSHIP

The FDA has been without a permanent leader more often than not in recent years. The agency needs and deserves a strong, permanent Commissioner who is unequivocally committed to the scientific process and can make the administrative reforms necessary to ensure greater transparency and accountability. While you are not the permanent Commissioner of the agency, you are nevertheless in the position, as Acting Commissioner, to turn things around and restore public confidence in the FDA. I sincerely hope you seize the opportunity to do just that.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

Mr. GRASSLEY. The letter lays out the major problems at the FDA. I encourage my colleagues to read it and, maybe more important, emphasize again reading the Institute of Medicine's criticism of the Food and Drug Administration.

The FDA needs a permanent commissioner to tackle these problems. Unfortunately, I believe the nominee is not the person for the job. Over the past year, the nominee has failed to step to the plate and failed to keep his assurances to me. He has said the agency needs to be a facilitator, but think what the word "facilitate" means or what "being a facilitator" means. It could mean a cozy relationship between the FDA and industry. What is called for is someone who recognizes that the FDA is supposed to be a regulator, not a facilitator.

I am also afraid he will allow FDA management to continue pressuring FDA scientists to change their findings or conclusions and to approve the products despite concerns about the safety and efficacy of the product. Dr. Von Eschenbach is not prepared to provide the leadership necessary to restore confidence in the FDA.

Given these concerns, I hope my colleagues will take them in consideration before they vote. I intend to vote no. I hope my colleagues will so that we can have a person in this position who will change the culture but also cooperate with the constitutional responsibilities of the Congress of the United States to oversee the executive branch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I would like to take just 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, It is so ordered.

GRATITUDE FOR EXPRESSIONS OF CONCERN

Mr. THOMAS. Mr. President, I come to the Senate floor to express my gratitude for the response I have gotten over the last month from my friends and neighbors in the Senate.

As many of you know, about on election day I was diagnosed with leukemia, and I have spent the last month in the hospital. I got out last Saturday, and I am now back on the job, and I am very delighted to do that. Certainly Susan and I wish to express our real thank-you for all the comments and contacts, expressions of hope, and prayers we have gotten from the Members in the Senate. It is very meaningful. It is the first time I have been through a thing of this kind, and I can tell you that it means a great deal. We also got literally hundreds of comments from our voters in Wyoming. So we are so pleased, so grateful for that kind of response.

The process has gone well. As I said, I was in there for a month. I have gone through the chemo, I have gone through the other activities and may have to go back for some additional treatments, but the fact is I am out, my blood cell count is up, and I am very positive.

I want to urge people to be very careful about their own health, and when there are signs of problems, to be sure they take care of them because Bethesda was a wonderful place for me to be.

Again, my real purpose here is just to express my gratitude for all the kind feelings I have had from the staff and from the Members of the Senate, and I appreciate it very much. It has been very helpful, and I am grateful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

Mr. WARNER. Mr. President, I have had the privilege of being here for the 28th year beginning shortly. I calculated not long ago that I have served with 261 individuals. I am not about to try and review all of the many magnificent friendships I am privileged to have through these years. Indeed, if one looks at the rewards, of which there are many serving in this historic institution, the Senate, it is the personal bonds, the friendships that we so firmly cement and that will last a lifetime as a consequence of our duties of serving the United States of America and in our respective States.

We are called "United States" Senators. I often believe it is the first obligation, our Nation, the Republic for which it stands.

GEORGE ALLEN

For my colleague now of 6 years, GEORGE ALLEN, this will be his last service as a Senator as this brief session closes. I have said it before, I will say it again and again, I rank him at the very top of the 261 Senators I have been privileged to serve with these many years.

In fact, I have looked back at the history of Virginia and would like to note for the record that my colleague, GEORGE ALLEN, is one of only five Virginians to have served in the Virginia General Assembly, as Governor, as a Member of the House of Representatives; and as a U.S. Senator—the first in more than 150 years of our State's history.

Together, we have shared a long history of serving the people of Virginia—I as a Senator and he as a member of the Virginia House of Delegates, House of Representatives, Governor, and U.S. Senator. I remember participating in his first campaign and all the successive campaigns. GEORGE ALLEN served the Commonwealth of Virginia in public office for 25 years. How well I know. I campaigned for him when he ran for the State legislature, then for the Congress, then for Governor, and he won those elections handily. Then he ran for the Senate. It was a tough race. Tough because he was up against a very able opponent, a man whom I admire, a man with whom I have served with in this Chamber. But the voters of Virginia—and therein rests the final decision—sent GEORGE ALLEN to the Senate where I believe he has served with great distinction.

I have been privileged to share the warmth and vigor of this magnificent man with his lovely wife Susan and their children, Tyler, Forest, and Brooke. What a privilege, a joy for me to see them as they have grown nourished by the love of two strong parents.

In 1981 he was elected to the Virginia House of Delegates to the seat once held by his philosophical inspiration, Thomas Jefferson. Throughout his career in public office, GEORGE ALLEN has consistently been guided by that same inspiration of smaller government and individual freedom. He has also been driven by the thoughts of two other leaders important to him; Ronald Reagan who said "If not us who, if not now when?" and his father who always told him "The future is now."

Throughout his career in public service GEORGE has worked as an advocate of economic development, recruiting companies to Virginia and espousing policies to create jobs. As Governor, he oversaw the creation of 312,000 new jobs in Virginia by making the Commonwealth a better place to do business. He reformed the parole system to keep repeat offenders off our streets and out of our neighborhoods. His welfare reform set the stage for the Congress to act to help people get back on their feet and get back to work. He implemented the Standards of Learning in our schools to make sure all of our children receive the same quality education.

I remember well our first effort together when he came to the Senate in 2001. As is often the case here in the Senate, there had been some problems confirming a federal judge who was ultimately recess appointed in late 2000. We came together and worked with the President to bring his nomination back to the Senate and as a result, Judge Roger Gregory was confirmed by the Senate to become the first African American seated on the Fourth Circuit of the U.S. Court of Appeals.

We were working partners. We shared everything—our staffs work together, our wives work together—and we crisscrossed this State from one end to the other over those 6 years. When either GEORGE ALLEN or I felt, for whatever reason, we could not keep an appointment somewhere in the State, one would fill in for the other.

We were quite parallel in our thinking, the philosophy, the things so important to Virginians, and I think to most Americans, first and foremost the preservations of our freedoms, a strong national defense, a right to work, to hold a job and to compete fairly, to hold that job and to advance, to have a system of health care that did not serve only those more affluent than others but would serve any individual who suffered from pain or the need for medical attention.

We have joined together in countless efforts for Virginia's communities; helping to fund museums, youth centers, innumerable infrastructure projects, and research at our colleges and universities. We also worked together on the Teacher Tax Relief Act. I am very hopeful if we pass this tax package, there will be a provision that GEORGE and I worked on together for many years, to be extended in statute; and that is, the Teacher Tax Relief Act. I will never forget, I was down visiting a small school. And as is so often the case, you are rushed through, and the teachers and the principal want you to meet as many students as you possibly can. It is always quite interesting to do that.

I remember I was rushed into one class, and I think they were first graders. They were all sitting on the floor, and the principal said: You have a few minutes. So I started talking away, and I asked the first graders: Is there a question you might have? And this absolutely magnificent little girl, who sat there riveted to every word I spoke, looked up and said: Yes. My question is, how much longer must we sit here until the Senator comes? Well, you don't forget those things. And I had difficulty answering the question, I was so taken aback. I felt I was universally recognized, but it is not the case in the first grade.

Then I was in another classroom, and for some reason I—I went through basic engineering school, and I have always been interested in pencils and writing instruments—and I saw a pencil, a rather fancy one, and I picked it up, and the teacher saw that I liked it, and she said: Take it. Keep it. I said: Oh, no, I don't take any gifts or anything. You know, we have rigid rules in the Senate, and nobody is going to bribe me with a pencil. And she said: Oh, please, please, please. It is not school property. I said: Oh? She said: Yes. Senator, you must understand that as teachers—and this is prevalent not only in Virginia but it is prevalent all across the land, particularly among teachers in the elementary grades—we have to take part of our own salary to buy what we deem are the essential tools that are needed to educate our students.

Well, I just could not believe this, because teachers are not among the more well paid. So GEORGE ALLEN and I fought for years to get the Teacher Tax Relief Act signed into law. It is on the books, and we need to extend it, and I am optimistic that will be done. But it simply says, if you can establish that you took your own salary and you bought school supplies which were necessary for teaching and the profession you are in, you get a $250 above the line deduction—a small amount of money, but a great sense of satisfaction.

GEORGE has been a strong member of the Commerce and Foreign Relations Committees seeking to make our nation a better place for business, ultimately creating more economic opportunity for all Americans.

We joined together after the tragic events of September 11, 2001, to try to help the people of Northern Virginia and indeed all America respond and recover.

We worked on behalf of the men and women of the Armed Forces. How proud we are in the Commonwealth of Virginia of the extensive number of bases and institutions of the U.S. military which we are privileged to have. There is no greater responsibility of the Congress of the United States than its specific—specific—obligation under the Constitution. As my great teacher and mentor, Senator BYRD, so often has told me, that is to provide for the care and the welfare, and to raise the armies and maintain the navies that this Nation requires. GEORGE ALLEN has been a partner with me as we have done those things for these many years.

In life we go through a series of stages. We are raised and nurtured by our parents, receive an education, raise a family of our own, and serve in various careers. GEORGE ALLEN and his family have been public servants to the people of Virginia and America for the past 25 years. The people have been fortunate to have such a dedicated Delegate, Congressman, Governor, and U.S. Senator. I am proud to have served with this man and to call him my friend all these years. Therefore, I bid him a fond farewell from this institution. But I look forward to working with him as he goes on and accepts challenges perhaps even greater than the ones he had in the years that he so loved serving in this Chamber.

The people of Virginia spoke, and GEORGE ALLEN, with great courage, took that decision and quickly said: I understand. He accepted it and has gone on about his business.

I would also like to pay tribute to nine other United States Senators who will retire from the Senate in the coming days.

I have previously spoken in honor of my colleague from the neighboring state of Maryland, Senator PAUL SARBANES. Since my first days in the Senate, Senator SARBANES and I worked together on a host of important regional initiatives, including: the restoration of the Chesapeake Bay; improvements to our Metro system; the creation of the office of the National Capital Region Coordinator; and on funding for the construction of the new Woodrow Wilson bridge. His retirement is certainly a loss to the region as Senator SARBANES has been a true champion of many issues vital to the Maryland, Virginia, and DC metropolitan area.

Now, I would like to take a few moments to salute our majority leader—Senator FRIST—as well as Senators CHAFEE, BURNS, SANTORUM, DEWINE, JEFFORDS, TALENT, and DAYTON. Each and every one of these U.S. Senators has served his State and his country with great distinction.

Without a doubt, I could speak at-length in honor of each of these outstanding individuals. In light of time constraints, however, and the fact that so many of my colleagues wish to similarly pay tribute, I shall endeavor to keep my remarks brief.

First, I would like to say a few words about our distinguished majority leader, Senator BILL FRIST. You know, in this post-September 11, 2001, world, we think of national security as the most important issue of the day. Certainly, BILL has worked hard in that area over the years—not only as majority leader but as a hard-working member of the Senate Foreign Relations Committee. But, right behind national security comes the issue of the health of our citizens, and BILL FRIST has been at the forefront of every major piece of health care legislation during his 12 years in the Senate.

Whether it has been ensuring that America's seniors have access to a sorely needed Medicare prescription drug benefit or whether it has been his efforts to encourage the use of new technology in medicine so that the knowledge of one doctor in one part of the world could help a doctor and a patient in another part of the world, BILL FRIST has improved the healthcare system for all Americans.

The Senate will no doubt miss BILL FRIST's leadership, but I have no doubt that his public service will continue, particularly his heartfelt healthcare work in impoverished areas of the world. I wish him, and his magnificent wife Karen all of the best in their future.

Now, I will speak a few words about our colleague LINCOLN CHAFEE. I have known the Chafee family for many years, and count the late John Chafee and his wife Virginia as my dearest friends.

The year was 1969, this country was engulfed in a war in Vietnam, and I was privileged to be asked to serve as Under Secretary of the Navy. I was told that the Secretary of the Navy, who would be my boss one step up, would be a man named John Chafee, former Governor of the State of Rhode Island.

I will never forget we both served in the Marines, at different times. He was a captain and I was a captain in the Marine Corps Reserve, and we met on a cold day in February outside the Pentagon, shook hands, and walked upstairs. And there we were greeted by the Commandant of the Marine Corps and the Chief of Naval Operations.

Chafee turned to me, and he said: You know, the Navy and the Marine Corps constitute almost a million uniformed men and women. It was that large in the height of the war in Vietnam. And he said: Here we are, a couple of lowly captains, and now it is our responsibility. Let's square our jaws and stick out our chins, get this job done, and provide the leadership that these men and women of the Armed Forces so richly deserve.

John Chafee was an absolute teacher and mentor of mine in every way during those years we worked together in the Department of Defense. He would take his trip to Vietnam. I would stay back and man the store. He would return, and I would take my trip. We had problems throughout the world. It was in the middle of the Cold War with the Soviet Union. John Chafee was a magnificent man. He had been Governor of the State of Rhode Island three times, and he was a magnificent leader of the men and women of the Armed Forces.

He decided that he was going to move on and consider running for the Senate, and resigned, and I succeeded him then as Secretary. But I never lost the feeling that he was right there, should I need him to help carry out my duties. And then, as luck and good fortune would have it, he came to the Senate, and not too many years thereafter I came to the Senate and once again joined him.

I will never forget my first day in the Senate he came up to me and said: Do you remember I was Secretary and you were Under Secretary? I said: Yes, sir. He said: Well, that's the way it's going to be here for a while. You listen to what I say and what I do, and I will give you some advice as we go along.

That was the kind of man he was. I never heard him speak a harsh word about any other colleague. But he achieved his special niche in this institution through his absolute love for the environment as well as the men and women of the Armed Forces. Those were the two things on which he worked. And as luck would have it, his son came to join us, and he has so many of those magnificent attributes of his father and his mother. An absolutely magnificent human being, his mother, and all his family, as a matter of fact.

It is my honor to share with my colleagues some of the important accomplishment of LINCOLN CHAFEE during his 7 years as a member of this body, and to personally express my appreciation for his service to our country.

Senator LINC CHAFEE came to the Senate from local government serving on the city council and later as mayor of Warwick. I believe it is this experience of leading a major city that solidified his commitment to fiscal responsibility. In his service in the Senate he was steadfast in his belief to restore controls on the federal budget and to promote responsible government spending.

We were privileged to serve together on the Committee on Environment and Public Works where he quickly became a skilled legislator. He successfully authored legislation to stimulate the redevelopment of brownfields areas previously contaminated by hazardous waste, that plague our urban areas. This law is already producing results in improving neighborhoods and bringing new industries back to urban areas.

Senator CHAFEE was also a leading voice in fostering bipartisanship in the Senate, and was an active member of our informal group of Senators known as the Gang of 14. We were a group of seven Republicans and seven Democrats, but we had no formal standing in the Senate. We would meet regularly to share our thoughts on judicial nominees pending on the Senate Calendar to ensure that the Senate could continue its responsibilities under article II, section 2, of the U.S. Constitution—the advice and consent clause. Senator CHAFEE was an integral part of this effort which allowed candid and respectful discussions of the qualifications of individuals to serve in the federal judiciary and prevented the continued use of party-led filibusters on judicial nominees except in extraordinary circumstances.

LINC CHAFEE will be remembered in this institution for his independence. We all fight to try to maintain that independence. We are respectful of our party leadership. We are respectful of our party affiliations. We know the demands of our State. But there are times when we feel we must act and make decisions that reflect our own innermost feelings of independence, and LINCOLN CHAFEE will be remembered for that.

As Senator CHAFEE prepares to depart the Senate, I thank him for his meaningful contributions to the Senate, and wish him, his wife Stephanie, and his children, Louisa, Caleb and Thea, "fair winds and following seas."

Now, Mr. President, I wish to say a few words about CONRAD BURNS. Senator CONRAD BURNS has an impressive record of public service, beginning with his service in the U.S. Marine Corps from 1955 to 1957. CONRAD has served the great State of Montana with distinction in the U.S. Senate since 1989.

I will never forget when his first campaign came along, I was asked to go out and campaign with him. I acknowledged I would do it. I didn't know him, so I went on out to Montana. I had been in Montana in earlier years. I had been actually an employee of the U.S. Park Service and had been a firefighter out in Montana in 1943 and then again in 1947, I think it was.

Most recently, in August I toured Malmstrom Air Force Base with Senator BURNS. On this tour, I saw firsthand the love and pride that Senator BURNS has for the people of his State. As a senior member of the Senate Defense Appropriations Subcommittee, he has worked tirelessly for the men and women in the Armed Forces.

And old CONRAD—he embodies all of those great qualities of Montana. Talk about independence, he has it, and robustness, and a thirst for life and laughter. It was a sheer joy to campaign with CONRAD BURNS because wherever he went, he would walk into a room and he would tell a story, talk to his people.

He loves every square foot of that State. And I shall miss him. I shall dearly miss CONRAD BURNS. We have to have a few characters around here who do our duties and accept our daily bread, and he is one. And you could kind of go to the bank on what he told you. He was never at a loss for telling a story to cheer up a colleague. Whenever he felt that colleague was a bit down, CONRAD would cheer that colleague up. He and his lovely wife and family will go on to other challenges.

Senator RICK SANTORUM has an impressive record of public service. Subsequent to his service in local and state government, he was elected to the United States House of Representatives. In 1994, RICK was elected for the first time to the United States Senate. From his first day in the Senate until 2002 we had the opportunity to serve together on the Senate Armed Services Committee. Throughout his time on that Committee, and since he left the Committee, RICK could always be counted on for his deliberate and reasoned decisionmaking to ensure the best possible policies for the men and women in the armed forces. Since 2001, Senator SANTORUM has also played an important role in the Senate leadership as Republican conference chairman. As conference chairman, Senator SANTORUM has tirelessly represented the Republican Party as the party spokesman. There is no doubt in my mind that RICK SANTORUM's passion, enthusiasm, and leadership will be missed here in the Senate.

Senator MIKE DEWINE has been in public service nearly his entire adult life. He was an assistant prosecuting attorney, he has held various state elected positions, he was a member of the U.S. House of Representatives, and most recently, since 1995, he has served the state of Ohio in the U.S. Senate. I am pleased to have served on the HELP Committee with Senator DEWINE where we worked together on various children's health issues. There is not a bigger champion of children's health than Senator DEWINE. Senator DEWINE was also an instrumental member with me on the Gang of 14. Throughout his years in the Senate, Senator DEWINE has proven to be a thoughtful, highly respected member who has always been willing to do what is right. In my view, he is a true statesman.

From 1956 to 1959, Senator JIM JEFFORDS served in the United States Navy. He later served in the Naval Reserves. In 1989, after JIM had served the citizens of Vermont in State positions and in the United House of Representatives, JIM was elected to the United States Senate. In the Senate, I have been pleased to work closely with him, particularly in serving with him on the Health, Education, Labor, and Pensions Committee and on the Environment and Public Works Committee. JIM chaired both Committees during his years in the Senate.

While Senator JEFFORDS legislatively had many interests, I believe that improving the education of our children, particularly children with special needs, is the issue most dear to his heart. I remember him time and time again on the floor of the United States Senate pushing for increased funding for the Individuals with Disabilities Education Act, IDEA. And, I remember joining him, and others, in pushing hard for mandatory IDEA funding after it became clear that the Congress would be unable to fulfill its funding commitment through the discretionary funding process. While, to date, we have not achieved full funding, it is without question that JIM JEFFORDS' Senate career has left a lasting, positive imprint that will improve America's education system for years to come.

Over the past 4 years, I have been fortunate to have been given the opportunity to work closely with JIM TALENT on the Senate Armed Services Committee. Since his first day on the Committee—JIM TALENT has been one of the hardest working Committee members.

As chairman of the Seapower Subcommittee, Senator TALENT has been at the forefront of the Committee's efforts to strengthen the Navy's shipbuilding program, working closely with the Chief of Naval Operations in the formation of the CNO's plan for a 313-ship Navy. He showed steadfast determination in working with the administration and the Congress to secure the funding required to build the future Navy; spearheading the effort to raise the top-line for shipbuilding by over 20 percent during the course of his tenure as Seapower Chairman.

Senator TALENT has also been passionate in his support for the needs of our brave men and women in uniform; championing quality-of-life and quality-of-service initiatives. Most notably, he has been a strong advocate for legislation that will put an end to predatory lending practices against military personnel and their families.

Senator DAYTON was elected to the Senate in 2000, and throughout his years in the Senate I have had the privilege of serving with him on the Senate Armed Services Committee. As a hard-working member of that Committee, MARK was a strong advocate for our armed forces. Notably, he was a strong supporter of increasing the death benefit gratuity for survivors of deceased members of the Armed Forces from a little more than $12,000 to $100,000. Thanks in part to his efforts, this increased death benefit gratuity is now law.

Senator DAYTON also reached across the aisle and worked closely with me in support of efforts to provide Medicare beneficiaries with a prescription drug benefit. Together, we introduced legislation to provide America's seniors with a refundable tax credit to help offset the costs of prescription drugs.

In conclusion, over the years I have served with each of these 10 Senators, each has not only been a trusted colleague, each has also been my friend. I will miss serving with each of them in the Senate but know that each will continue in public service in some capacity. I wish each and every one of them well in the years ahead.

Mr. President, I see a number of colleagues here anxious to speak, and I have taken generously of the time the Presiding Officer has allowed me to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I am mindful that the majority leader will be coming here in approximately 6 minutes to speak, and I am looking forward to his comments.

Mr. President, I want to say that one of the great delights of being a part of the Senate is to sit at the knee of such great leaders, such as the senior Senator from Virginia, and to learn from him and to hear the stories that so often he can weave into any circumstance that is facing us, that has some application of a story he had encountered in the past. I thank him for his leadership. I thank him for his contribution. And I thank him for being a mentor to so many of us in this Senate.

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON of Florida. Mr. President, in the remaining moments here, I want to say one of the things this Senator will address in the next Congress is the fact that we did not pass a Water Resources Development Act, which has so many important projects for this Nation. We have not had a Water Resources Development Act bill since 2000, and we are suffering for it.

As to this great ecological restoration project down in my State, the Florida Everglades Restoration Project, there are two critical projects in this WRDA bill—the Indian River Lagoon and the Picayune Strand. The Indian River Lagoon is a 156-mile-long estuary that I grew up on as a boy. It runs from basically just north of Cape Canaveral all the way south to Palm Beach County. It has been altered by unnaturally large and poorly timed freshwater discharges arising out of the St. Lucie Canal. They have altered the water quality and depleted the water supplies in the Everglades ecosystem. So that is one project that is going to be necessarily addressed in the new Congress. There are many components to that project. The Everglades restoration is an $8 billion project over 20 years, shared by the Federal and the State governments.

The other major project—I will close with this—is the Picayune Strand restoration project. It is going to remove roads and canals and other infrastructure to increase freshwater flows. It encompasses 94 square miles in Collier County, FL, and it includes such things as the Florida Panther National Wildlife Refuge, the 10,000 Islands National Wildlife Refuge, and many others.

These ecosystem protections and alterations are absolutely necessary for the future of keeping this beautiful planet Earth and protecting this very fragile ecosystem.

BUILDING CONSENSUS

Mr. NELSON of Florida. I thank my colleagues for allowing me the time. As we are awaiting the majority leader to arrive, I might say that since many Senators are here, I want them to know what a great privilege it has been for this Senator to serve with each of you and to serve in a bipartisan way.

One of the messages of this election I have just come through is that people do not want this partisan bickering they have seen. They want us to come together, to build consensus, to perform, and to do it in a bipartisan way. This Senator is dedicated to doing that from now on.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. FRIST. Mr. President, about 2 months ago, late Sunday afternoon, when no one was around, I came into this Chamber to carry out a time-honored tradition, nearly as old as the institution itself. I came over to this desk and I opened the drawer and the tradition of carving your initials or your name into the bottom of that drawer was carried out. As you open these drawers, as many of us do when we are sitting here listening and debating, you tend to look at the names that are there. I see Robert Taft at the bottom of this drawer, Hugh Scott, Everett Dirksen, Howard Baker, Bob Dole, TRENT LOTT, and the list goes on. And with the quiet here, you begin to reflect a little bit. But then all of a sudden you start thinking, as you are carving your name into that drawer, that there aren't very many things that you leave that are permanent around here, but that is one.

It confronted me, as it hits me with such force today, that our time here, indeed, is temporary, and that we are here to occupy these seats at these desks just for a period of time. We can never forget that we don't own these seats. We don't own our presence in this U.S. Senate. It is with that recognition that I address my colleagues today.

I have reflected a lot over the last several weeks, and I think back to that nonpolitician who came to this city, this body, 12 years ago with a whole lot of hope for the people of Tennessee and a whole lot of hope for this country. I think back to the people who put their trust in that man's hands.

Indeed, it was 12 years ago that Karyn and I came to Washington. I came as a citizen legislator with absolutely no, no political experience. I was a doctor. I spent 20 years in the profession of healing. In my acceptance speech back 12 years ago, I pledged at that time to my fellow Tennesseans that Karyn and I would go to Washington, that we would serve for 12 years, for a limited amount of time, and that we would go back to Tennessee and live under the laws that we helped enact. And that is exactly what we will do. We are going to go back to Tennessee in a few weeks, and I am going to live in the very same house that I was born in 54 years ago.

I still remember coming to the Hill early on, and I know a number of new colleagues are coming to the Hill. I think back, and my former chief of staff, who was very green at the time—I just told you how green I was at the time—I remember standing right in front of the Capitol, and we had to stop somebody and ask: Where is this building called the Russell Building? And they told us. Luckily, I don't think they knew who I was at the time.

But I did come believing deeply in the promise that I had made. I believed in my heart that with determination—and I had seen it in surgery and in the operating room—one can make a difference in this world. Today, I look back and I see that I was only half right. One person can make a difference, and each of us do in our own ways. But to make a difference, we can't do it alone.

I certainly couldn't have done it without people who stood both behind me and with me over the last 12 years. I agree with all of my colleagues. I know they know Karyn. And, indeed, she has honored me by her unwavering love each step along the way. Her grace in carrying out her official responsibilities, her commitment to the development of character in our three boys, her moral support, her spiritual support for me and our family, she has been that guiding river that has kept us on course as we traveled two very different professions occupations: that of being a heart surgeon and that of serving as a U.S. Senator.

Our three boys most of you know as well. You have watched them grow up over the last 12 years: Bryan, Jonathan, and Harrison. Obviously, we are so proud of each of them. I will speak directly to them because they, as with anybody growing up, faced the huge challenges of growing up in public life, taking in stride the various swipes that the media takes from time to time, but doing so with real dignity and strength. The boys know that Tennessee is home. They have been able to take in the rich texture that is afforded all of us as we raise children here in this town. And they have grown from three young boys when we came here to three young men.

I want to thank staff members, and we never do that enough, those staff members who have been with me from the very beginning: Emily Reynolds, Ramona Lessen, Bart VerHulst, Cornell Wedge, Mark Winslow, and Carol Burroughs. I thank my series of chiefs of staff: Mark Tipps, Lee Rawls, Howard Liebengood, Eric Ueland, Andrea Becker, Bart, and Emily, and all those who have come in and out of these doors since that very first day 12 years ago when, yes, I, like somebody every cycle, was 100th in seniority. It is the staff that puts the needs of this country before their own needs. And with a lot of hard work and a lot of passion and a lot of hope, they have accomplished so much.

A few moments always stand out in my mind, and I will not recite all of them, but a few do stand out in my mind, victories like the $15 billion in funding for global HIV/AIDS, which I have seen firsthand the power in the hundreds of thousands and, indeed, I would say millions of lives that have been saved by American leadership there; the prescription drugs for seniors; confirming John Roberts and Sam Alito.

And through all of this time, we have borne witness to days that have literally changed the face of this Nation and the face of this Capitol, things like the Capitol shootings,

September 11, anthrax and ricin, and Katrina. But through all of that, we kept it the best way we could, with hard work and a lot of hope.

I thank my colleagues who placed their faith in me to serve as their leader. As I said four Decembers ago, when you elected me, it was and has been ever since, every day, a very humbling experience. On that day 4 years ago I quoted Proverbs: In his heart a man plans his course, but the Lord determines his steps.

And what fulfilling steps have been afforded me as leader. I cannot let today pass without expressing gratitude for the close friendships of people who are here and some people who have passed through this Chamber: Howard Baker, the great Republican leader from Tennessee whose shoes as majority leader I have done my best to fill. He has counseled me over the years both as a Senator and as leader. His sage advice I have relied upon many times in those capacities.

You have to be very careful going around a room, but behind me, people like PETE DOMENICI, who became a mentor to me on that very first day in 1995; and people like JOHN WARNER, whom we saw in action just a few minutes ago on the floor and, yes, on the Gates nomination; and former Senators, people like Don Nickles who so wisely set the stage for the Republican tax cuts of the last several years; my colleague and confidante, MITCH MCCONNELL, whose wisdom and service has been indispensable to leading the Republican majority, who ascends in party leadership, who will be sitting at this desk in a few weeks, a temperament and skill with which no one is better prepared; my Tennessee colleagues, Fred Thompson and now LAMAR ALEXANDER, two great statesmen with whom I have had the honor to work side by side as we have addressed the needs of our constituents.

I thank the two Democratic leaders, Tom Daschle and now HARRY REID. As HARRY and I have said publicly many times, everybody sees the public contrast between one leader to the other, between HARRY and me. But what people don't see are the daily conversations, the private conversations off the floor where views are mutually respected, where burdens are shared, and where family is discussed. Karyn and I leave this body with tremendous respect for HARRY and for Landra, for their contributions to this country.

To all my colleagues who have reached across the aisle and across differences when you could, thank you.

Twelve years ago, it was people in Tennessee who took a big chance, who took a great chance. They took a chance on a doctor who was little known, who had never served in public office, obviously had never run for public office. They began by opening their minds and then opening their homes and then opening their lives and then opening their hearts. And I am eternally grateful to them for giving me that trust and taking that chance.

On this floor many times I have mentioned my parents and I mentioned my dad. Dad used to say: It is a powerful thing to know where you are going in life, but it is equally powerful to know where you have come from.

To the good people of Tennessee, I thank you for never letting me forget where I have come from. You never let me forget those promises made on the trail over a decade ago, the promises that have been the heart of everything that we have done. Yours are the voices that have called out to me from Mountain City in east Tennessee to Memphis in the west, the people out there who are working hard every day to raise a family, to grow a business, to run a farm, to get ahead. As long as I live, I will never forget those voices. Those voices are clear, those voices of common sense that called out and counseled me time and time again.

Two people who won't hear me thank them today are two who were at my swearing in but who have since passed on: my parents Dorothy and Tommy Frist. They have left a fascinating legacy that the five children—I am the last of those five—have been the beneficiaries of, a legacy of honesty, of civility, of fairness, of hard work, and of service. And we all—at least I try to—struggle to capture what they did in passing that legacy on to our children.

My own brothers and sisters, Mary, Bobby, Dottie, and Tommy, all in their own way, with their children and grandchildren, have been successful in living lives of service to others. Many friends are here today, including Jean Ann and Barry Banker and Denise and Steve Smith. It is that friendship, that team, that gives people, I believe, the strength and foundation to carry out that mission of serving this great country.

In the past few weeks, I have spent a lot of time reflecting about the future of this institution. As I prepared to leave here and return to my home, many people have asked, don't you ever regret the promise that you made to serve just for 12 years, two terms? Did you regret it when you became chair of the RNC or majority leader? If you knew then what you know today, would you have made that promise 12 years ago? My answer is yes, because I believe today, as I believed then, in the ideal. It is, I guess, that ideal of a citizen legislator. It might seem bittersweet today, but it is right.

I hope that in some way, as I leave here, that my service—people may say it was effective or ineffective, and that is all very important—is an example of someone who had never, ever run for public office, never served before, and who had spent his lifetime—in fact, twice as much time as I spent in the Senate—pursuing another profession, coming here like so many people today and starting at 100th in seniority over in the basement of the Dirksen and rising to majority leader over that 12-year period; an example of a committed doctor who is able to find purpose and fulfillment in serving others, as all of us do as Senators, through elected office. I hope that will inspire others to seek office and to do public service. It is my hope that those who come to serve after me as a true citizen legislator will bring perspective and new ideas in a small way, a serendipitous way, or maybe a large way, and make this country a little better and contribute to this institution.

You have heard me talk about, and champion at times, term limits. Most people don't like them. They were popular for a period of time. I am a great believer in self-imposed term limits. Every morning you get up, you say I have 3 more years, 2 more years, or 1 year, or a half year, or 10 days, and you know that as every day goes by. If you don't have an understanding that there can be an end, you tend to forget that. Self-imposed term limits are the extreme exception here today, not the practice of this city. I think as a consequence we are moving toward a body that has too much of a 2-year vision, governing for that next election, rather than a body with a 20-year vision governing for the future.

As we consider the future of the institution, I urge that we ask ourselves what it is our forefathers envisioned. Is today's reality what they foresaw? I urge that we consider our work in this Chamber. What is it all about? Is it about keeping the majority? Is it about red States versus blue States? Is it about lobbing attacks across the aisle or is it about war rooms whose purpose is not to contrast ideas but to destroy or is it more? When the Constitutional Convention met in 1787, delegates considered how best to structure this legislative branch of new Government. They were determined not to repeat the mistakes made in the Articles of Confederation, which had a single, unicameral legislature. Speaking to the convention, Virginia's James Madison set forth the reasons to have a Senate. His words:

> In order to judge the form to be given to this institution, it will be proper to take a view of the ends to be served by it.

These were, first, to protect the people against their rulers and, secondly, to protect the people against transient impressions into which they themselves might be led.

I think we need to remember this vision of the Senate that the Framers established—that the Senate is to protect people from their rulers and as a check on the House and on the passions of the electorate. Let us not allow these passions of the electorate to be reflected as destructive partisanship on this floor.

Taking the oath of office, which many of our good colleagues will be doing shortly, commits each Senator to respect and revere the Framers' dream. To my successor, BOB CORKER, and to all the Senators who will follow me in service to this great Nation, I urge you to be bold, make the most of your time here, and look at problems with fresh eyes and the steely determination to give the American people a reason to believe in you and to hope for a better tomorrow.

To serve in this grand institution has been a labor of love. To lead here is a challenging responsibility that is set out before me and each of us. It has been a profound honor to serve.

I will close with just one story. It happens in southern Sudan. As many of you have heard me say, because it is such an important part of my life, I go to Sudan just about every year—a thousand miles south of Khartoum and 500 miles west of the Nile River. I started going there in the mid to late nineties. I had been there operating back in the bush, and I was ready to come home. Actually, it was in January. The State of the Union was a few days off. We finished operating in a hut. I operated by flashlight late at night. Somebody in a little hut said, "I want to see the American doctor." Well, I didn't want to go. I wanted to get back home. I wanted to get on the plane and come back home, but I went to see him. I was tired. I walked over and pulled the curtain aside—the rug that was used as a curtain—and in the back there was somebody smiling. You could see the bandages on his hands and legs, and I went over; and through a translator I said, "I am the American doctor." He said, "Thank you to the American doctor." As a physician, I am accustomed to that because when you operate on somebody, they say thank you. So I said, "you're welcome," and I got ready to leave. He was frustrated and he said, "Come back." He said, "Thank you for being the American doctor." I still didn't quite get it. He picked up his arm and said, "I lost my arm fighting in this civil war. I lost my leg 8 days ago. It was about 2 years ago that I lost my wife and my 2 children. Thank you for being the American doctor."

And then I started to get it. He was saying thank you for being the American doctor. Then he said, basically, that: It is you who are a representative of America, and for democracy and liberty and freedom I sacrificed my wife and my children and my arm and my body. Thank you for what you represent.

Then all of a sudden, it began to hit me. To me, that image cuts through just about everything that we do. It is about preserving as best we can the great hope that we represent here in America, which is embodied in this institution, the freedom, the responsibility, the opportunity, the compassion, and the basic decency that is at the heart of who we are as Americans. Beyond Democrat or Republican—which came out of the campaign—now is the time to again remind ourselves and state again and again that beyond being Democrats and Republicans, we are Americans. Together, we are one people. It is our responsibility to uphold the dream and protect that hope for every American and indeed the people around the world who seek that freedom.

I opened by saying that our time here is temporary; we are just passing through. Now is the time to close. Your patience has been generous. As I have spent a lifetime learning, to everything there is a season. We say that and hear it and tend to repeat it when there are changes. But to everything there is a season, and my season here draws to a close. Tomorrow is the time for birth and rebirth. Tomorrow is a day and a time for new rhythms.

My dad did a great thing that I shared with some of you. Each of us should do this for our children or for the people we care about. He knew he was going to die in the next couple of years. We asked him to write down his thoughts, advice, and counsel for the next generation—not just his kids and theirs, but for the great-great-grandkids that he would never see, a simple 4 to 5 pages. He ended that letter to his great-grandchildren with the following words:

> The world is always changing, and that's a good thing. It's how you carry yourself in the world that doesn't change—morality, integrity, warmth, and kindness are the same things in 1910, when I was born, or in 2010, or later, when you will be reading this. And that's a good thing, too. Love, Granddaddy.

So under the dome, it is time for fresh faces and fresh resolve. Change is good. Change is constructive. The Senate changes, the people who serve here change; but what doesn't change is that every one of us who serves believes deeply in the genius of the American democracy.

It is with the deepest appreciation that Karyn and I thank you all for 12 wonderful years. There are no words to describe the honor it has been.

I yield the floor.

(Applause, Senators rising.)

Mr. REID. Mr. President, parting really is sweet sorrow. Mr. President, thank you very much for being here today honoring not only Senator FRIST, our majority leader, but the entire Senate.

On the surface, some may ask how the Senate and the operating room are the same. What do they have in common? Senator FRIST has shown us that helping people is what he did as a doctor and what he has done as a Senator. Serving others is a trait as we have observed by knowing this good man is that he learned from his family. His father was also a doctor. As a young man he was obviously academically very talented. He wanted to follow in his father's footsteps. He went to Princeton University, which shows that he is someone who is talented academically and socially. He graduated from that great American learning institution and decided he was going to go to Harvard, which speaks well, again, of his intellect and, of course, his ability to get along with people. His surgical training came at Massachusetts General Hospital and Southhampton General Hospital in England.

Senator FRIST was a pioneer, but he learned his transplant surgery from the pioneer. I have heard BILL FRIST talk about Norman Shumway on many occasions—the first doctor to perform a successful heart transplant in the U.S. Senator FRIST—then Dr. FRIST—started Vanderbilt University Medical Center's Heart and Lung Transplant Center. I don't know if anybody knows—I am sure someone knows—how many heart and lung transplants Senator FRIST has done, but most say it was nearly 200. Think about that. Some of these operations took many hours, and some of them took days.

I heard Dr. FRIST talk about those first transplants, where he actually went and got the organs and personally brought them back to the operating room.

Things have changed since then. Pioneer, doctor, Senator FRIST has and will write a lot about his success as a surgeon and as a Senator. And not only will he talk with his family and his friends about this, things will be written about his service as a doctor and as a Senator.

When we talk about these nearly 200 transplants, we are talking about 200 human beings whose lives have been saved by virtue of his talent. Senator FRIST helped hundreds of people continue their lives. Here, as a public servant, a Senator, he has affected the lives of millions of people.

I have had the good fortune of serving with Senator FRIST during his 12 years in the Senate. I knew him before I became the Democratic leader and, as all of you know, I spend a lot of time on the floor and I worked with him very closely.

Over the years, we have had our ups and downs. It has been tough. These jobs, I can tell my colleagues up close, are not real easy. We have had problems over budgets, over committee structure, disagreements about schedules—oh, yes, about Senate rules. I have never once doubted—never once doubted—that what Senator FRIST was doing he was doing because he believed in his heart it was the right thing. That is why I, HARRY REID, at his home on a very personal level, told Senator FRIST he should run for reelection. I don't believe in term limits. I truly believed then, as I do now, that he should have run for reelection. I told his good wife Karyn the same thing in her home, in their home.

I have come to learn a number of things about BILL FRIST. He loves medicine. He has done his work in the Senate. But the thing that is first and paramount in his mind and his heart every minute of the day is Karyn and his three boys.

All of you out here have seen our fights publicly, and we have had them, but they have been fair. I can remember only once has Senator FRIST ever raised his voice at me, and it was right from here because, even though I didn't mean to, he thought I had said something that reflected upon his family, and I apologized to him. This man loves his family and is an example of how people should treat their family.

Karyn is a wonderful woman. She has treated my wife—my wife is a very shy person. She has always been very shy. Karyn has taken good care of her, and I will always, Karyn, appreciate that.

In the years that go on, I, frankly, will never think about or, if I try, not remember any of the differences we had on the Senate floor, but I will always remember the friendship I have developed with the good man from Tennessee, a citizen legislator.

Senator FRIST, Karyn, I wish you the very best. You are a good man. I love and appreciate everything you have done for the country and for me.

(Applause.)

The VICE PRESIDENT. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I, on behalf of all the Members on this side of the aisle—and Senator REID acknowledged the same as well—am grateful for your presence here today. Being here today to help honor our outgoing majority leader, I know, means a lot to him. It means a lot to all the rest of us.

Rare is the person who rises to the top of one profession, not to mention two. We are honoring today a man who has done that—he has risen to the very top of not one but two extraordinarily difficult professions. And I am absolutely certain, as all of his colleagues are, that he will excel in whatever challenge he takes on next.

BILL FRIST embodies what our Founding Fathers meant when they spoke of "citizen legislators." By his early forties, he had already risen to prominence as a renowned heart and lung surgeon. But BILL felt a call to public service. After achieving enormous success in that field, he came to us in the Senate and rose to the top here as well. He had not sought the leader's office, but in some ways it could be argued that it sought him and, once again, he was top in his field.

After 4 years, BILL has been an effective and courageous leader. I have been here for a pretty long time now, Mr. President, and I can honestly say that the last 4 years have been some of the most productive years in the Senate that I have seen.

Under BILL FRIST's leadership, we have made the lives of people across America better and safer. More opportunity lies ahead for today's children than ever before. Most of all, BILL has never relented in leading this Senate to fight the war on terror. America is more secure thanks to his tenacity and thanks to his talents.

BILL is leaving us, as we all know, sticking to his promise to the voters of Tennessee to serve only two terms. Legend holds that Cincinnatus, the Roman farmer, became ruler of Rome at the behest of his fellow citizens. But after leading them to victory against invaders, he gave up the mantle of power and returned to his farm.

Whether BILL returns to medicine or continues to serve the public in some other way, we can be sure of this: He will continue to be one of America's great leaders. And if he does return to public office, it will be because he was asked by his fellow citizens to serve and to lead.

Words such as "sacrifice," "duty," and "service" mean something to BILL FRIST. This Senate and this country are the better for it.

It has been a joy to know BILL's lovely family—his wife, Karyn, and his three sons, Harrison, Jonathan, and Bryan. They are all proud of their father and husband.

I am going to miss you, BILL. It has been a great honor working with you every day over the last 4 years, and it will be an honor to take the baton from BILL to lead Senate Republicans during the 110th Congress.

Just as Kentucky and Tennessee share a border 320 miles long, BILL and I share a bond as Senators, party leaders, and, yes, as friends. I can see that all of our colleagues on both sides of the aisle feel the same way I do. It is sad to see you leave. You have done a magnificent job. People come and go in the Senate over the years and, candidly, I guess some of them didn't make a whole lot of difference. But you did, and you will be remembered with great pride by all of us. Thank you for your service.

(Applause.)

The PRESIDING OFFICER (Mr. COLEMAN). The Democratic whip.

Mr. DURBIN. Mr. President, I join in this chorus of salutations and praise for the retiring majority leader. I listened carefully to Senator FRIST's recollection of his public service, and I noted the first item on his agenda was the $15 billion in the fight against global AIDS. It is an issue on which we joined together many times, an issue where President Bush showed extraordinary leadership, and there was extraordinary bipartisan support for what he was trying to achieve.

As one reflects on his life and his background, it was no surprise that led the list. Senator FRIST dedicated his time before the Senate to the healing arts, and I think he brought some of that same dedication to this role in the Senate, trying to use his post as the Senator from Tennessee and as a leader in the Senate to heal the world and our Nation. I thank you for all your efforts in that regard.

I know when he came to this job, it was thrust upon him rather quickly. I know he had his critics, and there might even have been a few on this side of the aisle from time to time, but, by and large, I think his leadership has been symbolized by a lack of cunning, a lack of sharp elbows and an effort to try and patch up our differences and get things done. Once again, you were the healer when you had the chance to do it.

I have traveled to Africa, as he has, probably not as often. I have seen some of those dusty villages where there is no one to be seen for miles around. But I cannot imagine your taking your surgical skills to those villages and those huts and operating under a flashlight, hour after hour, day after day, week after week. That defines BILL FRIST, in my mind—a person who may not have been recognized by anyone on the road to that village, did some good, and left a legacy that will be remembered.

To you, to Karyn, to your family, let me add my voice in saying you left a great legacy in the Senate, and I wish you all the very best.

(Applause.)

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, former Senator Lyndon Johnson used to say about himself that having Lyndon Johnson as majority leader was good for the United States of America and it hasn't hurt Texas one bit.

When I think of our country and BILL FRIST, I think of lower tax rates, I think of two Supreme Court Justices, I think of a record number of judges who would interpret the law, rather than make it up as they go along. I think of the personal imprint of Senator FRIST on the prescription drug Medicare benefit millions of Americans need and are enjoying, and I think of the $15 billion generous gesture of this country toward Africa to combat HIV/AIDS, which would not have happened were it not for BILL FRIST.

When I think of BILL FRIST and Tennessee, I think of our new TVA board to keep our rates low and reliable. I think of our ability to deduct our sales tax from Federal income tax and dozens and dozens of other things that have been good for Tennessee.

When I think of BILL FRIST, I think of civility, of decency, a good smile, hard work, and an ego that is surprisingly under control for a Senator in the midst of all of this and an example of which his parents would be proud. So I think we can say today, and Lyndon Johnson wouldn't mind, that having BILL FRIST as majority leader of the U.S. Senate has been good for our country and it hasn't hurt Tennessee one bit.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join my friends and colleagues in paying tribute to a friend and a distinguished colleague. When BILL FRIST arrived here, there were at least some of us with some qualms on this side of the aisle because he ran successfully against one of our dear friends, Jim Sasser. So, initially, there was a natural reluctance among some of us about this doctor who had defeated a great friend and a great Senator.

But early on, it was clear that BILL was special. As someone who had been trained in the medicine, in my own State of Massachusetts no less, he brought a new and fresh perspective to our national debates.

He was obviously a person of impressive skill, and it is no surprise that he rose so quickly to become majority leader. The roles of Senators and physicians are profoundly different in many ways, but at their core their missions are identical to help others to the maximum extent of our ability. And that is what BILL FRIST has done from the day he set foot in this chamber.

He was one of the first to understand the very real threat of bioterrorism to our Nation, and that was well before 9/11 or the anthrax attacks. Senator FRIST knew first-hand that our public health infrastructure was incapable of meeting the threat of a massive natural epidemic, let alone a deliberate biological attack. It was a privilege to work with him on the first bio-terrorism legislation, which because of his leadership we were able to pass before 9/11.

He has also been a pioneer in the effort to bring modern information technology into all aspects of health care, and to end the enormous human and financial costs caused by medical errors and by the needless administration of health care with outdated paper records. He has also helped shine a bright line on the serious problem of health disparities in our country.

He has inspired each of us with his commitment to addressing the horrific tragedy still unfolding in the world, especially in Africa, because of AIDS. He has dedicated himself to this issue for years, giving of himself personally, and urging Congress to act more expeditiously. He made time to continue this missions of mercy, even after he became majority leader, and I was deeply touched by it every time.

I have had the good opportunity to meet his family, and I know, as others have said, where his values come from and how committed he is to them. I hope he'll be able to enjoy more time with them now without the burden of running the Senate.

We wish BILL FRIST the best as he prepares to leave the Senate. We know he will have great success, and we thank him for his service to our country. We will miss the majority leader, but we know he will continue to use his immense talent to make a very real difference for all humanity in the years ahead, and continue to make us proud to call him our friend.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wanted to say a few words before the leader left. I even hate to call him leader or majority leader. He has become a great friend. I don't know how to explain it, but I didn't really think coming to the Senate that I would have a chance to meet somebody like our good departing leader. I have met all kinds of people here. Henry Bellman once said: If you sit down with all 100 of them, no matter what you have said about criticizing them, there are no better 100 men put together in America than the 100 Senators who serve. I believe that is true. I am wondering now about whether the Senator wouldn't rival military leadership.

But the point is, I didn't think BILL—I know we can't do that in the Senate, use first names—but I didn't think I would ever meet in the Budget Committee of the U.S. Senate—sitting in the very last seat available was this man whose name is so simple, but I had so much trouble with it. Do you remember? I didn't say "FRIST," I kept saying "First." I don't know why, but I did that for a long time, and then it became sort of a—people would come up and punch me so I would say it right. But whether it is "FRIST" or "First," I guess they mean about the same thing to me. You are truly first.

What we have gone through personally will not be reflected in the RECORD. People know I have had a few years of illness. It is mostly gone now. But I found out he was a superb doctor, and eventually I found out there weren't too many better anywhere. That made it easy because I had a ready-made doctor and he was the best. And we would meet in his office, and people would think it was always business, but they had no idea that it was half business, a little bit family—we got to know each other's families, and what a terrific and exciting thing that was for me—and I got to know about his excellence as a doctor.

It will be a different Senate, there is no question.

You have been dealt some cards that are not right. The years you were here, the things that were accomplished were not quite presented to the people as accomplishments or as big accomplishments, as they are. But if there is anybody interested in searching the RECORD during his term and during his leadership period to see what he accomplished, I believe you will have to end up saying there was nobody during his time here who accomplished more for his State and for the country. I believe an in-depth search of what he has done may even rival the best, even though he does not know how to legislate, and there is no question about that, and he does not know how to appropriate, and there is no question about that. He might not even know how to bring an appropriations bill up, and there might be no doubt about that. He may doubt it, but this Senator doesn't, and I am his best friend, but I have great doubts whether he knows how to get an appropriations bill up and passed.

But I still believe the business of the Senate is not done in those very overt ways that people think. It is done as you sit down for long hours on a conference report and come out with a health bill that all of a sudden is better than anything we have had before. When you find out who did it, it might not have been named for the Senator or for the chairman of this or that, but you will find out that for many hours, many trips were taken to his office, and many times, he said: Wait and we will do it in the morning, and I will tell you how to do it. And that happened.

I could go on for much longer, but I really wanted him to know that I just waited for my time. Being the fifth or sixth eldest here in seniority, I waited for my time here, and I didn't want to wait until tomorrow or the next day in fear that I would not find time or that the Senate would not accommodate. So I thought I would, as usual, be late for a next appointment, but I have a good excuse for being late for this next one.

I had to come here and say goodbye in a very interesting way, although it is not a goodbye. But I do think it is true that this will be a very major change in our friendship, in the way we react to each other, and the time we get to spend with each other. So it is an occasion, this leaving of the Senate, because you won't come back very often. Even though you say you will, you won't, and we won't get to see you. I really believe we will remember you, and probably we will call you more times than you will call us because I think we may just from time to time figure out more times than you will that we need some advice, and it will probably run in your direction, not in ours, in the ensuing years.

Good luck in whatever you do. It is not going to be this little return to being a country doctor, if that is what you are saying. You can't sell me on that. You are not going to be a little country doctor; you are not even going to be a regular doctor. You are going to do something much bigger than that. It is just waiting. Somebody is going to place it in front of you, and then you will do it and it will be something big and exciting for America and for our people, probably more exciting than you did here, so that will be a third one—one, the heart transplants and all that, one here with us, and then you will have a third one. In the meantime, you can do a lot of duck hunting, no problem with that. You can probably go with me, if you want. But if you shoot too well, I won't bring you anymore because it is embarrassing. It has to be sort of a modest hunt, not so superb that I am embarrassed. So we will have to work that out some way. And your son—he can't come anymore because he shoots too well. It is truly not the right thing to do. He should not be hunting with an old man like me. No way. But if it happens, we will accommodate it some way.

Having said all that I should and much more, I will say goodbye and thank you.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

JIM TALENT

Mr. BOND. Mr. President, I rise on the floor to pay tribute to my very good friend and colleague, Senator JIM TALENT, who will be leaving the Senate next month.

I have known JIM for over 20 years, since he was minority leader in the Missouri House of Representatives. Throughout all these years, when he was in the State legislature and in the House as chairman of the Small Business Committee when I was chairman of the Senate Small Business Committee, I found JIM to be unfailingly a man of honesty, integrity, and hard work. He has been a wonderful friend and colleague.

I am going to miss him very much, and many people in Missouri are.

We all know that Washington can change a person, but it hasn't changed JIM. JIM still has the same common-sense Missouri values he brought with him to Washington. He still has the same calm, polite demeanor. He still has strong convictions and a work ethic. As I said to our folks back home in Missouri, in an arena of show horses he has been a work horse.

I was with him on the night he got the news that he lost the campaign. He was a man of unfailingly good humor and courage. And still, he thanked his Lord, his friends, and graciously accepted his fate.

I have a feeling and hope that public service will see much more of JIM TALENT somewhere, sometime. And whatever he decides to do in the public or in the private sector, the qualities he has demonstrated to so many of us in the Senate will be one he will carry with him.

He served in the Senate for only 4 years, but when you look at his record of legislative achievements, he has had so many positive impacts on people's lives. It is hard to believe he could cram all of that into 4 years.

He has been a leader on national security, energy, and criminal justice.

As a member of the Senate Armed Services Committee, JIM worked to extend production of the C–17 line, allowing 30,000 workers across the country to keep their jobs, and more importantly to give our military strategic lift capability which they need to move troops and equipment to very difficult to reach places.

JIM also cares about our troops in battle. He sponsored legislation to end predatory lending to active servicemembers and their families. The new law just took effect 6 weeks ago. Some of our soldiers were paying almost 400 percent interest on money loaned to them. Thanks to JIM TALENT, the rates are now capped at 36 percent. I trust that applies to the Marines as well.

Last year, JIM worked very hard to include a renewable fuel provision in the Energy bill. On a bipartisan basis, under his leadership, the United States will produce up to 7½ billion gallons of renewable fuels with ethanol and biodiesel. That will be implemented by 2012.

JIM's work in this area will only become more important as we see in the future America continuing to face high energy costs and our attempt to reduce our dependence on foreign oil.

Another accomplishment JIM will be known for is something which is extremely important in our State of Missouri, and this work—again on a bipartisan basis with the Senator from California—was to fight meth. Meth is a drug that has been destroying lives and communities across our State for many years and now even across the country.

The Combat Meth Act has helped stop the supply of meth ingredients to dealers through the ban on over-the-counter sales. You see a significant reduction in meth lab busts. It shows that we are finally beginning to make progress against this drug.

Obviously, I have to mention his other bipartisan successes, such as the sickle cell disease bill and the Emmett Till bill.

On a narrow focus, JIM and I have worked together on many transportation and economic development projects to serve our State of Missouri, including the Liberty Memorial in Kansas City, the Page Avenue Extension in St. Charles, and countless others throughout the State.

I should also mention that my friend JIM TALENT has put forward some terrific proposals that he has been working on that have been enacted. His effort to allow small business employers to pool together to form association health plans comes to mind, and those of us who have been working to change the law so that small business employees and their families will have access to the same kind of insurance benefits that employees of major corporations have will not give up the fight. We are going to continue with his great leadership in mind.

I am sure the next Congress will follow up. This idea should be central to any discussion of expanding health care coverage to the uninsured.

JIM, as we prepare to say goodbye to you now from this floor, thank you for your years of devoted service to our State, to our Nation. With heartfelt gratitude, on behalf of my wife Linda and I, we wish you, Brenda, and your children the very best in future endeavors. And I know for a fact that there will be great successes ahead.

I yield the floor.

APPROPRIATE LEVEL OF MILITARY FUNDING

Mr. TALENT. Mr. President, my great friend and colleague from Missouri has an Intelligence Committee meeting to go to. So he went ahead and did his kind tribute before I give my speech, and those who are not aware of that may have thought that maybe they would be able to get in short tributes and avoid the long farewell speech. That is not true.

I will devote my time to a substantive and very important subject—the appropriate level of funding for America's military. It is an issue that I have worked on and fought for since I went to the House of Representatives in 1993.

I am grateful for my friend's remarks, and I want to say that I have always enjoyed serving in legislatures, in part because of the collegial nature of the service. When you are done, yes—it is the legislation that you worked on that you want people to remember, but what you remember are the friendships and the associations and the bonds that you have made. And, fortunately, those do not end with your service. I look forward to continuing to visit with my friends in the Senate for years to come. I hope to be able to work with them in other venues on issues of importance to America. Nothing is more important for America than her security.

Mr. President, America has the most capable military in the world by a large margin; in fact we have the best military that has ever served any nation at any time in human history. We should be proud of that; we should especially be proud of the men and women who make America's military what it is. But it would be wrong for us to believe that because our military is the best in the world or even the best ever, that it is as capable as it needs to be. True, America is many times stronger than other nations, but its responsibilities are many times greater as well. If Denmark's military is inadequate, it doesn't matter that much, even to Denmark; if America's military is inadequate, it matters tremendously, first to America, but also to the hopes and aspirations of people throughout the world.

We must understand the importance of this issue very clearly, without the distortions of ideology, politics, expediency, or wishful thinking. Like it or not, the progress of the international order towards peace and democracy depends on the reality and perception of American power. Like it or not, America is the first defender of freedom in the world and therefore always a prime target for those who hate freedom. And like it or not, while there are many tools in the basket of western diplomacy, the underpinning of them all is an American military establishment which the world knows is capable of swiftly, effectively and at minimal cost defeating every substantial threat to our security and to our freedom.

Judged by this standard—the only appropriate standard—the situation is very grave. I have substantial doubt—as good as the men and women are—whether our current military establishment is strong enough. Because of decisions over the last 15 years driven more by budgetary than military considerations, our Army and Navy may well be too small, and much of the equipment in all the services is too old and increasingly unreliable.

Whatever the current status of the military may be, there can be no doubt that without a substantial increase in procurement spending beginning now and sustained over the next 5 to 10 years—an increase, I suggest to the Senate today, that must be measured not in billions but in tens of billions of dollars above current estimates every year—our military will be set back for a generation. We will not be able to modernize our forces to the degree necessary to preserve our security with the necessary margin of safety.

I said that our current military is too small and inadequately equipped to execute the national military strategy. I will not go into detail on this point because my main focus is on the future, but a brief explanation is warranted. The world is, on balance, at least as dangerous today as it was at the end of the Cold War. And we may thank God we are no longer in danger of a massive nuclear attack from the former Soviet Union, nor is a major land war in Europe likely.

Against this, however, we are engaged in a global war on terror that will continue for years to come. The end of the Cold War led to the emergence of dangerous regional conflicts, such as the conflicts in the Balkans. We are in greater danger today of a rogue missile attack than ever been before, and China is emerging as a peer competitor much faster than anyone believed.

These conditions either did not exist, or like the conflicts in the former Yugoslavia, were suppressed, during the Cold War. As a result, the operational tempo of our conventional forces—and that means the rate, intensity and duration of their deployment—was far higher beginning in the mid-1990s, even before September 11, than it had ever been during the Cold War. Yet at the beginning of the 1990s, our forces were 30 to 40 percent bigger than today. For example, the active-duty Army was cut from 18 divisions at the time of Desert Storm to only 10 divisions by 1994. Don't we wish that we had those additional divisions today to relieve the pressure in Iraq. The Navy has gone from 576 ships in the late 1980s to 278 ships today.

At the same time, procurement budgets have been cut substantially, far greater than the cuts in force structure warranted. The contrast in the average annual procurement of major equipment from two periods—1975 to 1990 and from 1991 to 2000—is startling. For example, we purchased an average of 78 scout and attack helicopters each year from 1975 to 1990, and only 7 each year from 1991 to 2000. We purchased an average of 238 Air Force fighters each year from 1975 to 1990, and an average of only 28 each year from 1991 to 2000. We purchased five tanker aircraft each year from 1975 to 1990, an average of only one per year from 1991 to 2000.

The implications for these dramatic reductions are profound. Older platforms—that is what the military calls ships, planes, and vehicles—are rather tired and not replaced, which means that force structure is reduced. Military capabilities are reduced. If platforms are not replaced, the average age of the fleet increases, readiness levels drop, and the cost of maintaining the smaller, older inventory climbs rapidly because maintenance costs increase.

For these reasons, I suggest that the current force today is too small and its equipment too old, relative to the requirements of our national military strategy. That strategy calls for a military capable of defending the homeland, sustaining four peacekeeping engagements, and fighting two large-scale regional conflicts, at least, at approximately the same time. We are supposed to be able to do all that at once. I believe the requirements of our military are actually greater than this, but in any event, we cannot execute even these commitments, and we certainly will not be able to do so in the future, within an acceptable level of risk, unless at least the Army is made bigger and unless all three services have the money to robustly recapitalize their major platforms with the most modern equipment.

For years, the various services, in response to pressure from political authorities to reduce the budget below what they needed, have delayed or cancelled new programs. They have been reducing the number of new ships or planes they say they need, kicking crucial decisions down the budgetary road, robbing Peter to pay Paul, and otherwise trying to avoid confronting the approaching funding crisis.

That crisis is upon us now. We are entering the crucial phase of recapitalization. Beginning with the next budget and intensifying over the next 5 to 10 years, the services are scheduled to bring online the new platforms that will anchor American security for the next generation. No one can say these programs are unneeded. The Navy must buy new destroyers, must ramp up procurement of Virginia-class submarines, must finalize the design and buy large numbers of Littoral Combat Ships and design and build a new CG–X cruiser.

The Air Force must buy large numbers of the F–22. That is our new air-superiority fighter. We must maintain the ability to have complete air superiority over any combat theater. The Air Force must buy large numbers of Joint Strike Fighters or equivalent aircraft. In addition, the Air Force must buy out its airlift requirement. That is how we transport personnel, equipment and supplies from one place to another in the world. It must build a new generation of tankers, must design and build a long-range strike bomber to replace the B–52. Our B–52 inventory is 45 years old.

The Army must rebuild, modernize or replace almost its entire capital stock of ground combat and support vehicles including many of its tanks.

The current procurement budget for all three services is $80.9 billion. Simple budgetary mathematics tells us that the services cannot possibly meet their crucial requirements without an average budget over the next 5 to 10 years that I estimate is at least 30 billion dollars higher than what we are now spending.

Perhaps I have gone into more detail than the Senate is willing to indulge me in already, but I want to look in some depth at the situation of the Navy. Here I speak from what I know because I have been the chairman of the Subcommittee on Seapower for the last 4 years. Currently, there are 278 ships in the U.S. Navy. The Navy shipbuilding plan calls for 326 ships by the year 2020, eventually settling down to an average of 313 ships. The plan actually calls for fewer aircraft carriers, a substantial drop in attack submarines, and fewer major surface combatants, but it attempts to make up for these reductions with modern destroyers, more capable submarines and what it calls pre-positioning ships that allow us to establish sea bases, from which to project forces ashore, as well as a whole new class of smaller multi-mission modular vessels called Littoral Combat Ships. There is no margin whatever for error in this plan. It is, at best, the minimum necessary for our security.

The Chief of Naval Operations—that is the admiral who leads the Navy—has estimated the plan will require a shipbuilding budget of $13.3 billion for fiscal year 2008, the upcoming budget year. That is $5 billion more than what was spent this year on ship building. His plan calls for that figure to escalate to $17.5 billion by 2012. I believe these figures are too conservative. It is a good-faith effort to calculate what we need but too conservative. I think the plan will require billions more each year to execute. Both the Congressional Budget Office and the Congressional Research Service agree. In any event, I say on my oath as a Senator, that it will be utterly impossible, at current levels of defense spending, for the Navy to reach and sustain the $13.3 billion figure, to say nothing of the even higher sums required in the outyears of the 5-year defense plan and beyond.

Beginning no later than 2009, there will be a growing shortfall in the shipbuilding accounts, in addition to an annual shortfall of $1 billion to $2 billion in Navy aviation procurement. I expect the total deficiency to be no less than $45 billion over the fiscal year 2008 to fiscal year 2016 period; and remember, this assumes that the 313-ship Navy is sufficient to protect American security, an optimistic assumption.

Lest the Senate get lost in all the figures, let me sum it up this way. The Navy, responding to budgetary pressure, has formulated a plan for a 313-ship Navy in the future which, frankly, may be inadequate; the Navy estimates a figure for funding the plan which independent authorities, using long-term historical cost data, believe is far too low. And yet without substantial increases in the Navy's procurement budget, it is a dead certainty that even that figure cannot be sustained.

As a practical matter, the expected shortfall means the sacrifice of two to three attack subs and two to three surface combatants, a reduction in purchases of the Littoral Combat Ships, and delays to the Sea Basing Program and the new CG–X Cruiser Program, which is necessary for missile defense.

The short of it is that the Navy needs at least an $8 billion increase per year in procurement above current estimates. The Marines need about $3 billion more. It is not necessary to go into the same level of detail with regard to the budgetary picture for the other services. The pain has been spread fairly evenly across the service, so they are in roughly in the same situation. That means a procurement shortfall over the next 10 years of at least $30 billion per year adjusted for inflation. Most independent experts believe the number is far higher.

For example, the CBO estimates that the overall defense budget shortfall will be no less than $52 billion per year. We should add to this the fact that the active-duty Army is clearly too small, as we have learned in Iraq. Even in an age of transformation and nonlinear battlefields, there are still times when America needs to put large numbers of boots on the ground, particularly in the post-September 11 period. The United States needs the ability to carry on sustained, large-scale peacekeeping or low-intensity combat operations, without having to send the same units three or four times to a combat theater over the duration of a mission. A nation of our size and strength should not have to use essentially its whole active-duty Army, much of its Marine Corps, and many of its Reserves to sustain 130,000 troops over time in a combat view.

In 1992—which was right after Desert Storm—the Defense Department stated a requirement of 12 Active-Duty Army divisions. That was before the increases in operational tempo of the 1990s and before the global war on terror. The Army should surely be at least 12 divisions today. It costs approximately $2 billion to stand up and sustain an addition to the Army or Marine Corps of division strength so we need to invest $4 billion per year in increased force structure for the Army, in addition to the $30 billion more in new procurement funding.

So to sustain our military over the next generation at the appropriate level, we need to increase procurement spending and spending on the size of the Army by about $34 billion per year. And that is above current baseline estimates. It would have to be sustained over the life of the current defense plan and beyond.

I want to emphasize that this is, of necessity, a ballpark figure. It is always difficult to predict precisely the cost of new programs—some of which are in the design phase, particularly given the uncertainties associated with developing technologies. We will be acquiring this equipment over the next 10 to 20 years and needs in technology are going to change. We must confront the fact that whatever the necessary amount turns out precisely to be, the procurement budgets we are projecting today are fundamentally inadequate. We have to ramp up spending. We must begin now. And we have to accept the fact that it will not be cheap.

I, also, want to make clear that this additional $34 billion must come from an increased overall defense budget. There may be some who say that it is possible to cannibalize the rest of the defense budget to produce all or most of this additional procurement funding. That is a dangerous fantasy. The money cannot come from the supplemental appropriations bills. Those are necessary to pay the day-to-day costs of the war and may not have been adequate to do that. The money cannot come from reducing the readiness budget because that budget is overstressed already. It cannot come from reducing the number of service personnel because the military is already too small. It can't come from reducing salary and benefits. We have to retain the best people. Besides, Congress is far more likely, and properly in my view, to increase personnel benefits rather than reduce them. Take a look at the last 7 years. Total spending on defense health care, for example, increased from $17.5 billion in fiscal year 2000 to $37 billion in fiscal year 2006—an increase of more than 100 percent over the last 7 years, appropriately so.

The men and women of America's military deserve good salaries and benefits, and so do those who are retired. The savings from base closing is not going to supply the additional funds. Those are highly speculative. They will not occur, if at all, for many years, and they are unlikely to be more than a billion dollars per year.

Some say we can save money by reducing congressional earmarks or additions to the defense budget, and within limits that is true. But the total of such earmarks is no more than $3 billion to $4 billion per year. Realistically, Congress is not going to give up all of them, and at least some number of them are clearly justified because they simply restore to the budget items that our service chiefs desperately wanted and omitted only because of budgetary pressure.

Still others will say we can get the necessary additional funding by lowering the cost of new programs through procurement reform. I am all for procurement reform. I have been for it ever since Secretary Bill Perry, who was a great Secretary of Defense, proposed it over 10 years ago. We have had several waves of procurement reform since then. Several Defense Secretaries have all championed its virtues. We continue to hold oversight hearings to pressure the defense industry to lower costs. We keep trying to catch people in the Department who might be violating procurement regulations. I have chaired some of those hearings.

Meanwhile, the cost of new programs keeps going up. I suggest the reasons have less to do with deficiencies in the procurement system, bad as it is, than with the stress on the industrial base and on the military caused by the budgets that are consistently too low and unstable.

One of the arguments supporting reductions in force in the past has been that transformational technology and tactics can empower the military to do more with less. The idea is to make each servicemember, each plane, ship, and vehicle less vulnerable so we lose fewer of them, and more lethal so we need fewer of them. Within limits, that is sometimes true. But the best technology costs money, and changing technology, tactics, and doctrine makes it more difficult to fix stable requirements. Program instability costs money, too.

Here is an example. The Navy originally planned to procure 32 DD(X) next-generation destroyers. The ship has a truly advanced design. It is a marvel of transformational technology. But its unique capabilities have driven the per ship cost to about $3 billion. As a result, the Navy plans to procure only seven new destroyers. The problem is that the complexity of the ship's design, the unprecedented capabilities of the vessel, and the high price of the best technologies, have all driven up cost to the point where the ship is impossible to procure in sufficient numbers at current budget levels.

Another example, the Air Force desperately needs more air lift, and it also needs a new tanker aircraft. The Air Force shoulders much of the mobility mission, and it also performs the midair refueling mission. Normally, the Air Force would simply buy more C-17 aircraft. It is a perfectly good, modern cargo aircraft. Then the Air Force would design and procure a new tanker. But because the service is under tremendous pressure to save money, it has decided to develop a cargo-tanker, combining the two missions into one aircraft. The service assures us that it is not going to have any bells and whistles on the new plane, and the aircraft will be low in cost.

Surely, the concept of a cargo-tanker allows the Air Force to claim that it will be able to perform both of these missions while relieving some of the pressure on its budget. But, again, reality must and will eventually bite. As requirements build and changing technologies force changes in design, the odds are very high that the cost of the new aircraft—if it is to do the combined mission it is supposed to do—will go up substantially.

The problem of cost is exacerbated by the stress on the defense industrial base. Procurement budgets have been too low for 15 years and because of budgetary pressured they constantly change. The Department regularly projects what it intends to procure in the outyears of its defense plan but then often makes last-minute cuts and changes.

Under those circumstances, it is no surprise that contractors are not investing sufficiently in the defense industrial base. It is shrinking, and it is undercapitalized. That means fewer competitors, more sole-source contracts, less research, and, therefore, higher costs. No amount of oversight, reform, or pressure on procurement officials can change that.

The good news is that a robust and consistent commitment to adequate funding would soon begin to reverse these trends. Again, I am all for improvements in the way we design and build new systems, and those improvements can save money. But they cannot work miracles. Sufficient and stable funding is not only consistent with transformation and efficient use of the taxpayers' dollars, it is necessary to both. If Congress were to commit to my proposal, for example, the service chiefs and the defense industry would know that substantial new money was coming—enough to make it at least plausible they could produce and acquire the systems they need. They could budget for the long range, knowing that funding would be stable. They could work together in a way that would reduce costs instead of trying to pull money away from other services or maneuver year to year just to keep vital programs alive, and often, in a way, that ends up costing the taxpayers more in the long run.

We must stop thinking that facing reality and funding our military adequately is beyond the reach of this great Nation. Yes, the Federal Government has fiscal problems. Yes, the two major parties have very different views on what to do about those problems, but nobody can or does claim that the defense budget is the cause.

Right now, we are spending 3.8 percent of our gross domestic product on the regular defense budget. That is a very low percentage historically, far less than we spent at any time during the Cold War. Under President Carter, we spent 4.6 percent of the GDP on national defense.

If we spent only 4.2 percent now, we could easily fund what I have proposed. We would have a fighting chance to support our service men and women with the equipment they need and deserve. We could sustain the military power that the last two Presidents have used to protect our freedom and stabilize the post-Cold-War world. We would send the clearest possible message to both our friends and enemies, and to those nations who are deciding now whether they are going to be a friend or enemy, that whatever happens, whatever the direction our foreign policy takes, the United States has the ability to sustain our freedom and the hope of freedom for the world.

To those who worry about the price of strength, I say there is a greater price to be paid for weakness. How many conflicts will we invite, how much instability will we engender, if we allow this restless and troubled world to doubt America's ability to defend herself?

Let's look at the risks of alternative courses of action. If we adopt the course I suggest, and it turns out that I was wrong, all we will have lost is a fraction of our wealth wealth that would be spent in this country on products produced by our workers, for a margin of safety that, in the end, we did not need. But if we stay on our current course, and it turns out that I was right, how much will we pay then in lost lives and treasure, fighting in conflicts that a policy of strength would have deterred?

How big will the deficit become then, in a world made less stable by American weakness? What effect will that have on the economy, and not just the economy, but on the hopes and opportunities of the next generation—our children and our grandchildren—who have the right to expect that we are looking out for them?

Twenty-five years ago, our country was also in a difficult situation. Our enemies doubted American resolve. They were challenging us on a number of fronts. We had just gone through a period of chronic underfunding of the military, probably worse than what has happened recently. As a result, the force was hollow, unable to reliably perform the missions necessary to protect America. That is why the tragic Desert One mission went so wrong in the desert during the Iranian hostage crisis.

When President Reagan assumed office, he faced the situation squarely and honestly, and with the support of a Democratic House and Republican Senate, he secured two double-digit increases in the overall defense budget, and reasonable increases for several years thereafter. On the strength of that bipartisan commitment, America's service men and women and America's defense industrial base transformed our military into the truly dominant force that fought and won Operation Desert Storm.

A united government sent the message to friend and foe alike that whatever our differences about foreign policy, America was still willing to pay the price of freedom. It is not too much to say that the decisions made in 1981 and 1982 laid the basis for the collapse of the Soviet Union, the success of Operation Desert Storm, and the benefits of peace and security that we enjoyed throughout the 1990s.

With this speech, I bring my career in the Senate to a close. I believe I can do no greater service to my country than to urge Senators not to be dissuaded by the counsels of those who say that what I have proposed cannot be done.

At the beginning of my remarks I stated that America's service men and women are the finest who have ever served in any military on behalf of any nation at any time. I should have included their families as well. I realized that when today, just a few hours ago, I had the privilege of meeting with Dana Lamberson and her two children, Kelsi and Evan.

Mrs. Lamberson's husband, SFC Randall Lamberson, was killed in Iraq only 8 months ago. Mrs. Lamberson told me that before her husband deployed, their family openly discussed the sacrifice which he, and they, might be called on to make. I asked her how she was able to bear her grief with such grace and fortitude. She told me that when she was tempted to be discouraged, she remembered what her husband had always said when times were tough: that "life is only as difficult as you make it."

Mr. President, I have met thousands of Americans over the last 4 years like the Lamberson family, not just soldiers and their families, but people from every walk of life, who live each day with courage, resilience, and optimism. Because of them, I believe with all my heart that America's time of leadership is not done.

I ask the Senate to honestly face the true cost of defending this Nation. If we do, if we carry that burden with confidence, we will find the weight of it to have been a small thing compared to the blessings of peace and liberty we will secure for ourselves, and the hope we will give to freedom-loving people all over the world.

Mr. President, I cannot close without thanking my dedicated staff who served the people of Missouri so well over the last 4 years, who have kept me going, kept me on time, who are largely responsible for the many pieces of legislation which Senator BOND was kind enough to mention. I just ask the Senate to indulge me for another moment or two because I am going to read their names. I think they deserve it: Mark Strand, my chief of staff; Cortney Brown, my scheduler; Les Sealy, our great office manager who always got us what we needed; Brian Anderson, our IT manager. I am glad he understood it because I never do.

I thank our legislative staff: Brett Thompson, legislative director; Faith Cristol, our great legislative counsel; and my legislative assistants: Lindsey Neas, Katie Smith, Heath Hall, Jesse Appleton, Katie Duckworth, Christopher Papagianis, Shamed Dogan, and John Cox, who works so hard and so well on veterans issues, a man who has served this country in many different venues; Andy Karellas, Martha Petkovich, and Sarah Cudworth, who did legislative correspondence, grants and case work; Peter Henry, who managed the mail; Sarah Barfield, my staff assistant; two great Navy Fellows: CDR Dan Brintzinghoffer and LCDR Lori Aguayo, two patriots and both outstanding officers; and Mark Hegerle, my Energy Fellow who came over from the Federal Energy Regulatory Commission just in time to help me make a real difference on the Energy bill.

I want to thank our press shop: Rich Chrismer, my great communications director; Erin Hamm, and Andrew Brandt.

Casework—we handled over 10,000 cases. I am a big believer in casework. This is a big government, and navigating it is hard, and if we could help, we wanted to help. I thank Nora Breidenbach, Jenny Bickel, Abby Pitlick, Debbie Dornfeld, and Jessica Van Beek.

And the State staff, we always tried to integrate the work of the State staff and the Washington staff, and I think we did it. I thank Gregg Keller, our State director; in St. Louis: Kacky Garner, my district director; Peggy Barnhart; Rachel McCombs; and Angel McCormick Franks; in Kansas City: Joe Keatley, my great district director; Danny Pfeifer; Emily Seifers; Greg Porter; and Erick Harris; in Jefferson City: Donna Spickert, who was the State capitol director; and Becky Almond, my instate scheduler, as well as a great staff assistant; in Springfield: Terry Campbell, the district director; Christopher Stone; and Coriann Gastol; and in Cape Girardeau: Jeff Glenn, who directed that office; and Liz Mainord.

I also want to thank, as other Senators have done, my family, my wife, obviously, in particular, who has shared the highs and lows of this job, and my wonder kids.

Mr. President, it remains only for me to thank my colleagues in the Senate for the many kindnesses, personal and professional, which they have shown me and my family over the last 4 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to discuss a number of matters briefly.

HONORING SENATORIAL SERVICE

BILL FRIST

First, I want to join my colleagues in paying tribute to our majority leader, Senator BILL FRIST, who has done such an outstanding job in the past 12 years.

Senator FRIST came to this Senate as a real all-American. He has displayed extraordinary talents, academically, professionally, public service, as a family man, as a friend, at Princeton and Harvard Medical School, a renowned heart and lung transplant surgeon, then selected to be the majority leader and has taken this body through a very difficult 4 years and a very productive 4 years.

A great deal has been said about Senator FRIST earlier today. I just wanted to add my personal congratulations to him on his service and to wish him well.

RICK SANTORUM

Mr. President, I regret the departure of my distinguished colleague, Senator RICK SANTORUM. He has been really a ball of fire in the U.S. Congress. He was elected in 1990 to the House of Representatives, defeating a long-term incumbent by literally going door to door in his district in the Pittsburgh area.

He was elected to the U.S. Senate in 1994, reelected in the year 2000, and has displayed admirable qualities—energy, determination, confidence, and the pursuit of his own personal values. There is no doubt that Senator SANTORUM has espoused, articulated, and pushed causes he deeply believed in which may not have been popular in many quarters, but he was determined to undertake the pursuit of those values because he believed in them so deeply. I counseled him from time to time to save some of his philosophy for December of the year 2006.

A famous quotation about President Lincoln; he was asked by a little boy, in effect: How do you serve, Mr. President?

He said: I represent my true beliefs and values 90 percent of the time.

The little boy said: Well, what about the other 10 percent?

The famous statement by President Lincoln: So that I can represent my true values 90 percent of the time.

It is not unknown in our body to occasionally defer some of the more controversial positions. But Senator SANTORUM didn't do that. He spoke his mind and he spoke his heart. Those are rare qualities in public life and public service and in politics. For that, I salute him.

On a personal level, RICK and I have had a superb relationship, not only professionally, not only politically, but also personally. A more devoted family man could not be found. He has taken this turn of electoral results philosophically and in a good spirit. I have had some experience on the losing end of elections and, having been there, I say that he has responded with great class, with great style. His comment earlier this week was: Tough on the family, tough on Karen, tough on the children, but now they have their husband back, and they have their father back. And he had a big smile and a sense of satisfaction. He spoke to the caucus yesterday, and he exuded confidence. He exuded personal pride in what he had done. I join him in that. As a colleague, I personally will miss him very much. I know that will be the sentiment of this body, even those with whom he has tangled in a rigorous way.

CONFIRMATION OF JUDGES

Mr. President, I urge my colleagues to move ahead with the confirmation of judges.

We have U.S. District Judge Kent Jordan, of the District of Delaware, who has been nominated to be a judge on the U.S. Court of Appeals for the Third Circuit. He has been approved by the Judiciary Committee and is ready for floor action. Nobody has anything adverse to say about Judge Jordan. He is endorsed by both of the Delaware Senators, both of whom are Democrats. They have a judicial emergency in the Third Circuit, and he ought to be confirmed.

We also have a list of some 13 district court nominations pending on the executive calendar. I ask unanimous consent that the list be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. A good number of these nominees are also in districts where there are judicial emergencies. I think that from time to time we in the Senate, where we have the responsibility for confirmation, don't really take seriously enough the impact of judicial vacancies. The courts are busy. The Third Circuit, my circuit, is overwhelmed. District Court Judge Jordan ought to be confirmed. My colleagues have told me about the problems posed by vacancies in their states. If these other 13 districts nominees are not confirmed today, they will languish until who knows—January turns into February and February in March. We always find a reason around here not to do something. That applies most emphatically to the judges.

It is my hope that in the 110th Congress, we will approach judicial confirmations a little differently. I have already consulted with Senator LEAHY, who will become chairman of the committee. Senator LEAHY and I have had an excellent working relationship on a bipartisan basis, and the record shows it. I don't have to go into detail about that. I have recommended to the White House that the it consult with Senator LEAHY and the Democrats, as well as with Arlen Specter, as ranking member, and the Republicans. There is a limited amount of time. We know what happens in a Presidential election year.

Let us make a determination about which judges can be confirmed—judges who meet the standards and criteria of President Bush but who also pass muster in the U.S. Senate on both sides of the aisle. We have had vacancies for interminable periods of time. I have discussed this with Senator LEAHY and with the White House.

I hope we approach the 110th Congress differently. And before this Congress adjourns, the 109th, I hope we will confirm these judges who are on the calendar awaiting floor action.

EXHIBIT 1

JUDICIAL NOMINEES PENDING ON THE SENATE FLOOR

The following nominees were all reported out of the Judiciary Committee prior to the October recess. Eight of the 14 nominees on the floor are in districts where judicial emergencies have been declared.

Nominee	Position	Date Nominated	Total Days Pending
Circuit:			
*Kent A. Jordan	Third Circuit	6/29/2006	161
District:			
Valerie Baker	Central District of California	5/4/2006	217
Nora Barry Fischer	Western District of Pennsylvania	7/14/2006	146
Gregory Frizzell	Northern District of Oklahoma	6/7/2006	183
*Philip Gutierrez	Central District of California	4/24/2006	227
Marcia M. Howard	Middle District of Florida	6/6/2006	184
John A. Jarvey	Southern District of Iowa	6/29/2006	161
*Robert J. Jonker	Western District of Michigan	6/29/2006	161
Sara E. Lioi	Northern District of Ohio	7/14/2006	146
*Paul L. Maloney	Western District of Michigan	6/29/2006	161
*Janet T. Neff	Western District of Michigan	6/29/2006	161
*Lawrence J. O'Neill	Eastern District of California	8/2/2006	127
*Leslie Southwick	Southern District of Mississippi	6/6/2006	184
*Lisa Godbey Wood	Southern District of Georgia	6/12/2006	178

*Indicates a Judicial Emergency.

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT

Mr. SPECTER. Mr. President, I introduced legislation which will modify practices of the Department of Justice on the attorney-client privilege where the Department of Justice, acting under a memorandum called the Thompson Memorandum by Deputy Attorney General Thompson, has initiated a policy where requests are made to waive the attorney-client privilege, and if the attorney-client privilege is not waived, then that is considered in the charges brought by the Federal Government, and also a commitment that corporations will not pay counsel fees for their employees whom they are customarily expected to defend. This is an encroachment and a violation of the sixth amendment right to jury trial.

Because of the limited time and other Senators waiting, I will not elaborate upon the provisions of this legislation.

I ask unanimous consent that a summary of the bill and the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Attorney-Client Privilege Protection Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Justice is served when all parties to litigation are represented by experienced diligent counsel.

(2) Protecting attorney-client privileged communications from compelled disclosure fosters voluntary compliance with the law.

(3) To serve the purpose of the attorney-client privilege, attorneys and clients must have a degree of confidence that they will not be required to disclose privileged communications.

(4) The ability of an organization to have effective compliance programs and to conduct comprehensive internal investigations is enhanced when there is clarity and consistency regarding the attorney-client privilege.

(5) Prosecutors, investigators, enforcement officials, and other officers or employees of Government agencies have been able to, and can continue to, conduct their work while respecting attorney-client and work product protections and the rights of individuals, including seeking and discovering facts crucial to the investigation and prosecution of organizations.

(6) Despite the existence of these legitimate tools, the Department of Justice and other agencies have increasingly employed tactics that undermine the adversarial system of justice, such as encouraging organizations to waive attorney-client privilege and work product protections to avoid indictment or other sanctions.

(7) An indictment can have devastating consequences on an organization, potentially eliminating the ability of the organization to survive post-indictment or to dispute the charges against it at trial.

(8) Waiver demands and other tactics of Government agencies are encroaching on the constitutional rights and other legal protections of employees.

(9) The attorney-client privilege, work product doctrine, and payment of counsel fees shall not be used as devices to conceal wrongdoing or to cloak advice on evading the law.

(b) PURPOSE.—It is the purpose of this Act to place on each agency clear and practical limits designed to preserve the attorney-client privilege and work product protections available to an organization and preserve the constitutional rights and other legal protections available to employees of such an organization.

SEC. 3. DISCLOSURE OF ATTORNEY-CLIENT PRIVILEGE OR ADVANCEMENT OF COUNSEL FEES AS ELEMENTS OF COOPERATION.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by inserting after section 3013 the following:

"§3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations

"(a) DEFINITIONS.—In this section:

"(1) ATTORNEY-CLIENT PRIVILEGE.—The term 'attorney-client privilege' means the attorney-client privilege as governed by the principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, and the principles of article V of the Federal Rules of Evidence.

"(2) ATTORNEY WORK PRODUCT.—The term 'attorney work product' means materials prepared by or at the direction of an attorney in anticipation of litigation, particularly any such materials that contain a mental impression, conclusion, opinion, or legal theory of that attorney.

"(b) IN GENERAL.—In any Federal investigation or criminal or civil enforcement matter, an agent or attorney of the United States shall not—

"(1) demand, request, or condition treatment on the disclosure by an organization, or person affiliated with that organization, of any communication protected by the attorney-client privilege or any attorney work product;

"(2) condition a civil or criminal charging decision relating to a organization, or person affiliated with that organization, on, or use as a factor in determining whether an organization, or person affiliated with that organization, is cooperating with the Government—

"(A) any valid assertion of the attorney-client privilege or privilege for attorney work product;

"(B) the provision of counsel to, or contribution to the legal defense fees or expenses of, an employee of that organization;

"(C) the entry into a joint defense, information sharing, or common interest agreement with an employee of that organization if the organization determines it has a common interest in defending against the investigation or enforcement matter;

"(D) the sharing of information relevant to the investigation or enforcement matter with an employee of that organization; or

"(E) a failure to terminate the employment of or otherwise sanction any employee of that organization because of the decision by that employee to exercise the constitutional rights or other legal protections of that employee in response to a Government request; or

"(3) demand or request that an organization, or person affiliated with that organization, not take any action described in paragraph (2).

"(c) INAPPLICABILITY.—Nothing in this Act shall prohibit an agent or attorney of the United States from requesting or seeking any communication or material that such agent or attorney reasonably believes is not entitled to protection under the attorney-client privilege or attorney work product doctrine.

"(d) VOLUNTARY DISCLOSURES.—Nothing in this Act is intended to prohibit an organization from making, or an agent or attorney of the United States from accepting, a voluntary and unsolicited offer to share the internal investigation materials of such organization.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

"3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations.".

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2006

The bill protects the attorney-client relationship by prohibiting federal lawyers and investigators from: (1) requesting that an organization waive its attorney-client privilege or work product doctrine; and (2) conditioning any charging decision or cooperation credit on waiver or non-waiver of privilege, the payment of an employee's legal fees, the continued employment of a person under investigation, or the signing of a joint defense agreement.

All of the acts and considerations prohibited by the bill are acts and considerations that federal prosecutors must factor into any corporate or organizational charging decision under DOJ's Thompson Memorandum, which is described in more detail below.

The bill is appropriately narrow. It allows organizations to continue offering internal investigation materials to prosecutors, but only if such an offer is entirely voluntary and unsolicited by the prosecutors. The bill also allows prosecutors to seek materials that they reasonably believe are not privileged.

Mr. SPECTER. I well understand that there will be no action on this matter during this Congress, but I want to put it into the public milieu so there can be comment about it and it will be pursued in the next Congress. The Department of Justice has advised that they are going to revise the Thompson Memorandum to a memorandum called the McNulty Memorandum from the Deputy Attorney General. I had hoped we would have had it before the Senate went out of session so that we could have reviewed it and perhaps accepted their work, but it is not ready. I have advised Deputy Attorney General Paul McNulty and also Attorney General Gonzales that this legislation would be introduced and we can work on it in the next Congress.

HEDGE FUNDS

Mr. SPECTER. Mr. President, I will include for the RECORD proposed legislation to deal with hedge funds. The Judiciary Committee has had a series of hearings on this important subject, now $1.3 trillion in the economy, 30 percent of the stock transactions. After reflecting on the matter, I have decided not to introduce the legislation but simply to put the draft bill in the record so that there can be further comment. I talked about this proposed legislation earlier this week and had said that I was going to introduce the legislation, but I want to give interested parties more time to comment on it.

I ask unanimous consent that a summary of the bill and the bill itself be printed in the RECORD. I am not introducing the bill. I do not look for a Senate bill number on it. But it will be in the public record, and there will be more time for people in the profession to evaluate and comment upon it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. ___

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Misuse of Material Nonpublic Information and Investor Protection Act of 2006".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Unlawful insider trading causes a loss of confidence in the integrity of the securities markets, increases the cost of equity capital, and places small investors at a disadvantage.

(2) Unlawful insider trading and other misuse of material nonpublic information is insidious and has become pervasive. The number of insider trading referrals to the Securities and Exchange Commission from the New York Stock Exchange has doubled in the past 2 years.

(3) There is a need to increase the probability that wrongdoers will be detected and successfully prosecuted and to decrease the opportunity for misuse of material nonpublic information.

(4) Criminal prosecutions and effective compliance programs are the most effective deterrent to unlawful insider trading and other misuse of material nonpublic information.

(5) Effective criminal enforcement has depended on close cooperation and sharing of expertise and duties of investigation among civil regulatory agencies, such as the Securities and Exchange Commission, the Commodities Futures Trading Commission, the Department of Justice, and self-regulatory organizations. Certain recent court decisions have chilled this cooperation.

(6) Misuse of material nonpublic information by manipulating the grant dates of stock options or timing of publication of material nonpublic information for purposes of more profitable trading is a form of unlawful insider trading that harms investors. Public companies that adhere to a regular and objectively identifiable program for selecting option grant dates presumptively are not engaging in fraudulent behavior regarding the grant of those options.

(7) The hedge fund industry currently accounts for approximately 30 percent of all United States equity trading volume, and this percentage has been growing rapidly. A substantial percentage of the open investigations of insider trading by the Securities and Exchange Commission in 2006 involve hedge funds.

(8) Hedge funds increasingly are making loans, participating in private placements, and sitting on bankruptcy committees and corporate boards. These changes increase hedge funds' access to material nonpublic information. Pressure on hedge funds to deliver high returns may increase the risk of insider trading or other misuse of such information.

(9) Light regulation, secrecy, unregulated recordkeeping, and limited compliance programs of hedge funds increase the difficulty of detecting and proving unlawful insider trading by hedge funds.

(10) Hedge funds enhance market liquidity and contribute to pricing efficiency and market stabilization, but these sophisticated instruments should be restricted to wealthy investors. Recent hedge fund collapses and fraudulent trading activities have harmed retirees and smaller investors who increasingly are exposed to the risk of hedge funds through intermediaries such as pension funds and long term growth and saving vehicles. Requiring registration with the Securities and Exchange Commission by hedge funds or hedge fund advisers that sell securities to or manage investments of pension

funds and smaller investors strikes the appropriate balance between investor protection and capital formation needs.

(b) PURPOSE.—The purpose of this Act is to ensure effective criminal enforcement of prohibitions against unlawful insider trading and effective protection of the integrity of the securities markets and investors who use them by authorizing coordination of investigation by civil regulatory agencies and the Department of Justice, providing effective incentives for private citizens to report and provide evidence of misuse of material nonpublic information, requiring hedge funds to create and enforce effective compliance programs and ensure maintenance of records, and removing exemptions from coverage under the Securities Act of 1933, and the Investment Company Act of 1940, for hedge funds that choose to sell to and manage investments of pension funds and retail investors, unless the adviser or manager is registered under the Investment Advisers Act of 1940.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "hedge fund"—

(A) means a privately offered, pooled investment vehicle—

(i) that is not widely available to the public; and

(ii) the assets of which are managed by a professional investment management firm or other fund manager or adviser; and

(B) does not include a private equity, venture capital, or real estate fund; and

(2) the term "qualified purchaser" has the meaning given that term in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a-2).

SEC. 4. MISUSE OF MATERIAL NONPUBLIC INFORMATION.

Section 1348 of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Whoever"; and

(2) by adding at the end the following:

"(b) MISUSE OF MATERIAL NONPUBLIC INFORMATION.—

"(1) IN GENERAL.—It shall be unlawful for any person to—

"(A) knowingly use material nonpublic information of a specific nature gained by means other than research and skill as a significant factor in a trading decision (including a decision affecting the timing or volume of trading) in connection with any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o) (including trading in options contracts), regardless of whether such person owes a duty to, has an agreement with, or makes a disclosure of intent to trade to the source of the information; or

"(B) knowingly use material nonpublic information of a specific nature to establish, or to otherwise manipulate, the grant date or strike price of stock options or the timing of the publication of material nonpublic information for the purpose of creating the potential for increased profitability of the exercise of stock options or other trading in securities.

"(2) PENALTY.—Whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 25 years, or both.

"(c) INVESTIGATIONS OF OFFENSES.—

"(1) IN GENERAL.—The Attorney General may, in the discretion of the Attorney General, and in no way in limitation of any other authority of the Attorney General—

"(A) make such investigations as the Attorney General determines necessary to ascertain whether any person has violated, is violating, or is about to violate any provision of this section;

"(B) request or receive, at any stage of an investigation, evidence concerning such acts or practices as may constitute a violation of this section from the Securities and Exchange Commission, Commodities Futures Trading Commission, or another Federal agency; and

"(C) coordinate the investigation and prosecution of acts or practices as may constitute a violation of this section with the attorney general of any State or States.

"(2) NO REQUIREMENT TO DISCLOSE.—The Attorney General and agents of any other Federal agency have no duty, and shall not be required, to disclose any contact or investigation described in paragraph (1) to any person, except under a court order issued on good cause shown that the sole basis for the civil investigation is to assist in a criminal investigation by the Attorney General.".

SEC. 5. INCENTIVES FOR PRIVATE CITIZENS TO REPORT AND ASSIST IN THE INVESTIGATION OF UNLAWFUL INSIDER TRADING; PROTECTION FROM RETALIATION.

(a) AWARDS.—

(1) IN GENERAL.—The Attorney General of the United States may award an amount equal to not more than 30 percent of any fine, penalty, or settlement recovered by the Attorney General to a person who provides information leading to the prosecution of unlawful insider trading, or other violation of section 1348 of title 18, United States Code, (as amended by this Act), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), or a related wire or mail fraud.

(2) CONSIDERATIONS.—In making an award under this subsection, the Attorney General shall take into account—

(A) the importance of the information provided by the person;

(B) whether the Federal Government had some or all of the information provided by the person before that person provided that information;

(C) whether the information was provided voluntarily;

(D) whether the person was complicit;

(E) the assistance of other persons; and

(F) the amount of the fine, penalty, or settlement from which the award will be paid.

(3) IDENTITY.—The identity of a person providing confidential information regarding unlawful insider trading or related fraud may remain anonymous, and that person may still be eligible to receive an award under this subsection, if that person provides sufficient evidence to allow the identification of that person as the source of that information.

(4) EXCLUSIONS.—A Federal employee or an employee of a self-regulatory organization (as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) may not receive an award under this subsection if the information provided to the Federal Government was gained in the course of the employment of that person.

(b) RETALIATION.—A person who suffers retaliation because that person, in good faith and with reasonable basis, has provided specific information about unlawful insider trading to the Federal Government, or has assisted in a Federal investigation of unlawful insider trading, may file a private action in a United States district court against the person or entity that has engaged in the retaliation, and may recover damages based on economic losses resulting from such retaliation, and attorneys' fees.

SEC. 6. COMPLIANCE AND RECORDKEEPING BY HEDGE FUNDS AND FUNDS OF HEDGE FUNDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each hedge fund, fund of hedge funds, and manager of a hedge fund or fund of hedge funds that offers securities to, or manages investments of, residents of the United States shall—

(1) establish a written code of ethics that contains provisions reasonably necessary to prevent misuse of material nonpublic information;

(2) design a formal compliance program and written policies and procedures that address—

(A) safeguarding of material nonpublic information;

(B) misuse of material nonpublic information;

(C) the personal securities transactions and ownership of employees;

(D) employee education and acknowledgment of education;

(E) the role of trained compliance personnel in the monitoring and control of material nonpublic information; and

(F) detection and prevention of misuse of material nonpublic information; and

(3) implement procedures, internal controls, and recordkeeping systems adequate to ensure compliance with the code, program, policies, and procedures described in paragraphs (1) and (2).

(b) PENALTY.—Any hedge fund, fund of hedge funds, or manager or adviser of a hedge fund that fails to comply with subsection (a) and offers securities to, or manages investments of, residents of the United States shall each be fined not more than $5,000 per day of material violation of this section.

(c) ENFORCEMENT.—

(1) IN GENERAL.—Compliance with this section shall be enforced by the Department of Justice and the Securities and Exchange Commission.

(2) RECORDS.—The records of a hedge fund, fund of hedge funds, or manager or adviser of a hedge fund relating to a requirement of this section or compliance with this section are subject to reasonable periodic, special, and other examination by a representative of the Department of Justice or the Securities and Exchange Commission for purposes of determining compliance with this section.

(d) DISCLOSURES.—Each hedge fund and fund of hedge funds shall provide any investor or prospective investor in that hedge fund with information to enhance the ability of that investor or prospective investor to evaluate investment decisions regarding that hedge fund, including information regarding—

(1) the investment objectives, strategies to be employed, and range of permissible investments of that hedge fund;

(2) the risks of making an investment in that hedge fund, including the use of debt to leverage returns;

(3) base-line performance information regarding that hedge fund;

(4) any agreement between the hedge fund and investors that varies the material terms of the arrangements with certain investors; and

(5) whether that hedge fund has engaged qualified external auditors to audit annual financial statements.

SEC. 7. REGISTRATION OF HEDGE FUNDS THAT CHOOSE TO OFFER SECURITIES TO PENSION FUNDS AND SMALLER INVESTORS.

(a) SECURITIES ACT OF 1933.—On and after the date that is 300 days after the date of enactment of this Act, the sale of securities, directly or indirectly, by a hedge fund, fund of hedge funds, or manager or adviser of a hedge fund to a pension fund or investor who is not a qualified purchaser shall be a public offering for purposes of section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)).

(b) INVESTMENT COMPANY ACT OF 1940.—On and after the date that is 300 days after the date of enactment of this Act, a hedge fund manager or adviser that manages, directly or indirectly, the investments of a public or private pension fund or of any person who is not a qualified purchaser may not be determined to be excluded from the definition of an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) based on paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)).

(c) APPLICABILITY.—This section shall not apply—

(1) to any hedge fund or fund of hedge funds if less than 5 percent of the capital of that fund is attributable, directly or indirectly, to investments by pension funds or investors who are not qualified purchasers; or

(2) to a hedge fund adviser, if that advisor is registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940.

SEC. 8. REVISING DEFINITION OF ACCREDITED INVESTOR AS APPLIED RETAIL INVESTMENT IN HEDGE FUNDS.

A hedge fund may not charge a performance fee, if more than 5 percent of the assets under management of the hedge fund are owned by persons whose net worth, or joint net worth with the person's spouse, is less than $3,000,000, excluding the value of the primary residence of the person.

Mr. SPECTER. Mr. President, I urge the confirmation of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration. Dr: Von Eschenbach is a native Philadelphian. He has had a very distinguished professional record. He has served as the director of the National Cancer Institute. He has made a commitment publicly to lead the way to conquer cancer by the year 2015. Frankly, that is not good enough for me. I think we ought to do it sooner.

In 1970, President Nixon declared war on cancer. Had we pursued that war with the same diligence we have pursued other wars, many people would not have died and many people would not have contracted cancer. Dr. Von Eschenbach has done an outstanding job in his professional career, and he would make an excellent Commissioner of the FDA.

I ask unanimous consent that my statement of his qualifications and background be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER—NOMINATION OF DR. ANDREW VON ESCHENBACH COMMISSIONER OF THE FOOD AND DRUG ADMINISTRATION

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the nomination of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration. Dr. von Eschenbach brings an extraordinary record to the FDA as he has accomplished a great deal.

I am pleased that the Senate invoked cloture on Dr. von Eschenbach's nomination, and that the Health, Education, Labor and Pensions committee unanimously supported the nomination of such an accomplished Pennsylvanian. A native of Philadelphia, Dr. von Eschenbach earned a B.S. from St. Joseph's University in Philadelphia in 1963, and his medical degree from Georgetown University School of Medicine in 1967. He completed residencies at Pennsylvania Hospital in general surgery and urology and taught urology at the University of Pennsylvania School of Medicine. He also served in the U.S. Navy Medical Corps with the rank of lieutenant commander from 1968 to 1971. Dr. von Eschenbach is a nationally recognized urologic surgeon and oncologist, and his distinguished career as a leader in the fight against cancer spans over three decades.

As Chairman of the Labor, Health and Human Services, and Education Appropriations subcommittee, I have worked with Dr. von Eschenbach in his capacity as director of the National Cancer Institute (NCI). When Dr. von Eschenbach was president-elect of the American Cancer Society, he was selected by President George W. Bush to head the NCI in December 2001. As director of the NCI, he announced in 2003 that his organization's goal was to "eliminate suffering and death" caused by cancer by the year 2015.

In 1970, the President of the United States, Richard Nixon, declared war on cancer and had that war been pursued with the same diligence and resources that we pursue other wars, I would not have gotten cancer, my former chief of staff, Carey Lackman would not have died of cancer, a good friend of mine, Paula Kline, wife of Tom Kline, my former law partner, and my good friend Federal Judge Edward Becker would not have died. It is something that we hear about every day. Dr. von Eschenbach, a cancer survivor himself, understands the need for better cancer treatments. During Dr. von Eschenbach's tenure as Director of the NCI, funding for the NCI for FY03 was $4.67 billion. Today, recommended Senate funding for the NCI is $4.8 billion, an increase of $13 million. However, it is concerning that the funding for the NCI in fiscal year 2006 was $50 million less than fiscal year 2005.

If Dr. von Eschenbach is confirmed, I look forward to working with him as Commissioner of the FDA. His expertise, experience, and commitment to public service will be of great services to our nation.

The PRESIDING OFFICER. The Senator from Nevada.

RICK SANTORUM

Mr. ENSIGN. Mr. President, I am going to take a couple minutes to talk about my great friend RICK SANTORUM. Election night; a lot of emotions going on; no question my heart was torn because my best friend in the Senate lost the election that night. I was saddened simply from a personal level, but I was also saddened for our country because I believe RICK SANTORUM has served this country so well. His integrity, his vision—so many things about this man have really been extraordinary.

I have gotten to know a lot of the people around him, his staff. It says a lot about him because of how many of them are sitting in this room today. The quality of the people he has around him says a tremendous amount about him, as does the passion with which they served him and the passion with which he serves the country.

I also came to know Karen and his six kids. They are extraordinary people. RICK is a great leader of his home. Just seeing the love and respect that Karen has for RICK and that his children have for him as a father says a lot about him as an individual as well.

I am going to keep this short. This is completely from the heart. I can say with confidence that as a human being, there have been maybe as good human beings who have served in this Senate, but there have been no better. He is that quality of a human being. His faith leads him to that. I consider it a great privilege to have served with him and to call him a friend over these last 6 years. I know the friendship he and I share will be a lifetime friendship.

RICK, this body will miss you greatly, but no one in this body will miss you more than I.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Pennsylvania is recognized.

FAREWELL TO THE SENATE

Mr. SANTORUM. Mr. President, let me thank my great friend and colleague from Nevada for his very kind words. I thank him for coming to hear my last speech on the floor of the Senate. I know there are many listening who are applauding at this moment for that. But I come here with a wonderful spirit. I have written on the top of the page the same words that I wrote the night of the election, and that is the word "gratitude" because that is all I feel—an incredible sense of gratitude.

Mark Rodgers is my long-time friend and chief of staff, now head of the conference. We were talking again this morning about coming to work every day and walking up to the Capitol Building every day for 16 years now and still feeling that, wow, I work here—every day for 16 years. It was such a gift, such an incredible gift to be blessed to serve the people of the 18th District in the Congress, southwestern Pennsylvania, in Allegheny County, and for 12 incredible years to be able to serve the people of Pennsylvania here.

So first and foremost, I want to thank who is most responsible—and that is God—for this great gift he has bestowed upon me and my family—to be able the serve the greatest country in the history of the world and to serve in a body that is, and hopefully will be, the greatest deliberative body in the world. I think back to my dad, when he came to this country, and my mom, who is a second generation, and I think of how I grew up. It is amazing what a great country this is and how God has bestowed upon me and my family tremendous blessings. So I thank Him for the opportunity he has given me to serve. We are all called to serve. Some are frustrated because they don't think they are in a job or a position in life where they are doing what God has called them to do. God has blessed me with the opportunity to do this and to serve in a way that I hope he has called me to serve.

Second, I thank my family. Karen and the kids are watching. They have suffered a lot and have sacrificed a lot in 16 years. I was telling JOHN the other day that it is amazing how you think you are doing certain things well, and then you have the opportunity to spend a little more time doing those things and you realize how insufficiently you did them in the past. A phrase from the Bible is ringing in my ears, "the scales falling off of the eyes." In the last month or so, I have had a lot of scales fall from my eyes—to see not just what the 2 years have been to my family, which have been a tough 2 or 3 years, but the accumulation of 16 years in what is a very difficult life. I know everybody here recognizes that because you live it. They know how difficult this life is, how public everything we do and say is or what we are accused of. We think we understand how difficult that is for our family, but I don't think we really do. I want to say thank you to Karen, who I picture in my mind with this T-shirt dress she wore and had stenciled on it "Santorum for Congress." She went knocking on doors in 1990, when no one gave us a chance. We did the impossible. We were able to defeat a 14-year incumbent who no one thought could be beat. I would not have even come close to winning that election but for her.

In 1994, it was the same thing. She went out with the two children at home and she spent day after day—not traveling with, no; she was giving speeches in her own right and traveling all over the Commonwealth of Pennsylvania, sacrificing. They continued to do that day after day, year after year. I was a Senator, and I had important things to do.

I tell stories all the time about debates that were held on the floor of the Senate, when I would call Karen and say I had to come back to this very place and say more. There was never a hesitation. She served more than I did. My children—none of them have known their father without being in politics. I got married in 1990 to Karen, and Elizabeth came along 11 months later. Their life has been with their father in politics, in the public arena. They have had to deal with that in both pleasurable ways and some very painful ways. So I thank them for being without their dad far too often. Even when they are with their dad, I am not as attentive as I should have been. But I think they knew and they shared in the endeavor because they knew it was important for them and for our country.

So, hopefully, out of this experience they have been given a sense of purpose, and they know more about what life should be all about and that is to serve—serve God, serve your family, serve your community, and to serve your country. It is a great blessing. I thank them for the opportunity they have given me, through their sacrifice, to do that for the last 16 years.

I thank my mom and dad and Karen's mom and dad and all in our family who have been supportive every step of the way—sometimes wondering why I was doing this, sometimes unable to walk to the end of the driveway and pick up the paper for fear of what next was going to be said about their son-in-law or son. But they stood with us and fought with us and they comforted us. I thank them.

JOHN mentioned the people who are here in this room, my staff.

I ask unanimous consent to have printed a list of all of the folks who worked for us over the last 12 years in the Senate at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANTORUM. Mr. President, I wish I could read all these names, but there are a lot of names. These are people who worked for me in my personal office in Washington and in my offices across the State and the people who worked here in Washington in my leadership office at the Senate Republican Conference. JOHN said it so well. These are incredible people. I have had the opportunity now in the last few days to sit and talk with each one of my staff members to find out what they are doing and to get any final thoughts they would have. One after another, I have been amazed at the dedication, intelligence, caring, and the commitment of service they had to the people of Pennsylvania, or to the causes I have attempted to do my best to fight for in the Senate. These are incredibly talented people whom I have been so blessed to be associated with and to work with.

I looked at the list of our legislative accomplishments and I can say, yes, I worked on that, but on the autism legislation, Jennifer Vesey wrote it, not me. She spent 16 months working with 15 offices. In fact, let me do something at this point.

COMBATING AUTISM ACT OF 2006

Mr. SANTORUM. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 843) to combat autism through research, screening, intervention and education.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

S. 843

Resolved, That the bill from the Senate (S. 843) entitled "An Act to amend the Public Health Service Act to combat autism through research, screening, intervention and education", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Autism Act of 2006".

SEC. 2. CENTERS OF EXCELLENCE; IMPROVING AUTISM-RELATED RESEARCH.

(a) CENTERS OF EXCELLENCE REGARDING RESEARCH ON AUTISM.—Section 409C of the Public Health Service Act (42 U.S.C.284g) is amended—

(1) in the section heading, by striking "AUTISM" and inserting "AUTISM SPECTRUM DISORDER";

(2) by striking the term "autism" each place such term appears (other than the section heading) and inserting "autism spectrum disorder"; and

(3) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

"(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall, subject to the availability of appropriations, expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism spectrum disorder, including basic and clinical research in fields including pathology, developmental neurobiology, genetics, epigenetics, pharmacology, nutrition, immunology, neuroimmunology, neurobehavioral development, endocrinology, gastroenterology, and toxicology. Such research shall investigate the cause (including possible environmental causes), diagnosis or rule out, early detection, prevention, services, supports, intervention, and treatment of autism spectrum disorder.

"(2) CONSOLIDATION.—The Director may consolidate program activities under this section if such consolidation would improve program efficiencies and outcomes.".

(b) CENTERS OF EXCELLENCE GENERALLY.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404H. REVIEW OF CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—Not later than April 1, 2008, and periodically thereafter, the Secretary, acting through the Director of NIH, shall conduct a review and submit a report to the appropriate committees of the Congress on the centers of excellence.

"(b) REPORT CONTENTS.—Each report under subsection (a) shall include the following:

"(1) Evaluation of the performance and research outcomes of each center of excellence.

"(2) Recommendations for promoting coordination of information among centers of excellence.

"(3) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

"(c) DEFINITION.—In this section, the term 'center of excellence' means an entity receiving funding under this title in its capacity as a center of excellence.".

SEC. 3. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART R—PROGRAMS RELATING TO AUTISM

"SEC. 399AA. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

"(a) AUTISM SPECTRUM DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants or cooperative agreements to eligible entities for the collection, analysis, and reporting of State epidemiological data on autism spectrum disorder and other developmental disabilities. An eligible entity shall assist with the development and coordination of State autism spectrum disorder and other developmental disability surveillance efforts within a region. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

"(2) DATA STANDARDS.—In submitting epidemiological data to the Secretary pursuant to paragraph (1), an eligible entity shall report data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with autism spectrum disorder or other developmental disabilities.

"(3) ELIGIBILITY.—To be eligible to receive an award under paragraph (1), an entity shall be a public or nonprofit private entity (including a health department of a State or a political subdivision of a State, a university, or any other educational institution), and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(b) CENTERS OF EXCELLENCE IN AUTISM SPECTRUM DISORDER EPIDEMIOLOGY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, award grants or cooperative agreements for the establishment of regional centers of excellence in autism spectrum disorder and other developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism spectrum disorder and other developmental disabilities.

"(2) REQUIREMENTS.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center to be established under the grant or cooperative agreement shall operate in accordance with the following:

"(A) The center will collect, analyze, and report autism spectrum disorder and other developmental disability data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with developmental disabilities.

"(B) The center will develop or extend an area of special research expertise (including genetics, epigenetics, and epidemiological research related to environmental exposures), immunology, and other relevant research specialty areas.

"(C) The center will identify eligible cases and controls through its surveillance system and conduct research into factors which may cause or increase the risk of autism spectrum disorder and other developmental disabilities.

"(c) FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to requests for assistance from State health, mental health, and education department officials regarding potential or alleged autism spectrum disorder or developmental disability clusters.

"(d) DEFINITIONS.—In this part:

"(1) OTHER DEVELOPMENTAL DISABILITIES.—The term 'other developmental disabilities' has the meaning given the term 'developmental disability' in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8)).

"(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(e) SUNSET.—This section shall not apply after September 30, 2011.

"SEC. 399BB. AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions for individuals with autism spectrum disorder or other developmental disabilities, and train professionals to utilize valid and reliable screening tools to diagnose or rule out and provide evidence-based interventions for children with autism spectrum disorder and other developmental disabilities; and

"(2) to conduct activities under this section with a focus on an interdisciplinary approach (as defined in programs developed under section 501(a)(2) of the Social Security Act) that will also focus on specific issues for children who are not receiving an early diagnosis and subsequent interventions.

"(b) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, establish and evaluate activities to—

"(1) provide information and education on autism spectrum disorder and other developmental disabilities to increase public awareness of developmental milestones;

"(2) promote research into the development and validation of reliable screening tools for autism spectrum disorder and other developmental disabilities and disseminate information regarding those screening tools;

"(3) promote early screening of individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable, given evidence-based screening techniques and interventions;

"(4) increase the number of individuals who are able to confirm or rule out a diagnosis of autism spectrum disorder and other developmental disabilities;

"(5) increase the number of individuals able to provide evidence-based interventions for individuals diagnosed with autism spectrum disorder or other developmental disabilities; and

"(6) promote the use of evidence-based interventions for individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable.

"(c) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—In carrying out subsection (b)(1), the Secretary, in collaboration with the Secretary of Education and the Secretary of Agriculture, shall, subject to the availability of appropriations, provide culturally competent information regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, and evidence-based interventions to meet the needs of individuals with autism spectrum disorder or other developmental disabilities and their families through—

"(A) Federal programs, including—

"(i) the Head Start program;

"(ii) the Early Start program;

"(iii) the Healthy Start program;

"(iv) programs under the Child Care and Development Block Grant Act of 1990;

"(v) programs under title XIX of the Social Security Act (particularly the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program);

"(vi) the program under title XXI of the Social Security Act (the State Children's Health Insurance Program);

"(vii) the program under title V of the Social Security Act (the Maternal and Child Health Block Grant Program);

"(viii) the program under parts B and C of the Individuals with Disabilities Education Act;

"(ix) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

"(x) the State grant program under the Rehabilitation Act of 1973.

"(B) State licensed child care facilities; and

"(C) other community-based organizations or points of entry for individuals with autism spectrum disorder and other developmental disabilities to receive services.

"(2) LEAD AGENCY.—

"(A) DESIGNATION.—As a condition on the provision of assistance or the conduct of activities under this section with respect to a State, the Secretary may require the Governor of the State—

"(i) to designate a public agency as a lead agency to coordinate the activities provided for under paragraph (1) in the State at the State level; and

"(ii) acting through such lead agency, to make available to individuals and their family members, guardians, advocates, or authorized representatives; providers; and other appropriate individuals in the State, comprehensive culturally competent information about State and local resources regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, available services and supports, and evidence-based interventions.

"(B) REQUIREMENTS OF AGENCY.—In designating the lead agency under subparagraph (A)(i), the Governor shall—

"(i) select an agency that has demonstrated experience and expertise in—

"(I) autism spectrum disorder and other developmental disability issues; and

"(II) developing, implementing, conducting, and administering programs and delivering education, information, and referral services (including technology-based curriculum-development services) to individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals locally and across the State; and

"(ii) consider input from individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals.

"(C) INFORMATION.—Information under subparagraph (A)(ii) shall be provided through—

"(i) toll-free telephone numbers;

"(ii) Internet websites;

"(iii) mailings; or

"(iv) such other means as the Governor may require.

"(d) TOOLS.—

"(1) IN GENERAL.—To promote the use of valid and reliable screening tools for autism spectrum disorder and other developmental disabilities, the Secretary shall develop a curriculum for continuing education to assist individuals in recognizing the need for valid and reliable screening tools and the use of such tools.

"(2) COLLECTION, STORAGE, COORDINATION, AND AVAILABILITY.—The Secretary, in collaboration with the Secretary of Education, shall provide for the collection, storage, coordination, and public availability of tools described in paragraph (1), educational materials and other products that are used by the Federal programs referred to in subsection (c)(1)(A), as well as—

"(A) programs authorized under the Developmental Disabilities Assistance and Bill of Rights Act of 2000;

"(B) early intervention programs or interagency coordinating councils authorized under part C of the Individuals with Disabilities Education Act; and

"(C) children with special health care needs programs authorized under title V of the Social Security Act.

"(3) REQUIRED SHARING.—In establishing mechanisms and entities under this subsection, the Secretary, and the Secretary of Education, shall ensure the sharing of tools, materials, and products developed under this subsection among entities receiving funding under this section.

"(e) DIAGNOSIS.—

"(1) TRAINING.—The Secretary, in coordination with activities conducted under title V of the Social Security Act, shall, subject to the availability of appropriations, expand existing interdisciplinary training opportunities or opportunities to increase the number of sites able to diagnose or rule out individuals with autism spectrum disorder or other developmental disabilities and ensure that—

"(A) competitive grants or cooperative agreements are awarded to public or nonprofit agencies, including institutions of higher education, to expand existing or develop new maternal and child health interdisciplinary leadership education in neurodevelopmental and related disabilities programs (similar to the programs developed under section 501(a)(2) of the Social Security Act) in States that do not have such a program;

"(B) trainees under such training programs—

"(i) receive an appropriate balance of academic, clinical, and community opportunities;

"(ii) are culturally competent;

"(iii) are ethnically diverse;

"(iv) demonstrate a capacity to evaluate, diagnose or rule out, develop, and provide evidence-based interventions to individuals with autism spectrum disorder and other developmental disabilities; and

"(v) demonstrate an ability to use a family-centered approach; and

"(C) program sites provide culturally competent services.

"(2) TECHNICAL ASSISTANCE.—The Secretary may award one or more grants under this section to provide technical assistance to the network of interdisciplinary training programs.

"(3) BEST PRACTICES.—The Secretary shall promote research into additional valid and reliable tools for shortening the time required to confirm or rule out a diagnosis of autism spectrum disorder or other developmental disabilities and detecting individuals with autism spectrum disorder or other developmental disabilities at an earlier age.

"(f) INTERVENTION.—The Secretary shall promote research, through grants or contracts, to determine the evidence-based practices for interventions for individuals with autism spectrum disorder or other developmental disabilities, develop guidelines for those interventions, and disseminate information related to such research and guidelines.

"(g) SUNSET.—This section shall not apply after September 30, 2011.

"SEC. 399CC. INTERAGENCY AUTISM COORDINATING COMMITTEE.

"(a) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Interagency Autism Coordinating Committee' (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services concerning autism spectrum disorder.

"(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

"(1) develop and annually update a summary of advances in autism spectrum disorder research related to causes, prevention, treatment, early screening, diagnosis or rule out, intervention, and access to services and supports for individuals with autism spectrum disorder;

"(2) monitor Federal activities with respect to autism spectrum disorder;

"(3) make recommendations to the Secretary regarding any appropriate changes to such activities, including recommendations to the Director of NIH with respect to the strategic plan developed under paragraph (5);

"(4) make recommendations to the Secretary regarding public participation in decisions relating to autism spectrum disorder;

"(5) develop and annually update a strategic plan for the conduct of, and support for, autism spectrum disorder research, including proposed budgetary requirements; and

"(6) submit to the Congress such strategic plan and any updates to such plan.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall be composed of—

"(A) the Director of the Centers for Disease Control and Prevention;

"(B) the Director of the National Institutes of Health, and the Directors of such national research institutes of the National Institutes of Health as the Secretary determines appropriate;

"(C) the heads of such other agencies as the Secretary determines appropriate;

"(D) representatives of other Federal Governmental agencies that serve individuals with autism spectrum disorder such as the Department of Education; and

"(E) the additional members appointed under paragraph (2).

"(2) ADDITIONAL MEMBERS.—Not fewer than 6 members of the Committee, or 1/3 of the total membership of the Committee, whichever is greater, shall be composed of non-Federal public members to be appointed by the Secretary, of which—

"(A) at least one such member shall be an individual with a diagnosis of autism spectrum disorder;

"(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder; and

"(C) at least one such member shall be a representative of leading research, advocacy, and service organizations for individuals with autism spectrum disorder.

"(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

"(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

"(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years, and may be reappointed for one or more additional 4 year term. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

"(3) The Committee shall meet at the call of the chairperson or upon the request of the Secretary. The Committee shall meet not fewer than 2 times each year.

"(4) All meetings of the Committee shall be public and shall include appropriate time periods for questions and presentations by the public.

"(e) SUBCOMMITTEES; ESTABLISHMENT AND MEMBERSHIP.—In carrying out its functions, the Committee may establish subcommittees and convene workshops and conferences. Such subcommittees shall be composed of Committee members and may hold such meetings as are necessary to enable the subcommittees to carry out their duties.

"(f) SUNSET.—This section shall not apply after September 30, 2011, and the Committee shall be terminated on such date.

"SEC. 399DD. REPORT TO CONGRESS.

"(a) IN GENERAL.—Not later than 4 years after the date of enactment of the Combating Autism Act of 2006, the Secretary, in coordination with the Secretary of Education, shall prepare and submit to the Health, Education, Labor, and Pensions Committee of the Senate and the Energy and Commerce Committee of the House of Representatives a progress report on activities related to autism spectrum disorder and other developmental disabilities.

"(b) CONTENTS.—The report submitted under subsection (a) shall contain—

"(1) a description of the progress made in implementing the provisions of the Combating Autism Act of 2006;

"(2) a description of the amounts expended on the implementation of the particular provisions of Combating Autism Act of 2006;

"(3) information on the incidence of autism spectrum disorder and trend data of such incidence since the date of enactment of the Combating Autism Act of 2006;

"(4) information on the average age of diagnosis for children with autism spectrum disorder and other disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

"(5) information on the average age for intervention for individuals diagnosed with autism spectrum disorder and other developmental disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

"(6) information on the average time between initial screening and then diagnosis or rule out for individuals with autism spectrum disorder or other developmental disabilities, as well as information on the average time between diagnosis and evidence-based intervention for individuals with autism spectrum disorder or other developmental disabilities;

"(7) information on the effectiveness and outcomes of interventions for individuals diagnosed with autism spectrum disorder, including by various subtypes, and other developmental disabilities and how the age of the child may affect such effectiveness;

"(8) information on the effectiveness and outcomes of innovative and newly developed intervention strategies for individuals with autism spectrum disorder or other developmental disabilities; and

"(9) information on services and supports provided to individuals with autism spectrum disorder and other developmental disabilities who have reached the age of majority (as defined for purposes of section 615(m) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(m)).".

(b) REPEALS.—The following sections of the Children's Health Act of 2000 (Public Law 106–310) are repealed:

(1) Section 102 (42 U.S.C. 247b–4b), relating to the Developmental Disabilities Surveillance and Research Program.

(2) Section 103 (42 U.S.C. 247b–4c), relating to information and education.

(3) Section 104 (42 U.S.C. 247b–4d), relating to the Inter-Agency Autism Coordinating Committee.

(4) Section 105 (42 U.S.C. 247b–4e), relating to reports.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Part R of title III of the Public Health Service Act, as added by section 3, is amended by adding at the end the following:

"SEC. 399EE. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—To carry out section 399AA, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $15,000,000.

"(2) For fiscal year 2008, $16,500,000.
"(3) For fiscal year 2009, $18,000,000.
"(4) or fiscal year 2010, $19,500,000.
"(5) For fiscal year 2011, $21,000,000.

"(b) Autism Education, Early Detection, and Intervention.—To carry out section 399BB, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $32,000,000.
"(2) For fiscal year 2008, $37,000,000.
"(3) For fiscal year 2009, $42,000,000.
"(4) For fiscal year 2010, $47,000,000.
"(5) For fiscal year 2011, $52,000,000.

"(c) Interagency Autism Coordinating Committee; Certain Other Programs.—To carry out section 399CC, 409C, and section 404H, there are authorized to be appropriated the following:

"(1) For fiscal year 2007, $100,000,000.
"(2) For fiscal year 2008, $114,500,000.
"(3) For fiscal year 2009, $129,000,000.
"(4) For fiscal year 2010, $143,500,000.
"(5) For fiscal year 2011, $158,000,000.".

(b) Conforming Amendment.—Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended by striking subsection (e) (relating to funding).

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, we just passed the combating autism bill that we have been working on for 16 months. I thank Senator Dodd for his tremendous work on that. I thank all of the autism groups. I thank Jennifer Vesey for the tremendous work she did and the hours and hours and patience it takes to put together complex and important pieces of legislation.

Later today, or tomorrow, we are going to pass the abandoned mine lands bill. I would love to say that was Rick Santorum, but it was Ashley Horning; it wasn't Rick Santorum. She did all the work. I pretty much knew what was in there, and I would negotiate the parts in disagreement. That is what we all do. But on 90 percent of the bills that most of us know about, we didn't hammer out the details; it was done by folks who have the commitment and vision and effort and work the long hours to make the legislation possible. It is important that in Pennsylvania now we will get a billion dollars to clean up abandoned mines—it is a tremendous contribution to the environment—or miners will have health care coverage paid because, in part, I had a terrific staff person. I can go down through issue after issue and look at these accomplishments that would be great to stand up and say that I did, but I had a tremendous amount of help. I had incredibly talented, gifted people who worked incredible hours.

What most people across America don't realize is how hard our people around here work. They don't do it for the money. They don't do it because they have some agenda to accomplish. They do it because they want to improve America, make America a better place. They want to leave this place better than how they found it. They want to serve because they love this country and they believe in what will make this country better. They work long hours. They don't get paid as much as they could make if they wandered off the Hill. I will put my folks, both in Washington and across the State, up against anybody. They are sitting in the gallery and here along the railing. They have given their all and I thank them. They served the people of Pennsylvania. Looking at Kevin Roy over there, I think of all of the earmarks—that is a dirty word—that we were able to get to help the people in Pennsylvania in so many ways. I look at work we did for the nonprofit community and welfare and families, and Melanie Looney and her team worked on that.

It has been an incredible group. Our Senate conference, the message folks—it was awfully hard. Republicans are not good on the old message issue. We don't follow our talking points very well. We try. We try. We have a lot of independent thinkers on our side. God bless them. They always have a better way of saying things than what we suggest or actually not even saying things, thinking things than what we suggest. That is the beauty of our party. We have a lot of diversity within our party.

We have some very talented people who work very hard, not just a dry message to spin, but to try to move the debate, try to get our causes articulated in a way that is communicated effectively to people across America. They worked hard. They built coalitions. They did their best, and I thank them for their effort and the tremendous service they have given our conference.

I thank the folks in my district offices. Most of those folks have been with me 16 years. We don't have a lot of turnover in our office. A lot of folks in Pittsburgh have been with me 16 and others around the State have been with me 12 years. They are dedicated people who go out and do those security checks and veterans benefits and medals.

I will always remember one story that happened this last year. There was a man, a World War II vet named Patrick. I was at a ribbon-cutting for a VA facility in Oakland in Pittsburgh. While I was there, we arranged a little medal presentation to a veteran who had sought a medal and was never given that medal. That is all I knew about it. I showed up. There was this older gentleman sitting in the front row. His name was Patrick.

Patrick was a World War II veteran who served in Patton's army and was sent on a secret mission to try to liberate a POW camp. In that mission, he was captured. He was imprisoned for several months, I believe, in a German POW camp. When he got out of the Army, he requested a POW medal, but the paperwork didn't show he had been captured. It was a secret mission, and it never appeared on his military record.

For 60 years, Patrick fought to get his designation as a POW. He never married. In fact, later in his life after he retired from work, he became somewhat of a recluse because he was kidded by some of his buddies about being a POW. It affected him dramatically, so much so that one of his friends and relatives contacted us to say: Is there anything you can do? Could it possibly be true?

Ann Blocksidge in my office in Pittsburgh, wizard that she is with these issues that she has been working on now for 16 years, knew the places to call and put the records together. We found out, yes, he was, and that was in one place in one record and not in the same place as the other record, and A didn't talk to B. So we were able to get him his POW medal.

I remember pinning it on him. This older man walked to the microphone. He said: There is one thing I want to say. He said: I finally feel welcomed home.

It is a great story, but the folks in my office and offices all over this Capitol do this every day because they care, because the people call with impossible things, and our folks do impossible things to help them.

I thank all of them for all the service they have done, for doing what I ask them to do when they come into the office: Treat every caller as if it is your grandmother calling. If you treat every caller as if it is your grandmother—hopefully they get along with their grandmother—then things will be fine.

I thank my colleagues. This place gets a lot of ridicule. It is very easy to criticize people in the fishbowl. It is very easy to take shots at people for not living up to expectations, and certainly we all do not live up to expectations. But I think I can say without any reservation that the men and women in this body are good and decent people who are doing what they believe is best for this country.

I know many people find that hard to believe because they look at people and they have beliefs so diametrically opposed to people in this Chamber. I certainly have views—and have demonstrated that on many occasions on the floor of the Senate—that are diametrically opposed to many people in this Chamber. But in my heart, I never questioned the integrity and the sincerity of the people who articulated their opinions, that they were not sincere. I believed them to be sincere and I believed them to believe that it was in the best interest of the country. That is what is supposed to happen here. Ideas are to be debated, points of view are to be discussed, and the prevailing thought of the day will move the country in that direction.

There are very good people here. I tell the people of America: There are very good people here. There are people here on both sides of the aisle who pray every single day for God's guidance. There are people here today who, while we fight and argue, do so out of a passion for doing what is right.

I thank my colleagues for the courtesies they have shown me, and particularly my Republican colleagues for the honor they have given me to serve in the leadership for 6 years. I know that was not an easy decision back in 2001 to elect someone who had a reputation of being somewhat of a bomb thrower in the House and in my early Senate days to a position of leadership in the Senate. They took a risk. I hope they feel it has paid off.

It has certainly been a great blessing to me to have been able to serve my colleagues in the capacity of conference chairman.

It is an incredible group of people. I think of John, who is my tennis partner. We played our first match after I was defeated, and he beat me 6-love, 6-1. He thinks it is because he played better, but I am just preparing for other employment.

We have prayer groups here. One of the most important things in my life over the past 12 years has been the Senate prayer group, the Senate Bible study, and the prayer breakfasts, the small prayer group with which I have been involved. I don't know how people do it. I don't know how people do this business without prayer, without an understanding that there is something bigger than us here, something that will help us, guide us, lift us up at times when there seems to be no other reason to be lifted up.

I thank all of those who prayed with me and prayed for me. Lloyd Ogilvie, a chaplain here for many years, and Barry Black, our Chaplain now—they are prayer warriors for all of us. I know they pray for us every day. I know Lloyd still prays for us every day, and I know millions of Americans pray for us every day. I thank all of them for helping me through and helping us and helping our country through these difficult times.

I thank our leader, BILL FRIST, my first leader I served under as a member of the leadership, TRENT LOTT, and the leader I served under when I came to the Senate, BOB DOLE. Each and every one of them in their own way led differently. But in the case of Senator DOLE, he was a larger-than-life figure to me, coming over to the Senate as a 36-year-old Senator. He was on his way to run for the Presidency. He took the time to be concerned about the issues that were important to me. He put me on the committees I needed to be on and gave me the opportunity that I will never forget and certainly will always be thankful for—to manage and work on the welfare reform bill back in 1996.

Of all the things I accomplished in the Senate, there is nothing I am more proud of than what we did in 1996 to reform the welfare system and transition it so millions and millions would fall off the rolls, find gainful employment, and change their lives and the lives of their families. I owe that to BOB DOLE. He gave me the opportunity to stand at that manager's chair for months in my second year in the Senate and taking on what I would argue was the most important piece of legislation in that session of the Congress, the Republican revolution.

I thank TRENT LOTT not only for his tutelage and mentoring me in the time I have been here as a leader, but for helping me in gaining leadership and being involved in the leadership in the Senate.

I thank BILL FRIST for his friendship. His coming in as a leader when I was already in the leadership was a little different. He didn't come in and point the finger and boss around, but he came in to learn. He came in to engage, to try to take the knowledge that was in the leadership group and use it to build a stronger group. I appreciate that.

There is a humility in BILL FRIST. It is a very attractive quality and, I might also add, a rather rare quality if one is in the Senate, but a very attractive one and a very important one in Senators and leaders.

I thank, I guess finally, the people of Pennsylvania. I was talking to Jim Towey. Jim is the new president of Saint Vincent College in Latrobe, PA. Jim is the former director of the faith-based office for the President. I called him the other day. He said: You know, Rick, I have been here—I think he said 6 months. He said: I really like the State, like the area, good people. But the more I study the State and the more I get the feel of Pennsylvania, I have one question: It is not how did you lose the election, but how did you get elected here twice?

I got elected twice because I had a lot of wonderful people who campaigned hard, worked hard, and believed in me and were able to maybe see past some of the differences with me to give me an opportunity to serve here, and I am eternally grateful.

It is an incredible State. It is one I got to know very well and, obviously, got to know thousands of people. I had the opportunity to serve them. I had the opportunity to be scolded by them, reprimanded by them. But I always understood they were my employers. I work for them. And when you work for somebody, sometimes they are going to tell you they don't like the job you are doing. And you better act like someone who is an employee instead of an employer or you are not going to find yourself as an employee very much longer. Well, I tried to act like an employee. But that doesn't mean I always had to agree with my employer, and a lot of times I didn't. And maybe I spoke up too often too loudly and too boldly on some of the things that my employer didn't agree with. I hope they respect the fact that it was a heartfelt disagreement and that I did what I did and I said what I said because I believed it was in their best interests, even though they may not have thought so.

I respect the fact that I didn't win this election and that the people of Pennsylvania made a different decision. I had an opportunity to meet with my successor today in my office and get a chance to talk with him about some of the ins and outs of the Senate. He is a good man, and he will do a good job. I hope the people of Pennsylvania will give him and extend to him the same courtesies and trust and cooperation that so many Pennsylvanians who didn't agree with me on a lot of things but knew that it was important to work together—such as our Governor, Ed Rendell, whom I worked with as mayor and as Governor, as well as I did with any Republican that I know—I hope that Republican officeholders in Pennsylvania treat my opponent with the same kind of respect and the same kind of cooperation that Governor Rendell and I have had over the years.

That brings me to my colleague, Senator SPECTER. It was very kind of ARLEN to come and say a few words. He said that we are not only colleagues in the Senate and, obviously, colleagues from Pennsylvania, but we are friends. I have to tell my colleagues, when I first came to the Senate, I thought it was a very long shot that I would be friends with ARLEN SPECTER. All I had heard about ARLEN SPECTER was how prickly a character he is, how difficult he is, sort of cold and tough. But he is a pretty soft guy. He really is. He gets those granddaughters around him and he just melts. No, he is a good man. I don't agree with ARLEN a lot, and of course everybody knows that, but ARLEN has been a good partner. We have worked on a lot of things together. And even when we disagreed, we understood and respected the disagreement and didn't let it affect us, or certainly our relationship, or if it was important enough to us and important enough to the State and important enough to the country, we worked hard to try to bridge those differences. I think that is a good model. I recommend it to my successor. I recommend it to all my colleagues.

This place doesn't have to be as personally confrontational as it is. I say that as someone who was pretty personally combative when I first came here. I know that I have had some pretty strident debates on the floor of the

Senate, but I will tell my colleagues that in my heart, it was never personal, it was always about what the issue was about. And it is hard for a lot of people in America who look at it in a culture that takes everything personally—people have asked me why I have been so comfortable and at ease with what has happened, and it is because I don't take it personally. People disagree with where I wanted to take this country, and that is fine. They will have an opportunity to take it someplace else, for now.

But I don't take it personally. I look at the empty desks of my colleagues on the other side of the aisle, and I look at each and every one and I can see them all sitting there, and I can't think of one that I would take a disagreement with personally—and I have had disagreements with virtually every one but all of them have disagreed, hopefully without being personally disagreeable. That is how this place works. It is the only way it can work and be successful for America.

In closing, I want to say that I always come back to the word "gratitude." To God, to my family, to my colleagues, to the wonderful people who have worked for me and with me over the years, to the people of the 18th Congressional District, to the people of Pennsylvania: Thank you. Thank you. I don't know what I will be doing next, but I cannot imagine that anything I do in the future will rival the kind of blessings I have felt from all of the folks whom I have mentioned. The relationships and the wonderful accomplishments and the great spirit I have experienced over these last 16 years is something that I am eternally grateful for to all of those involved. It has been a great blessing.

I thank my colleagues, I thank those who came and listened, those who might be listening in other ways, but I thank them, personally, for the great kindness they have shown me. I leave a very happy and contented former Senator from Pennsylvania who feels very blessed.

EXHIBIT 1

SENATE PERSONAL OFFICE EMPLOYEES

Aho, Robert W; Anderson, Thomas S; Armata, Andrew M T; Baldwin, Todd A; Barbera, Vincent M; Barron, Bruce A; Bashore, Keith E; Beresnyak, Allison M; Beresnyak, Thomas E Jr.; Bernier, George M III; Bernstein, Luke M; Berry, Donna A; Bertuola, Lawrence J; Beynon, Matthew E; Bickhart, Robert G; Blocksidge, Anne M; Bonesso, Rozzanna J; Bowman, Patricia Dianne; Bowser, Julia E; Boyd, Allison J.

Bozzuto, Robert F; Bragg, Heather N; Broughton, Aaron Michael; Brown, Brian T; Burkhalter, Colin J; Butler, Timothy R; Caldwell, Stanley D; Calka, Courtney JO; Carlson, Michael R; Carter, Andrew C; Castillo, Michael J; Chapman, Elizabeth R; Christman, David R; Clater, Michael D; Cognato, Christopher; Cognato, Michael H; Coleman, Samuel E; Collins, Leah R; Conklin, Jennifer M; Coppolo, Stephen D.

Corman, Jacob D III; Coulter, Kathryn A; Covel, Michelle F; Crane, Rebecca H; Curry, Margaret K; Daniel, Kelly L; Davidek, Jason E; Davis, Mary Elizabeth A; Davis, Virginia L; Dermody, Brandon D; Devito, William J; Dick, John T; Diehl, Samuel W; Dougherty, Kara A; Doyle, Lyda A; Dutkowski, Margaret C; Ely, Ramona J; Ensslin, Mary T; Evans, Andrea L; Faulk, Page C.

Faustino, Mary A; Feenstra, Paul A; Feller, Meredith L; Fergusen, Sarah E; Ferrara, Lorenzo L; Finney, Thomas S; Fischer, Karen E; Fratto, Salvatore A; French, David G; French, John M III; Galko, Vincent A; Garver, Nancy L; Gaston, Shivellia T; Gemma, Peter B Jr.; Genesio, Christine J; Gerry, Keith M; Gorman, Victoria Lynn; Greco, Michael P; Greene, Charles M; Gresov, Winston G.

Gutierrez, Jennifer C; Haberkern, Jeffery J; Hall, David M; Harbula, David Scott; Harvey, Marcus W; Hershey, Jill E; Hershey, Michael S; Hoadley, Cassandra; Holcombe, Sara K; Hornbake, Lawrence E; Horne, Wesley O; Horning, Ashley E; Howard, Jaime L; Hybels, Amy R; Irvine, Walter G Jr.; Irwin, Christine E; Ivanov, Florina D; Johnson, Thomas O II; Kauffman, Alexander J; Kelly, Caitlin B.

Kennedy, Brian D; Kinsman, Chelsea M; Kitchen, Michelle L; Kocan, Sheila T; Koutsiouroumbas, Athan; Kuklis, Joseph V; Laager, Maryanne R; Ladd, Abigail A; Larcinese, Mary E; Laurenson, Craig A; Lebaudy, Laura A; Leidner, Kristina S; Leinbach, Christian Y; Lewandowski, Leslie L; Lindenberer, Stephanie Ann; Lofton, Marian Victoria; Looney, Melanie L; Lyle, Stephen T; Lynch, Stephanie F; Maclean, Heather Marie.

Maddox, Audrey C; Maguire, Erin K; Mahon, Emmet M; Maines, Laura A; Martin, David; Martin, John E Jr.; Mattei, Thomas J Jr.; Matthews, Shawnna Lee; Mcclard, Melissa J; Mccoy, Ida M; Mccracken, David E; Mccree, Michael R; Mcdonald, Robin V; Mcelwee, George S; Mcginley, Christopher P; Mckeon, Meredith; Mcnamara, Kevin M; Medina, Wanda I; Meyer, Christine M; Mihalke, Michael H.

Miller, Eric R; Miller, Jennifer L; Miller, Manda B; Miller, Nicole M; Miller, William A; Mitchell, Anna K; Mitchell, Marcus P; Mizer, Erica L; Molineaux, Peter J; Moore, Thomas; Moore, Zachery P; Morinigo, Nicholas; Morton, Bylly Jo; Mullen, James G; Narcavage, Michael III; Navin, Lawrence M; Ohara, Gerald J; Oshea, Joseph J; Pallotto, Adam R; Palmer, Wayne D.

Park, Victoria P; Parrick-Cox, Susan; Patel, Kajal A; Pavlik, Bonnie M; Peacock, Deborah A; Pearson, Tim; Perez, Janet M; Petraglia, Amy W; Poteet, Paul W; Preate, Alexandra V; Pugh, Jennifer S; Quinn, Christine Marie; Rajsic, Michelle; Ramos, Josephina; Reilly, Sean M; Reyes, Jeremy; Rhodes, Allison L; Riegel, Ellen J; Rockwell, Russel A; Rode, Katherine R.

Rodgers, Lincoln R C; Roman, Lisa M; Romaniello, Catherine M; Roscoe, Abigail; Rossi, Connie J; Rossman, Eleanor T; Roy, Kevin F; Ryan, Maureen; Sailhamer, Brent A; Salvesen, Erling R III; Sanborn, Alden R; Sanders, Joseph E Jr.; Sarmir, Danielle; Scanlan, Tricia L; Scaringi, M Anthony; Schmidt, Keith A; Schmidt, Michele E; Sears, William P; Sechler, Michael W; Shaner, Mathias R.

Sharp, Crystal N; Sharp, Trudy R; Shelby, Melissa B; Sheriff, Marie A; Shirk, Jamie E; Shott, Christine M; Simodejka, Jill L; Sinha, Sushant K; Smith, Brian A; Smith, Jacob W; Solfanelli, Matthew; Soroka, Suzanne M; Sosar, Edward D; Spangler, Courtney Leigh; Sparvero, Emily S; Stawasz, Karen L; Stein, Peter J; Stephans, Elizabeth L; Stolnacher, Patricia L; Stoltzfoos, Gerald D.

Stoltzfoos, Jeffery L; Strickland, Carolyn; Strothman, Alexis A; Stuart, Robert R; Swain, Tooshar K; Swartz, Barbara K; Sweeny, Jennifer Mahurin; Sybyl, Julie M; Szy, Daniel J; Taylor, David N; Tekel, Adam R; Thompson, Holly; Titus-Young, Joy J; Traynham, Robert L; Trego, Joshua S; Tulyasathein, Charnsin; Turner, Michelle D; Urguhart, E Randy; Valdes, Stephen G; Vanderpool, Kristen R.

Vesey, Jennifer L; Voinski, John A; Vulakovich, Randolph P; Walker, Patricia B; Wall, Toni B; Walters, Christopher F; Watson, D Dexter; Weaver, Chad A; Weber, David; Weiss, Todd M; White, Jennifer S; Wiesenfeld, Michael A; Williamson, N Kathy; Willis, Jessica R; Wittman, Anne E; Wright, Erica Clayton; Wusinich, Maria T; Yanoshak, Erica M; Younger, Anita.

SENATE REPUBLICAN CONFERENCE EMPLOYEES

Amy Marie Adams; Jeff Hunt; Garrett Fahy; Joel Digrado; Kate Harris; Shonda Werry; Cris Clapp; Melissa Seckora Anderson; Elizabeth Keys; Barbara Ledeen; Chrissy Shott; Sarah Berk; Mark Rodgers; Randy Brandt; Katherine Gonzalez; Carlos Gonzalez; Lane Marshall; Cyrus Pearson; Robert Traynham; Henry Peterson; Chris Angrisani; Laura Gill.

Nick Schweich; Aaron Broughton; Tim Petty; Curtis Swager; Nate Green; David Song; Michael Bleicher; Jen Sweeney; Joy Schmidt; Eden Gordon; Susana Levenson; Eric Miller; Chris Myers; Rebecca Cotton; Drew Cantor; Alex Kaufman; John Rankin; Dan Ronayne; Eric Ruiz; Loredana Vouto; Deidre Woodbyrne.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I wish to say to my good friend from Pennsylvania, before he leaves the floor, what an extraordinary 16 years he has had representing the people of his State and what a truly outstanding Member of the Senate he has been and what a moving farewell address I had an opportunity to witness. Good luck, good friend, and Godspeed.

Mr. President, I ask unanimous consent that the vote on the pending nomination occur at 5:45 today and that prior to the vote, Senator GRASSLEY be recognized to speak for up to 10 minutes, Senator ENZI for up to 5 minutes, and Senator KENNEDY for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am pleased that the Food and Drug Administration will finally have a confirmed Commissioner. And I am glad that the President's nominee, Dr. Andrew von Eschenbach, has acted to address concerns that have been raised about his nomination. He addressed conflict-of-interest concerns by resigning his position as head of the National Cancer Institute. The FDA also approved access to emergency contraception without a prescription. This decision should have been made when the FDA's expert panel recommended it, and I was disappointed at the shameless politicizing of science over emergency contraception. With those issues now resolved, I will vote for his nomination.

Mr. HATCH. Mr. President, I rise in strong support of the nomination of Dr.

Andrew von Eschenbach to be Commissioner Food and Drugs.

I am pleased that the Senate is considering Dr. von Eschenbach's nomination and I strongly urge my colleagues to support him because the FDA needs a permanent Commissioner to lead the agency. The FDA has been criticized time and time again over this. To me, the first step toward promoting stability in the agency is for the Senate to confirm an FDA Commissioner. Dr. von Eschenbach is a capable administrator, extremely knowledgeable about health care and food and drug policy, and we can count on him to do the right thing. It is past the time that he be confirmed.

I had the opportunity to work with Dr. von Eschenbach when he was the Director of the National Cancer Institute and found him to be personable and engaging. I also had a long meeting with Dr. von Eschenbach before his Senate confirmation hearing and was very impressed with his in depth knowledge on matters before the Food and Drug Administration. But even more impressive, Dr. von Eschenbach truly listened to my ideas regarding the FDA, and I greatly appreciated it. It is clear that he intends to work closely with the Congress.

The bottom line is that I am convinced Dr. von Eschenbach is the best person for the job, and the sooner we get him confirmed, the better.

I would like to take a moment to talk about FDA-related issues facing my home State of Utah and where Dr. von Eschenbach's strong involvement will be crucial.

As my colleagues are aware, Utah is home to the largest concentration of dietary supplement companies in our Nation, so ensuring that the Dietary Supplement Health and Education Act, DSHEA, law is strongly and appropriately enforced is a high priority of mine.

I have been told by every FDA Commissioner since Dr. Kessler that the FDA has adequate authority under DSHEA to make certain the supplement marketplace is safe, so it is my hope that Dr. von Eschenbach will make this a priority during his tenure as FDA Commissioner.

In addition, as I have told him on more than one occasion, it is essential for Dr. von Eschenbach to work to finalize and implement good manufacturing practices—GMPs—for supplements as authorized by DSHEA. It is 12 years since they were authorized. And, despite the repeated contacts Senator HARKIN and I have made, the reportedly drafted regulations have still not been issued. I want to encourage strongly Dr. von Eschenbach to address this matter once and for all.

We will also be counting on the good doctor to implement the new system of mandatory reporting of serious adverse events—AERs—for nonprescription drugs and dietary supplements that is contained in S. 3546, the Hatch-Durbin bill we passed last night. It is my hope the House will pass the bill today—and it can be sent to the President for signature. When enacted, the Hatch-Durbin-Harkin-Enzi-Kennedy bill will require manufacturers of supplements and over-the-counter drugs to report to FDA any reports of serious problems associated with the use of the products. This is an important consumer protection bill, and it is important that FDA seek the funding to implement the program as Congress intends. I stand ready to work with the agency on this.

Another concern I have expressed to Dr. von Eschenbach and his agency is the need to look out for the "little guy" once he becomes Commissioner. Utah is the home to more than 100 medical device companies, many of them small, and I want Dr. von Eschenbach and his staff to treat these companies fairly, especially when the FDA officials conduct inspections. There have been several complaints from manufacturers about the tactics that the FDA inspectors have taken. I think these complaints have merit. All I ask of Dr. von Eschenbach is that Utah companies be treated fairly by the FDA.

I also am deeply concerned about the agency's lack of funding. This has been a growing concern, especially as it affects implementation of DSHEA, the new AEER system, and also the review of generic drug applications. While I realize that FDA has a lot of responsibilities, ranging from ensuring the safety of drugs and medical devices to protecting our country's food supply, it simply isn't fair to continue to pile on these responsibilities without providing the FDA with adequate funding. I assure Dr. von Eschenbach that I will work with him and my colleagues on the Senate Appropriations Committee and the Senate HELP Committee to ensure that the agency is provided with sufficient funding.

I urge my colleagues to vote in favor of Dr. von Eschenbach today so that the agency will finally have a permanent leader who will look out for the best interests of both the American people and an important Federal agency—the FDA.

Ms. MIKULSKI. Mr. President, I rise before you today to discuss the nomination of Andrew Von Eschenbach as Commissioner of the FDA.

I first want to say that I love the FDA. FDA is in my home state of Maryland. It employs over 10,000 of my constituents. It is right down the road from the NIH. I am proud to have all that research at NIH and then have FDA in Maryland standing up for the food safety of the American people, looking out to make sure that the drugs and the technologies that we use are safe.

Over the years, I have fought for the right facilities, the right resources, and now the right leadership at the FDA. Dr. Von Eschenbach is an experienced clinician and researcher and as the former Director of National Cancer Institute, NCI. I presume he is committed to the mission of FDA. However, I have concerns. I have yellow flashing light about his commitment to reform over drug safety, to not politicize science, and to establish a channel where employees can speak truth to power.

This is important. As we consider the nomination of Dr. Von Eschenbach, we must address one of the most important issues facing our Nation: the loss of confidence in our Government's ability to ensure the safety of our food, our drugs, and our medical devices. The FDA has always been the gold standard in maintaining the safety and efficacy of our drugs and medical devices.

Yet today the Agency is being politicized and degraded. The current administration has shown a persistent pattern of placing politics before science; making appointments based on ideology instead of competency; stifling scientists whose findings do not meet political objectives; making decisions based on politics, rather than sound science.

Nowhere is this more evident than at the FDA. Today, FDA is facing a crisis: There is a crisis of morale. There is a crisis of confidence in the reliability of FDA decisions. There is a crisis about whether there are scientists operating under a gag rule, putting politics above science. There is a crisis ensuring the reliability and safety of our drugs.

This summer, Union of Concerned Scientists released its survey of the scientists at the FDA. These scientists are my constituents. They found the morale of trusted and respected employees has been battered by years of weak leadership. This survey is important because it gives a public voice to scientists who aren't in a position to place their jobs on the line to suffer retaliation for speaking the truth and to potentially jeopardize their families.

The FDA needs a major overhaul and a culture change at the highest levels in order to continue to meet its mission. The FDA needs to reestablish its relationship with its own scientists. The FDA's focus should be only on science and the public good. And I am hoping that Dr. Von Eschenbach will be the strong leader the FDA needs to accomplish this overhaul.

My criterion for looking at every nomination are competence, integrity, commitment to the mission of the Agency.

Competence: Management expertise is essential to effectively run FDA without redtape and bureaucracy. The FDA has over 10,000 dedicated employees and has a budget of nearly $2 billion. Strong management skills and leadership are essential to ensure that FDA can efficiently and effectively carry out its many responsibilities.

Integrity: The individual must be well-respected by patient/consumer groups and the industry so that FDA commands the respect of the public and the industry it regulates. The FDA Commissioner must also be an honest broker and listener who can make tough calls on contentious issues.

Commitment to the mission of the Agency: Decisions must be made based on sound science and public health, not ideology. The nominee must maintain the FDA gold standard of safety and efficacy, ensuring timely approval of new therapies to save lives, help patients live longer and improve their quality of life and ensuring safety of our food supply.

The FDA needs strong leadership. Dr. Von Eschenbach is an experienced and respected scientist. We need his leadership to help Congress establish the legislative framework needed to reform FDA: We need to restore the morale at FDA; we need to restore confidence in the FDA for all Americans; and we need to restore FDA to the world's premier food and safety regulatory agency.

We need his commitment to ensure that the best possible science informs the decisions the FDA makes every day. We need him to ensure a culture of openness so that management listens to and addresses the concerns of your employees. We need him to make significant changes to transform the Agency to the gold standard it once was.

FDA sets the gold standard. Yet today we have ideology over science, ideology over competence. I strongly believe the FDA needs a strong permanent Director. I will therefore vote for Andrew Von Eschenbach in the hopes that he can become that strong leader FDA needs and the American public deserves.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, at 5:45, in just 15 minutes, we will have an opportunity to vote on the nominee to head the Food and Drug Administration. I want to first of all commend my friend, the chairman of our human resource committee, Senator ENZI, for his leadership over this period of time in giving the assurance to the agency, and much more importantly to the American people, that we are going to have someone in charge of this agency able to exercise executive decisions, to make sure the agency itself is going to fulfill its role in protecting the health of the American people. So first of all, I thank my colleague and friend, Senator ENZI, for making sure we are going to get an opportunity to vote.

I thank the majority leader, Senator FRIST, for making sure that we were not going to leave this session without having a final vote on the nominee.

In the last 5 years, only in one of those years did we have a head of the FDA. The rest of the time, they were "acting." A good deal of the time, there was virtually no presence. This is the most important health agency that guides and guards American's health, the health of our children, the health of the elderly, and the health of families in our Nation. So this is a very important point, and I welcome the opportunity to urge the Senate to approve Andrew von Eschenbach for this position.

As I mentioned, the Food and Drug Administration oversees the products that account for fully a quarter of the entire U.S. economy. Every day, the agency makes decisions that mean the difference between life and death for countless patients. Millions of Americans rely on drugs the FDA approves to protect them from sickness, and every family in America counts on the FDA to see that the food they eat is free from contamination.

Now we are in the life science century, and the opportunities for breakthroughs with new drugs is unlimited. With the progress we have made in the Human Genome Project and the sequencing of the genes, the research that is being done across this Nation, the possibilities are virtually unlimited. But it is all new science. We have to make sure that this agency which is going to make the judgments and decisions about approval or disapproval is going to have the best in terms of scientists, the best in terms of leadership. That is at issue here if we do not have someone who is going to be the head of the FDA to make sure the agency that has responsibility for the safety of prescription drugs is going to work in ways to protect the American consumer; that the agency that is in charge of the food safety in this country is going to work to ensure that it is going to be effective for the American people.

Now the agency itself, the FDA, urgently needs treatment. For too long, it has been without a confirmed leader. It has become a ship without a captain, lacking the initiative and confidence that only a confirmed commissioner can bring. Year after year, under this administration, the FDA has been allowed to drift, and year after year the challenges that face the agency have grown.

Think of the controversies—about antidepressants, about the withdrawal of Vioxx, about the sale of Plan B over the counter, about adequate review of drugs on the market. The agency has had to struggle unfairly with difficult scientific questions, inadequate resources and authority, and political pressures to ignore the science that must be—good science has to be at the heart of its mission.

Finally, the day is here when the Senate can act to confirm a commissioner whose job No. 1 will be to restore the leadership to this essential agency and begin the process of addressing the many major concerns that have gone unmet for so long.

Dr. von Eschenbach is a good choice to lead the FDA. At the National Cancer Institute, he led bold initiatives on the human genome and nanotechnology. As a physician for patients with cancer and a survivor of cancer himself, he brought an indispensable patient-centered perspective to the Cancer Institute, and he will bring that to the Food and Drug Administration as well.

Dr. von Eschenbach was able to find a solution to the controversy about allowing the over-the-counter sales of Plan B. We may never know the battles he had to fight and win to achieve that solution, but his integrity and tenacity in achieving a solution speak volumes for his character and his commitment to public health.

FDA has long been regarded as the gold standard in regulatory work. That will continue to be true only if it makes independent, science-based decisions, in both fact and appearance, and under Dr. von Eschenbach's leadership, we expect FDA to make those discussions solely on the basis of science and in the best interests of public health. To do the job we expect——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask, if there is no objection, that I be able to proceed for another 4 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have to make sure the agency itself is going to have the adequate resources that are going to be necessary to protect the public interest. What we are talking about here is making sure they have the best, in terms of science—in terms of prescription drugs and the new breakthroughs. We have the whole range of new medical devices which are out there. The United States is leading the way. We want to make sure they are safe and effective. The agency has important responsibilities in terms of the safety of our food supply. We have given it additional kinds of responsibilities to deal with the challenges of the war on terror.

This agency has enormous responsibilities in terms of the consumers and the families of this Nation. It needs the strong leadership which I think the nominee can bring, and it needs the kind of support from the Congress that will permit it to be the true gold standard for safety and for improving the health of the American people.

As other agencies are set up around the world—in Western Europe and now even in Asia—the place they look is at the FDA, and for very good reason. We want this agency to be the best. It can be the best. With a new leader and hopefully with the new Congress giving the agency the kind of support it should have, we can make sure the health of the American people in these important areas is going to be secure for the future.

Again, I thank my friend and colleague from Wyoming for his persistence and tenacity in making sure where we are this evening. We would not be here if it had not been for his good work on this issue, as in so many others. I thank him, and the American people ought to know that this is an enormously important vote to protect their interests. I hope this nominee is approved overwhelmingly.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts, Mr. KENNEDY, for his tremendous effort over the last 2 years as we have worked on health issues but particularly as we have worked on the FDA. The Food and Drug Administration is critical to the people of this country, and Senator KENNEDY and I have been asking to have a fully confirmed person heading that up every opportunity we have had. We have been reminding people they did not want to be the one objecting if there happened to be a national safety crisis in food or health. It is just so critical.

People say he is "acting." When you are the acting person in a position, you really do not have the authority. It means people are looking over your shoulder, seeing what you are doing, making sure you are dotting every "i" and crossing every "t" and following every rule and listening to every agency that has any control over you. Someone who is fully confirmed can be the boss.

A lot of people would say: Why would this highly qualified doctor take this job?

I am sure now that he has been through the confirmation process, he is probably thinking: Why I would take that job? I am hoping he is not. In fact, earlier today I called him to let him know that the delay in getting a final vote on his confirmation had nothing to do with him, that we had some other logistical process things we were going through, that there would be a final vote today, and that I suspected, in light of the cloture vote, there would not be any problem. I am pleased that it still looks that way. I am anxious to call him and let him know he is fully confirmed as a commissioner and he can start to work on some of the morale problems that he talked about, can start to work on some of the other vision things he has in mind, and people will know he has the full authority to do that.

I do want to remind people that the FDA's mission is broad. It regulates food, it regulates drugs, it regulates biologics—and I wish I had time to explain all of what that is—medical devices. You probably didn't know that he handles animal feed, and that is because animals are ingested and could cause a problem, too. He is also in charge of cosmetics. For every dollar Americans spend, this agency regulates 25 cents of that dollar in products.

As science progresses, the challenges to regulation will grow. The FDA regulates a host of new products that blur the FDA's traditional boundaries, and that is one of the reasons the Senator from Massachusetts and I have been working on a FDA reform bill for a year and a half. We have now held hearings on that.

It is a very bipartisan bill. We have had some outstanding comments. There is a possibility to make the agency better, and we are going to continue to work on that so that all the new innovations that require a nimble and responsive agency to regulate them, and resources to match, will be in place so that he can do the kind of job he needs to do.

This is such a critical role in our Nation's public health, it is such an important agency, I do ask for people to give him a resounding vote in this confirmation.

Again, I thank Senator KENNEDY, who is the ranking member on the committee and soon to be the chairman of the Health, Education, Labor, and Pensions Committee, for his hard work and support during the process. I think it is time to bring this process to a close so we can get him confirmed as quickly as possible and have a true, fully confirmed Commissioner of Food and Drug.

I thank Dr. von Eschenbach for his patience with our process and for the work he has done in spite of the process. I look forward to getting to see the kind of job he will do as a fully confirmed physician. I ask for your vote in support of him.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a couple of minutes we are going to turn to a very important vote, a vote that to me is significant because it touches every single American in some shape or form. Much has been said over the course of today about the scope of the FDA, the importance of having an FDA Commissioner, a permanent FDA Commissioner, and we will realize that shortly.

Earlier this year we celebrated the 100th anniversary of the Food and Drug Administration, which is an administration that I have used professionally in my previous profession in everything from the thousands of prescriptions I have written, to investigational drugs, to left ventricular devices, to lasers and artificial hearts. I have seen first hand how important it is to have an appropriate regulatory agency there. The Food and Drug Administration, as we all know, as we have said this afternoon, is America's first scientific regulation body. While the agency has adapted and changed with the times, it has remained true to its purpose of protecting interests of everyone who is listening to me, the American consumer.

In a few minutes we will vote on the nomination of a very good friend, Dr. Eschenbach, to the position of Commissioner of the Food and Drug Administration.

I have known Dr. Eschenbach, again professionally, and I have had mutual patients with him. And he has assisted in many ways as we have looked at appropriate therapy for individuals from across the country. He is currently serving as Acting Commissioner. I have interacted with him in that regard. He has demonstrated a capacity to lead and to administer in an exceptional way the Food and Drug Administration with sensitive issues on a daily basis. It is important that we have a permanent person in that position, and he is the ideal person, the ideal candidate to do just that.

In both his professional and personal life, Dr. Eschenbach has experience: as a cancer survivor, as Director of the National Cancer Institute, literally a nationally renowned urologic surgeon and oncologist, which all attest to the superlative qualifications to handle that challenging job, as we all know, as FDA Commissioner.

I hope colleagues will join me in supporting Dr. Eschenbach's nomination.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services?

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. McCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Nevada (Mr. REID), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—80

Akaka
Alexander
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Boxer
Bunning
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Gregg
Hagel
Harkin
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Sununu
Thomas
Thune
Wyden

NAYS—11

Baucus
Brownback
DeMint
DeWine
Grassley
Inhofe
Santorum
Snowe
Talent
Vitter
Voinovich

NOT VOTING—9

Biden
Burns
Dodd
Graham
Hatch
Jeffords
McCain
Reid
Warner

The nomination was confirmed.

Mr. ENZI. I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

IRAQ

Mr. SMITH. Mr. President, I know it is probably appropriate to speak of our colleagues, and I will do that on the record. I rise tonight, however, to speak about a subject heavy on my mind. It is the subject of the war in Iraq.

I have never worn the uniform of my country. I am not a soldier or a veteran. I regret that fact. It is one of the regrets of my life. But I am a student of history, particularly military history, and it is that perspective which I brought to the Senate 10 years ago as a newly elected Member of this Chamber.

When we came to the vote on Iraq, it was an issue of great moment for me. No issue is more difficult to vote on than war and peace, because it involves the lives of our soldiers, our young men and women. It involves the expenditure of our treasure, putting on the line the prestige of our country. It is not a vote taken lightly. I have tried to be a good soldier in this Chamber. I have tried to support our President, believing at the time of the vote on the war in Iraq that we had been given good intelligence and knowing that Saddam Hussein was a menace to the world, a brutal dictator, a tyrant by any standard, and one who threatened our country in many different ways, through the financing and fomenting of terrorism. For those reasons and believing that we would find weapons of mass destruction, I voted aye.

I have been rather silent on this question ever since. I have been rather quiet because, when I was visiting Oregon troops in Kirkuk in the Kurdish area, the soldiers said to me: Senator, don't tell me you support the troops and not our mission. That gave me pause. But since that time, there have been 2,899 American casualties. There have been over 22,000 American men and women wounded. There has been an expenditure of $290 billion a figure that approaches the expenditure we have every year on an issue as important as Medicare. We have paid a price in blood and treasure that is beyond calculation by my estimation.

Now, as I witness the slow undoing of our efforts there, I rise to speak from my heart. I was greatly disturbed recently to read a comment by a man I admire in history, one Winston Churchill, who after the British mandate extended to the peoples of Iraq for 5 years, wrote to David Lloyd George, Prime Minister of England:

> At present we are paying 8 millions a year for the privilege of living on an ungrateful volcano.

When I read that, I thought, not much has changed. We have to learn the lessons of history and sometimes they are painful because we have made mistakes.

Even though I have not worn the uniform of my country, I, with other colleagues here, love this Nation. I came into politics because I believed in some things. I am unusually proud of the fact of our recent history, the history of our Nation since my own birth. At the end of the Second World War, there were 15 nations on earth that could be counted as democracies that you and I would recognize. Today there are 150 nations on earth that are democratic and free. That would not have happened had the United States been insular and returned to our isolationist roots, had we laid down the mantle of world leadership, had we not seen the importance of propounding and encouraging the spread of democracy, the rule of law, human rights, and the values of our Bill of Rights. It is a better world because of the United States of America, and the price we have paid is one of blood and treasure.

Now we come to a great crossroads. A commission has just done some, I suppose, good work. I am still evaluating it. I welcome any ideas now because where we are leaves me feeling much like Churchill, that we are paying the price to sit on a mountain that is little more than a volcano of ingratitude.

Yet as I feel that, I remember the pride I felt when the statue of Saddam Hussein came down. I remember the thrill I felt when three times Iraqis risked their own lives to vote democratically in a way that was internationally verifiable as well as legitimate and important. Now all of those memories seem much like ashes to me.

The Iraq Study Group has given us some ideas. I don't know if they are good or not. It does seem to me that it is a recipe for retreat. It is not cut and run, but it is cut and walk. I don't know that that is any more honorable than cutting and running, because cutting and walking involves greater expenditure of our treasure, greater loss of American lives.

Many things have been attributed to George Bush. I have heard him on this floor blamed for every ill, even the weather. But I do not believe him to be a liar. I do not believe him to be a traitor, nor do I believe all the bravado and the statements and the accusations made against him. I believe him to be a very idealistic man. I believe him to have a stubborn backbone. He is not guilty of perfidy, but I do believe he is guilty of believing bad intelligence and giving us the same.

I can't tell you how devastated I was to learn that in fact we were not going to find weapons of mass destruction. But remembering the words of the soldier—don't tell me you support the troops but you don't support my mission—I felt the duty to continue my support. Yet I believe the President is guilty of trying to win a short war and not understanding fully the nature of the ancient hatreds of the Middle East. Iraq is a European creation. At the Treaty of Versailles, the victorious powers put together Kurdish, Sunni, and Shia tribes that had been killing each other for time immemorial. I would like to think there is an Iraqi identity. I would like to remember the purple fingers raised high. But we can not want democracy for Iraq more than they want it for themselves. And what I find now is that our tactics there have failed.

Again, I am not a soldier, but I do know something about military history. And what that tells me is when you are engaged in a war of insurgency, you can't clear and leave. With few exceptions, throughout Iraq that is what we have done. To fight an insurgency often takes a decade or more. It takes more troops than we have committed. It takes clearing, holding, and building so that the people there see the value of what we are doing. They become the source of intelligence, and they weed out the insurgents. But we have not cleared and held and built. We have cleared and left, and the insurgents have come back.

I, for one, am at the end of my rope when it comes to supporting a policy that has our soldiers patrolling the same streets in the same way, being blown up by the same bombs day after day. That is absurd. It may even be criminal. I cannot support that anymore. I believe we need to figure out how to fight the war on terror and to do it right. So either we clear and hold and build, or let's go home.

There are no good options, as the Iraq Study Group has mentioned in their report. I am not sure cutting and walking is any better. I have little confidence that the Syrians and the Iranians are going to be serious about helping us to build a stable and democratic Iraq. I am at a crossroads as well. I want my constituents to know what is in my heart, what has guided my votes.

What will continue to guide the way I vote is simply this: I do not believe we can retreat from the greater war on terror. Iraq is a battlefield in that larger war. But I do believe we need a presence there on the near horizon at least that allows us to provide intelligence, interdiction, logistics, but mostly a presence to say to the murderers that come across the border: We are here, and we will deal with you. But we have no business being a policeman in someone else's civil war.

I welcome the Iraq Study Group's report, but if we are ultimately going to retreat, I would rather do it sooner than later. I am looking for answers, but the current course is unacceptable to this Senator. I suppose if the President is guilty of one other thing, I find it also in the words of Winston Churchill. He said:

> After the First World War, let us learn our lessons. Never, never believe that any war will be smooth and easy or that anyone who embarks on this strange voyage can measure the tides and the hurricanes. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events.

That is a lesson we are learning again. I am afraid, rather than leveling with the American people and saying this was going to be a decade-long conflict because of the angst and hatred that exists in that part of the world, that we tried to win it with too few troops in too fast a time. Lest anyone thinks I believe we have failed militarily, please understand I believe when President Bush stood in front of "mission accomplished" on an aircraft carrier that, in purely military terms, the mission was accomplished in the wars in Afghanistan and Iraq. But winning a battle, winning a war, is different than winning a peace.

We were not prepared to win the peace by clearing, holding, and building. You don't do that fast and you don't do it with too few troops. I believe now that we must either determine to do that, or we must redeploy in a way that allows us to continue to prosecute the larger war on terror. It will not be pretty. We will pay a price in world opinion. But I, for one, am tired of paying the price of 10 or more of our troops dying a day. So let's cut and run, or cut and walk, or let us fight the war on terror more intelligently than we have, because we have fought this war in a very lamentable way.

Those are my feelings. I regret them. I would have never voted for this conflict had I reason to believe that the intelligence we had was not accurate. It was not accurate, but that is history. Now we must find a way to make the best of a terrible situation, at a minimum of loss of life for our brave fighting men and women. So I will be looking for every opportunity to clear, build, hold, and win or how to bring our troops home.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CHRISTMAS

Mr. BYRD. Mr. President, Sir Walter Scott, in his poem "Marmion," said these words:

> Heap on more wood!—the wind is chill;
> But let it whistle as it will,
> We'll keep our Christmas merry still.

The Senate will shortly adjourn for the remainder of the year. We will return home to our families and friends and begin to think of putting up Christmas decorations and shopping for those special presents that we will give to our loved ones. We will leave much work unfinished, postponed until the new Congress convenes next January. That I regret.

Continuing resolutions allow the basic work of Government to proceed, but they do not offer clear guidance to Government offices and programs, and they postpone any new starts or major changes to programs until the regular authorizing and appropriation bills are acted upon. That is unfortunate. However, we may be grateful this Christmas that we live in a nation in which changes in Government may take place in a peaceful fashion in open elections. We may also be grateful that we live in a nation in which the voice of the people can be expressed freely, eloquently, and peacefully. Vox populi, vox diae. This Christmas, we might alter our prayers for those around the world who do not enjoy these same great blessings.

Christmastime is a time of peace and celebrating, as Christians do, the birth of Jesus, whose world-transforming message preached peace, tolerance, kindness, and love for all people. I am not quite sure where the message to shop, spend, and wrap presents came from, for it is surely not in the Bible, nor in the teachings of Jesus. These days, it takes effort to carve out enough time and energy from the ceaseless march of consumerism to find the true spirit of Christmas. But, thankfully, it is still present amid all the bright lights and cheery background music. One can see it in the piles of canned goods donated to food banks. One can see it in the response to the "angel trees" that let people answer the Christmas wishes of children in their communities. One can hear it in the Christmas choirs that put on magnificent performances. "At Christmas play and make good cheer, for Christmas comes but once a year." So wrote Thomas Tusser, who lived from 1524 to 1580, demonstrating that some good things have changed very little over the years.

For the birth of Jesus, the angels sang, and for Him in this cold season, churches across the Nation will be filled with joyous music. The churches of West Virginia are always filled with great music, but at Christmastime the choirs are especially inspired. There are few things more uplifting than coming out of an evening church service, buoyed up by sweet traditional music, and seeing the stars of heaven sparkling like diamonds across the velvet dark sky. All of the carols that we learned as children in church, or around the family piano, sing in our heads, don't they? The three kings following the "yonder star," the stars shining brightly on that holy night, the manger in Bethlehem, and the holy mother and child on that silent night. Each year, these loving memories surface from the deep well of our childhood, each time bringing with them fond memories of happy days and family members no longer with us but still very dear to our hearts.

This year, many families will look to the stars to know that far across the globe their loved ones also gaze up at the same stars to recall home and to recall the same old Christmas story. In Afghanistan, in Iraq, in Korea and Kosovo, in Bosnia and Herzegovina, and elsewhere around the globe, many thousands of U.S. troops will be spending this Christmas season in a decidedly unpeaceful setting, proudly and bravely wearing the uniforms of this Nation. The National Guard units of West Virginia will have done and will continue to do their part, serving repeated deployments—I say again, serving repeated deployments—overseas. Many of them will not be able to spend Christmas with their families. For our troops especially, we pray for peace, that they might be soon returned to the loving arms of their families. And to the families of our service men and women, we offer words, hopefully, of comfort, assuring them that none of us can forget that during this holiday season their loved ones are far from home—far from home and far from safety. Our prayers and our wishes are with them always.

My soul, there is a country
Far beyond the stars,
Where stands a winged sentry
All skillful in the wars:
There above noise and danger,
Sweet Peace is crown'd with smiles,
And One born in a manger
Commands the beauteous files.

Henry Vaughn in 1650 wrote those words in his poem titled "Peace."

Mr. President, I wish everyone in our Nation and everyone in our Nation's service around the globe a beautiful and peaceful Christmas season. Wherever the demands of the Nation may send you, in your hearts and in your memories you can hear the music and relive the family traditions that make Christmas so very, very special.

As this year closes and a new year dawns, we are filled with kind thoughts and bold resolutions. For some, it would be a time also filled with a certain buyer's remorse, as the Christmas bills come due. For others, New Year's resolutions will lead them into gymnasiums in fresh attempts to exercise and work off rich Christmas cookies and cakes. I applaud everyone with such determination. Each new year is a new chance to address our pressing individual issues, be they health related or economic.

The new Congress must also be filled with resolve—resolve to respond to the clear messages sent by the people of the United States. We will have much work to do if we are to successfully deal with the situation in the Middle East, the mounting national deficit at home, the rising costs of health care, and myriad other problems. Our resolve must last longer than most introductory gymnasium memberships if we are to set our national house in order.

In January, Lord willing, I will begin my ninth term as a United States Senator from the beautiful State of West Virginia, whose motto is "Mountaineers are always free." I have been here long enough to know that we have done it before, and we can do it again. I again thank the people of West Virginia for their votes of confidence in me, ROBERT C. BYRD, to continue in their service.

Mr. President, I close with a favorite poem of mine by James Henry Leigh Hunt, who lived from 1784 to 1859. This is a poem familiar to all of us, to me from my very earliest days in a little two-room schoolhouse. This favorite poem of mine by James Henry Leigh Hunt is entitled "Abou Ben Adhem." During the Christmas season, and especially as we brave the crowds and the traffic at the shopping malls and in the grocery stores, it is good to remember that the true message of the season is to love the Lord and to love our fellow men.

"Abou Ben Adhem":

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An Angel writing in a book of gold:

Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?" The Vision raised its head,
And with a look made of all sweet accord
Answered, "The names of those who love the Lord."

"And is mine one?" said Abou. "Nay, not so,"
Replied the Angel. Abou spoke more low,
But cheerily still; and said, "I pray thee, then,
Write me as one who loves his fellow men."

The Angel wrote, and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed,
And, lo! Ben Adhem's name led all the rest!

Mr. President, I wish you and I wish all Senators and all peoples everywhere a very merry and peaceful and pleasant and memorable Christmas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I say to my neighbor in West Virginia, my friend and my colleague, first of all, that the poem he just recited is one that my wife Frances and I learned in the seventh grade in Yellow Springs. The Senator reciting it brings back very good memories, not only of the poem but of being in the seventh grade with my friends.

There will be many things about this Senate that I will miss, and certainly one that I will miss is having the opportunity to sit here and to listen to my colleague from West Virginia as he speaks. It is a great privilege. It is a great thrill.

I must tell him, however, that there is C-SPAN in Cedarville, OH. I suspect the library does get the CONGRESSIONAL RECORD at Cedarville College and other places, so I will have the opportunity to listen to him and read what he has to say. He is a great treasure of this Senate.

I might also tell my colleague, as I told him personally yesterday, that I will carry around with me and keep with me and prize the small Constitution that I know is in his pocket right now that he gave me. I deeply appreciate that. And I know he gave one to the Presiding Officer as well.

One of the first things I did when I came to the Senate in January of 1995 was walk across the hall to see Senator BYRD. Senator BYRD was kind enough to give me his "History of the Senate." I have cherished that, have read it. That will be going back with Frances and myself to Ohio. If I do, I say to my colleague from West Virginia, do what I hope to do—do a little teaching at the college level—I am sure those books will certainly come in very handy.

I thank my colleague for his friendship and for his great service now beginning this January his ninth term in the Senate.

One final note. I will tell my colleague, and I don't know if I have told him this, but my son and my daughter-in-law and our new granddaughter now live in West Virginia, so they are constituents of my colleague.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DEWINE. I am pleased to yield.

Mr. BYRD. I thank this friend of West Virginia, this friend of mine. I shall always remember as long as I live—however long that may be—I shall carry in my heart a very warm feeling for him. He is our neighbor. He represents the people of Ohio, our neighbor to the west of the West Virginia hills. I thank him for his friendship and for his services to his people. His people are my people. I wish him well in the days and years ahead wherever he may serve. May God always bless you, my friend, and may He always keep you in the palm of His hand.

Mr. DEWINE. I thank my colleague for his very generous and kind comments. One final comment to say that it was his great leadership, along with the great leadership of Senator MCCAIN and others, which allowed us—group is the word I would prefer—a group of 14 Senators to make an agreement that I think was in the best interests of the Senate, and it has proved to be in the best interests of the Senate, in regard to our judges and how we confirm them. It has worked so far. My wish for you and my other colleagues as you go on is that you will continue to keep that agreement and it will continue to work. That is my wish.

Mr. BYRD. Mr. President, I thank the able Senator. I shall do my best to help fulfill his confidence and wishes.

HONORING OUR ARMED FORCES

SERGEANT DANIEL MICHAEL SHEPHERD

Mr. DEWINE. Mr. President, I rise today to pay tribute to a courageous young man, who dedicated his life to defending the freedom of others. Army SGT Daniel Michael Shepherd of Elyria, OH was killed in Iraq on August 15, 2004, when his vehicle was struck by a bomb. He was only 23 years old.

Daniel—fondly referred to as "Danny" by his family and friends—was deployed to support Operation

Iraqi Freedom in September 2003, after being stationed at Fort Riley in Kansas. Danny joined the military in 2000, upon his graduation from high school. A courageous member of the 1st Battalion, 16th infantry regiment, 1st Brigade, Danny was remembered as a committed soldier and loyal friend.

His platoon SGT Ron Tulanowski remembers Danny's reliability and bravery when the Sergeant's armored vehicle was hit by a grenade. In describing Danny's heroism, the Sergeant said that "he probably saved my life the day I got hit." Danny was more concerned for the lives of others than he was for his own. I can think of nothing more honorable.

Danny attended Columbia High School where he played center and tight end on the school's football team. He was known as a great athlete and devoted team player. According to Ray Anthony, the Columbia Township Fire Chief, "Danny was like the big brother of the football team." One of Danny's former teammates Mike Banyasz also recalled how helpful he was to all his teammates. "He was starting center and I was backup center," he said.

> By the third game, he moved to tight end, and I became starting center. He helped me out a lot. He was a big reason I became the starter.

Clearly, Danny believed in the value of teamwork. His willingness to always help others be their best made him a truly excellent soldier.

It was also in high school, Mr. President, that Danny met his future wife Kassie for whom he cared deeply. While Danny was in Iraq, Kassie waited anxiously for him at home; she missed her husband terribly.

Kassie gave birth to their son, Daniel A. Shepherd, while Danny was deployed in Iraq. Daniel was born on St. Patrick's Day and according to family members and friends, looks just like his father. Danny was scheduled to return from Iraq a week after he died. He was looking forward to meeting his son for the first time. When Danny died, his son was only six months old.

Recognized for his unrelenting drive, Danny simply had a passion for public service. He attended law enforcement classes at Lorain County Joint Vocational School and planned on contributing to the safety of his community by becoming a police officer upon his return from Iraq. And according to his grandmother Celia, "Danny understood the value of education and planned on attending college upon his return."

Friends and family members were inspired by Danny's motivation and positive attitude. He went about his busy and stressful days with an infectious smile on his face. Danny's former teammate Chris Horn said:

> Danny's daily schedule was always hectic, yet I never heard him gripe or complain.

Indeed, Danny's optimism shined through to his peers as he worked to reach his goals. According to Chris, Danny "seemed like he knew what he wanted to do from the get-go. He said he wanted to be in the military and then when he got out, he wanted to become a cop."

Danny's family and friends are frequently reminded of his character, reliability, and willingness to help others. Roger Pace—the minister at Broadview Road Church who delivered Danny's eulogy—said that "the Army calls such people leaders, regardless of rank." Indeed, Danny Shepherd epitomizes the definition of leadership.

SGT Andrew Ritchie of New York—who had served in an earlier deployment with Danny—reiterated this characteristic. This is what he said:

> Shepherd was one of the best people I ever had the chance to meet and serve with in the Army. . . . He always did [his job] to the best of his ability. He would always stop to help somebody else out when they needed it. All I can really say is he was a great person.

Danny will leave a lasting impact on everyone he met. His former next door neighbor, Jennifer, reflected upon the sadness she felt when she heard of his death. She wrote the following on an Internet tribute webpage:

> So much pain rushed through me all at once because I knew that I would never get to see 'the boy next door' again. The pain did not last too long, though, because I soon realized that though Danny's physical presence will no longer be there, his love and memories will never falter.

Mr. President, Danny Shepherd's heroic actions and service to our country will be honored and remembered long after his death. His optimism will continue to inspire those who knew and loved him.

My wife Fran and I continue to keep Danny's family—his wife Kassie, their son Daniel, and Danny's parents Karen and Daniel—in our thoughts and prayers.

PRIVATE FIRST CLASS ADAM R. SHEPHERD

Mr. President, I rise today to pay tribute to Army PFC Adam R. Shepherd from Somerville, OH. On January 17, 2006, PFC Shepherd died in Iraq from an illness. He was serving with the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, based out of Fort Campbell, KY. Adam was 21 years old.

Adam leaves his mother and step-father Susan and Mark Miller, his father Roger Shepherd, and his brothers Marcus Miller, Elijah Miller, and Army SPC Joshua Shepherd, who also is serving with the 2nd Brigade.

Adam was born in Cincinnati on Christmas Day 1984. Growing up, he attended Preble Shawnee High School until he transferred to the Life Skills Center for his senior year. He graduated in 2002, and enlisted in the Army in January 2003. As an infantryman, Adam's relatives say that his superiors in the Army regularly praised him for his positive attitude and for always volunteering for dangerous duties.

Hector Santiago, one of Adam's school teachers, remembers him as a "very good student. . . . He was an even-keeled, happy-go-lucky type of guy," he said. Those who grew up with Adam remember him as a real jokester. He always had something funny to say and was always trying to make his friends smile. For many, he was simply a ray of sunshine in their lives. As one of his friends, J.J. Green, said, "We had a blast every time we got together. He was always the generous, happy person in our group of friends. I will miss him forever."

Adam will also be remembered for his politeness and compassion. He was the type of person who was always looking to make new friends. Janeese Martin wrote the following on an Internet tribute webpage in Adam's honor:

> I was very shocked and saddened to hear of Adam's death. He was a very wonderful person. He befriended me when I moved to Preble Shawnee—no questions asked. I was very proud of him when I heard that he served his country.

Adam's sense of humor and ability to make others laugh followed him to Iraq, where his fellow soldiers found in him a good friend—someone who could brighten any day. SGT T. Gonzales left Adam's family the following message in tribute to Adam:

> I was fortunate to make the acquaintance of this fine soldier, as well as that of his brother . . . during the first trip to Iraq in 2003 to 2004. Adam was always one with jokes in his mind and has shown me the lighter side of life. . . . He will be greatly missed! My heart, prayers, and thoughts go with all of you.

PFC Dennis Bluhm had this to say about his friend:

> [O]ne thing I can tell you is that Adam made an impact on everyone he talked to. He has always been able to find a way to make someone laugh, even when they wanted to cry. He was one of the BEST friends that anyone could ever have the privilege of growing up next door to. Adam is not gone—he lives on in all of our memories, and with a guy like him . . . he will definitely not be forgotten.

Adam was a loving son and brother. His family dearly misses him. As his mother Susan said, "I have four children—four boys—and a quarter of my heart is gone."

Adam's Aunt Ruth wrote the following about her nephew:

> Today is Valentine's Day—a time to remember those who you love. I love Adam. I always will. He brings a smile to my face everyday when I think of him. He was such a sweet boy who turned into such a fine young man. My heart goes out to his mother, who will always be my friend and sister. . . . I recall the saying, 'It matters not how much we love, but how much we are loved.' And Adam was so very loved—'till we meet again, Adam.

Adam will always be remembered for his warm, beaming smile. From the day he was born, as his Aunt Rose remembers that his smile just stood out—that it was truly unforgettable.

Adam was proud that he fulfilled his dream of becoming a soldier and serving our Nation. He was brave and dedicated. His service to our country has earned him several awards, including the Army Good Conduct Medal, the Army Service Ribbon, the Combat Infantryman Badge, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the National Defense Medal.

When I think of young men like Adam, I am reminded of the words of President John F. Kennedy. This is what he said:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.

Without question, Adam served his country bravely to help ensure the success of liberty. He was a man of courage and loyalty, devoted to his family, his fellow soldiers, and his country. But what's more, Adam served cheerfully, and with a smile. Army PFC Adam Shepherd will never be forgotten.

My wife Fran and I continue to keep Adam's friends and family in our thoughts and prayers.

LANCE CORPORAL DANIEL NATHAN DEYARMIN

Mr. President, I rise today to remember and honor a fellow Ohioan—Marine LCpl Daniel Nathan Deyarmin, Jr., from Tallmadge. Lance Corporal Deyarmin was killed on August 1, 2005, during combat operations in Iraq. Just two days before his death, he celebrated his 22nd birthday. He is survived by his parents Edie and Daniel Deyarmin Sr., and by his sister Erica.

To friends and family, Lance Corporal Deyarmin was known simply as "Nate." Born in Tallmadge, he lived there his whole life and loved to dress in cowboy outfits and tinker with old cars. Kind-hearted and easy-going, he was also a consummate prankster. Once, after cleaning his room under orders, he then painted the following words on the ceiling—"I got even!"

Nate's mother remembers that he could make anything fun. Even when he was in trouble, his parents simply couldn't stay mad at him. It would never be long until they were all laughing together.

His friends recall that Nate was friendly with everyone he met. He was simply one of the guys, whether they were hunting, playing football or soccer, wrestling, or working on stock cars. Nate graduated in 2002 from Tallmadge High School, where he was a member of the football team.

Don Duffy was his school counselor for four years at Tallmadge High and remembers talking with the young Nate about his interest in the military. He describes Nate as "soft-spoken [and] polite," a good student who was well-liked by his fellow classmates.

Nate enlisted in the Marines in January 2003, one of five members of his unit who graduated from the Tallmadge public schools. The group spoke twice to students at Tallmadge Middle School before shipping to Iraq in January 2005. "They felt very strongly about what they were doing," Tallmadge teacher Carol Arbour said. "We prayed they would be coming home together."

In Iraq, Nate became part of a special sniper unit. His mother remembers how important his fellow Marines were to him. "He loved being with the snipers," she said. "They worked together and they meshed. They covered each other's butts."

Nate's sister, Erica, also remembers his commitment to being a Marine. "He believed in his country," she said. "He loved being a Marine."

During phone calls home, Nate's family had a rule that nothing negative could ever be said during their phone conversations. His parents knew that being a sniper was a difficult job, and that Nate had to stay focused and alert at all times—even if he had gone without sleep for hours on end.

Nate was enthusiastic about many things in life, but cars were his passion. He would help friends whose cars broke down in the middle of the night, and he loved to restore old cars. "That was his favorite thing to do," Nate's sister recalls.

Family friend Ray Kozlowski described Nate as a "horsepower enthusiast." With his father, he would work on old cars in the garage, where they kept a dozen cars in various states of disrepair. And Nate's friend, Eddie Papp, remembers how focused he was when working. "So many times we would be working on something, and I would want to go to bed and get some sleep, but Nate would not let me," Eddie said. "He would make me push myself to go a little longer."

During Nate's funeral procession, his family drove some of his favorite cars. One of them was a 1985 Monte Carlo—a car that literally had Nate's teething marks in the dashboard. Nate's friend Charlie Harner has painted the words "In Loving Memory" on the deck lid of his own stock car. All of his races are dedicated to Nate.

Nate was a man who was devoted to his country, to his marines, and to his family and friends. While serving in Iraq, he would often speak with his family on the phone. Although the conversations were often emotional, he said he was proud of serving to make the country safe.

Nate's mother remembers that her son was upbeat when he called on his 22nd birthday. "He was happy," she said. "He was always happy."

Nate's death was felt by the entire Tallmadge community. He was honored by Tallmadge High School during its first football game of the 2005 season, and the sixth graders that Nate talked to at Tallmadge Middle School will always remember the day that they heard a true hero speak.

Nate was one of six men from his sniper unit to be killed on August 1, 2005. SGT Brian Casagrande served with these men. This is what he said about Nate:

> Daniel 'Nate' Deyarmin came to us . . . from Weapons Company. He brought with him his goofy smile and upbeat spirit. His goofy exterior, which earned him the usual dose of ribbings, contained the soul of a gentle, thoughtful man. He was always willing to undertake any task set before him, and did so without complaint or hesitation. He could be found during his time off reading some kind of 'motorhead' magazine, and he was always talking specs about vehicles. Nate's smile will be missed.

Nate's memory continues to inspire others. Working together with family friend Ray Kozlowski, Nate's mother has organized a fundraiser in her son's honor to benefit veterans with disabilities. Fittingly, the fundraiser is based around what Nate loved most—horsepower.

On October 2, 2005, the LCpl Daniel "Nate" Deyarmin Memorial Benefit Run drew 1,500 motorcycles and 250 cars, successfully raising more than $17,000 for the veterans. Another event was held this past summer. In the past 2 years, Nate's mom has helped to raise over $35,000 for veterans with disabilities.

The life and heroism of Nathan Deyarmin will never be forgotten. He was a fine man with a compassion for life and a dedication to his family, friends, community, and country. As his mother said, "If you truly knew Nathan, you loved him."

I would like to conclude with words that Nate, himself, wrote in the Akron Beacon Journal. The article was published on July 4th, 2005, and Nate wrote about being away from loved ones over the holiday, and what it meant to be defending his country with his fellow marines instead. These were his words:

> [T]he free will to be over here and help each other is one of the hardest things in one's life and still being able to put forth our best effort to make the best of every situation we encounter. That's what we as Americans do. We make the best of everything. Semper Fi.

My wife Fran and I continue to keep LCpl Nathan Deyarmin's family in our thoughts and prayers.

CORPORAL JOSEPH ANTHONY TOMCI

Mr. President, I rise today to remember a brave Ohioan who died while serving our country in Iraq. Marine Cpl Joseph Anthony Tomci died on August 2, 2006, from wounds received from an IED explosion, while conducting combat operations against enemy forces. He leaves behind his mother and step-father Gayle and Philip, his father John, and his brother Jason.

Joe—as friends and family called him—graduated from Stow-Monroe

Falls High School in 2003 and immediately enlisted in the Marines. His father remembers how proud Joe was to be serving his country. "He felt that they were doing something worthwhile," John recalled. "He loved what he was doing. As a father, that's the highest thing that you can want for your children."

Joe's family and closest friends remember him as a sensitive man with a deep sense of compassion. A family friend, Susan Walker, recalls the time when a 10-year-old Joe unsuccessfully tried to nurse an abandoned mouse back to health. When the mouse died, she said, "Joseph was devastated."

Joe was a young man with many interests. He will be remembered as a loyal friend, a comedian, and a Heineken beer drinker. He loved football and played on his high school team. Joe also loved movies and had an amazing knack for memorizing lines from his favorite flicks. He'd recite these lines while watching movies—often to the dismay of those watching alongside him.

His lifelong friend Mike Gross remembers that Joe was "the life of the party." In Mike's words, "It was always better when Joe was around."

Indeed, Joe loved his friends. On his second tour in Iraq, he kept pictures of his closest buddies in his helmet. And, after receiving news of his death, more than a dozen of Joe's friends gathered to remember the man they knew as "Joe Tom." They were lifelong friends, who had played sports together as kids and had ridden their bikes through the streets of Stow. The even had a name for themselves—"The Organization."

Friend, Steve Young, remembers that Joe would tell say that "he was not only serving his country, but he was serving us. He would tell us, 'I am going so you don't have to.'"

In addition to his strong sense of duty, Joe also had a remarkable sense of humor. To his friends, he was always something of a prankster. Jacob Geopfert particularly remembers one night when they were all at his family's lake house.

Without warning, their friend Nick sneezed three times in a row. Joe looked at him and yelled, "I don't get allergies, I give them." He then pushed Nick—fully clothed—into the lake. "That was Joe," Nick remembers. "That's how he was."

While serving abroad in Iraq, Joe became pen pals for a class of second graders at Fishcreek Elementary School in Stow. Teacher Tracy Piatt remembers how much corresponding with the young Marine in Iraq meant to her class. They would make birthday cards and throw parties in his honor, singing "Happy Birthday" to his picture that hung on their wall. They sent him care packages, and tracked his location in Iraq on a map.

After his first tour ended, Joe visited the class, thanking them for their thoughtful letters. As he walked to the front of the room, they stopped and stared at him with awe and admiration. Joe talked to the class about being an American and being a marine. He spoke of the importance of respect, loyalty, faith, and trust. And, he told them that their packages were one of his best motivations in Iraq, and that he would sit there reading their letters for hours.

The students in Tracy Piatt's class will miss the young man who became their marine. "He was so proud of what he was doing," Tracy tearfully remembers. "You could tell he cared about making Iraq a better place for the people there." In her words:

> [Joe] was a good kid, a good young man. He just wanted to be good for people. I wish he knew how many people cared about him. He touched so many lives that he didn't even know about. .

Tracy believes that having corresponded with Joe will make her students grow up to be better adults. I don't think there is anyone who could disagree with that.

Nearly 1,000 people gathered inside the Holy Family Church to pay their final respects to Joe. Standing at the front of the church were the boys and girls from Fishcreek Elementary. Their teacher Tracy spoke at the funeral. This is what she said:

> As we look into the faces of these boys and girls, you're looking at Joe Tomci, for he is in their hearts, and they will carry him forever.

Also speaking at his funeral, Reverend Paul Rosing remembered Joe as a true American hero. He said:

> He fits the image of a classic hero. He's tall, good-looking, and strong. He wanted to be a Marine since he was a small child, and he went into the Marines as early as he could.

Though Joe was nearing the end of his enlistment, his father believes that his son was destined for a bright career in the military. Joe had talked about the possibility of becoming a drill instructor, feeling that his combat experience in Iraq would help him make better Marines out of new recruits. And it was Joe's nature to assume leadership positions. As his father said, "In a sense, he'd be helping others. That was kind of his life's mission."

Joe made everyone who knew him proud. His mother remembers how important being a Marine was to Joe. "He always dreamed of being a Marine," she said. "He believed his service was a benefit to the world."

This sentiment is one we hear over and over again when people talk about Joe's life. He was a caring man, someone who took his leadership responsibilities seriously. He genuinely cared about the Marines who were serving under him and worried about them often. During his last tour, he didn't call home as frequently as in the past. His mother explains that Joe said "it was because there were so many men under his care that were on their first tour of duty that he wanted to make sure they'd have the opportunity to call home. That's just how he was."

Marine Cpl Joe Tomci was a young man who genuinely loved life and had great compassion for others. His dedication to his friends, family, community, and country was unmatched. Joe is a model of what we all hope our children will become.

My wife Fran and I continue to keep his family in our thoughts and prayers.

SERGEANT GARY ANDREW ECKERT

Mr. President, I rise today to pay tribute to Army SGT Gary Andrew Eckert, from Sylvania, OH. On May 8, 2005, Sergeant Eckert died in Iraq when an improvised explosive device detonated near his military vehicle. He leaves behind his wife Tiphany, their daughter Marlee, and their son Myles. Sergeant Eckert is also survived by his mother Deborah, his father and stepmother Gary and Cathy, his brother Ryan, and his sisters Denise, Crystal, Jessica, Stephanie, and Alexandria. Mr. President, Sergeant Eckert was 24 years old.

Family and friends referred to Gary as Andy, short for his middle name Andrew. They will remember Andy most for his courage, compassion, and dedication to his family. He was loved by all.

Andy graduated from Anthony Wayne High School in 2000, where he played on the basketball team during his freshman and sophomore years. Andy was a gifted athlete, someone for whom sports came easily. He was a huge University of Michigan fan, but would still spend afternoons cheering on The Ohio State University Buckeyes with his friends.

That must have been an interesting time, particularly when Ohio played Michigan.

Andy was attending Owens Community College when his Army Reserves unit was called to active duty in February 2003. Without question, Andy was a dedicated soldier. When he died, he was serving his second deployment in Iraq. During his first deployment, he had sustained injuries for which he received the Purple Heart. He was a courageous young man—a true hero.

During Andy's funeral, BG Michael Beasley commented upon Andy's second deployment to Iraq. Andy didn't have to return, but he did anyway. BG Beasley reflected upon why. This is what he said:

> Andy didn't have to go back to war. He came back a Purple Heart recipient. . . . He wanted to go back to serve our Nation, with our soldiers.

Brigadier General Beasley also said that Andy "was a wonderful soldier and a brilliant patriot. He was someone who taught us a whole lot about wearing a uniform, about being a father, about being a husband, and about being an American."

Bret Howland was a good family friend and a father figure to Andy. He said the following about Andy's decision to return to Iraq:

> He wanted to go with his people. He had this family, and he had his family with 983rd—[his Army battalion]. Everybody looked up to him, from the commander on down.

Bret also remembers how valuable Andy's friendship was. "He was on such an even keel," he said. "He was so calm in crisis, yet when he needed to be, he was fiercely loyal."

SFC James Gyori was Andy's platoon sergeant for 18 months. "Andy was the perfect soldier," he said. "He did what you asked. He always had a smile on his face. He was never in a bad mood—always there to help everybody. He got me through some rough days over there."

Andy's friends all love and miss him dearly. Daily, messages are left honoring him on Internet tribute Web sites. One friend from Anthony Wayne High School, Jen Stone, shared her memories of Andy on one of the sites:

> As a fellow classmate of Andy's from Anthony Wayne High, I just want to say that he will truly be missed. I was friends with Andy only a short time, but he really touched my life. He was thoughtful, caring and just a great person all around. I pray that his family will be able to remember Andy through their memories and that his precious babies are taught what a special daddy they had for the short amount of time he was on this earth. I would like to thank him for serving and protecting our country above and beyond what was expected of him. I am so proud to have known him. I will be praying for his family.

Another of Andy's friends, Tony Stephans, wrote that he wears a Hero Bracelet to honor his friend. This is what he wrote:

> I cherish the moments I get to spend with people explaining the meaning behind my Hero Bracelet memorializing the life of Andy. I proudly wear Andy's bracelet each and every day as a constant reminder to myself and everyone around me of the sacrifices made by Andy and his family, as well as those like him, who stand in harms way so that each of us may enjoy [the] freedom and liberties we have. I will always keep Tiphany, Myles, Marlee, and all of Andy's family in my thoughts and prayers and pray that time will help to heal the feeling of loss you have all endured. Andy is still a hero and always will be.

Andy is also memorialized on the Wall of Heroes at Fort Snelling in Minnesota. The memorial features the etched faces of Army Reserve soldiers who have fallen while serving their country in Iraq. Andy's wife attended the unveiling of the memorial. During the occasion, she said that "my husband will always be honored. Every day I will honor him."

Andy's death has affected his entire community. Hundreds of mourners attended his memorial service to pay their respects. Family members carried Gerber daisies, a special flower to Andy and his wife, to place on his coffin. Many attendees also wore pink, because that had been Andy and Tiphany's color. Family friend Jackie Kidd-Lutzmann said the following about Andy: "He was the only guy who could wear pink and still looked macho. He was a very, very special young man."

At his funeral, numerous photographs from Andy's life were on display, and a particularly touching one adorned the front cover of the program. In it, Andy bends carefully over his daughter, Marlee, and together they are walking off into the distance.

It is a beautiful picture.

During the service, Andy's wife reflected upon the love she and Andy had shared. This is what she said:

> I was going to write a letter, but I couldn't find the words. But, Andy taught me that actions speak louder than words. The biggest action he ever showed me was love. Because God gave Andy to me, I know what it is to be cherished.

Andy Eckert was a courageous young man—a model husband, father, son, and brother. He will always be remembered.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

PRIVATE FIRST CLASS NICOLAS E. MESSMER

Mr. President, I rise today to pay tribute to Army PFC Nicolas E. Messmer from Gahanna, OH, who was killed when an explosive device detonated near his military vehicle in Iraq on May 8, 2005. He was just 20 years old.

He is survived by his parents Richard and Shirley Messmer, his four brothers Richard, Joseph, Dustin, and Zachary, his grandparents Ruth Ann Messmer, Martha and Clarence Lacey, and Donald Divers, and his high school sweetheart, to whom he was engaged to be married, Mary Murphy.

Nick—as family and friends called him—grew up in a very close and loving family. He was the middle child of five boys, and 1 of 70 grandchildren. Needless to say, he was extremely family-oriented—and someone with whom it was easy to get along. As his brother Joe said, "Nick was [just] an awesome person. He was the nicest, friendliest, happiest kid you could ever know. He wouldn't hurt a fly."

Nick graduated from Gahanna Lincoln High School in 2003 and immediately joined the Army that summer. He didn't wait. He simply knew what he wanted to do—and that was to serve. As his brother, Joe, said, "He just went over there in [Iraq] to defend his country."

And Nick's father said, "Nick was the kind of soldier who makes this country great. He was just a great kid."

Nancy Dawson, Nick's high school guidance counselor, said she wasn't surprised when Nick joined the Army. She said the following in remembrance of Nick: "I hope they remember his heart, his enthusiasm for life, and just the neat kid that he was."

People were just drawn to Nick. They loved his warm and friendly personality. He was just an endearing, easy-going, nice guy. At Lincoln High, his death came as a great shock, and there was a moment of silence in his memory.

Nick had many friends who will miss him dearly. Internet tribute web pages are filled with messages from those whose lives he impacted. One of his friends, Kendra Hardrick, wrote the following:

> Nick, I just wanted to tell you that I miss you and all the crazy times we had together when we were younger and use to sneak out. I miss the old group. I just wanted to say that you're my hero and always will be. There is not a day that goes by that I don't think of you. I wish you could be here, and we all miss you.

While Nick had many, many friends, the one person dearest to him was his fiancée Mary. She remembers Nick as someone who was "wonderful, funny, never angry and, always smiling." She said that he was very brave. I am very proud of him. His family loved him. We all did.

Mary remembers the last time she talked with Nick and how excited he was about serving his country. This, of course, is simply the kind of person Nick was—always optimistic, always looking to the future.

"We had so many plans," Mary recalls. She remembers how Nick sometimes wanted to buy a motorcycle, and sometimes wanted to buy a truck. "He wanted to be a firefighter," she said. "He wanted to be a cop. He wanted to have his own lawn-care service. He wanted to be so many things." Although we don't know what else in life he would have done, this much is certain—Nick Messmer was a brave and dedicated Marine, who gave his all in service to his country.

Those who knew Nick will never forget him. Upon his death, hundreds of friends, neighbors, and family members gathered at a memorial ceremony to pay their respects. From Gahanna Lincoln High School, alone, hundreds of students formed a line that wrapped all the way around the school, symbolizing a wall of support for Nick and his family.

On an Internet tribute Web site, Nick's old health teacher from Gahanna Lincoln, Linda Shannon, wrote her sentiments about Nick. This is what she wrote:

> To the Messmer Family—I want to express my deepest sympathy to your family on the loss of your son. We hope that the expression of honor and respect from the students at the high school as they lined the school's perimeter will, in some way, help you know that Nick's service to this country is greatly appreciated.

Nick's favorite color was orange. In his memory, utility poles along the streets were decorated with orange bows and his brothers placed orange roses on his casket. During calling hours, his family members wore orange ties.

At his funeral, Nick's pastor, Reverend Paul A. Noble, held back tears as he remembered the young man who gave his life for a cause he believed in. "In the midst of sadness," he said, "we are also filled with pride and thanksgiving."

Nick will never be forgotten by the community in which he grew up. Just last month, students at St. Matthew School in Gahanna honored Nick—along with another fallen Marine from Ohio, LCpl Ryan E. Miller. The school installed a "peace pole" and held a memorial prayer service. Both fallen Marines were St. Matthew church parishioners. The pole has the word "peace" inscribed on it in English, Spanish, Latin, Italian, German, and French. According to Principal Frances Michalec, there are 2,000 such poles throughout the world.

Brianna Ruth is an 8th grader at St. Matthew. Reflecting upon the meaning of the peace pole, she said that "it will be really nice for Nick and Ryan. Every time you drive by, you can remember them and what they did for our country."

I would like to conclude my remarks with a message left for Nick by his friend Nick Stephenson. He wrote the following to his friend:

> There will never be enough that I could say, no matter how hard I try to describe it, bud. It's like you're now a missing link in my life. A part of me has truly left with you, Nick. Although you have so honorably departed from us to walk this cold world alone, I have gained so much from your passing. I remind myself daily of your awesome character and strive to look at life as you did—with total satisfaction of living freely with a courageous attitude toward life. I honestly believe that you not only live on in my heart, but your countrymen's hearts, as well. I salute you Nicolas E. Messmer, and look forward to that one fine day when I will see you again. My prayers are with you, Nick.

My wife Fran and I continue to keep the family of Army PFC Nicolas Messmer in our thoughts and in our prayers.

CORPORAL DANIEL FREEMAN

Mr. President, I rise today to pay tribute to an outstanding Ohioan—Army Cpl Daniel Freeman from Cincinnati. He was killed in a helicopter crash on April 6, 2005, in Ghazni, Afghanistan. He was 20 years old.

Aboard a CH-47 Chinook helicopter with 14 other soldiers and three American contractors, Daniel was on a mission to deliver mail and supplies to the southern part of Afghanistan. He was bringing crucial aid to an area plagued by violence and insurgency. The day of the crash marked the deadliest day for the United States in Afghanistan since the fall of the Taliban.

Daniel took his time getting to Ohio, but it quickly became his home. Born in California, he then lived in Israel until he was 9 years old and his family moved to Cincinnati. Daniel grew up with a passion to serve in the military—and he certainly had the family pedigree. Both his mother Rebecca and his step-father Samuel had served in the military—she in the U.S. Air Force and he in the Israeli infantry. Samuel remembers that "Daniel wanted to be in the Army since he was 11 or 12 years old. You know how kids talk about it. But that was his main drive."

Daniel was also committed to his faith. He was a member of the B'Nai Tzedek congregation in Kenwood and attended Yavneh Day School. Daniel's faith shaped his commitment to helping others. It made him who he was.

As a student at Sycamore High School, Daniel jumped head first into a number of activities. He was a member of the rock climbing club, explorers club, and medics in training. He played soccer, enjoyed paintball, and had a part-time job busing tables at a local restaurant. Friends describe him as caring, sensitive, driven, and funny. As his high school counselor, Dr. Maria Sarasua said, "He was just a remarkable, easygoing [person]. He loved the outdoors, and he saw himself in a job being outdoors." Daniel's step-father added, "He liked music and the PlayStation. He was a teenager like any other teenager."

But for all his normal teenage pursuits, Daniel still stood out. As his high school principal recalled:

> I would characterize him as sort of an adventurous kind of a kid, and he had a passion for helping people. Early on, even as a junior, he had plans to involve himself in the military. It takes a special 18-year-old to sign up in these times.

Daniel's step-father further explained Daniel's desire to serve. This is what he said:

> The main thing with my son is that he's always had a strong sense of fairness and what is right and good. He truly believed in serving his country and thought everybody should do it to give back in some way.

Daniel took advantage of an Army program that allowed him to enlist a year before he finished high school. After graduating from Sycamore High in 2003, he immediately began basic training. He went through airborne school at Fort Benning, GA, and was assigned to the Red Devils—the 173rd Airborne Brigade's 1st Battalion, 508th Infantry Regiment, stationed at Camp Ederle, Italy.

As a member of the Red Devils, Daniel served four months in Iraq before beginning his service in Afghanistan. Daniel's passion and enthusiasm for his work translated into much success. Jack Kilbride, commander of the battalion's headquarters company, recalls that "no matter how mundane, how menial, or how difficult the task, Corporal Freeman accomplished it with a smile."

Daniel Freeman was selfless. He volunteered to replace one of the soldiers who was supposed to be aboard that helicopter on the day that he died. Daniel's comrade had been working without sleep and needed relief. Daniel was there to give it. This is simply what he had always done.

Friends and family remember Daniel and celebrate his life. Staff members at Sycamore High wore American flag ties and U.S. Army lanyards to remember Daniel. When he died, school officials at Sycamore lowered the flag to halfstaff for Daniel, and the school observed a moment of silence before classes began. Daniel's picture is still displayed in a case that honors former students serving in the military.

Daniel's former English teacher, Liz Gonda, captured the sentiments of so many, saying simply, "He knew what he wanted to do in life. He made a difference in the world by his presence and will be greatly missed."

Funeral services were held on April 20, 2005, in Cincinnati. Shiva was observed in his family's home. Daniel's mother planned on taking her son's ashes to Israel, where they would be returned to the earth for all time. Additionally, a memorial fund has been set up in Daniel's name, as his family has said, "we want to celebrate his life more than mourn it."

Daniel's mother was kind enough to share with me one of her email exchanges with her son as he arrived in Afghanistan in February. In his email, Daniel talked about some of the lessons he had learned in the Army and how much he had grown. This is what he wrote:

> I've learned that my mind can be my [ally] as well as my enemy, and I'm constantly fighting it . . . you'll be amazed at how your mind will set limits, but how far your body will go.

Daniel goes on to explain to his mother his reasons for serving:

> We don't fight for glory, we fight for those men, whom we've bonded with, spent countless hours with, and suffered with. I fight for them, for their wives, for their parents. My biggest fear is not my death, it's the death of those whose parents and wives I'll have to see suffer. That's why I fight, that's what makes me a soldier, that's why I don't question why I go to war. I accept it, clear my head, and get my priorities straight. I want you to know that I love you and will see you in a year from now.

Daniel Freeman was a very insightful, thoughtful young man. He understood the simple, but powerful truths of love and service to others. He will never be forgotten.

My wife Fran and I keep all of Daniel's family and friends in our prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair. And I thank the Chair for his patience.

SERGEANT JUSTIN HOFFMAN

Mr. President, I rise this evening to pay tribute to a fellow Ohioan—Marine Sgt Justin Hoffman from Delaware. On August 3, 2005, Sergeant Hoffman died when a roadside bomb detonated under his military vehicle in Iraq. He was serving with Lima Company, 3rd Battalion, 25th Marine Regiment. Sergeant Hoffman leaves his father Robert, mother and step-father Carole and Chuck and younger brothers Tyler and Travis. Justin was 27 year old at the time of his death.

Growing up, Justin's father remembers that his son came to love motorcycles, cars, and anything competitive. He was smart, funny, and dedicated.

His friends and loved ones remember that he had one of the biggest hearts they had ever known. His smile and laughter will always be remembered. He was fun loving, but would also jump to be there for anyone who needed him.

Those who knew Justin remember that he loved to talk about pretty much anything—whether it was politics, cars, women, or his personal dedication to serving his country. And that is something that everyone remembers about Justin Hoffman—he was always proud to be serving our Nation in the Marines Corps.

Justin graduated from Worthington Christian High School in 1995 and then attended the Ohio State University. Before his junior year of college, he had joined the Marine Reserves. Justin's father had also served in the Marines and remembers how proud he was of his son's decision.

Justin's mother Carole recalls that he joined the Marines not only because he wanted to follow family tradition, but because he had "wanted some discipline in his life." She said that she saw a change in Justin after he completed his military training as a marine sharpshooter.

"He was a good Marine," she said.

After graduating from Ohio State, Justin began working with information systems at Cardinal Health Center in Columbus. His dad recalls that his son's intelligence qualified him for the job, but that he was also big and strong and needed an outlet for his excess energy. Karen DePoy worked with Justin at Cardinal Health Center and remembers how smart he was. She wrote the following message on an Internet tribute Web site:

> It seems like just yesterday that I was getting this super sharp intern to work with. What a terrific young kid, I thought, as we discussed everything from personal investments to keeping the faith during rough times.

Josh Busic also worked with Justin. This is what he wrote about his friend:

> He was one of the reasons I looked forward to coming into work every day. There was never a boring day with him at work. Whether it was one of his stories of someone he raced in his car, some [silly] clip on the Internet he wanted all of us to see, some argument on politics (there were a lot of those) . . . him telling a story about one his brothers (whom he talked about quite a bit), or just him ragging on us about something that only he would think of—Justin was a good friend and my only regret is that I didn't know him longer than I did.

More than anything, Justin was a dedicated person. He was dedicated to his family, his job, and his marines. After 7 years of serving in the Reserves, he re-enlisted in 2004. His mother remembers that Justin's reason for re-enlisting was because of the men he trained with. "He wanted to be their leader," she said.

Justin brother Tyler echoed these sentiments, when he said that "Justin told me that he couldn't let them—[his Marines]—go alone because he loved his men so much. He considered his whole squad to be brothers.

Justin loved his fellow marines, and he loved his family. He was exceptionally close to his brothers, Tyler and Travis. Their parents would never let them fight while growing up, and Tyler remembers how protective Justin was of him. In Tyler words, Justin was a great brother, and more than that, he was a great friend.

Justin's brother Travis remembers that the three of them were "inseparable." Justin was the best man in his wedding. It is a memory he will always cherish. He remembers that his brother could always make him laugh.

During his 27 years, Justin had also found the love of his life—his girlfriend, Teri Price. The two planned to get married one day, and Teri remembers that Justin would tease her about proposing as soon as he stepped off the plane on his way back from Iraq.

Teri recalls how much she loved Justin's smile and how "he could always make me laugh and [how] he was always joking. I loved him more than anything."

Teri—who knew Justin as "Fen," short for his middle name of Fenton—left him the following message on the Internet tribute website:

> Fen, there aren't words deep enough to express how I feel about you. I love you more than anything and was looking forward to spending the rest of our lives together. You are the most generous, selfless, kind, amazing, funny, thoughtful person I know. I am so proud of you, and I am honored to have been a part of your life. You made every day a happier day.

Family was so important to Justin. While in Iraq, he always kept in contact with his mother. He would e-mail, write, and call on a regular basis. His mom Carole remembers how Justin always wanted to hear about how things were at home. "Justin loved Eagle Pizza and wanted to hear about the tree that needed uprooting in the yard," she said. "Justin just spoke the truth."

Justin's father remembers the last conversation he had with his son. It was after Justin's close friend—fellow Ohio Marine Cpl Andre Williams—had been killed in Iraq. Justin reassured his father that there was nothing he needed, and then said good-bye with the following words: I love you, Dad.

Mr. President, Marine Sgt Justin Hoffman lived a life that was honorable and heroic. He was a devoted son, brother, and boyfriend. Everyday, he is dearly missed by his family, friends, and loved ones.

My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL BRYAN N. TAYLOR

Mr. President, this evening, I rise to pay tribute to a brave marine from Milford, OH. LCpl Bryan Taylor, who was killed in Iraq on April 6, 2006, after he had been there for just 5 weeks. Bryan is survived by his parents Rick and Sherri Taylor, and his younger brother Matthew. He was just 20 years old at the time of his death.

A 2004 graduate of Milford High School, Bryan had a strong interest in computers and technology. He also attended Live Oaks Career Development Center, where he studied computer-assisted drafting during his last 2 years of high school. According to those close to him, Bryan "knew no strangers and had no enemies." One of his favorite things to do was simply sit around and talk about good memories with his friends.

While reflecting on their memories of Bryan, his friends stressed his unceasing loyalty. Bryan's friend John Legleu said that "people who didn't even know Bryan that well are calling to tell me what he meant to them. He had a way of finding things in common, and he always found the good in people."

Friend Stacey Flick, added:

> Bryan strived to make sure he was there for his friends no matter what.

In fact, friends say it was the camaraderie of the Marine Corps that led Bryan to enlist.

As his friend James Wallace said:

> Bryan was pretty much everything you want in a friend. . . . He had such a big influence on the people he knew.

Those who knew Bryan also remember his compassion and his willingness to listen. As his friend John said:

> I would always seek advice from [Bryan]. Even though I was older, I would always get his opinion. He was mature beyond his years.

Bruce Wallace, the father of Bryan's best friend James, shared the following story about Bryan. This is what he said:

> I'd come home from work and Bryan would be sitting in the living room, watching TV alone, waiting for Jamie. I'd ask him if he was hungry. He'd say, 'No, I already ate,' and I'd go into the kitchen and see an empty cereal bowl in the sink! He was the only person

> who could get away with this because he was truly my second son. He wasn't like any of us. He was so exceptional.

After enlisting in 2005, Bryan quickly made friends among his fellow marines. PVT Adam Michaels met Bryan during their training and shared this story about him:

> Bryan was a great guy, and we had a lot of good times. I hung out with him before he left [for Iraq], and he always had a great presence. I remember watching Bengals games with him even though I am a huge Packers fan! He was as great as they come.

Bryan lived life fully and left a lasting impression on his friends, family, and community. After his death, Miami Township named the football field at Miami Meadows Park, where Bryan used to played Pee Wee football, in his honor.

Additionally, Clermont County held a "Celebration of Life" in tribute to Bryan. This celebration included a balloon launch of 60 red, white, and blue balloons, each filled with a note from Bryan's family and friends. Bryan's family also received an outpouring of support from many other families of fallen servicemembers, which has meant so very much to them.

In talking about the loss of servicemembers, GEN George S. Patton—who I know is a favorite of the Presiding Officer—once said that we should not mourn those who die on the field of battle. "Rather," he said, "we should thank God that such men lived."

Indeed, Mr. President, while we mourn, we do thank God that Bryan Taylor lived. He was a good son, brother, friend, and marine. Everyone who knew him loved him.

In December 2005, Bryan visited his old high school dressed in his marine uniform. He came to say goodbye to his former teachers before leaving to serve in Iraq. According to those at the high school, he was very proud to be a marine and visited frequently to keep in touch with his favorite teachers. Milford High School Assistant Principal Mark Lutz shared the following story about his final visit with Bryan:

> Bryan had a young person's bravado. . . . Bryan was an excellent young man. He was always looking for a new challenge. . . . I think the Marines gave him a sense of direction.

Assistant Principal Lutz also remembers the pride with which Bryan served. This is what he said:

> Bryan was very proud of his decision to serve in the Marines, which he credited with giving him direction and helping him become an adult. He was looking forward to returning to his unit to prepare for his tour of duty in Iraq.

In describing his role in the military, Bryan, himself, wrote the following paragraph shortly before he died:

> I am a Marine. . . . I am proud of what I do and to serve the country that I do. We are here for you and your families. We are the ones who are willing to give our lives to make your life easier and safer. . . . I have seen a lot of good men lose their lives because of what our beliefs are. I honor these men every day.

Indeed, Mr. President, we all must honor these brave souls—and Marine LCpl Bryan Taylor is one of them. He will be remembered as a wonderful young man, a loyal friend, and a proud marine. My wife Fran and I continue to keep his family in our thoughts and in our prayers.

STAFF SERGEANT JASON A. BENFORD

Mr. President, this evening, I rise to honor the life of Army SSG Jason A. Benford from Toledo, OH. On September 27, 2005, SSG Benford died when insurgents attacked his patrol with small-arms fire in Ramadi, Iraq. He was 30 years of age at the time.

Staff Sergeant Benford was a devoted family man—the husband of Kimberly and the father of two young sons, Lane and Jacob. He is also survived by his parents George and Linda Benford, his sisters Kimberly and Lori, his brother John, his grandparents Robert and Deloris, and numerous nieces and nephews.

Jason truly was an excellent serviceman—the epitome of what a professional soldier should be. He was also a man who cared deeply for family and friends. His personal integrity and his devotion to duty were unmatched, and he consistently set high standards for himself.

Jason was born on June 8, 1975. A 1993 graduate of Bowsher High School, he attended the University of Toledo before enlisting in the Army in 1994. He originally enlisted for 3 years, as a "learning and growing" experience. But it turned out that the Army was Jason's true calling, and he re-enlisted once his initial service was complete. According to his step-mother, Jason was planning to make the Army his career.

After graduating from Basic and Advanced Individual Training, Jason served in the Republic of Korea before being assigned to Fort Benning, GA, where he served as team leader and senior gunner. In Georgia, Jason found more to keep him busy than simply being an excellent soldier. It was at this time that he met and married Kimberly, the love of his life, whose hometown was near Fort Benning.

"My mother had told me not to date soldiers," Kim remembers. "But I did—and I married him." Shortly after being married in January 1998, Jason was transferred to Vilseck, Germany, where he and Kim remained for 3 years before returning to Georgia.

Jason loved his wife dearly, but he also loved his Ohio State University football, and on January 3, 2003, which was both his wedding anniversary and the night of the Buckeyes' legendary NCAA championship game against Miami, he had to make a choice. The decision, however, was easy. Lucky for him, Kim ate quickly, and the game went into overtime. "He took me out to dinner," Kim laughed, "but he was looking at his watch the whole time. He lived in Georgia, but he was always a Buckeye."

In July 2005, Jason was able to spend Independence Day with his family while on a 2-week leave. It was a time in which many memories were made. "We spent time in Panama City, went to a Braves game in Atlanta, and had fun at Whitewater," Kim remembers. "It was a great time to be together—just the family."

Kim remembers that her husband was a calm, even-tempered man who did not easily lose his cool. "He's always been a special, special person, so even-toned," she said. "He'd handle all types of situations and not even break a sweat. That was one of the things we appreciated so much, [and] I know the soldiers did too."

Those who served with Jason also remember his calm demeanor and his optimistic nature. CPT Brian Mehan left his friend the following message on an Internet tribute website in memory of Jason:

> Staff Sergeant Benford and I served together. His levity and friendly demeanor made even the hard times more bearable. The world will be a lesser place without him.

Those who knew Jason have rallied around his family in support. Stacey Jarzeboski, from Toledo, left his parents and family the following message on that Internet tribute website:

> I am so sorry to hear of your loss. My sisters (Becky & Kim) and I were childhood friends of John and Jason. I can remember how full of life [they] were together. I'm sorry that he was taken from you.

Nothing was more important to Jason than his family, and he talked to Kim as often as possible while in Iraq. According the Kim, they sent instant messages to each other twice a day and talked on the phone regularly while he was stationed there. After he was sent to Ramadi, however, Jason was only able to call once—the day before he died.

Jason was completing his second tour of duty in Iraq when he was killed. His service to our Nation earned him more medals than I can name here, but they include the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, (1 Oak Leaf Cluster), and the Army Achievement Medal, (6 Oak Leaf Clusters).

Mr. President and Members of the Senate, Army SSG Jason Benford was devoted both to the Army and to his country. But most importantly, Jason was a loving husband, father, and son—someone for whom family came first. He loved simply spending time with his family, and sharing his love of sports with his two sons.

Mr. President, my wife Fran and I will continue to keep Jason and his family in our thoughts and in our prayers.

LANCE CORPORAL DUSTIN ROBERT FITZGERALD

Mr. President, I rise tonight to pay tribute to Marine LCpl Dustin Robert Fitzgerald from Huber Heights, OH. On August 18, 2004, Lance Corporal Fitzgerald was killed in a vehicle accident in the Al Anbar Province of Iraq. He was 22 years old. He is survived by his parents Michael and Melody Fitzgerald, and his brothers Brandon and Shannon.

Ever since he was a small boy, Dusty—as he was known by family and friends—knew that he wanted to serve his country and help his fellow citizens. While attending Wayne High School, he enrolled in the school's Junior ROTC program.

Initially, Dusty wanted to be a pilot in the Air Force. However, he came home one day and told his mother that he instead wanted to be a marine. At such a young age, Dusty knew exactly what he wanted to do. He was determined and took steps to pursue his dream.

Dusty simply loved ROTC. "He gave his all," his mother recalled. "He enjoyed it so much and took it very seriously." Dusty participated in the Junior ROTC program for 3 years.

During this time, Dusty made many friends. The other young students in Junior ROTC respected him and enjoyed his company. They found him to be sincere person—someone with a good sense of humor. One of Dusty's many friends, Brenna Downs, wrote the following in a posting on an Internet tribute to Dusty:

> When I heard about what happened to Dusty, I was immediately taken back to junior high and early high school, when he used to hang out with all of us. He definitely stood out in our group with his sense of humor. He was genuine. Years after I knew him, I still remember how he made us all laugh. He was a good guy and will be remembered and missed by his old friends.

Dusty and his friends enjoyed baseball, basketball and wrestling while they were in high school. Dusty's friends were drawn to him for the same reasons his peers at Junior ROTC were drawn to him. His mother said that Dusty "was very adventurous. [He had a] wonderful sense of humor. [He was] easy-going. He never had an enemy."

In addition to sports, Dusty was crazy for cars. "When Dustin wasn't fighting in wars, he loved souping up cars," his mother recalled. In high school, Dustin fixed up a 1996 Dodge Stratus, outfitting it with racing tires and a spoiler. And just 4 months before he entered the Marines, he bought his dream car—a 1997 Mitsubishi Eclipse. He spent hours fixing it up. While he was stationed in the Middle East, Dusty would ask his mother to buy car accessories so he would have them when he got home.

After graduating from Wayne High School in 2000, Dusty began taking steps to fulfill his dream of becoming a marine. When he left for boot camp, his family was extraordinarily proud of him. Melody said of her son, "Dusty was proud, too. You [could] look into his eyes and see his pride."

After boot camp, Dusty's life moved quickly. He was assigned to Battalion Landing Team 1–2 with the 24th Marine Expeditionary Unit out of Camp Lejeune, NC. In January 2003, Dusty and his unit headed overseas on the U.S.S. Gunston Hall. His family missed him tremendously, but they knew he was doing the right thing—that he was doing what he believed in.

Dusty was dearly loved and respected by all. SSG B. Coomer said that being a marine was in Dustin's blood even before he enlisted. He left Dustin's family the following message on the Internet tribute Web site:

> I am terribly sorry to hear about Dusty. We graduated the same year, and we were in Sea Cadets together. At the time, I was the Cadet leader when I met him. He was a Marine long before he entered Marine basic training.
>
> I know that he was one of the most well disciplined cadets in our unit. He always listened very well and took whatever task we had to accomplish very seriously whether it was Kung Fu training, drill, or running the obstacle course. He loved the movie, 'Full Metal Jacket' and often, we would joke around with him telling him that he looked like the main character. He would quietly laugh and [imitate that] character.
>
> I am thankful to have known him and to have served with him. As I have said, he was a Marine long before he ever entered basic training, and he will never be forgotten as a friend, Marine, and fellow Sea Cadet.

During a memorial service in Dusty's honor, family, friends and neighbors all gathered to pay their respects. They released blue balloons in his honor.

Dusty be remembered by everyone he met. Christina Benn, who met Dusty in North Carolina, recalls her first meeting with him. This is what she said:

> My daughters Alyssa and Lauren and I reside in Greenville, North Carolina, where I had the pleasure of meeting . . . Dustin. He was a very loving and compassionate Marine, who came into our lives and brought us happiness. Our hearts go out to the Fitzgerald family for life. We will keep you and your precious loving son in our prayers, and may God help guide you through these trying times.

The world is a better place since Marine LCpl Dustin Fitzgerald has been in it. He had a glowing smile, a fine sense of humor, a big heart, and a tremendous sense of dedication to his family, community, and country.

My wife Fran and I continue to keep Dustin's family in our thoughts and in our prayers.

SERGEANT JAMES WORSTER

Mr. President, I rise tonight to remember a fallen servicemember—SGT James Worster, from Broadview Heights, OH. Sergeant Worster was serving as a medic with the Army's 10th Command Support Hospital in Baghdad, when he died of cardiac arrest on September 18, 2006. He is survived by his wife Brandy, his young son Trevor, his mother and stepfather Donna and Burleigh Thornton, his brothers Jack and Josh, and his sister Joy. He was just 24 years old.

James Worster was a dedicated and compassionate young man who responded to a pair of tragic events by finding a way to serve his country and help those in need. After his father Richard died from a medical condition in 2000, James was inspired to become a doctor. He simply decided that he wanted to help others.

One year later, James was studying at Cleveland State University when the terrorists attacked the United States on September 11, 2001. The attacks had a profound impact on James and compelled him to enlist in the Army. He had a strong desire to help prevent other such attacks from happening on our homeland. By becoming a medic in the Army, he was able to both honor his father and serve our Nation.

James was born in Fargo, ND, on March 30, 1982. He moved to Alaska when he was 7 and attended middle school and high school in the city of North Pole. Those who knew James describe him as a very focused student, who had a great work ethic. MAJ Jim Alonzo, who guided James through his high school Junior Reserve Officers' Training Corps program, called him "a shining star" who was "always there."

These were the very words Major Alonzo used when recommending James for an internship with the National Park Service after James's sophomore year of high school. Although the Park Service told Major Alonzo that they normally didn't hire interns as young as James, he was selected and spent the summers after his sophomore and junior years of high school working at Yellowstone National Park. This is the kind of impressive young man he was.

While serving in the ROTC program in high school, James met Brandy Kusinski. He fell in love. After graduating from North Pole High School in 2000, James joined Brandy, then his fiancée, at Cleveland State University. The two were married on October 13, 2002, and they celebrated the birth of their son Trevor 2 years later.

James felt a strong bond with children, both here at home and in Iraq. According to his mother, James's son Trevor "was the light of his life." Donna said that her son "hoped someday the country would be safe for his son and all people's [children]."

This caring nature was evident in James's work at the 10th Combat Support Hospital in Baghdad, where he treated children who had been shot. His mother Donna said, "He was glad he was there for them, and he was glad he was there for his soldiers."

James's work with soldiers and civilians, especially children, served as practice for what he hoped would be a medical career when he returned from Iraq. In Iraq, he performed a range of procedures that would prepare him procedures ranging from setting bones to even delivering babies.

Those who met James were always impressed by his compassion and consideration. Cesar Gonzalez served in the 10th Combat Support Hospital alongside James. According to Cesar, James was one of the kindest persons in the hospital. He said that James would always ask him how he was doing and that he would always put the needs of others above his own. As James's mother said, he just "loved people, and he [in turn] was loved by a lot of people."

James's family remembers him as someone who cared deeply about others and pursued his dreams with a smile on his face. In a written statement, his family spoke of this compassion and desire to help those around him. This is what they wrote:

> [James] had a very strong faith in God and a very strong love of country. James lived life to the fullest, raising his son and being a wonderful son, himself. Pursuing his dreams took him to the Army, where he learned to save lives and truly believed he was making a difference. His beautiful smile and endearing personality brightened any day, and . . . he was a beacon of light and will forever be remembered and loved.

While on leave, James was active in the Mustang Club in Colorado, an organization devoted to the preservation and appreciation of Mustang cars. James not only appreciated classic cars, he loved to race them.

It was through racing that James met many friends, including Brandy from Colorado. According to Brandy, racing on the track simply isn't the same without James. She wrote the following on an Internet tribute Web site in James's memory:

> He was one of the greatest people I've ever met. I'm sorry for all those who didn't have a chance to meet him. He brought so much to everyone he met. It was just amazing to see someone with that much compassion and heart.

Also posted on that same Internet tribute website, is a message from Vicki Gleisner, whom James knew as "Aunt Vicki." This is what she wrote:

> From the first day I met James, I knew he was a very confident, gentle young man. Even though I think he was only 5 at the time, he wasn't a little boy. He was always protecting his mom. I guess that when he was satisfied that his mom was taken care of, he decided to take care of the rest of us. James always had a very respectful way about him, and he always made me feel important. Thank you for letting me be a part of your life, James, and for leaving your smile in my heart, so I can remember your gentleness.

James was a young man who truly understood the importance of service to others—his family, his friends, and our Nation. He was a devoted husband, father, son, and brother. His life was one filled with, and he made a positive impact on everyone whom he met. My wife Fran and I will continue to keep SGT James Worster's family and friends in our thoughts and prayers.

CAPTAIN TYLER SWISHER

Mr. President, I rise tonight to honor and to remember a fellow Ohioan—Marine Captain Tyler B. Swisher from Cincinnati, OH. On October 21, 2005, CPT Swisher was killed when his vehicle was struck by an improvised explosive device while conducting combat operations against enemy forces in Iraq. He was 35 years-old.

Tyler was the type of person who simply never gave up. He always sought out new challenges. At the time of his death, he was serving his third tour of duty in Iraq—and was looking forward to serving two more. This is typical of his dedication and determination to succeed.

In high school, Tyler proved himself academically, by spending hours studying his books and lessons. His hard work paid off, when he made the honor roll during his senior year—an accomplishment for which he was very proud. After high school, Tyler went on to Butler University, where he graduated with a degree in biology in 1993.

And then, Tyler set his sights on the Marines. A longtime friend of the Swisher family, Jack Buckholz, remembers that Tyler attacked the challenges of boot camp with the same ferocity and determination that he had displayed with everything he did. He spent 6 months training on his own to make sure he was prepared. He ran several miles a day and worked construction to strengthen his muscles. "He had a rope that he would climb every day," Jack Buchholz remembers. "After that, boot camp was not so bad [at all]."

Tyler entered the Marines as an enlisted man and then worked his way up to Officer's Commission in 1997 and eventually became on to being a company commander for the 2nd Battalion, 2nd Marine Regiment, based in Camp Lejeune, NC. When he died in Iraq, 200 Marines were under his command.

> Tyler died doing what all Marine officers aspire to do—[and that is] lead Marines in combat," said Captain Gary McCullar, one of Tyler's best friends. "Tyler never faltered. Tyler did it right.

Tyler sought out challenges that most people would shy away from—challenges like training for mountain warfare in Korea, which involved steep climbing, rocky slopes, and living outdoors in harsh elements. "It was miserable," Captain McCullar remembered. "[And,] he loved it."

Tyler always pushed himself beyond all expectations and always gave his best—whether it was for himself, his school, or his country.

Tyler was a dedicated and hard-working Marine, but he was also a selfless person, who always placed the needs of family, friends, Marines, and Nation above his own. But, most important to him were his wife Stephanie and their three children: Ashleigh, Madison, and Jacob. Stephanie's brother Peter Lynch remembers that Tyler was a devoted father and a committed husband. For Stephanie, he was consistently a source of strength. No matter how bad a day she was having, he was always able to get a burst of laughter out of her.

And Tyler's daughter Ashleigh left him the following message on an Internet tribute Web site:

> Tyler Swisher, my Dad, was an amazing man. He was more than a Dad to me . . . he was my hero. He gave me the strength to face many hardships in my life, and he was always there for me. He was the best father anybody could ask for. He's my inspiration everyday to live life. . . . I will never stop missing him. I'm so proud of you Daddy, thanks so much for being my hero, and protecting us all. With love, Ashleigh.

Todd Smith was one of Tyler's boyhood buddies. At Tyler's funeral, he addressed the following words to his friend:

> I remember sitting in the [movie theater], watching 'The Empire Strikes Back' all day long. You were always there for me more than I was there for you. I could count on you to tell me right from wrong. I could count on you to stick up for me, and you taught me to stick up for myself. I've always looked up to you and can't begin to say how proud I am of you. You made the ultimate sacrifice for your country, and you are truly a hero. I am lucky and blessed you were part of my life.

Tyler's fellow Marines in Iraq felt the same respect and admiration for Tyler as his family and friends did back home. Doug Miorandi from Phoenix, AZ, expressed his respect for his friend and fellow serviceman on an Internet tribute Web site. This is what he wrote:

> I was fortunate enough to have served with Tyler and feel honored to call him my friend. Tyler and I were roommates for over two years, serving at both Marine Barracks Washington, D.C., and the Presidential Retreat at Camp David. From being a 'spit and polished' Presidential Security Guard to a hard charging Marine grunt, Tyler epitomized the word 'Marine.' I'll never forget our time together, and I feel fortunate to have been a part of your life.

CPT Tyler Swisher was buried a hero at Arlington National Cemetery, and I am honored that I had the opportunity to attend the funeral services in Ohio for this fine marine. The streets were lined with family, friends and fellow servicemen and women who had come to honor him. Everyone I spoke to that sunny November day had the same thing to say—Tyler Swisher had loved being a marine, and he loved what he was doing.

I would like to conclude with the words of Tyler's dear friend, CPT Gary McCullar, who was Tyler's military escort on his final journey home. In a letter to the Cincinnati Post thanking the community and citizens for the respect and honor they showed to Tyler and his family, he wrote the following:

> Captain Swisher epitomized the meaning of the Marines. He was a leader, he was tough, he was the best that this country has to offer, but most importantly he was a man who loved his wife and children and enjoyed spending every minute he could with them. Captain Swisher was also the best friend I ever had. I am very proud of how the City honored my friend.

Indeed the world is a better place because of Tyler Swisher. My wife Fran and I will continue to keep his family—his wife Stephanie and their three children Ashleigh, Madison, and Jacob, his parents David and Mary Beth Swisher, and his siblings John and Sara—in our thoughts and in our prayers.

I thank the Chair very much this evening. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

BILL FRIST

Mr. HATCH. Mr. President, it is with great pleasure that today I honor our distinguished majority leader, Senator BILL FRIST. After serving with BILL for the last 12 years, I have come to know that he is a fine leader, an accomplished physician and a wonderful person. He is a man of compassion and conviction who has served our Country and this body well.

It is only fitting that the majority leader of the U.S. Senate be a person who has dedicated his life to serving others.

We all know of BILL's remarkable service to people around the world as a transplant surgeon for over 20 years. We have applauded him on several occasions as he has embarked on pilgrimages to help bring needed medical expertise to impoverished countries. We have seen him fight to secure over $15 billion in Federal funding to fight the spread of HIV/AIDS in Africa. We have marveled at his dedication to serving the people of Tennessee. And time and again, we have witnessed him here on the floor of the U.S. Senate in the middle of the night conducting the people's business and ensuring the legacy of the Senate continues in the most professional manner.

I hope everyone understands what a sacrifice it is to take on leadership duties here in Washington. The Federal Government never sleeps. When elected representatives come to Washington, they bring with them the hopes, dreams, and aspirations of each one of their constituents. Those who take this responsibility seriously spend every waking moment addressing concerns and working for the people they represent. That is quite a responsibility to bear. When you add to that responsibility the duties of being a leader and looking out for the interests of those you lead, the duties are immense and the sleepless nights really start to mount. I, for one, am grateful for BILL's exemplary service and willingness to spend his life looking out for the interests of others.

Over the last 4 years, as BILL has been majority leader, I have had several occasions to seek him out and ask for his advice and counsel. In every instance, he has made himself available. There have been times when I have been working on issues of great importance to the citizens of Utah until 1, 2, or even 3 in the morning and, even though the items we were working on did not impact BILL or his constituents, he and his staff were gracious enough to stay up and work with me. For that I am grateful.

As a highly trained physician, BILL has changed the way the Senate approaches health care policy. As a member of the Senate Health, Education, Labor, and Pensions Committee and the Senate Finance Committee, two committees with jurisdiction over health care issues, BILL has used his insight and training to shape and move legislation which greatly improves the health of Americans and the health care system in general. His skill as a physician has greatly improved the knowledge of this body and has made the lives of countless people better.

Tennessee's storied history of capable Senators is long and includes such names as Andrew Jackson, Andrew Johnson, Howard Baker, and, my good friend, Fred Thompson. These men represented the best of what America has to offer, and BILL FRIST has done much to add to this great legacy. As majority leader, BILL has shepherded through some very important legislation, including the Medicare prescription drug benefit legislation, scores and scores of tax cut legislation for the American people, legislation to reduce health care disparities among races, legislation to make health care more affordable and accessible, legislation to bolster America's defenses against bioterrorism, legislation to reduce childhood obesity, legislation to prevent childhood vaccine shortages, and legislation fighting drug abuse.

BILL's willingness to support Federal funding for stem cell research this year made a huge difference in the national debate. I truly appreciated BILL's support earlier this year to pass legislation that would make more embryonic stem cell lines available for Federal funding. Stem cell research is one of the most important issues we face today. Stem cell research gives hope to millions of people who have none. More than 100 million Americans suffer from heart disease, cancer, diabetes, Alzheimer's, Parkinson's, multiple sclerosis, and so many other life-threatening and life-debilitating diseases. Thanks to BILL's support, on July 18 of this year, the Senate passed H.R. 810, the Stem Cell Research Enhancement Act, by a vote of 63 to 37. H.R. 810 would have allowed Federal funding for stem cell research using stem cell lines derived under strict ethical requirements from excess in vitro fertilization embryos, regardless of the date they were derived. I am grateful to BILL for taking such a bold and courageous stand on this issue for those suffering from these dreaded diseases and who will be helped by this research.

In closing, BILL is a consummate family man who cherishes family and the values family represents. He has been married to his wife Karyn for 22 years and, even as majority leader of the U.S. Senate, he has always made time for his three sons: Harrison, Jonathan, and Bryan.

There is no doubt BILL will be successful in any endeavor he undertakes as he leaves this great body. He has proven himself time and again and there is no question in my mind, he will be successful in the future.

Mr. President, I appreciate the efforts and service of our good majority leader, BILL FRIST. He is a great man, a great patriot, and a great friend, and I wish him well in his future endeavors.

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our colleague MARK DAYTON, the Senator from Minnesota, for his distinguished service in the Senate and for his commitment to helping our country live up to its highest ideals at home and abroad.

MARK's life has been about service to others. Whether as a teacher in the bowery of New York, a counselor to troubled teens in Boston, an aide to our beloved Fritz Mondale, or State economic development leader working to bring quality jobs to his constituents, or a Senator, MARK DAYTON has consistently answered the call of public service throughout his long and outstanding career.

He has been a champion of the right to quality and affordable health care for all Americans, and I know how frustrated he has often been by our inability to make greater progress on this critical domestic issue. Sadly, it will be harder to get there without him, but I am optimistic that we will still be able to accomplish it, and I have no doubt that MARK will continue with his commitment and compassion to help lead the charge from outside the Senate.

As a Senator, he had an indispensable role in our effort to expand the availability of prescription drugs. His heart went out to the senior citizens in Minnesota whose only hope to afford the drugs they desperately needed was to cross the border into Canada. Fortunately, in its effort to build a legal fence to keep them out, the drug industry more than met its match in Senator MARK DAYTON. Even my constituents in Massachusetts loved MARK, as they boarded buses from Boston to Minnesota to catch the lifesaving bus to Canada and get their medicine.

MARK also has had the courage to stand against the administration when it launched the tragic and misguided war in Iraq.

He never wavered in the Senate from what he believed was right, and we will all miss the skill and eloquence, the decency, honor, and generosity he brought to our Senate debates.

We regret very much that he won't be here with us in the debates ahead, and we wish him well. Perhaps he will be able to make that Arctic trek to the North Pole that he had to put on hold when he came to the Senate 6 years ago. But I know that whatever new course he chooses, he will continue to be a strong and vital voice in improving the lives of others.

As Robert Kennedy said, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Throughout his brilliant career, MARK DAYTON has sent forth many ripples of hope, and I'm certain he'll send forth many more in the years ahead. We'll miss you, MARK.

SENATOR DAYTON

Mr. CONRAD. Mr. President, today I wish to pay tribute to a retiring colleague, Senator DAYTON of Minnesota.

MARK DAYTON has made a career of public service, in the very best sense of the term. After graduating from college, he taught public school in New York City and served as a counselor to teenage runaways before returning to Minnesota. For 20 years, he served in a variety of positions in State government in Minnesota, from commissioner of Economic Development to State auditor.

In the Senate, MARK DAYTON has been an independent voice in the tradition of our former colleague, Paul Wellstone. He eschewed political expediency and instead relied on his conscience in making important decisions. For example, he agonized over his vote on the Iraq war, before ultimately deciding to join the small minority of Senators who voted against it.

I have worked most closely with MARK on agriculture and other issues affecting rural Americans. Trhoughout his Senate service, he has been a strong and consistent voice on behalf of family farmers. He has helped lead the fight for much needed disaster relief. He has opposed misguided cuts to commodity and conservation programs. And he has been a leader in calling for a significant expansion of ethanol and other renewable fuels that can benefit our rural economies and reduce our dependence on foreign oil.

Senator DAYTON has also been a strong voice on behalf of our troops and their families at home. He has called for better armor and equipment. He has insisted on better care for veterans. And he spearheaded efforts to ensure that soldiers on leave could get all the way home to visit their loved ones rather than simply being dropped off at remote cities and asked to pay last-minute air fares to get home.

MARK DAYTON has insisted on integrity and honesty in every aspect of his public life. He has been a true champion for Minnesota. Lucy and I wish him well as he goes on to other ventures.

LINCOLN CHAFEE

Mr. President, I would like to pay tribute to Senator LINCOLN CHAFEE. Senator CHAFEE has served the people of Rhode Island well. He has distinguished himself in a number of important policy areas, including strengthening environmental protections and strengthening our national security.

I most appreciated his efforts to promote fiscal responsibility. Senator CHAFEE has been steadfastly committed to sound government budget policies. While he supported easing tax burdens for families by ending the marriage tax penalty and increasing the child tax credit, he had the courage to oppose irresponsible, budget-busting measures that, while politically popular, have resulted in huge fiscal deficits and an unsustainable increase in the Federal debt.

Senator CHAFEE has also been an unwavering supporter of reinstating pay-as-you-go constraints on the Federal budget first implemented by President Bush's father in 1990. Under those rules, any tax cut or increase in Government spending must be accompanied by an equal spending cut or revenue increase.

I also appreciated Senator CHAFEE's commitment to bipartisanship. He understands that reaching across the aisle and working together more often than not results in better decisions and better, longer lasting policy solutions. His efforts were not always appreciated by those in charge over the last couple of years. But those of us who worked closely with him know his commitment is genuine and his word is good.

I was pleased to welcome Senator CHAFEE to the Senate in 1999 when he was appointed to fill the seat of his late father. I had the pleasure of working often with John Chafee. We were both members of the Senate Finance Committee. I was not surprised to find that the son, like his father, was tough but fair-minded and a man of strong principle.

Senator CHAFEE brought a unique set of skills to the Senate. A native Rhode Islander, he earned a B.A. in classics from Brown University and was captain of the wrestling team. Instead of following immediately in his father's footsteps, however, he initially worked as a blacksmith at harness race tracks in the United States and Canada and later in manufacturing management. These experiences gave him a great deal of respect for working people and helped him build a strong sense of independence and plain old common sense.

It is also clear that Senator CHAFEE never forgets his other important job. As a father of three school-aged children, he often reminds his colleagues to consider the impact of our decisions on the next generation. Whether he is working to preserve fragile wetlands in his beloved home State, helping strengthen our homeland security, or preventing massive debts from accruing, he talks often about our responsibility to our children.

Senator CHAFEE has served the State of Rhode Island with integrity and compassion. He will be missed.

CONRAD BURNS

Mr. President, I rise today to acknowledge my colleague from Montana, Senator CONRAD BURNS, who will be leaving this body after serving Montanans for the past 18 years.

Since our States border one another, Senator BURNS and I have had the opportunity to work together on issues important to our region and the Nation. Senator BURNS has been a strong advocate for the interests of his State.

In 2002, Senator BURNS and I joined forces to create the Bipartisan Task Force on Tribal Colleges and Universities. One of the goals we set for the task force was to secure adequate resources on the Federal level to support and grow these valuable institutions. Senator BURNS, as chairman of the Interior Appropriations Subcommittee, was a strong advocate in helping the task force achieve this goal. Under his leadership, the tribal colleges received some of the largest increases in Federal funding since their inception. This support has opened the door of opportunity for thousands of American Indians.

During this past year, we have also worked together on agricultural disaster assistance legislation. Because both of our States have a strong agricultural sector in our economy, this issue is very important to our constituents. The support he has given to agricultural disaster legislation in both the Senate Appropriations Committee and the full Senate has been important to our efforts, and I appreciate his strong support.

Senator BURNS was also a valuable member of the ICBM coalition. During these past years, he and I have worked together to make sure our Nation has a strong military deterrent to emerging world threats.

Since he arrived in Washington as a Senator only 2 years after I did, we have watched the debates and policy discussions in this body together for almost two decades now. During that time we have seen economic ups and downs, a major change in international power structure, and the new challenges we face after the 9/11 terrorist attacks.

Again, Mr. President, I have appreciated the opportunity to work with Senator BURNS and wish him well as he leaves the Senate.

JIM JEFFORDS

Mr. President, today I would like to take a moment to recognize my friend and colleague, JIM JEFFORDS, who after 32 years of distinguished service in Congress is retiring to spend more time with his family.

JIM JEFFORDS' family roots in Vermont can be traced all the way back to 1794. After attending public schools in Rutland, JIM received his undergraduate degree from Yale University and his law degree from Harvard Law School. He served in the U.S. Navy and retired from the U.S. Naval Reserve.

I have worked closely with JIM JEFFORDS for years on the Centrist Coalition. He is a good friend and someone I could always trust. JIM has always been independent-minded with a strong sense of integrity, a real commitment to fiscal responsibility, an unparalleled dedication to the environment, and a passion for improving education for our children. During his time in Congress, JIM JEFFORDS left his mark on some of the most important legislation this institution has passed, including the Individuals with Disabilities Education Act, the Clean Air Act, the Clean Water Act, and the 2005 highway bill.

In 2001, JIM JEFFORDS made a historic and difficult decision to switch his party affiliation to an Independent. He was never afraid to make tough decisions, and this one was no exception. It took courage to stand up against the rising tide, knowing that his decision would tip the balance in the Senate and set us on a new course.

JIM JEFFORDS embodies what it means to be a good Senator—honesty, a strong work ethic, courage, dedication, and being true to one's convictions. He is also thoughtful, modest, and soft spoken. With these character traits it is hard to believe that he has a black belt in tae kwon do.

JIM JEFFORDS has been a true fighter for Vermont. His compassion and conviction will be missed in the U.S. Senate. I wish JIM and his family many happy years ahead.

MIKE DEWINE

Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague who will be leaving the Senate at the end of this term. Senator MIKE DEWINE has represented Ohio in the Senate for 12 years. During his tenure, he has been an important advocate for the interests of the Buckeye State.

Senator DEWINE will be remembered for his work on the Health, Education, Labor, and Pensions Committee and particularly his success as chairman of the Subcommittee on Retirement Security and Aging. He was a vital and constructive member of the conference committee on the Pension Protection Act, and he illustrated what can be accomplished when you are willing to work across party lines on a common goal.

I have also admired Senator DEWINE's commitment to our Nation's children and his efforts to stop teen drug and alcohol abuse, as well as crack down on tobacco companies' marketing of their products to children and teens. With unfailing courage, he took on those in his own party and other special interests to protect our kids from harmful tobacco products.

In addition, I believe he has set a good example for all of us in the Senate in how to honor those from our States who have fallen in service to our Nation. With deep admiration, I have listened to Senator DEWINE come to the floor and speak about the lives and families of Ohio service men and women who have died in Iraq and other fields of battle. It is clear that he understands and deeply respects the sacrifices made by our troops and their families.

Mr. President, for these and many other reasons, I have been honored to serve with MIKE DEWINE. I would like to join my colleagues in wishing the Senator and his family the best in the future and in paying tribute to his contributions to the Senate and our Nation. I wish him well.

MIKE DEWINE

Mr. KOHL. Mr. President, I rise today to bid farewell to one of our esteemed colleagues, MIKE DEWINE of Ohio. It has been my special joy and privilege to work closely with Senator DEWINE for the last decade. Since 1997, we have led the Antitrust Subcommittee, each taking our turns as chairman and ranking member. Thanks to MIKE's honesty, candor, and cooperative nature, we have forged a productive bipartisan partnership as we have worked to promote competition in many vital sectors of our Nation's economy.

This productive, bipartisan working relationship has been a hallmark of Senator DEWINE's leadership of the Antitrust Subcommittee since he assumed the chairmanship of the committee in 1997. From the beginning, he reached out to me and established our tradition of setting our agenda jointly, planning our hearings together, and even sponsoring legislation and writing letters to the administration jointly. We tackled together such thorny issues as encouraging competition in telecommunications, health care, the oil and gas, and airline industries, investigating dozens of important mergers ranging from AOL/Time Warner to ATT/Bell South, and pursuing antitrust reform legislation. While we have not always agreed on every issue that came before our subcommittee although I am happy to say we agreed more often than not—MIKE DEWINE and I always agreed that we should put partisanship aside and accomplishing practical results for the American people first.

On a personal note, our close working relationship has caused me to come to know MIKE DEWINE very well. I have come learn that MIKE is a sober-minded, hard working, and caring person. In my career, I have been privileged to know and work with a few distinguished Members of this Chamber whom I can truly call statesmen, leaders, and friends. MIKE DEWINE is one of them. He will be missed.

Mrs. CLINTON. Mr. President, I rise today to honor the great service of retiring Senators PAUL SARBANES, MARK DAYTON, and JAMES JEFFORDS.

Senator SARBANES' service in the Senate stretches back three decades. First elected in 1977, he had previously served as a Congressman and before that as a delegate in the Maryland State House. I have been so grateful to the Senator for his advice and his work in this Chamber.

Senator SARBANES is the son of immigrants from Laconia, Greece, and he has often spoken about the pride that he has for his Greek heritage, as well as the inspiration that he draws from it through his work in the Senate. His parents instilled in him a reverence for the principles of democracy and a respect for the values of opportunity and fairness. He has championed these values throughout his life in public service, passing important legislation to reform the accounting industry, the 2002 Sarbanes-Oxley Act, among many other legislative accomplishments.

I want to thank Senator SARBANES and his dedicated staff for their extensive and laudable work on the surface transportation reauthorization bill and in particular for their tireless efforts to ensure our Nation's transit systems are adequately funded. With so much congestion on our roads it is critical that we continue to invest in our trains, buses, ferries, and other modes of transportation to reduce congestion and reduce travel times. Senator SARBANES did this work in his role as ranking member of the Banking Committee, and millions of people everyday—especially in New York—who ride trains and buses to and from work should be grateful that we had him on our side for so many years.

I could stand here for a long time singing the praises and accomplishments of Senator SARBANES after a long and distinguished career in the Senate. I will end by saying this: We will miss him and he has left his mark on this great Chamber.

I will also express a fond farewell to Senator DAYTON.

It has been an honor to serve on the Armed Services Committee with Senator DAYTON.

He has done a wonderful job for the people of Minnesota. In his time in the Senate Senator DAYTON worked hard to live up to the legend of Senator Wellstone, to honor the values that Senator Wellstone championed in this body.

One example: I was grateful to Senator DAYTON for his support of the Nontraditional Student Success Act, a piece of legislation to help more people attend college while working and raising families—to open the doors of opportunity wider for more and more Americans.

I am grateful to MARK DAYTON for his work to honor his values, and I know he leaves this body having made the people of Minnesota proud.

I will also say a few words about Senator JEFFORDS.

Senator JEFFORDS has ably represented Vermonters here in the Congress for decades. In doing so, he has reflected the independent spirit of Vermonters, and no more so than when he took the courageous step in 2001 to become an Independent and caucus with the Democrats.

Since that time, I have had the great pleasure of working with Senator JEFFORDS on the Environment and Public Works Committee. His tenure at that committee was a fitting capstone to his career, as he has long been focused on environmental protection.

Throughout his long and distinguished career, Senator JEFFORDS has been a strong advocate of renewable energy. In many ways, he has been ahead of his time. In 1990, he introduced a bill to promote ethanol and other alternative fuels, and nearly 10 years ago he introduced legislation to create a 20-percent renewable portfolio standard. During his tenure first as chairman, and then as ranking member of the EPW committee, he has been a strong and clear voice for a cleaner environment.

He has been an ally and a champion of reducing pollution from powerplants, fighting global warming, and making our buildings more energy efficient. And he has worked hard to hold the administration to task for numerous rollbacks of our landmark environmental laws. During his tenure on the committee, Senator JEFFORDS has been ably assisted by a staff led by Ken Connolly and Alison Taylor. I thank them and Senator JEFFORDS' entire staff for their assistance to me and my staff.

Unfortunately, I could not attend the final EPW meeting this week, but I understand that Senator JEFFORDS announced that he is returning home to Vermont, and described home as "the place you can go where they have to take you in."

I know that Vermont will welcome Senator JEFFORDS back with open arms, and I know that he will always have a home away from home here in the Senate.

Finally, I also wish the very best to my Republican colleagues who will leave the Senate at the conclusion of this Congress. The Senate, at its best, is a body that promotes bipartisanship, deliberation, and cooperation, and the dedication to shared values. It has been a privilege to work with my departing colleagues on the other side of the aisle.

REMEMBERING MARY ARNOLD

Mr. BYRD. Mr. President, as we approach this Christmas season, our joy is tempered by sorrow over the loss in late November of one of our Senate family members. The sorrow is borne of shock and loss as we mourn the sudden departure from this earthly life of our dear friend, Mary Miller Arnold. Yet, as we grieve, we must also give thanks for her life and for the enrichment she brought to all of the lives she touched.

It has been my honor and privilege to have served in the U.S. Senate for nearly 50 years. During this time, I have come to greatly appreciate and revere the work of the staff of the U.S. Senate. These wonderful women and men play a sometimes invisible but always crucial role in the work of the Senate. They are dedicated, professional public servants who work long and unpredictable hours. When the Senate is in session, their families' lives suffer and their social lives are almost nonexistent.

These are noble people who contribute to the history of our country every day, but, sadly, they will rarely be mentioned in the history books. Yet their lives are perfect examples of humble attention to duty and service. Such a life was Mary Arnold's.

I came to know Mary from her previous positions in the U.S. Senate and to appreciate her work as well as to like her personally. I was pleased and proud to have the opportunity to appoint Mary Arnold to her position as a Senate doorkeeper when I was the Senate majority leader, September 1, 1987. She did not disappoint. One year later she was promoted to doorkeeper supervisor.

Mary Arnold carried out her responsibilities superbly and with distinction, in just the same way she conducted her life. She worked professionally, energetically, and with dignity. She was a caring, thoughtful, and very special person. Everyone who worked with her loved her. Selflessness was the hallmark of Mary Arnold's personality. She was kind, thoughtful, polite, with a kind of old-world graciousness not seen so often these days. Mary exuded grace in this often graceless age. A tall woman, Mary had a quiet sense of authority about her which served her well on the Senate floor. Her elegant bearing commanded respect, and she knew just how to compel without offending. I admired her.

To me, Mary was a dear friend. I shall never forget her kindness to my dear wife Erma. Especially at Christmas, a season Mary really enjoyed, Mary's love for her friends and family lighted our lives and set her apart. She fairly glowed as she made her Christmas visitations with thoughtful notes and gifts which she must have spent hours preparing. She was a red rose among the pale lilies, and her memory will ever warm our hearts.

Her passing is a loss to the Senate, her community, and, of course, her family.

To her loving husband of 48 years, Edwin, and her children, Mary Elizabeth and Edwin, our hearts and prayers are with you.

Take comfort in knowing that Mary is now in the embrace of an all-loving God. As the Scriptures assure us:

> And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall be any more pain: for the former things are passed away. (KJV, Revelations 21:4)

THE ROSE STILL GROWS BEYOND THE WALL

Near a shady wall a rose once grew,
Budded and blossomed in God's free light,
Watered and fed by the morning dew,
Shedding its sweetness day and night.

As it grew and blossomed fair and tall,
Slowly rising to loftier height,
It came to a crevice in the wall,
Through which there shone a beam of light.

Onward it crept with added strength,
With never a thought of fear or pride.
It followed the light through the crevice's length
And unfolded itself on the other side.

The light, the dew, the broadening view,
Were found the same as they were before;
And it lost itself in beauties new,
Spreading its fragrance more and more.

Shall claim of death cause us to grieve,
And make our courage faint or fall?
Nay! Let us faith and hope receive:
The rose still grows beyond the wall.

Scattering fragrance far and wide,
Just as it did in the days of yore,
Just as it did on the other side,
Just as it will forevermore.

SCENT OF THE ROSES

Let fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot destroy;
that come, in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang around it still."

—*Thomas Moore*

RETIREMENT OF MR. ANTHONY J. "TONY" ZAGAMI

Mr. BYRD. Mr. President, I rise to announce the retirement of a longtime public servant and former staff member of the U.S. Senate. After 40 years of Federal service, Anthony J. "Tony" Zagami will retire as the longest serving general counsel in the history of the U.S. Government Printing Office.

Tony arrived on Capitol Hill just as I was completing my first term in the Senate. Before Tony's arrival, I had the privilege of knowing and working with his late father, Dino, a member of the Senate's Official Reporters of Debates staff. Dino retired in the early 1970s, while Tony went on to serve the Congress, moving to the GPO in 1990.

Over the years, Tony Zagami became a valued and trusted staff member of the Congress in many different capacities. His strong skills and commitment to public service were well recognized, not just on the Hill but also throughout the legislative branch. As he departs the GPO for a well-deserved retirement, I thank him for his service and wish him all the best.

NOTICE OF CHANGE IN SENATE RULES COMMITTEE POLICY FOR THE USE OF SENATE ROOMS

Mr. LOTT. Mr. President, I am taking this opportunity to announce that in accordance with title V of the Rules of Procedure of the Committee on Rules and Administration, the Committee intends to update the Policy for Use of Senate Rooms.

Based on the Committee's review of the policy for use of Senate Rooms, the following changes to these policies have been adopted effective today, December 7, 2006. The changes are designed to streamline communications between the Rules Committee and Senate offices and to clarify the rules governing the use of Senate rooms.

Set forth below is the policy for the use of Senate rooms.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY REGULATIONS FOR USE OF SENATE ROOMS

Appendix E. Policy for Use of Senate Rooms, The Russell Rotunda & Courtyard, The Hart Atrium, The Great Hall of the Capitol Visitor Center, and The Capitol Rotunda

The Senate Committee on Rules and Administration has jurisdiction over assignment and use of space in the Senate Office Buildings, the Senate Wing of the Capitol, which includes the Senate Wing of the Capitol Visitor Center, and the Courtyard of the Russell Building. While rooms may be occupied or administered by other offices or Committees, they are subject to the Rules Committee policy for the use of Senate rooms.

The following regulations have been established for use by all offices in the assignment of their rooms.

Any requests, conditions or circumstances not covered by these regulations must be submitted in writing to the Senate Rules Committee for its consideration.

1. Booking a Senate Event Room

Rooms are available for Senate-related business only.

The Senator or Officer sponsoring the function is expected to be in attendance.

Any requests or circumstances not covered by these room regulations must be submitted to the Rules Committee in writing for consideration.

Requests for the use of any space in the Senate Office Buildings and the Senate Wing of the Capitol, including the Senate wing of the Capitol Visitor Center, must be made by a Senator or Officer of the Senate.

All requests for room reservations must be submitted to the Senate Rules Committee on the official room request form provided by Rules Committee. All required fields on the form must be completed.

The requesting Senator's or Officer's signature must appear on the room request form.

Specific and accurate information must be provided including the date and time of the event, full name of any organization or group involved (no acronyms), a complete description of the function and its purpose, number of people attending, type of set up required, and indication of catering needs. A Senate staff contact name and telephone number is required.

Each office may designate up to two staff members who will be authorized to submit room requests on behalf of a Senator or Officer of the Senate.

Rooms are assigned on a first-come, first-served basis.

Room requests may be made up to a maximum of 3 months in advance.

The Senate Rules Committee will not discuss room availability prior to submission of an official room request form.

Requests for rooms are subject to approval by the Rules Committee and availability of space. The Senate Rules Committee will provide a written or an e-mail response to all submitted requests. A room reservation is not confirmed until written or e-mail confirmation has been received.

Upon receipt of confirmation of a room reservation, Senators and Officers must provide outside groups, who are hosting a function in Senate space, with a copy of the Official Guidelines for Use of Senate Space, a fact sheet prepared by the Senate Rules Committee and available on the Rules Committee web site.

Room reservation information is available to Senate staff only. Offices requesting rooms are responsible for all communications with outside groups. The Senate Rules Committee will not discuss events, event arrangements, or room availability with outside groups.

To accommodate the room requests of all Senators and Committees, an outside group may not reserve a room more than once in a calendar month.

Rooms may not be "held" on a tentative basis.

Cancellations should be reported immediately to the Senate Rules Committee.

2. Use of Space Assigned to a Senator, Committee Chairman, or an Officer of the Senate

Requests for use of space assigned specifically to a Senator, Committee Chairman, or Officer of the Senate should be made directly to that individual. Room regulations apply to all Senate rooms.

3. Use of Senate Event Rooms

The Senator sponsoring the function will be held accountable for enforcement of all room regulations. Outside groups disregarding the Policy for Use of Senate Rooms, as set forth by the Committee on Rules and Administration, may have their reservation cancelled, event terminated, or may be prohibited from scheduling future events in Senate rooms.

All requests for a Senate event room for use by a Committee, or under the auspices of a Committee, must be made or approved by the Chairman of that Committee. (If the Committee is a joint committee, the request must be made or approved by the Senator who is Chairman or Vice-chairman of that Joint Committee.) A use is considered to be "by a Committee" or "under the auspices of a Committee" when the announcement, agenda or notice for the use identifies Senate participants as members of the Committee.

Standing Committees of the Senate, Special Committees of the Senate, Select Committees of the Senate, and Joint Congressional Committees may hold committee hearings and conduct meetings in Senate rooms. Congressional hearings and official legislative meetings take precedence over all other functions.

Events may be booked Monday-Friday. Events may begin no earlier than 7:30 am in the morning. Evening events must conclude by 10:00 pm.

The precise time period scheduled for room use must be strictly adhered to.

Weekend events are generally not permitted.

Specific event arrangements (set-up, catering) should be discussed directly with those responsible for providing the services in Senate space, as indicated on the Rules Committee's Room Request Form. Set-up and catering entities may not provide information about other scheduled events or availability of other event rooms.

Since rooms are available only for Senate-related business, there is no charge for such use. Therefore, no charge is permitted in connection with the use of Senate space, nor may any charge be assessed for admittance or refreshments in Senate space.

Weddings, funerals, memorial services, tributes, award ceremonies, or other events of a personal nature are not allowed.

Events that may endanger the public or create an unreasonable risk of liability for the United States Senate are not permitted. Outside groups are not permitted to use Senate space to conduct events intended to simulate Congressional hearings or legislative meetings.

Demonstrations and disruptive behavior are not permitted.

Excessive noise or sound amplification is not permitted.

Music during business hours is not permitted (see Section 9).

Animals are generally not permitted at events in Senate rooms, except in cases where an animal provides necessary assistance to an individual with disabilities.

Education, training, and health screening conducted in Senate space by outside entities for the Senate community must be coordinated with and conducted through the Senate Office of Education and Training or the Senate Employee Assistance Program.

No money or items may be collected on Senate property for any purpose, including charitable purposes.

Senate space may not be used for any fundraising purpose.

Senate space may not be used for political activities, including political campaign, political party, or political action committee activities.

Booking and use of Senate space for any commercial, promotional, or profit-making purpose is strictly prohibited.

No signs, placards, photographs, brochures or pamphlets displaying a group or company name or logo are permitted.

Exhibits must be educational in nature and must relate to Senate business.

Trade fairs are not permitted.

No products or services may be promoted or sold on the premises. No promotional material may be distributed on the premises.

No material may be attached anywhere in Senate rooms, including walls, windows, window treatments, and doors.

Banners anywhere on Senate property are strictly prohibited.

The Senate will not be held responsible for articles brought into the Senate buildings or onto Senate grounds for functions and exhibits. The Senate does not provide insurance for such articles.

4. Cancellation of Events

Since Senate Committee hearings and official legislative meetings take precedence over all other functions, it may be necessary to cancel or move a function on short notice based on the legislative schedule of the Senate.

Groups disregarding the Policy for Use of Senate Rooms, as set forth by the Committee on Rules and Administration, may have their reservation cancelled, event terminated, or may be prohibited from scheduling future events in Senate rooms.

5. Food and Beverages

Food and beverages for events in Senate rooms may only be provided by the Senate event food and beverage service provider (s) designated by the Senate Rules Committee. Information regarding the designated provider (s) will be posted on the room request form and the Official Guidelines for Use of Senate Space fact sheet prepared by the Senate Rules Committee.

Catering arrangements for special events or functions must be made directly with the designated food and beverage service provider(s).

The Senate Rules Committee must grant a waiver for any special event food that cannot be furnished by the Senate food service vendor (such as home state products celebrating the food of a state). Requests for waivers must be submitted in writing to the Senate Rules Committee well in advance of the event.

All food and beverages served at a function must be consumed within the scheduled room. No food or beverages are permitted in the corridors outside event rooms.

6. Financial Obligations

Outside groups are expected to make arrangements for payment for any catering expenses in advance of the event date and in accordance with contractual requirements.

The Senator or Officer sponsoring the function is responsible for any loss of or damage to Senate property and for any financial obligation incurred.

7. Room Set-Up

The Office of the Senate Superintendent will make arrangements for the set-up of a room in the Senate Office Buildings with the sponsoring Senator's staff or designated constituent contact. Arrangements for room set up in the Senate wing of the Capitol and the Capitol Visitor Center are made through Capitol Facilities.

There is no charge for set-up of rooms by the Senate Superintendent's Office or Capitol Facilities.

At the time the reservation is approved by the Rules Committee, Senate offices should make arrangements, or should notify their constituent contact that arrangements for the set-up of the room must be made directly with the Superintendent's Office or Capitol Facilities. Arrangements should be made as soon as possible, but at least 2 business days in advance of the event, in order to guarantee the availability of adequate furniture, equipment, and supplies.

Room set-up arrangements may not be changed on the day of an event.

8. Room Capacity

The Senate Rules Committee posts information on its web site regarding the maximum capacity of event rooms, based upon set-up style. The maximum room capacity by set-up style permitted by the Fire Marshal shall not be exceeded. Failure to adhere to the maximum room occupancy level may result in termination of an event or function.

9. Music

No music is permitted in the Senate wing of the Capitol when the Senate is in session.

No music is permitted in the Senate Office Building event rooms or in the Capitol Visitor Center event rooms when the Senate is in session until after 6:00 p.m.

When the Senate is in recess, music is permitted after 5:00 p.m.

Music may be provided during the approved time periods by string instruments or a piano. Amplified music is not permitted.

Vocal performances and singing are not permitted at any time in Senate space, except by special permission in the Russell Senate Office Building Rotunda. See Russell Rotunda section.

10. Press Conferences

Only Senators may conduct press conferences. Outside groups may not hold press conferences in Senate event rooms.

Press conferences related to political campaign, political party, or political action committee activities are not permissible.

11. Photographing and Filming

Since Senate space may not be used for commercial, promotional, or profit-making purposes whatsoever:

No promotional or commercial photographing or filming is permitted.

Filming involving or related to commercial ventures, including fictional movies and commercial documentaries, as well as the use of Senate space to create or promote commercial entertainment programming, is strictly prohibited in Senate buildings and on the Capitol grounds.

12. Audio Visual Presentations

The content of audio visual presentations made in Senate rooms may not be commercial, promotional, profit-making, or fundraising in nature.

13. Broadcasting

News broadcasting, coverage and videotaping at events/in event rooms requires special permission and must be coordinated with the Senate Radio TV Gallery. News broadcasting, coverage, and videotaping are prohibited in some areas, and are subject to the rules and regulations of the Senate Rules Committee and the Senate Radio TV Gallery.

14. Admittance to Buildings

The Senate Wing of the Capitol, the Senate Wing of the Capitol Visitor Center, and the Senate Office Buildings are open during normal business hours. These areas are not open on evenings, holidays, and weekends, unless the Senate is in session.

The following information may be found on or accessed through Webster:

Information regarding normal business hours will be posted on Webster. Due to security considerations, building hours are subject to change without notice.

Information regarding building access for visitors and guests outside of normal business hours, will be posted on Webster.

Information regarding access to the Senate Wing of the Capitol and the Senate Wing of the Capitol Visitor Center for appointments, visitors, and guests will be posted on Webster.

Information regarding the Capitol Visitor Center days and hours of operation for visitor services, Senate Gallery access when the Senate is in session, as well as any special announcements with regard to closures, will be posted on the Capitol Visitor Center web site and may be accessed through a link on Webster.

The Senate Appointments Desk and the United States Capitol Police must be furnished, when required, with a list of the names and pertinent information for all guests attending functions in the Senate Wing of the Capitol, including the Senate Wing of the Capitol Visitor Center. Requirements and any necessary forms will be posted on Webster. Names of guests must be submitted in accordance with the guidelines set forth on the form, otherwise admittance to events cannot be guaranteed.

15. Event Parking

No parking accommodations are provided for guests.

RUSSELL ROTUNDA

All requests for use of the Russell Rotunda must be submitted to the Senate Rules Committee on the official Russell Rotunda request form provided by Rules Committee. All required fields on the form must be completed. The requesting Senator's or Officer's signature must appear on the request form.

Only educational, cultural, and commemorative exhibits will be permitted. No ceremonies are permitted.

No signs or placards displaying a company or group's name or logo are permitted. Banners are strictly prohibited.

Handouts are not permitted.

Photographs or slides of the complete exhibit, and any text, must be provided to the Rules Committee 14 days prior to the date of the exhibit for review before an exhibit will be approved. Text in any language other than English must be translated. No changes may be made to an approved exhibit within 7 days of the event.

Guidelines for Use of the Russell Rotunda, a fact sheet prepared by the Senate Rules Committee, must be provided to the exhibitor by the requesting Senator or Officer.

An exhibit may not be displayed in the Rotunda for more than 5 days, unless an exception is granted.

Exhibits must be placed entirely within the Russell Rotunda. The articles of an exhibit must be placed on mounted displays.

Photos or paintings may not be hung from the pillars or on the walls, and should not require any lighting, etc. that must be plugged into an electrical outlet.

Exhibits must be arranged in a manner that provides safe and easy access, as well as adequate space for emergency egress for staff and visitors.

No food or beverages are permitted.

No sound may be associated with the exhibits.

The precise time frame for set up and removal of an exhibit, as approved by the Senate Rules Committee, must be strictly followed.

A choral group may perform in the Russell Rotunda for 15 minutes during the lunch hour (12:00–1:00 p.m.). The group will not be allowed to perform when hearings or other official functions are scheduled in the Caucus Room. String instruments and piano are the only musical instruments permitted. The use of amplifiers is strictly prohibited.

Cancellations should be reported immediately.

The Senate will not be responsible for the articles of an exhibit. The Senate does not provide insurance for such articles.

RUSSELL COURTYARD

The policy of the Rules Committee is to discourage use of the Russell Courtyard for functions. Written requests for a Courtyard function, as an exception to policy, will be considered by the Committee. The function must be for Members of Congress, their families, and staff only.

HART ATRIUM, GREAT HALL OF THE CAPITOL VISITOR CENTER AND CAPITOL ROTUNDA

Use of the Capitol Rotunda, the Great Hall of the Capitol Visitor Center, and the Hart Atrium is strictly prohibited, except for official ceremonies authorized by Senate Resolution.

NOTICE OF CHANGE IN U.S. SENATE TRAVEL REGULATIONS

Mr. LOTT. Mr. President, I am taking this opportunity to announce that in accordance with title V of the Rules of Procedure of the Committee on Rules and Administration, the committee intends to update the U.S. Senate Travel Regulations.

Based on the committee's review of the 1991 regulations and the January 1, 1999, amendments to the regulations, the following changes to these policies have been adopted effective today, December 7, 2006. The changes reduce from 45 days to 30 days the period when travel advances must be repaid. In addition, the amended regulations establish a uniform $200 minimum travel advance level for all offices within the Senate.

Set forth below are the updated U.S. Senate Travel Regulations.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION TO ISSUE SENATE TRAVEL REGULATIONS

The travel regulations herein have been promulgated by the Committee on Rules and Administration pursuant to the authority vested in it by paragraph 1(n)(1)8 of Rule XXV of the Standing Rules of the Senate and by section 68 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

Standing Rules of the Senate

Rule XXV

Paragraph 1(n)(1)8

(n)(1) Committee on Rules and Administration, to which committee shall be referred . . . matters relating to the following subjects: . . .

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same . . .

United States Code

Title 2 Section 68

Sec. 68. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate . . .

United States Senate Travel Regulations

Revised by the Committee on Rules and Administration

United States Senate, effective October 1, 1991 as amended January 1, 1999, as further amended December 7, 2006

GENERAL REGULATIONS

I. Travel Authorization

A. Only those individuals having an official connection with the function involved may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of standing, select, special, joint, policy or conference committees

2. Staff of such committees

3. Employees properly detailed to such committees from other agencies

4. Employees of Members of such committees whose salaries are disbursed by the Secretary of the Senate and employees appointed under authority of section 111 of Public Law 95-94, approved August 5, 1977, when designated as "ex officio employees" by the Chairman of such committee. Approval of the reimbursement voucher will be considered sufficient designation.

5. Senators, including staff and nominating board members. (Also individuals properly detailed to a Senator's office under authority of Section 503(b)(3) of P.L. 96-465, approved October 17, 1980.)

6. All other administrative offices, including Officers and staff.

C. An employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of the former office until the conclusion of that official travel.

D. All travel shall be either authorized or approved by the chairman of the committee, Senator, or Officer of the Senate to whom such authority has been properly delegated. The administrative approval of the voucher will constitute the approvals required. It is expected that ordinarily the authority will be issued prior to the expenses being incurred and will specify the travel to be performed as such possible unless circumstances in a particular case prevent such action.

E. Official Travel Authorizations: The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide discount air fares for Members, Officers, and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card

2. The use of an "Official Travel Authorization" form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senator, chairman, or Officer of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card, check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

II. Funds for Traveling Expenses

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

a) Advances to Committees (P.L. 81-118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, policy, or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(a) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him[her] or his[her] order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations, other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the amount advanced before or shortly after the expiration of the authority under which these funds were obtained.

(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated with signature authority.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) shall sign the travel advance form to acknowledge receipt of the cash.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(8) In those cases when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler should immediately return the travel advance to the Senate Disbursing Office.

(9) No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Committee Chairman and his/her staff is $200.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise authorized by prior approval of the Committee on Rules and Administration.

(b) Advances to Senators and their staffs (2 U.S.C. 58(j))

(Regulations for Travel Advances for Senators and Their Staffs adopted by the Committee on Rules and Administration, effective April 20, 1983, pursuant to P.L. 97–276)

(1) Travel advances from a Senators' Official Personnel and Office Expense Account must be authorized by that Senator for himself/herself as well as for his/her staff. Staff is defined as those individuals whose salaries are funded from the Senator's account. An employee in the Office of the President Pro Tempore, the Deputy President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Conference of the Majority, or the Secretary for the Conference of the Minority shall be considered an employee in the office of the Senator holding such office.

(2) Advances shall only be used to defray official travel expenses . . .

(3) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Member and a staff person designated with signature authority.

(4) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(5) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(8) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(9) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The aggregate total of travel advances per Senator's office shall not exceed 10% of the expense portion of the Senators' Official Personnel and Office Expense Account, or $5,000, whichever is greater.

(c) Advances to Administrative Offices of the Senate

(Regulations Governing Cash Advances for Official Senate Travel, adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as amended, as applicable to Senate administrative offices)

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicable Officer of the Senate and a staff person designated with signature authority.

(2) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(3) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(4) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(5) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(6) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(7) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator Officer and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(d) Office of the Secretary of the Senate (2 U.S.C. 61a–9a)

(1) . . . The Secretary of the Senate is authorized to advance, with his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties . . .

(e) Office of the Sergeant at Arms and Doorkeeper of the Senate (2 U.S.C. 61f–1a)

(1) For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(Committee on Rules and Administration Regulations for Travel Advances for the Office of the Senate Sergeant at Arms)

(a) General.—With the written approval of the Sergeant at Arms or designee, advances from the contingent expense appropriation account for the Office of the Sergeant at Arms may be provided to the Sergeant at Arms or the Sergeant at Arms' staff to defray official travel expenses, as defined by the U.S. Senate Travel Regulations. Staff is defined as those individuals whose salaries are funded by the line item within the "Salaries, Officers, and Employees" appropriation account for the Office of the Sergeant at Arms.

(b) Forms—Travel advance request forms shall include the date of the request, the name of the traveler, the dates of the official travel, the intended itinerary, the authorizing signature of the Sergeant at Arms or his designee, and a staff person designated with signature authority.

(c) Payment of Advances—

(i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check.

(ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(iii) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(d) Repayment of Advances—

(i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses.

(ii) In those cases when a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal Government.

(iv) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is cancelled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(e) Limits—

(i) To minimize the payment of travel advances, whenever possible, travelers are expected to utilize the corporate and individual travel cards approved by the Committee on Rules and Administration.

(ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question.

(iii) The minimum travel advance that can be authorized for official travel expenses is $200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. Government Travel Plans

(a) Government Charge Cards

(1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.

(a) The employing Senator, chairman, or Officer of the Senate should authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.

(b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.

(c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, and bus tickets, and rental cars.

(a) Direct pay vouchers to the charge card vendor (currently Bank of Americe) may be submitted for the airfare, train, and bus tickets, and rental car expenses charged to this account.

(b) Other transportation costs, per diem expenses, and incidentals are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration.

(c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder, usually the Office Manager or Chief Clerk of the office. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(3) A centrally billed account may be established through the approved Senate vendor (currently the Combined Airlines Ticket Office (CATO)) and will be charged against an account number issued to each designated office; there are no charge cards issued for such an account.

III. Foreign Travel

A. Reimbursement of foreign travel expenses is not authorized from the contingent fund of Member offices.

B. Committees, including all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate, are authorized funds for foreign travel from their committee budget and through S. Res. 179, 95–1, notwithstanding Congressional Delegations which are authorized foreign travel funds under the authority of the Mutual Security Act of 1954 (22 U.S.C. 1754).

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987.

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

(1) any employee of the Member;

(2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, Officer, or employee shall use any funds furnished to him [her] to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

IV. Reimbursable Expenses: Travel expenses (i.e., transportation, lodging, meals and incidental expenses) which will be reimbursed are limited to those expenses essential to the transaction of official business while away from the official station or post of duty.

A. Member Duty Station(s): The official duty station of Senate Members shall be considered to be the metropolitan area of Washington, DC.

1. During adjournment sine die or the August adjournment/recess period, the usual place of residence in the home state, as certified for purposes of official Senate travel, shall also be considered a duty station.

2. Each Member shall certify in writing at the beginning of each Congress to the Senate Disbursing Office his/her usual place of residence in the home state; such certification document shall include a statement that the Senator has read and agrees to the pertinent travel regulations on permissible reimbursements.

3. For purposes of this provision, "usual place of residence" in the home state shall encompass the area within thirty-five (35) miles of the residence (by the most direct route). If a Member has no "usual place of residence" in his/her home state, he/she may designate a "voting residence," or any other "legal residence," pursuant to state law (including the area within thirty-five (35) miles of such residence), as his/her duty station.

B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be made only for trips which begin and

end in Washington, DC, or, in the case of an employee assigned to an office of a Senator in the Senator's home state, on trips which begin and end at the place where such office is located.

2. Travel may begin and/or end at the Senate traveler's residence when such deviation from the duty station locale is more advantageous to the government.

3. For purposes of these regulations, the "duty station" shall encompass the area within thirty-five (35) miles from where the Senator's home state office or designated duty station is located.

C. No employee of the Senate, relative or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

D. A duty station for employees, other than Washington, DC, may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such station to the Senate Disbursing Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

E. For purposes of these regulations, the metropolitan area of Washington, DC, shall be defined as follows:

1. The District of Columbia
2. Maryland Counties of
(a) Charles
(b) Montgomery
(c) Prince Georges
3. Virginia Counties of
(a) Arlington
(b) Fairfax
(c) Loudoun
(d) Prince William
4. Virginia Cities of
(a) Alexandria
(b) Fairfax
(c) Falls Church
(d) Manassas
(e) Manassas Park
5. Airport locations of
(a) Baltimore/Washington International Thurgood Marshall Airport
(b) Ronald Reagan Washington National Airport
(c) Washington Dulles International Airport

F. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, D.C., may be reimbursed from official Senate funds.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the date, and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary report and stated in accordance with these regulations. The official expense summary report form is available at the Senate Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must show in the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem expenses, incidental expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of $50. In addition, the Committee on Rules and Administration reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the contingent fund of the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as VISA, MASTER CHARGE, or DINERS CLUB, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

TRANSPORTATION EXPENSES

I. Common Carrier Transportation and Accommodations

A. Transportation includes all necessary official travel on railroads, airlines, helicopters, buses, streetcars, taxicabs, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation such as but not limited to baggage transfer. When a claim is made for common carrier transportation obtained with cash, the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

1. Train Accommodations

(a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved. When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senate.

(b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, coach accommodations should be used to the maximum extent possible, on the basis of advantage to the Senate, suitability and convenience to the traveler, and nature of the business involved.

2. Airplane Accommodations

(a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers' convenience, safety, and comfort.

(b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

B. Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved for him/her, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by a ticket or where a journey is terminated short of the destination specified, the traveler must report such facts to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. "No show" charges, if incurred by Members or staff personnel in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid "no show" assessments.

C. Compensation Packages: In the event that a Senate traveler is denied passage or gives up his/her reservation due to overbooking on transportation for which he/she held a reservation and this results in a payment of any rebate, this payment shall not be considered as a personal receipt by the traveler, but rather as a payment to the Senate, the agency for which and at whose expense the travel is being performed.

1. Such payments shall be submitted to the appropriate individual for the proper disposition when the traveler submits his/her expense account.

2. Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares should be used for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Senate.

3. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees offers the best value and does not exceed $30.

E. Frequent Flyer Miles: Travel promotional awards (e.g. free travel, travel discounts, upgrade certificates, coupons, frequent flyer miles, access to carrier club facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee's position with the Federal Government.

2. Members, officers and employees may only retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official direct route. Personal travel should be noted on the traveler's expense summary report when it interrupts official travel.

G. Public Transportation During Official Travel: Transportation by bus, streetcar, subway, or taxicab, when used in connection with official travel, will be allowed as an official transportation expense.

H. Dual Purpose Travel: Dual purpose travel occurs when a Senator, staffer, or other official traveler conducts both Senatorial office business and Committee office business during the same trip. The initial point at which official business is conducted will determine the fund which will be charged for travel expenses from and to Washington, DC. Examples include:

1. If committee business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the committee's funds. Additional travel expenses from said point to other points in the United States, incurred by reason of conducting senatorial business, will be charged to the Senators' Official Personnel and Office Expense Account.

2. If senatorial business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the Senators' Official Personnel and Office Expense Account. Committee funds will be charged with any additional travel expenses incurred for the purpose of performing committee business.

I. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler's duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had the witness departed from and returned to his/her duty station or residence.

II. Baggage

A. The term "baggage" as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

B. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Where air-coach or air-tourist accommodations are used, transportation of baggage up to the weight carried free on first-class service is authorized without charge to the traveler; otherwise excess baggage charges will be an allowable expense.

C. Necessary charges for the transfer of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Charges for porters and checking baggage at transportation terminals will be allowed.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. Specific types of conveyances are privately owned, special, and private airplane.

A. Privately Owned

1. Chairmen of committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel, shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expenses of transportation. This amount should not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes, when engaged in official business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will most nearly compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there may be allowed reimbursement for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel costs; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the round-trip mileage of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal or from a terminal to either his/her place of abode or place of business: Provided, that the amount of reimbursement for round-trip mileage shall not in either instance exceed the taxicab fare for a one-way trip between such applicable points, notwithstanding the obligations of reasonable schedules.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental transportation or when the traveler is leaving their duty station and entering into a travel status. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the terminal or other parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes shall be certified from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air mileage may be included in the mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees) may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

8. When damages to a privately owned vehicle occur due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

B. Special

1. General:

(a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his/her designated duty station.

(b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated by each traveler on his/her travel voucher and the aggregate cost reimbursable will be subject to the limitation stated above.

(c) If the hire of a special conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operator, ferriage, tolls, operator waiting time, charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars:

(a) In no case may automobiles be hired for use in the metropolitan area of Washington, DC, by anyone whose duty station is Washington, DC.

(b) Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said vehicle, unless the use of a larger class vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form Request for a Waiver of the Travel Regulations' is submitted with the voucher, and found in order upon audit by the Rules Committee.

(c) For administrative purposes, reimbursement may be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

(d) Government Rate: In connection with the hire of an automobile for the use in conducting Senate business outside of Washington, DC, it should be noted that the Military Traffic Management Command (MTMC), a division of the Department of Defense, arranges all rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, plus full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (currently the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individuals who choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

(e) Insurance: In connection with the rental of vehicles from commercial sources, the

Senate will not pay or reimburse for the cost of the loss/damage waiver (LDW), collision damage waiver (CDW) or collision damage insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible on the insurance included as part of the rental contract without additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While On Official Travel: Collision damage to a rented vehicle, for which the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such claims shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long- standing policy of the government to self-insure its own risks of loss or damage to government property and the liability of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

(a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six seat plane, or comparable aircraft. Charter of aircraft may be allowed notwithstanding the availability of commercial facilities, if such commercial facilities are not such that reasonable schedules may be kept. When charter aircraft if used, an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

(b) In the event charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

(c) When a charter aircraft larger than a twin-engine, six seat plane is used, the form 'Request for a Waiver of the Travel Regulations' is submitted with the voucher.

C. Private Airplane: Interpretative Ruling of the Select Committee on Ethics, No. 412, issued August 11, 1986

In some circumstances, a Member who uses a private airplane is required to reimburse the provider of the aircraft to avoid either a prohibited gift under the Senate Gift Rule or a prohibited in-kind contribution to an unofficial office account. Senate Rule 38 (Prohibition of Unofficial Office Accounts), generally prohibits private sources from providing funds or services to defray a Member's officially related expenses. Thus, if a friend offers to loan a Member an aircraft to attend town meetings across the Member's home state, the Member must reimburse for the use of the aircraft to comply with Rule 38. Senate Rule 35 (Gifts) prohibits Members from accepting from an individual or organization with a direct interest in legislation, gifts aggregating over $100 in a calendar year (The rule also prohibits gifts aggregating $300 per calendar year from anyone who is not a relative). Thus, if a lobbyist offers a Member the use of his airplane to fly the Member on a vacation trip, and if the value of the use of the airplane is over $100, the member must provide reimbursement to comply with Rule 35.

In most circumstances, where reimbursement is not required, the Member will still need to determine the value of the use of the aircraft because, if the value is $250 or more, the use of the aircraft must be disclosed on the Member's annual financial disclosure forms.

In determining the value of an item for both reimbursement and disclosure purposes, the Committee has consistently stated that the applicable standard is the value of the item to the recipient. In the use of private aircraft, the Committee concluded that the value to a Member would be the cost he would have to incur to purchase the same level of service in the open market. The Committee felt that the level of service generally provided in using private aircraft is most nearly equivalent to first-class service provided by commercial carriers where such commercial service is available. Where no regularly scheduled commercial service is available, to obtain the same service provided by the use of a private aircraft, a Member would be required to charter an airplane.

RULING: The Committee has agreed on the following method for calculating the value of the use of an aircraft for both reimbursement and disclosure:

1. If the cities between which the Member is flying have regularly scheduled air service, regardless of whether such service is direct, then the value of the use of the aircraft is the cost of a first-class ticket from the point of departure to the destination.

2. If the cities have regularly scheduled air service, but only standard (coach) rate, then the value of the use of the aircraft is the coach rate.

3. If either the city from which the Member flies or his destination does not have regularly scheduled air service, then the value of the use of the aircraft is the cost of chartering the same or a similar aircraft for that flight.

The Committee notes that its ruling is generally consistent with Federal Election Commission regulations pertaining to the use of private aircraft by candidates for Federal office.

The Committee further notes that the Committee on Rules and Administration has adopted travel regulations pertaining to the level of reimbursement to be provided from official funds to Members who seek such reimbursement for air transportation costs they have paid. Our ruling addresses only the reimbursement which Members must make to the individual or organization whose aircraft he uses, not the level of reimbursement Members may receive from official funds.

NOTE: The Gifts Rule limit discussed in this ruling has changed. But the method of calculating the value of the use of an aircraft remains the same.

IV. Interdepartmental Transportation

A. The reimbursement for interdepartmental transportation is authorized as a travel expense pursuant to 2 U.S.C. 58(e) but only for the incidental transportation expenses incurred within the duty station in the course of conducting official Senate business. Such reimbursement would include the following expenses:

1. Mileage when using a privately owned vehicle

2. Bus, subway, taxi-cab, parking, and auto rental. (However, reimbursement is prohibited for auto rental expenses within the Washington D.C., metropolitan area duty station.)

B. Pursuant to S. Res. 294, agreed to April 29, 1980, section 2.(1), reimbursements and payments shall not be made for commuting expenses, including parking fees incurred in commuting.

SUBSISTENCE EXPENSES

I. Per Diem Expenses

A. Allowance

1. Per diem expenses include all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggagemen, bell boys, hotel servants, dining room stewards and others on vessels, laundry, cleaning and pressing of clothing, and fans in rooms. The term "lodging" does not include accommodations on airplanes or trains, and these expenses are not subsistence expenses.

(a) Laundry: Laundry expenses must be incurred during the mid-way point of a trip. Reimbursable laundry expenses are for the refreshing of clothing during a trip, but not the maintenance of the clothing.

(b) Meals: Reimbursable expenses incurred for meals while on official travel include meals and tips for the traveler only and may not include alcohol.

2. Per diem expenses will not be allowed an employee at his/her permanent duty station and will be allowed only when associated with round trip travel outside his/her permanent duty station.

(a) Training: Meals in the duty station are only reimbursable when they are incurred during a training session. If the cost of the meal is included in the training session, then a meal certification form should be included with the voucher. The Committee on Rules and Administration will consider these on a case by case basis. Meal certification forms are available at the Disbursing Office or on the Senate intranet.

(1) Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

(2) Meetings in the duty station where meals are served, such as but not limited to Chamber of Commerce monthly meetings do not constitute training. Therefore, the meals associated with these meetings are not an authorized reimbursable expense.

3. In any case where the employee's tour of travel requires more than two months' stay at a temporary duty station, consideration should be given to either a change in official station or a reduction in the per diem allowance.

4. Where for a traveler's personal convenience/business there is an interruption of travel or deviation from the direct route, the per diem expenses allowed will not exceed that which would have been incurred on uninterrupted travel by a usually traveled route and the time of departure from and return to official business shall be stated on the voucher.

5. Per diem expenses will be allowed through the time the traveler departs on personal business and will be recommenced at the time he/she returns to official business. Such dates and times shall be stated on the voucher.

B. Rates

1. The per diem allowances provided in these regulations represent the maximum allowance, not the minimum. It is the responsibility of each office to see that travelers are reimbursed only such per diem expenses as are justified by the circumstances affecting the travel. Maximum rates for subsistence expenses are established by the General Services Administration and are published in the FEDERAL REGISTER. Maximum per diem rates for Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the

United States are established by the Department of Defense and are also published in the FEDERAL REGISTER. In addition, per diem rates for foreign countries are established by the Department of State and are published in the document titled, "Maximum Travel Per Diem for Foreign Areas."

(a) Per diem expenses reimbursable to a Member or employee of the Senate in connection with official travel within the continental United States shall be made on the basis of actual expenses incurred, but not to exceed the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

(b) When travel begins or ends at a point in the continental United States, the maximum per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States shall be the maximum rate prescribed by the Committee on Rules and Administration for travel within the continental United States. However, the quarter day in which travel begins, in coming from, or ends, in going to, a point outside the continental United States may be paid at the rate applicable to said point, if higher.

(c) In traveling between localities outside the continental United States, the per diem rate allowed at the locality from which travel is performed shall continue through the quarter day in which the traveler arrives at his/her destination: Provided, that if such rate is not commensurate with the expenses incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

(d) Ship travel time shall be allowed at not to exceed the maximum per diem rate prescribed by the Committee on Rules and Administration for travel within the continental United States.

C. Computations

1. The date of departure from, and arrival at, the official station or other point where official travel begins and ends, must be shown on the travel voucher. Other points visited should be shown on the voucher but date of arrival and departure at these points need not be shown.

2. For computing per diem allowances official travel begins at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his/her trip.

(a) The maximum allowable per diem for an official trip is computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. If the maximum daily rate for a traveler's destination is higher than the prescribed daily rate, then the form "Request for a Waiver of the Travel Regulations" must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

(b) Total per diem for an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

INCIDENTAL EXPENSES

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

II. Traveler's Checks/Money Orders: The service fee for preparation of traveler's checks or money orders for use during official travel is allowable.

III. Communications

A. Communication services such as telephone, telegraph, and faxes, may be used on official business when such expeditious means of communications is essential. Government-owned facilities should be used, if practical. If not available, the cheapest practical class of commercial service should be used.

B. Additionally, one personal telephone call will be reimbursed for each day that a Senator or staff member is in a travel status. The calls may not exceed an average of five minutes a day, and cannot be reimbursed at a rate higher than $5.00 without itemized documentation.

IV. Stationery: Stationery items such as pens, paper, batteries, etc. which are necessary to conduct official Senate business while in a travel status are authorized.

V. Conference Center/Meeting Room Reservations: The fee for the reservation of a meeting room, conference room, or business center while on official travel is allowable.

VI. Other: This category would be used (with full explanation on the Expense Summary Report for Travel) to disclose any expense which would occur incidentally while on official travel, and for which there is no other expense category, i.e., interpreting services, hotel taxes, baggage cart rental, etc.

CONFERENCE AND TRAINING FEES

I. Training of Senators' Office Staff: The Senators' Official Personnel and Office Expense Account is available to defray the fees associated with the attendance by the Senator or the Senator's employees at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties.

A. When such fees (actual or reduced) are less than or equal to $500, have a time duration of not more than five (5) days, and have been asked to be waived or reduced for Government participation, reimbursement shall be made as an official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

B. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. The costs of meals that are considered an integral, mandatory and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

II. Training of Committee Employees: Section 202 (j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training.

A. Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1. The sponsoring organization has been asked to waive or reduce the fee for Government participation.

2. The fee involved (actual or reduced) is not in excess of $500.

3. The duration of the meeting does not exceed five (5) days.

B. When such fees are less than or equal to $500, have a time duration of not more than five (5) days, and have been requested to be waived or reduced for Government participation, reimbursement shall be made as a non-training, official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as an official training expense. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Committee on Rules and Administration must be sought. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Committee on Rules and Administration.

D. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification forms which must accompany the reimbursement voucher are available in the Disbursing Office or through the Senate Intranet.

III. Training of Administrative Offices Staff: The administrative approval of the voucher is the only approval required by the Committee on Rules and Administration. Training expenses of staff shall be limited to those fees associated with the attendance by staff at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties. However, reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

SPECIAL EVENTS

I. Retreats: Reimbursement of official travel expenses for office staff retreats is allowable from the contingent fund provided they follow the restrictions and authorizations in these regulations. Reimbursement of expenses for meeting rooms and equipment used during the retreat also is allowable. The vouchers for retreat expenses should be noted as retreat vouchers.

A. Discussion of Interpretative Ruling of the Select Committee on Ethics, No. 444, issued February 14, 2002

An office retreat may be paid for with either or both official funds (with Rules Committee approval) or principal campaign committee funds. Private parties may not pay expenses incurred in connection with an office retreat. Campaign workers may attend, at campaign expense, office retreats if their purpose in attending is to engage in official activities, such as providing feedback from constituents on legislative or representational matters.

B. When processing direct pay vouchers payable either to each individual traveler or to the vendor providing the retreat accommodations, prior approval by the Committee on Rules and Administration is not required. Retreat expenses, including but not limited to per diem, may be charged to the office's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Spreadsheet of Expenses

1. The Member office, Committee, or Administrative office, must attach to the retreat voucher(s) a spreadsheet detailing each day of the retreat broken out by breakfast, lunch, dinner, and lodging for each traveler attending the retreat.

2. For each traveler, the spreadsheet should list his/her duty station, additional per diem expenses incurred outside of the retreat, and any other retreat attendee the traveler shared a room with during the retreat. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The "Waiver of the Travel Regulations" form does not need to be attached to retreat voucher(s) for the sharing of rooms.

3. The per diem expenses for staff members attending a retreat within their duty station are not reimbursable but should be detailed on the spreadsheet. All expenses for non-staff members attending the retreat are not reimbursable, but their attendance at the retreat must be taken into account when computing a per traveler cost on the spreadsheet.

II. Funerals: 2 USC 68-2 restricts reimbursement from the contingent fund of the Senate to those expenses that are intimately and directly connected with the routine legislative process of the Senate. Pursuant to S. Res. 458, agreed to October 4, 1984 and S. Res. 263, agreed to July 30, 1998, reimbursement for travel expenses incurred for attendance at funerals of individuals other than current or retired Senators by a Member, officer, or employee of the Senate is not authorized.

SENATORS' OFFICE STAFF

I. Legislative Authority (2 U.S.C. 58(e), as amended)

(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term 'travel expenses' includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the Office of the President Pro Tempore, Deputy President Pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, detailee pursuant to section 503(b)(3) of PL 96-465, or individual serving on a nominee recommendation panel pursuant to 2 USC 58(h) shall be accompanied by an "Expense Summary ReportuTravel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

COMMITTEE AND ADMINISTRATIVE OFFICE STAFF

(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)

I. Legislative Authority (2 U.S.C. 68b)

No part of the appropriations made under the heading 'Contingent Expenses of the Senate' may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States.

II. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

III. Hearing Expenses (committees only)

A. In connection with hearings held outside of Washington, D.C., committees are authorized to pay the travel expenses of official reporters having company offices in Washington, D.C., or in other locations, for traveling to points outside the District of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts can be accomplished only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, D.C., reporters or traveling reporters in another area highly advantageous to the Senate; and further provided, that should such hearings exceed five days in duration, prior approval (for the payment of reporters' travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)

A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to August 5, 1987, will be those necessary transportation expenses incurred in traveling from the witness' place of residence to the site of the Senate examination and the necessary transportation expenses incurred in returning the witness to his/her residence.

B. If a witness departs from a city other than the witness' city of residence to appear before the Senate or returns to a city other than the witness' city of residence after appearing before the Senate, then Senate committees may reimburse the witness for transportation expenses incurred which are less than or equal to the amount the committee would have reimbursed the witness had the witness departed from and returned to his/her residence. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Service fees for the preparation or mailing of passenger coupons for indigent or subpoenaed witnesses testifying before Senate committees shall be considered reimbursable for purposes of official travel.

D. Transportation expenses for witnesses may be charged to the Committee's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Additionally, per diem expenses for indigent witnesses may be charged to the Committee's official government charge card and paid on direct vouchers to the charge card vendor.

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

(Adopted by the Committee on Rules and Administration on July 23, 1987, as authorized by S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 1981, as amended.)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of $50, unless the *voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses," for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.*

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

a) date expense was incurred;

b) the amount of the expense;

c) the product or service that was provided;

d) the vendor providing the product or service;

e) the address of the vendor; and

f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

a) salary reimbursement for compensation on a "When Actually Employed" basis;

b) reimbursement of official travel in a privately owned vehicle;

c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Congress, 1st session;

d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Congress, 2nd session, as amended; and

e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100-71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $5000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

a) date expense was incurred;

b) amount of expense;

c) product or service provided; and

d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over $50.

Section 9. Petty cash funds should be used for the following incidental expenses:

a) postage;

b) delivery expenses;

c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, privately owned automobile (p.o.a.), etc.;

d) single copies of publications (not subscriptions);

e) office supplies not available in the Senate Stationery Room; and

f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

APPENDIX A: THE FEDERAL TORT CLAIMS ACT

Pursuant to the provisions of S. Res. 492, agreed to December 10, 1982, the Sergeant at Arms has the authority to consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of Title 28, United States Code (The Federal Tort Claims Act), any claim for money damages against the United States for injury of loss of property or personal injury or death caused by negligent or wrongful act or omission of any Member, Officer, or Employee of the Senate while acting within the scope of his/her employment. Any compromise, adjustment, or settlement of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the Chairman of the Committee on Rules and Administration.

Payments of awards, compromises, or settlements in excess of $2,500 are obtained by the agency by referring the award, compromise, or settlement to the General Accounting Office for payment.

Appropriations or funds for the payment of judgments and compromises are made available for payment of awards, compromises, and settlements under the Federal Tort Claims Act.

However, any award under the Federal Tort Claims Act in excess of $25,000 cannot take effect except with the prior written approval of the Attorney General.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I rise today to discuss my absence today during rollcall vote No. 274. The vote was in reference to Executive Calendar No. 907, the nomination of Andrew von Eschenbach of Texas to be Commissioner of the Food and Drug Administration. I had to be necessarily absent from this vote so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism.

COMMEMORATING THE 65TH ANNIVERSARY OF PEARL HARBOR

Mr. KOHL. Mr. President, today I rise to commemorate the 65th anniversary of the bombing of the Pearl Harbor naval base, a dark day in our country's rich history, brightened only by the courage and resolve of Americans soundly united to fight tyranny and bring order to chaos.

We honor the memory of the service men and women and civilians who fell defending our shores that day, and pay tribute to the thousands who would survive to rebuild, rearm, and lead our war effort abroad. Millions of Americans, young and old, would join these brave men and women in factories, mills, in tanks and in trenches fighting under one flag for a common goal.

President Roosevelt's day of infamy has lived on in the minds of those who bore witness to that day and in the hearts of the generations who have followed. Every soldier, sailor, airman, and marine, fighting with our flag on their shoulder, has been passed the strength and courage of the service men and women that came before them. Every generation's sacrifice is selfless and precious.

On this anniversary, let us remember properly those who have served our country in times of conflict and peace and those serving our country today.

UNITED STATES CAPITOL HISTORICAL SOCIETY'S 2006 FREEDOM AWARD

Mr. WARNER. Mr. President, I seek recognition today to congratulate national political correspondent and syndicated columnist David S. Broder on being awarded the U.S. Capitol Historical Society's 2006 Freedom Award.

This award, presented annually by the Capitol Historical Society since 1993, recognizes and honors individuals and organizations that have advanced greater public understanding and appreciation for freedom as represented by the U.S. Capitol and Congress.

Following the presentation of the award to Mr. Broder, retiring Architect of the Capitol Alan M. Hantman's official portrait was also unveiled. Both of these men made brief statements. I ask unanimous consent to print in the RECORD the following thoughtful remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAVID S. BRODER, 2006 UNITED STATES CAPITOL HISTORICAL SOCIETY FREEDOM AWARD RECIPIENT, NOVEMBER 29, 2006

It is an honor to stand in this room, where so much history has been made. I appreciate the United States Capitol Historical Society for inviting Ann and me for this ceremony, and thank you for the privilege of being your speaker. I have been coming up here for more than 50 years now, since I was hired as a reporter by Congressional Quarterly, and every time I come up Pennsylvania Avenue and see that magnificent dome, my heart beats a little faster.

This building is majestic—far more so than the White House at the other end of the avenue. But even more impressive over the years have been the men and women sent here from 50 states and 435 districts to struggle with the responsibilities imposed by Article I of our Constitution.

Article I—because the legislative branch is fundamental to our system of representative government. George Mitchell, when he was the Senate majority leader, had a speech passage I heard him deliver many times.

Senator Mitchell said, "We have had executives from the very beginning of human society, whether we called them kings or emperors or dictators. But democracy began when the Parliament established its independence from the crown, and an independent legislature has always been the best guarantor of freedom."

We need to remember that—all of us, including those of us in the press. And we need to treat the Congress as respectfully and carefully as we do the president. I am not suggesting that there is something wrong with close scrutiny of congressional ethics—of the relations between lawmakers and interest groups, or legislative practices such as earmarks that steer money to favored individuals or groups.

But there ought to be parity. We know that presidents and vice presidents accept entertainment from people with large interests in government policy, and they raise large campaign contributions from them. We know that the White House and Cabinet departments steer money to their own favored constituencies and politically vital areas—but we're somehow less outraged by it. And we often let the president, whichever party he may be, grab the credit for a notable achievement at a bill-signing ceremony, even when we know that the hard work has been done by legislators, often with little help or even active opposition from the executive.

I have written—and I firmly believe—that Congress does more for the press, with its hearings and with the myriad individual briefings and conversations between lawmakers and their aides and reporters, than any other part of government—and generally receives less consideration from the press in return.

One reason that Congress as an institution usually lags behind the president in public approval—no matter how high or low he may be at any given moment—is that Congress has no one who speaks for it as an institution, while the president has many spokesmen, all delivering the same message on any given day.

But also, the process that makes Congress work when it is working well is a process of slow negotiation and compromise, and the tendency in the press, even in so-called establishment news organizations, is to treat these incremental, process stories as boring—so readers and viewers have little idea what is happening in the day-to-day work of the Congress. But I would be less than honest if I did not also acknowledge that members of Congress themselves find fault with the working of the legislative branch.

During this past year, I have heard more concern—and more criticisms—from members of both parties than I can ever recall. The public may have been saying earlier this month, "We're mad as hell and we're not going to take it any more." But I was hearing the same thing from inside these halls for many months before Election Day. I would not attempt to catalogue all the frustrations. But I have come to believe that many of them are rooted in a structural problem in our politics for which we have not found a solution.

Most of the political reform efforts in the past three decades have aimed at the issue of money in politics. A few have had useful effects. Reporting of contributions and spending is now clearer and prompter. Also, I think it healthy that members of Congress may no longer pick up the phone and ask individuals or groups directly for six-figure donations to their parties. But most of these campaign finance reform efforts have been futile, when it comes to reducing the influence of money on elections, or the burden on candidates and officeholders in raising it.

Meantime, another problem has grown far more serious—and is essentially unchecked. The introduction of computer technology to the drawing of district lines in state legislatures has changed the Congress in ways that are detrimental to its health. So precise are the measurements now available to the politicians drawing the lines that even in a year of political upheaval, such as this one, a tiny fraction of the House seats are really contested.

We saw a big turnover in the House this year, but about 375 of the 435 members had no contest to speak of. What that means is that the part of the national government that was designed by the founders to reflect most immediately even slight shifts in public sentiment has now become the part most immune to change. And that, in turn, has changed the dynamics of the House for the worse.

The inclination of members from safe districts is to play to their political base—whichever group or ideology that may be—and not look outside the base for allies or partners in legislation. We have seen that tendency among Republicans during their years of control, and we may now witness it among Democrats.

In either case, it tends to make the House a more polarized place—and less representative of the broad center of American politics—than it could be or should be. I do not know the answer to this problem. The Supreme Court has declined to deal with political gerrymandering. The voters in Ohio and California, when offered initiatives to take the line-drawing authority away from the politicians in the legislature and place it in more neutral hands, have said no.

It is not clear where to turn, but I would argue that this issue—rather than further refinements of the campaign finance system—should be at the top of the reform agenda. Perhaps, California Gov. Arnold Schwarzenegger and the Democratic legislature will revisit the question next year, with some hope of finding a bipartisan compromise for a reform that could serve as a model for other states.

Meantime, as Donald Rumsfeld might put it, we go to war again come January with the Congress that we've got. I am encouraged by the quality of some of the people in both parties I met who were successful challenger candidates in this election. But I am also keenly aware that, as always happens in a wave election, some of the losers were people of genuine talent and ability whose absence will be keenly felt.

Most of those who are sworn in here in January will have more time ahead of them in office than the president has remaining in his term. One can hope that they will bring that long-term perspective to their work, and make the fight for freedom and justice their goal, rather than the next election. When people continually express low levels of trust in Congress, it is not just a problem for the party in power. It is a reflection on our whole system of representative government—the greatest blessing a free people has ever enjoyed.

HON. ALAN M. HANTMAN, FAIA, ARCHITECT OF THE CAPITOL, UNITED STATES CAPITOL HISTORICAL SOCIETY—OFFICIAL PORTRAIT CEREMONY, NOVEMBER 29, 2006

Thank you, Chairman Ehlers, Senator Stevens, and the Joint Committee on the Library for accepting my portrait into the Capitol art collection, and thank you, Congressman Sarasin, for that generous introduction. And I truly mean thank you.

I thank you and the United States Capitol Historical Society, not only for the great honor paid to me in commissioning this wonderful portrait and presenting it to the United States Congress, but also for being such an integral part of life here on Capitol Hill.

Thank you for serving as the institution that consistently steps back from the day-to-day issues and taking the long view—the historical perspective so important for putting things in the context of the big picture of what we are all about in this great democracy of ours.

The concept of the Freedom Award, so appropriately presented to David Broder this evening, highlights for us the underlying basics of freedom, democracy, and representative government—the very foundations upon which our country is built. Congratulations, Mr. Broder.

In looking at the mosaic of the past 10 years, I think about the momentous changes we have seen here on Capitol Hill. In fact, change appears to be the only constant on the Hill.

As the tenth Architect of the Capitol, I have been acutely aware of my stewardship responsibilities for the national treasures under my care. The fundamental, yet very challenging responsibilities of preserving and enhancing the more than 300 acres of grounds and 15 million square feet of buildings were critically impacted by post-9/11 security requirements—and, in this respect we have, unfortunately, lost much of our innocence as we try to strike the right balance between security and openness.

The need to welcome visitors respectfully to "the People's House," to protect the Congress, the visitors, and the Capitol itself, are the underlying reasons for constructing the new Visitor Center. It is the Capitol's ninth increment of growth in its 213 year history and, as Ron stated, increases its overall size by another 70 percent.

The completion of the Capitol Visitor Center next year will enable the millions who visit each year to be screened respectfully and safely hundreds of feet from the Capitol. They will be welcomed into a building that complements the Capitol itself in its use of similar stonework, other quality materials, and well-proportioned spaces that will stand the test of time. Orientation films and a major exhibition area showcasing artifacts and documents that highlight the flow of our history and the aspirations of our nation will prepare those visitors to tour the Capitol itself. These exhibits offer the opportunity to learn about the Congress and, hopefully, inspire young and old to get more involved in their government.

I take great pride in this historic project and am honored to work with the many hundreds of dedicated professionals and tradesmen and women committed to bringing it to fruition next year.

As Congressman Sarasin mentioned, the Capitol Visitor Center is only one of the many AOC projects across Capitol Hill, such as the ongoing Supreme Court renovation, the many security and fire and life-safety projects, the Power Plant modernization, and the recently-dedicated National Garden project, and many projects for the Library of Congress, among others. Integral to the success of these projects and the day-to-day operations here on the Hill are the 2,000 people who make up the Office of the Architect of the Capitol.

Each person on this hard-working team takes great pride in their work and the many contributions they make every day maintaining and operating this city within a city.

Together, we have transformed this Agency over the last 10 years into a cohesive and professional team that efficiently and effectively supports and serves the Congress; an Agency which will continue to do so for generations to come. It is the people of the AOC that are the heart of this organization and I am so very proud to have led the AOC team through these challenging years of growth and change. I want to thank each person for their dedication and commitment to excellence. There are some people here tonight who have gone on to other places—I thank you for your service to the AOC and the Congress. There are also many of you here tonight who will continue on with our mission, working with our Chief Operating Officer Stephen Ayers and the next Architect of the Capitol to continue our efforts as good stewards of these national treasures. I wish you all well and I know that you will continue to make me proud going forward.

I would also like to congratulate and thank Michael Shane Neal for this truly sensitive portrait, including his rendition of Thomas Ustick Walter's Dome, and the Frederick Law Olmsted lantern as the framing elements of this work.

These were, of course, designed and built by those who went before us—but they speak strongly to the continuity of the Congress as our country has continued to grow, and the needs of the Capitol have continued to evolve.

When Shane and I discussed possible settings for the portrait, he photographed many alternative locations, but we ultimately agreed that the symbolic action of my descending the steps into the new Capitol Visitor Center with the Dome and the lantern in the background would enhance this sense of continuity.

I thank you, Shane, not only for being the fine artist that you are, but also for your patience during multiple sittings and the gracious hospitality you and Melanie extended to Roz and me on our visit to your studio in Nashville. I also would like to extend a special thank you to our Curator, Barbara Wolanin, for assisting with the initial selection of Shane and for lending her keen eye throughout the process.

As I look around this stately room that has itself witnessed so many historic events, I see the faces of many people who have been so important to me as Architect of the Capitol, as a member of the Congressional, Washington, D.C., and professional architectural communities, those who have been my friends for decades, as well as members of my family who have blessed me with their love and support through both good and difficult times. And, I thank you personally, Senator Warner, for being here this evening and for having championed my candidacy what seems like so many years ago as Chairman of the Senate Rules and Administration Committee.

At a wonderful moment like this, I can't help but think of those who have gone before. . . . of my father who worked nights in the Post Office. We often talked of things past and the possibilities of the future when he came home from work at 5 a.m., and I was still awake cramming for exams. My soft-spoken mother supplemented the family income as a bookkeeper, and enriched our lives through her artwork and her dreams.

I think of Roz's Mom and Dad, who lost so many loved ones in the Holocaust, our grandparents who immigrated here—who came through Ellis Island seeking a better life. I think of their financial struggles and personal sacrifices and the value they placed on strong family ties and education, and am forever grateful for the legacies they have left to Roz and me, our children, and grandchildren.

It is humbling to stand here today and to recognize and appreciate the fact that Roz and I have taken part in the flow of our nation's history in some small way. I am truly honored to follow in the footsteps of the first nine Architects of the Capitol as we unveil this portrait and see it donated by the United States Capitol Historical Society to the collections of the United States Congress.

Thank you all so very, very much.

HONORING OUR ARMED FORCES

CAPTAIN JASON HAMILL

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to CPT Jason Hamill, U.S. Army, 31, who grew up in Salem, CT.

Nearing the completion of a year-long tour in Bagdad, serving with E Company, 3rd Battalion, 67th Armored Regiment, 4th Infantry Division, Fort Hood, TX; Captain Hamill died of injuries sustained when his military vehicle encountered an improvised explosive device.

Known for his sense of humor and as a bit of a mischief maker, he was a proud family man. He followed in his father's footsteps serving in the military with a deep, strong sense of purpose and belief in what he was doing. Prior to entering the Army, Captain Hamill was a member of ROTC at the University of Connecticut earning the respect of his fellow members and classmates, as well as his engineering degree. He lived as a true patriot and defender of our great Nation's principles of freedom and justice serving in Afghanistan and Kosovo in addition to Iraq.

Captain Hamill is a true example of the powerful American spirit that permeates this Nation's history. He served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. I am both proud and grateful that we have the kind of fighting force exemplified by Captain Hamill serving in the Persian Gulf—and the strong families back at home sending their love and support.

He was a credit to his family, his community, his service, and his country. Our Nation extends its heartfelt condolences to his wife, Karen, who he just married last year, and his parents, Sharon and Richard. We extend our appreciation for sharing this outstanding soldier with us, and we offer our prayers and support. You may be justifiably proud of his contributions which extend above and beyond the normal call of duty.

CORPORAL ADAM A. GALVEZ, USMC

Mr. HATCH. Mr. President, today I rise in solemn tribute to CPL Adam A. Galvez of the Marines who gave his life in the service of his country during the global war on terrorism.

Over the past few weeks, I have had a chance to talk with Adam's mother Amy and his father Tony. They are wonderful people who are truly proud of their son. In speaking with them, I quickly learned just what a hero Adam was.

A lot of people use that word "hero" today without thinking about what it really means. I like to define it as an individual doing extraordinary things that serve the greater good. Adam's actions clearly fit the bill.

For example, I understand that a month before his death, Adam was wounded while outside a building with several fellow marines after a suicide bomber detonated an explosive device. The explosion caused the building to collapse. Yet, instead of tending to his own wounds, Adam, began to dig, while under fire, for his fellow marines trapped in the rubble.

That is the mark of a true hero.

Accordingly, I am proud to say that the Salt Lake City Council unanimously voted to name a street in my hometown the "Adam Galvez Street." I cannot think of anything more appropriate.

I also want to acknowledge East High School sophomore Junior Cruz, who as part of his Eagle Scout project came up with the idea of "Adam Galvez Street" and saw it through to its fruition.

I am blessed to live in a great State in the greatest country in the world. When I learn about the lives of young heroes such as Adam Galvez, I am reminded that our true greatness lies in the sacrifice of such noble and brave service members.

PRIVATE FIRST CLASS DANIEL G. DOLAN, USA

Mr. President, on this the 65th anniversary of the attack on Pearl Harbor, I rise to pay tribute to a young American who gave his life to ensure that our nation will never be attacked again. That young man's name was PFC Daniel G. Dolan.

Just 1 month before his 19th birthday, Private First Class Dolan joined the Army during a time of war. No doubt due to his professionalism, Private First Class Dolan was assigned to the 3rd Brigade of the 2nd Infantry Division which, of course, is the elite 1st Stryker Brigade. This professionalism was also recognized when he was awarded, posthumously, the Bronze Star, Purple Heart and Combat Infantry Badge.

We, as a nation, are truly blessed to have such young men and women who are willing to serve. Private First Class Dolan's life was short, but from what I have read it was full. I understand that he was an avid hockey player and fan who played for Roy High School and was part of an amateur hockey association. I also been told that standing up for what is right is something that Private First Class Dolan did since childhood, standing up for his little sister and the other children in the neighborhood. Most of all he was a wonderful son to his parents Tim and Fay Dolan.

I believe that his sister Michelle said it best: "Everyone was proud of him. He just wanted to serve his country, to be there for his country . . . I think he was scared when he went to Iraq, but he really wanted to go and serve us all."

Such words can only describe a hero.

SECOND LIEUTENANT SCOTT B. LUNDELL, USNG

Mr. President, today I rise to pay tribute to a true American hero, 2LT Scott B. Lundell. Such a description is appropriate to describe Lieutenant Lundell, who was killed in an ambush while training an Afghan Army patrol in Oruzgan Province, Afghanistan.

Lieutenant Lundell was by all accounts a first-rate officer. He had risen through the ranks, first enlisting in 2004 at the age of 32 in the Utah National Guard's 19th Special Forces Group and then graduating from Officer Candidate School.

Lieutenant Lundell truly felt a calling to serve, especially after the events of September 11, 2001. I have read that his wife Jeanine remembers that he was not satisfied supporting the war from home but wanted to make a difference overseas, so much so that he did not wait for the next deployment of his unit. Instead he volunteered for his final assignment, training the Afghan military. Upon learning of his passing, Lieutenant Lundell's brother-in-law said, "He did not die doing what he loved—he died doing what he felt passionately about."

Lieutenant Lundell believed in the righteousness of cause so much that when the youngest of his four children was born he named her Liberty.

I am humbled that I had the honor to represent such a patriot in this august body.

MAJOR MARTA MALTBY, USAR

Mr. President, I rise to pay tribute to MAJ Marta Maltby, who died of natural causes during her deployment with the 328th Combat Support Hospital at Landstuhl Regional Medical Center in Germany.

This was the second time this intensive care nurse had deployed overseas during a time of war to care for our Nation's wounded. Major Maltby also deployed with the 328th during Operation Deseret Storm. Accordingly, she was awarded the Meritorious Service Medal.

Recently, I was able to spend some time with Major Maltby's mother, during an Army Reserve ceremony that, in part, honored the major. I deeply appreciated this opportunity because I was able to learn just how caring and remarkable a person Marta was, as a daughter, wife, and as mother to two grown children.

As I said at that ceremony, Major Maltby, and the rest of her unit, took a glimmer of hope and made survival and recovery a reality for hundreds of our servicemembers. These are also words that describe a true hero.

Our thoughts and prayers go out to the Maltby family during their time of grieving. May they find solace in knowing that the country appreciates the selfless dedication of their wife, daughter and mother, MAJ Marta Maltby.

RECONCILIATION PROGRAMS

Mr. LEAHY. Mr. President, in fiscal year 2004 I initiated a new fund in the Foreign Operations Appropriations Act entitled "Reconciliation Programs." This fund is managed by the U.S. Agency for International Development's Office of Conflict Management and Mitigation. In fiscal year 2006 it was funded at $15 million, and its purpose is to support reconciliation programs and activities "which bring together individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war." Our intent is to support initiatives of organizations representing groups of people who have been in conflict with each other to promote better understanding and reconciliation.

This is a global program, and the funds have been allocated to support activities in countries in Latin America, Africa, Asia and the Middle East. For reasons that should be obvious, the Israeli-Palestinian conflict is the focus of many organizations in that region that seek to bring representatives of both peoples together to build trust, improve understanding, and find common solutions to the roots of the conflict.

There are dozens of conflicts in the world, and $15 million is too little money to support all the meritorious reconciliation proposals. This is particularly true in the Middle East. USAID has funded several organizations that bring together Israelis and Palestinians, but funding constraints make it impossible to support every deserving organization. This unmet need is the subject of a recent op-ed in the Palestine Times which poses some important questions. I ask unanimous consent that the article by Rabbi Michael Cohen, who has done extraordinary work in this area, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Palestine Times, Dec. 5, 2006]

PALESTINIAN PERMITS AND NGOs

(Rabbi Michael M. Cohen)

The day after Israel observed the 11th anniversary of the murder of Yitzhak Rabin Haaretz summed up the Arab-Israeli conflict, "After more than six years of continuous fighting, neither side appears to have given up the basic assumption at the beginning of the Intafada. The Palestinians and the Israelis are both still convinced the other side understands only force."

The latest cease-fire in Gaza, shaky at best with Qassam Rockets still being fired into Israel, is a move in the right direction to quell the use of force by both sides. The truth is that for the past year we have not been moving closer to peace between Israel and the Palestinians. King Abdullah has said more than once that unless there is tangible movement towards peace in the upcoming months this conflict will be cursed to go on for decades.

The Talmud teaches a very profound lesson about the use of force and power. In separate moments the prophets Daniel and Jeremiah question how mighty is God. The Talmud responds with equal audacity by stating that God's might can also be found and experienced when God decides to withhold his might and power! This is a lesson too often lost in this holy corner of the world.

There are scores of NGOs across Israel and the Palestinian Authority working together that understand that force will never translate peace into realty. In the ebb and flow of diplomacy these NGOs provide the only ongoing constant to strengthen the majority of Israelis and Palestinians who desire peace. At one time these organizations could apply for Wye River and Israel Arab Peace Partners Program grants from the US government. These have been cut from the US Budget so, for example, organizations of the Alliance for Peace in the Middle East (ALLMEP) are limited where they can find funds.

When attempts are made by ALLMEP to create a separate fund for NGOs working to end the Arab-Israeli conflict they are told by Congress that countries like Israel, Jordan, Egypt, etc. already get billions in US aid, while other areas of conflict get much less. The only way to create such a fund would be to reduce aid, much of it military, to those countries. One question that was not asked recently of Prime Minister Olmert when he was in Washington was, "Would you be willing to have a few million dollars that Israel receives shifted to support organizations that work towards reconciliation between Israelis and Palestinians?" At present the United States is spending $200 million a day for the war in Iraq. Give these NGOs in the Palestinian-Israeli conflict a few hours worth of that spending, and we would see the Palestinian-Israeli conflict end in less than a year.

One of the key ingredients to reconciliation between Israelis and Palestinians is the ability to meet each other. For years now the Arava Institute for Environmental

Studies, the premier teaching and research program in the Middle East where future Arab and Jewish leaders are prepared to cooperatively solve the region's environmental challenges, has been unable to get permits for Palestinian students outside of East Jerusalem to study on its campus. This includes students who wish to, "learn to use the environment as an approach to peacebuilding between Palestinians and Israelis."

At present the Arava Institute has put together a coalition that includes the office of U.S. Ambassador Richard Jones, USAID, Members of the Knesset Orit Noked and Ami Ayalon, the Middle East Division of the Israel Foreign Ministry, and Gisha: the Center for the Legal Protection of Freedom of Movement. This coalition is working to challenge the Israeli policy of not issuing any new study permits for Palestinians, who have security clearance, and who wish to study in Israel. This policy flies in the face of the Agreement on Movement and Access that was signed last year by the United States, Israel, and the Palestinian Authority. Another question not asked of Prime Minister Olmert, "Are you willing to end this blanket policy of no new study permits for Palestinians to study in Israel?"

The author David Grossman, who lost his son Uri during the war this past summer, poignantly addressed 100,000 Israelis who gathered on the anniversary of Rabin's murder in Rabin Square. Turning to Prime Minister Olmert he said, "We have no choice and they have no choice. And a peace of no choice should be approached with the same determination and creativity as one approaches a war of no choice. And those who believe we do have a choice, or that time is on our side do not comprehend the deeply dangerous process already in motion."

Prime Minister Olmert reached out to Palestinians a few days ago when he spoke at the grave of Ben-Gurion and reiterated his call for the establishment of a Palestinian State next to Israel. We have had enough of words. What we need is peaceful action to back up such words by both Palestinians and Israelis. An affirmative answer by Prime Minister Olmert to the questions raised above would signal a tangible seriousness about moving the peace process forward, and would show a determination and creativity that is so desperately needed. Similar action will also need to come from the Palestinian side so that both Israeli and Palestinians can move the peace process forward and not backward.

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DARFUR

Mrs. CLINTON. Mr. President, the crisis in Darfur demands a more robust response. In July 2004, more than 2 years ago, the United States Senate declared genocide in Darfur. As the crisis has continued, as the death toll has mounted, it was hard to believe that the situation on the ground could deteriorate further. Unfortunately, it has, and the realities today are even worse than they were in July 2004.

As many as 4 million civilians have been uprooted from their homes, and by some accounts 400,000 people have been killed. Countless women and young girls are being violently and sexually abused. Escalating violence is forcing the evacuation of many vital relief workers. These realities are well documented. We have United Nations, U.N., reports, State Department reports, reports from our colleagues who have traveled to the region, and countless other reports that tell us what has happened, what is happening, and who may be responsible.

In the face of this crisis, the response of many citizens, officials, relief workers, and journalists has been impressive and inspiring. Their courageous efforts are testimony to the great work that can be done by individuals who act on their moral duty to end atrocities.

The Senate also has taken important steps. We have provided funding to African Union peacekeepers and to humanitarian workers; we have urged NATO assistance; we have encouraged the establishment of a no-fly zone; we have supported sanctions against the perpetrators of violence; we have established Presidential accountability by requiring regular reports on Darfur; and we have demanded the appointment of a Presidential Envoy to Sudan. We must continue to shine a spotlight and to take action wherever possible.

But like many of my constituents, I am disturbed that the killings and rapes and violence continue. I fear that our efforts and those of many Americans are not being complemented by equal efforts from our President. I again urge the administration to be more proactive and to turn the tables on Khartoum.

Khartoum repeatedly has committed to disarm the Jingaweit. In fact, the Government of Sudan committed to do so long ago, in the summer of 2004. To date, this promise remains unfulfilled. And this Spring, Sudanese officials said that U.N. peacekeepers would be allowed into Darfur once a peace deal was agreed. This commitment has been broken also. These abandoned promises may not be surprising in light of Khartoum's long history of intransigence. What is astonishing is that Khartoum has faced few consequences for these massive failures, and worse, that Khartoum still is being allowed to dictate the terms of peacekeeping and humanitarian efforts in Darfur.

I implore the administration to learn from this grim history, and to get one step ahead of the leaders in Khartoum. We must prepare for all scenarios, not just those we seek.

Going forward, our agreements with Khartoum must include some "teeth" to incentivize compliance. We should remind Khartoum that we already have good records of the crimes committed in Darfur and of the suspected perpetrators. We also should pursue without delay all points of pressure that have been authorized by the U.N. Security Council. We must demonstrate to Khartoum that continued intransigence will be more painful than cooperation.

As we pursue these measures with Khartoum, we should remind rebel groups that they will be held accountable for violations of international law. In addition, we should work urgently with partners to stabilize eastern Chad and the Central African Republic.

I suspect that history will pass exacting judgment on all parties who have acted insufficiently to end the suffering in Darfur. But history is a long way off for the people of Darfur, and I will continue to work urgently with colleagues towards peace in Sudan and the region. I urge the President to work more proactively to end this unconscionable crisis.

TRIBUTE TO JASON LEE

Mr. WARNER. Mr. President, I rise today to recognize a member of my staff, Jason Christopher Lee, who has been recalled to active Federal service as a member of the United States Army Reserve and will deploy in support of Operation Iraqi Freedom.

Jason joined my staff in February 2005, where he has done a tremendous job serving Virginians out of my Norfolk office. In addition, Jason is attending college at Old Dominion University, where he is maintaining an excellent grade point average while studying communications.

I believe much of Jason's success is due to his distinguished service in the U.S. Army, where he has attained the rank of corporal and is responsible for leading fellow soldiers into battle. This is not the first time Jason has answered the call of duty in support of our country. He has previously served in both Kosovo and Iraq, where he earned the Army Commendation Medal and was recognized as an outstanding soldier. Indeed, Jason was originally scheduled to be discharged from the Army prior to his Iraq tour, but he answered his country's call to arms and was deployed to some of the most dangerous locations in Iraq in 2003 and 2004. Following this period, Jason was honorably discharged from the Army and was placed in the inactive reserve.

Though generals and admirals may be the public face of this war, it is servicemembers, such as Jason, who fill the ranks of our formations, who carry out our Nation's policy on the deadly streets of Iraq, Afghanistan, and elsewhere. They do not complain about the hazardous conditions they face, but go on with the knowledge that this Nation relies on them to fulfill their duty under all conditions. We owe them all a tremendous debt of gratitude for their selfless service.

Jason, I salute your courage and your unending personal sacrifice on behalf of this country. I join your family and friends in wishing you a swift and safe return.

REMARKS TO THE GERMAN MARSHALL FUND CONFERENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that my remarks, delivered in a keynote address at the German Marshall Fund conference on Monday, November 27, in Riga, Latvia, in advance of the NATO Summit, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you, Madam President [Dr. Vaira Vike-Freiberga, President of the Republic of Latvia]. I appreciate your thoughtful introduction and your generous hospitality. It is a pleasure to be back in Riga and to deliver the keynote address here at this important German Marshall Fund conference. This conference and the participants it has drawn are evidence of the deep respect the Fund merits throughout Europe and North America.

In 1991 NATO stood at a crossroads. With the collapse of the Soviet Union and the Warsaw Pact, the Alliance could have declared victory and disbanded. Instead, NATO chose to adapt to the new security environment and build on its legacy of being the most successful security and defense organization in history.

Since that time, we have welcomed ten new members into the Alliance and have begun a dramatic transformation of our military capabilities. We have also undertaken missions in the Balkans and Afghanistan that have extended the purpose of the Alliance beyond the territorial defense of its membership. However, while NATO is busier than ever, these activities do not guarantee that the Alliance will remain strong and relevant.

For nearly half a century, NATO was oriented toward defending against an attack from the East by Warsaw Pact forces. Today, NATO's posture is influenced by emerging threats such as the proliferation of weapons of mass destruction, rogue states, terrorism, and genocide. The security threats of the 21st century require NATO members to deploy forces rapidly over long distances, sustain operations for extended periods of time, and operate jointly as trans-Atlantic partners with the United States in high intensity conflicts. To be fully relevant to the security and well being of the people of its member nations, NATO must think and act globally.

THE TEST OF AFGHANISTAN

This is evident in the NATO mission in Afghanistan. That country presents a difficult environment, but NATO must be resourceful, resilient, and ultimately successful. The September 11 attacks were planned in Afghanistan, al-Qaeda still operates there, and the fate of the country remains inexorably tied to the Alliance. NATO's International Security and Assistance Force (ISAF) is responsible for security operations throughout all of Afghanistan.

In recent months, Taliban attacks have occurred with greater frequency, coordination, and ferocity. They have extended well beyond the South and East, where most of the fighting has been located. Although the hunt for al-Qaeda terrorists continues, the primary threat to the stability of Afghanistan is Taliban insurgents who are challenging ISAF in greater numbers, sowing dissent among Afghanis, cooperating with the bourgeoning narcotics trade, and complicating security efforts in ways that inhibit the rule of law and reconstruction.

If the most prominent alliance in modern history were to fail in its first operation outside of Europe due to a lack of will by its members, the efficacy of NATO and the ability to take joint action against a terrorist threat would be called into question. Moreover, Afghanistan has a legitimately elected government and a long-suffering people, both of which deserve a chance to succeed without the threat of violent upheaval.

It is imperative that NATO fulfills its commitments to Afghanistan. The Alliance has found it difficult to generate the political will to meet NATO objectives. The reluctance in capitals to grant NATO requests for troops and resources have complicated this process. Despite months of intensive discussions, Supreme Allied Commander/Europe, General Jim Jones, disclosed in September that NATO was 2,500 troops short of the minimal commitment requested for ISAF. These troops did not materialize until General Jones and other NATO leaders publicly put Alliance nations on the spot for these shortfalls.

Afghanistan has become a test case for whether we can overcome the growing discrepancy between NATO's expanding missions and its lagging capabilities. NATO commanders must have the resources to provide security, and they must have the flexibility to use troops to meet Afghanistan's most critical security needs. Unfortunately, NATO capitals are making the military mission even more difficult by placing national caveats on the use of their forces. These restrictions, coupled with troop shortages, are making ISAF a less cohesive and capable force.

Similar problems are plaguing the NATO Response Force (NRF), which is slated to be NATO's expeditionary fighting unit. As is often the case, the lack of transport capabilities is a glaring deficiency. I am hopeful that the plan to establish a fleet of C–17s under the command and control of NATO succeeds. To overcome these challenges and similar ones, we must reverse the downward spiral of defense budgets. Only a handful of members spend more than 2 percent of their gross domestic product on defense. Good intentions can only carry a military force so far—the NRF and other NATO assets must have the equipment, training, and resources to fulfill their mission.

I believe strongly that NATO is capable of meeting the challenge in Afghanistan. NATO commanders have demonstrated that they understand the complexity of the mission. They know that success in Afghanistan depends on the attitudes of the people, the progress of reconstruction, the development of the economy and the building of civil institutions that can deal with the narcotics trade, as much as it depends on battlefield victories.

Most Afghanis have welcomed the advances in personal freedom, political participation, and educational opportunities that have come during the last five years. The recent increase in violence in Afghanistan clearly is not evidence of a popular uprising. But to the degree that there is discontent, disillusionment, or fear among the Afghan people due to their security situation, trust in the Afghan government and NATO will dissipate. Insecurity stemming from insurgent activity by Taliban forces has also caused Afghanis in some regions to seek the protection of tribal leaders and warlords, which in turn undercuts the authority of the Afghan government and increases the risk of civil conflict between tribal factions. Given these dynamics, we must dispel any doubts about the commitment of NATO and the West to Afghanistan's emergence as a stable and free society.

THE CENTRALITY OF ENERGY

NATO's challenges continue to come in new formations. We have to understand not only the military configuration of threats before us, but also the likely basis for future conflict. The NATO alliance has been successful, not because it fought wars, but because it prevented them. If the NATO alliance is to be fully relevant to the security of its members, it must expand beyond the mission of military defense and begin to think about how to prevent the conditions that will lead to war.

In the coming decades, the most likely source of armed conflict in the European theater and the surrounding regions will be energy scarcity and manipulation. It would be irresponsible for NATO to decline involvement in energy security, when it is abundantly apparent that the jobs, health, and security of our modern economies and societies depend on the sufficiency and timely availability of diverse energy resources.

We all hope that the economics of supply and pricing surrounding energy transactions will be rational and transparent. We hope that nations with abundant oil and natural gas will reliably supply these resources in normal market transactions to those who need them. We hope that pipelines, sea lanes, and other means of transmission will be safe. We hope that energy cartels will not be formed to limit available supplies and manipulate markets. We hope that energy rich nations will not exclude or confiscate productive foreign energy investments in the name of nationalism. And we hope that vast energy wealth will not be a source of corruption within nations that desperately ask their governments to develop and deliver the benefits of this wealth broadly to society.

Unfortunately, our experiences provide little reason to be confident that market rationality will be the governing force behind energy policy and transactions. The majority of oil and natural gas supplies and reserves in the world are not controlled by efficient, privately owned companies. Geology and politics have created oil and natural gas superpowers that nearly monopolize the world's oil supply. According to PFC Energy, foreign governments control up to 79 percent of the world's oil reserves through their national oil companies. These governments set prices through their investment and production decisions, and they have wide latitude to shut off the taps for political reasons.

The vast majority of these oil assets are afflicted by at least one of three problems: lack of investment, political manipulation, or the threat of instability and terrorism. As recently as four years ago, spare production capacity exceeded world oil consumption by about ten percent. As world demand for oil has rapidly increased in the last few years, spare capacity has declined to two percent or less. Thus, even minor disruptions of oil supply can drive up prices. Earlier this year, a routine inspection found corrosion in a section of BP's Prudhoe Bay oil pipeline that shut down 8 percent of U.S. oil output, causing a $2 spike in oil prices. That the oil market is this vulnerable to something as mundane as corrosion in a pipeline is evidence of the precarious conditions in which we live.

Within the last year and a half, the international flow of oil has been disrupted by hurricanes, unrest in Nigeria, and continued sabotage in Iraq. Al-Qaeda and other terrorist organizations have openly declared their intent to attack oil facilities to inflict pain on Western economies. We should also recognize that NATO members are transferring hundreds of billions of dollars each year to some of the least accountable, autocratic regimes in the world. The revenues flowing to authoritarian regimes often increase corruption in those countries and allow them to insulate themselves from international pressure and the democratic aspirations of their own peoples. As large industrializing nations such as China and India seek new energy supplies, oil and natural gas may not be abundant and accessible enough to support continued economic growth in both the industrialized West and in large rapidly growing economies. In these conditions, energy supplies will become an even stronger magnet for conflict.

Under the worst case scenarios, oil and natural gas will be the currency through which energy-rich countries leverage their interests against import dependent nations. The use of energy as an overt weapon is not a theoretical threat of the future; it is happening now. Iran has repeatedly threatened to cut off oil exports to selected nations if economic sanctions are imposed against it for its nuclear enrichment program. Russia's shut off of energy deliveries to Ukraine demonstrated how tempting it is to use energy to achieve political aims and underscored the vulnerability of consumer nations to their energy suppliers. Russia retreated from the standoff after a strong Western reaction, but how would NATO have responded if Russia had maintained the embargo? The Ukrainian economy and military could have been crippled without a shot being fired, and the dangers and losses to several NATO member nations would have mounted significantly.

We are used to thinking in terms of conventional warfare between nations, but energy could become the weapon of choice for those who possess it. It may seem to be a less lethal weapon than military force, but a natural gas shutdown to a European country in the middle of winter could cause death and economic loss on the scale of a military attack. Moreover, in such circumstances, nations would become desperate, increasing the chances of armed conflict and terrorism. The potential use of energy as a weapon requires NATO to review what Alliance obligations would be in such cases.

Energy as an Article Five Commitment

We must move now to address our energy vulnerability. Sufficient investment and planning cannot happen overnight, and it will take years to change behavior, construct successful strategies, and build supporting infrastructure.

NATO must determine what steps it is willing to take if Poland, Germany, Hungary, Latvia or another member state is threatened as Ukraine was. Because an attack using energy as a weapon can devastate a nation's economy and yield hundreds or even thousands of casualties, the Alliance must avow that defending against such attacks is an Article Five commitment. This does not mean that attempts to manipulate energy for international political gain would require a NATO military response. Rather, it means that the Alliance must commit itself to preparing for and responding to attempts to use the energy weapon against its fellow members. NATO must become a reliable refuge for members against threats stemming from their energy insecurity. If this does not happen, the Alliance is likely to become badly divided as vulnerable members seek to placate their energy suppliers. In fact, no issue in the history of NATO is so likely to divide the alliance in the absence of concerted action.

Article Five of the NATO Charter identifies an attack on one member as an attack on all. Originally envisioned to respond to an armed invasion, this commitment was the bedrock of our Cold War alliance and a powerful symbol of unity that deterred Warsaw Pact aggression for nearly fifty years. It was also designed to prevent coercion of a NATO member by a non-member state. We should recognize that there is little ultimate difference between a member being forced to submit to foreign coercion because of an energy cutoff and a member facing a military blockade or other military demonstration on its borders.

In preparing for such a commitment, NATO leaders should develop a strategy that includes the re-supply of a victim of an aggressive energy suspension. How would the Alliance shift energy supplies and services to a member under such an attack? What steps can NATO take now to ensure that we have the infrastructure in place to respond to such an attack? What steps are needed to diversify our energy sources and supply routes to deter the use of energy as a weapon? Alternatives to existing pipeline routes must be identified and financial and political support for the development of alternative energy sources is crucial. A coordinated and well-publicized Alliance response would be a deterrent that would reduce the chances of miscalculation or military conflict. It would also provide a powerful incentive for Member states to remain in the Alliance and for prospective members to accelerate reforms necessary to qualify for membership.

The energy threat is more difficult to prepare for than a ground war in Central Europe. Troops, equipment, and supplies can move along highways and over difficult terrain. Energy supplies do not enjoy the same freedom of movement. Developing a logistical response to an energy cutoff will prove a complex challenge.

My friend, Mark Grossman, the former U.S. Under Secretary of State for Policy, has proposed reviving the REFORGER exercises of the Cold War. These exercises were carried out to prepare for the massive troop and equipment re-supply mission that would be required to thwart a Soviet attack. A new REFORGER should focus on how the Alliance would supply a beleaguered member with the energy resources needed to withstand geo-strategic blackmail. This will not be easy or comfortable for the Alliance. Members will be required to tighten their belts and make hard choices. But, if we fail to prepare, we will intensify our predicament.

Beyond constructing strong alliance commitments related to energy, NATO must engage Russia and other energy rich nations. I advocate establishing regular high-level consultations between Russia and NATO on energy security. The economic and political situation in Russia is intensely influenced by the price of energy. Moscow is banking on big returns from its energy sector indefinitely into the future. But the fickleness of energy markets affects not only consumers, but producers.

I believe that Russia has a long-term interest in achieving a more prosperous stability that comes with greater investment in its energy sector and the development of a reputation as a trusted supplier. But its recent actions to temporarily reduce gas supplies to the West, confiscate some foreign energy investments, and create further barriers to new investment are undermining confidence in Moscow's reliability. This trend is likely to have unintended repercussions for Russia. Even now, Russians are feeling the effects of inadequate investment in their energy sector. Russia boasts the world's largest reserves of natural gas, but this winter it could face gas shortages of its own. Russia has not contended with investment problems in its natural gas industry, and its artificially low domestic gas prices have undermined the development of efficiency measures that are commonplace in the West. Russia now requires gas imports from Central Asia, which it sells at a premium to Europe. Yet if growing domestic demand in Russia outstrips stagnating production and Central Asian imports, as some commentators predict, the Kremlin will face the difficult choice between letting some of its people go cold or not meeting its commitments to Europe.

We do not wish these difficulties on anyone. But we should speak clearly with Russia about our concerns and our determination to protect our economies and our peoples. We should outline the differences between a future in which Russia tries to leverage for political advantage the energy vulnerabilities of its neighbors and a future in which Russia solidifies consumer-producer trust with the West and respects energy investments that help expand and maintain Russia's production capacity. Energy is a two-way relationship and will remain so even as Europe and the United States diversify their energy resource base. Both NATO and Russia need a sustained discussion on the rule of law, the status of foreign investment, bi-national and multinational agreements, and steps to implement the principles agreed to at the G–8 Summit in July.

Expanding NATO's Partners

One critical element in strengthening the alliance's energy security is developing new relationships and admitting new members who will contribute to NATO's efforts in this area. I applaud Alliance efforts to develop special relationships with states around the world. At the Riga Summit, NATO should authorize the creation of partnerships with like-minded countries such as Japan, Australia, South Korea, Finland, and Sweden.

An effective energy strategy should also include new strategic relationships with energy exporters. I urge Alliance leaders to look to the Caucasus and Central Asia for new partnerships. These states are critically located and are important sources of oil and natural gas. Substantial improvement is needed in the region in areas such as democracy, the rule of law, and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. I recommend that NATO focus especially on its relationships with Azerbajian and Kazakhstan. While both countries have considerable work to do, eventual NATO membership must be on the table.

I believe that some aspirant states are prepared to assume membership responsibilities. Croatia, Albania, and Macedonia should be invited to join NATO as soon as they meet Alliance requirements. Each has expressed a strong desire to join the Alliance, and each is capable of making important contributions. While I am disappointed that invitations will not be extended here at Riga, we must increase the tempo of cooperation between the Alliance and those states.

NATO should also invite Georgia to join the Alliance. Tbilisi is a young democratic government, resisting pressure from breakaway republics backed by Moscow and Russian troops on Georgian soil. Georgia has been a superb role model for the region, and it is host to critical segments of the Baku-Tbilisi-Ceyhan oil pipeline and the Southern Caucuses natural gas pipeline. Two months ago, the NATO Secretary General announced that the Alliance had launched an Intensified Dialogue with Georgia. While this is an important step, NATO must grant a Membership Action Plan as soon as possible.

After recovering from recent political instability, Ukraine has indicated that it wants to move more slowly toward NATO membership. I am pleased that Kiev has acknowledged the important work needed to accurately convey to its population what NATO membership would mean. While I hope this process might move more quickly, I urge the Alliance, when all applicable criteria are satisfied, to support efforts for Ukraine to join NATO.

The Alliance must also continue to encourage Belgrade to meet its international obligations, which include full cooperation with the International Criminal Tribunal for the former Yugoslavia. With additional progress on war criminals and other important reforms, Serbia would be a valuable member of the Alliance.

CONCLUSION

By their nature, alliances require constant study and revision if they are to be resilient and relevant. They must examine the needs of their members and determine how the alliance can safeguard the freedom, prosperity, and security of each member. NATO has survived and prospered because it has been able to do this repeatedly. We have met the threat of Soviet aggression, expanded the zone of peace and security across Europe, guarded against the risks posed by terrorism and weapons of mass destruction, and improved our ability to project power over long distances. We are meeting threats in Afghanistan, the African continent, and other locations outside Europe. But if we fail to reorient the Alliance to address energy security, we will be ignoring the dynamic that is most likely to spur conflict and threaten the well-being of alliance members.

I understand that adopting energy security as a mission is a major advancement from NATO's origins. But it represents an historic opportunity to change the circumstances of geopolitics to the benefit of all members. At this summit, we should engage in a broad, strategic debate on how we can ensure progress in Afghanistan, strengthen NATO through new members, and face the energy security threats of the 21st century together. Although Riga may not produce definitive answers to these questions, it must be the summit that starts the crucial discussion that will lead to consensus.

The stakes are such that if we wait even a few years, we are likely to find that our alliance is in jeopardy. We will look back at this point in time and see it as a critical juncture that required bold vision and leadership. I look forward to working together with each of you to provide this leadership.

Thank you.

CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT

Mrs. CLINTON. Mr. President, I submit to the RECORD my disappointment that the Senate failed to consider S. 1948, The Cameron Gulbransen Kids and Cars Safety Act to improve the child safety features in new vehicles.

Nearly every other day, a child dies in the United States from a completely preventable tragedy—backed over by a driver who could not see behind their vehicle, strangled in a power window, or killed when an automobile inadvertently shifts into gear. The average age of victims in these cases is just 1 year old. In 70 percent of cases, a parent, relative, or close friend is behind the wheel.

Safety is something every family deserves, and it is not a partisan issue. I have been proud to work with Senator SUNUNU of New Hampshire as my partner on this legislation. We have met with families from our States and listened to parents share their heart-wrenching experience of losing a child.

The Gulbransens are one such family. Two-year-old Cameron was killed when he slipped outside unnoticed by his mother and babysitter and toddled behind the SUV his father was backing into the driveway. It is in memory of Cameron and the hundreds of children like him that we introduced bipartisan legislation to take steps we know can reduce these accidents. The Cameron Gulbransen Kids and Cars Safety Act will help to ensure that America's cars are properly equipped to prevent these tragedies from happening to others.

While the auto manufacturing industry has tried to make some changes to address these issues, this bill is timely and urgently needed. As parents, we do all we can to keep our children safe. As legislators, we should do the same to protect our Nation's children.

I am committed to reintroducing the Cameron Gulbransen Kids and Cars Safety Act in the 110th Congress and will work vigorously to ensure that safer cars mean safer kids across America.

RETIREMENT OF LINDA L. STOLL

Mr. JOHNSON. Mr. President, I rise today to recognize the service of Linda L. Stoll, who has been an employee of the Federal Government for nearly 34 years, including 21 years with the National Park Service. Since July 2000, Ms. Stoll has been the superintendent of Wind Cave National Park in South Dakota. Wind Cave is the fourth longest cave in the world.

Ms. Stoll began her career with the Government in the 1970s with the General Services Administration in Denver. Over the course of 12 years in the agency, she held several positions, starting as a clerk stenographer and ultimately becoming personnel management specialist with the National Oceanic and Atmospheric Administration in Miami, FL.

In 1985, she accepted a position with the National Park Service as supervisory personnel management specialist at Everglades National Park. It was the first of what were to be many posts in an extensive and highly regarded career. In 1988, she became superintendent of what is now Pecos National Historical Park. Also prior to coming to Wind Cave, she was assistant regional director for program review in the Intermountain Regional Office of National Park Service.

As the superintendent of Wind Cave for 6 years, Ms. Stoll took the lead in shepherding the park through 10 environmental assessments and one environmental impact statement. The purpose of these exercises was both to be sure park resources were being protected, and to ensure the safety of those visiting the park. The results of this work were an array of construction projects and new wildlife management plans. Her ingenuity helped to preserve the wonderful Wind Cave system and the mixed-grass prairie that is also under her jurisdiction.

Ms. Stoll will be retiring on January 3, 2007 and intends to stay in the Hot Springs area. Though her day-to-day presence at the park will be greatly missed, her years of hard work are appreciated by the visitors of Wind Cave and all those who care about protecting this national treasure. I applaud Ms. Stoll's service and thank her for her time and efforts.

TRIBUTE TO MARK KEENUM

Mr. COCHRAN. Mr. President, I am pleased to bring to the attention of the Senate that my long-time staff member and current chief of staff, Mark Keenum, who has served my office and the Senate so well for the past 17 years in a manner which reflects great credit on the Senate, has been nominated by President Bush to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

His confirmation by the Senate will give him an opportunity for continued public service that will benefit all Americans. I do not know of another person who would bring any better qualifications to this job than Mark Keenum. He has an agriculture economics undergraduate degree from Mississippi State University and also received graduate degrees from that university, including a Ph.D. After completing his studies, Mark served on the faculty at Mississippi State as an instructor and was actively engaged in research in emerging agriculture and aquaculture areas of interest in our State.

In 1989 Mark joined my staff here in Washington as a specialist in agriculture and agriculture economics. He has been an outstanding member of my staff, both in helping to develop policy initiatives and in monitoring all the legislation affecting the Department of Agriculture. In my duties as a member and later Chairman of the Senate Agriculture Committee, he provided very valuable advice and assistance in shaping policy there. He was actively engaged in the successful completion of several farm bills. Mark worked to craft the language, negotiate, and iron out differences in conference with the House. He has communicated closely with the administration over the years, all in a very professional and thoughtful way.

Mark and his wife Rhonda are close friends of mine. Mark's personal qualities are impeccable. He is courteous and intelligent; he works hard, has a strong sense of responsibility, and has good judgment. I appreciate the way he has helped manage the administrative and legislative functions of my office, as well as the counsel he has provided me for the past 17 years.

I am confident that Mark will do an excellent job in helping develop options for the next farm bill. He will be a great resource for the administration, as well as for the Congress.

We will miss him here in the Senate. I am pleased to congratulate him on his nomination and extend my thanks to him for the great job he has done in the Senate.

TRIBUTE TO FRANK C. FIALA

Mr. LEVIN. Mr. President, I rise today to honor Frank Fiala, superintendent of the Keweenaw National Historical Park. After nearly 32 years of Federal service, Frank will be retiring in January. Frank's service to our country began in the U.S. Air Force where he worked as a medic from 1969 to 1973. His career then transitioned to the National Park Service, where he has worked to protect our country's natural and historic treasures and to make them available for the public's enjoyment and appreciation. Frank's National Park Service career included assignments at the Lake Clark National Park and Preserve in Alaska, Wrangell-St. Elias National Park and Preserve in Alaska, Rocky Mountain National Park in Colorado, Carlsbad Caverns National Park in New Mexico, and Dinosaur National Monument in Colorado.

For the past 10 years, Frank has served as superintendent of the Keweenaw National Historical Park in Michigan's Upper Peninsula, working to preserve and interpret the region's copper mining history. I offer this tribute to Frank because of my 10 years of personal experience working with Frank and witnessing his passion and enthusiasm for Keweenaw's rich mining history of immigration, labor, vibrant cultures, and changing technologies.

Frank has been an extraordinary park superintendent at Keweenaw. Frank has successfully navigated the challenges of managing a park that owns less than 10 percent of the land within the park boundaries and requires partnering with a variety of public and private organizations. A significant milestone was reached with the completion of the park's General Management Plan, which Frank shepherded. Development of the plan was at times contentious and involved incorporating viewpoints from multiple stakeholders, including local citizens, businesses, landowners, entrepreneurs, corporations, educational institutions, foundations, and government agencies.

Frank has been an enthusiastic advocate for the park, promoting the Keweenaw Peninsula's historic and cultural riches and envisioning the park's role in the future economic development of the region. Where some saw ruined, dilapidated buildings as eyesores, Frank saw them as opportunities. To preserve the historic landscape of copper country, Frank secured funding to make several significant property acquisitions, including the Quincy Mining Company's Pay Office; the Calumet and Hecla Mining Company General Office Building, which is now the Park Headquarters; the C&H Library, which now houses the park's extensive archival collections; C&H Warehouse No. 1, and the Union Building.

A true preservationist, Frank successfully fought to stop the replacement of the city of Quincy's historic water tower, a vital part of the region's cultural landscape, with an underground storage tank. Frank personally researched and produced the original plans for the historic water tower, and now a replicated water tower stands proudly, providing water service to the area's residents and preserving a key feature of the Keweenaw landscape.

In addition to preserving historic buildings, Frank also helped save a large collection of artifacts from the Calumet & Hecla Mining company, which is being cared for and catalogued by one of the Nation's finest professional staff of archivists, curators, and museum technicians. Since Frank's arrival, the park's museum collection has grown from nothing to over 300,000 historic items.

As anyone who has had the opportunity to drive through the park with Frank knows, Frank truly is a visionary. One is quickly transported back in time to the 19th century, when the Keweenaw produced 85 percent of the Nation's copper. Frank makes the history of "copper country" come alive: the sounds of the immigrants arriving, the smells of pasties wafting from lunch pails descending into the deep mine shafts, the tremors from the strikes of 1913 caused by unfair labor conditions. His enthusiasm in relation to rehabilitating and interpreting the historic properties scattered across the park is contagious. Thanks to Frank, visitors to the Keweenaw can truly experience what it was like to be part of the mining community during the industrial revolution.

Frank's dedication to preserving and interpreting the history of the Keweenaw, and his many years of public service is truly an example to others. His enthusiasm, vision, and proactive approach have given the people of Keweenaw, MI and our Nation a great gift.

Thank you, Frank, for your service, and congratulations on your retirement.

TRIBUTE TO MONTE ZUCKER

Mr. KENNEDY. Mr. President, I rise today to pay tribute to one of our Nation's preeminent photographers, Monte Zucker. Mr. Zucker has been a creative force in his field for over 50 years. Through his brilliant eye and focused lens, he has earned a place in the annals of photographic masters.

Monte Zucker created contemporary standards for lighting and composition in photographic portraiture. His work is beloved by his clients who cherished the memories so beautifully captured on film. His work is also admired by his peers, who recognize the unique signature and integrity in his work.

Mr. Zucker has been mentor to the next generation of photographers. He has taken a leadership role in training emerging artists who, like him, aspire to capture special moments and create memories for families to treasure for years to come.

He is an impressive artist and a caring and compassionate member of his community. In 2002, the UN named him Portrait Photographer of the Year. He has made an incredible difference in the world of photography, and it is a pleasure to bring his extraordinary work to the attention of my colleagues.

TRIBUTE TO BRUCE R. JAMES

Mr. LOTT. Mr. President, as chairman of the Joint Committee on Printing, I want to commend and pay tribute to Bruce R. James, the 24th public printer, who has announced he will retire from his post as chief executive officer of the Government Printing Office on January 3, 2007.

At the President's request, Bruce came out of retirement to take office at the GPO in December 2002. Since then, he has worked tirelessly to transform that venerable institution from a printing agency into a 21st century digital information processing facility. After a period of factfinding and consultation with GPO's stakeholders, he issued a strategic vision for the GPO's future that has guided the management of the agency ever since. Under the plan, he initiated the effort to construct a future digital system to organize, manage, and output authenticated Government information in a broad range of online and print formats. He led efforts to modernize the GPO's plant operations supporting Congress. He assisted the State Department's development and issuance of the new electronic U.S. passport and has led efforts to further enhance the GPO's security and intelligent documents operation. He worked with the library community to ensure the continued transition to predominately electronic Federal Depository Library Program and began a pilot project to test the GPO's ability to digitize retrospective Government publications for online public access. Throughout his tenure, Bruce has ensured that we have the products and services we need to conduct our daily business in Congress.

In carrying out this program of change, Bruce brought to the GPO a broad range of business principles and practices, earning him the title of 2006 Civilian Executive of the Year from Government Computer News. He instilled a new focus on customer service for Congress and the departments and agencies that depend on the GPO and has provided new service options that make it easier and more convenient to use the GPO. He turned around the financial status of the agency, posting a positive financial performance every year since 2004 and reversing a pattern of previous losses that has provided the agency with the capital to make much-needed investments in technology. He brought aboard a wide range of experts in technology and systems integration, finance, marketing, secure and intelligent documents, digital media, and related fields, to guide the GPO forward. And to his credit, Bruce brought before the Congress the issue of how best to utilize the GPO's aging and outsized buildings for its future operations.

Mr. President, Congress, Federal departments and agencies, and all those among the public who rely on the GPO have been well served over the past 4 years by Public Printer Bruce James. His unceasing call for technology modernization and his steadfast adherence to business best practices will leave a legacy of continued improvement at the GPO for many years to come. As Bruce departs the GPO to return to retirement in his beloved Nevada, he leaves with our best wishes and the thanks of a grateful nation for a job well done.

TRIBUTE TO JERRY M. HAMMOND

Mr. LOTT. Mr. President, as chairman of the Joint Committee on Printing, I want to pay tribute to Jerry Hammond, Director of Congressional Publishing Services, who retired from the Government Printing Office, GPO, after 37 years of Government service.

Mr. Hammond graduated from DeMatha High School in 1969 and then served as a sergeant, E–5, in the U.S. Marines Corps. Jerry came to GPO in 1972 and graduated in the apprentice class of 1977 in the Hand Section of the Composing Division. Mr. Hammond joined the Office of Congressional Publishing Services in 1985 and was promoted to the position of Director in 2004.

Jerry worked on the night shift at GPO for many years working closely with several congressional offices, House and Senate, night in and night out, to ensure the production and delivery of the CONGRESSIONAL RECORD, House and Senate Calendars, and congressional bills and reports. He was also instrumental in establishing remote composition capabilities at congressional offices which continue to be used today.

Jerry Hammond also worked very closely with my staff on the Joint Congressional Committee on Inaugural Ceremonies. He assisted us with the very successful redesign of the inaugural tickets, enhancing their security, usability, and appearance. Additionally, he personally oversaw the printing of the programs, gifts, menus, and various other inaugural products. Anyone who has worked with Jerry over the years could not help but be impressed with his easygoing demeanor, especially under the pressure of meeting the printing requirements of Congress.

I ask my colleagues to join me in thanking Jerry Hammond for his service to GPO and Congress. We wish him all the best in his retirement.

FATHER ANGELO D'AGOSTINO

Mr. LEAHY. Mr. President, two Sundays ago, when Marcelle and I were at mass at Holy Trinity at Georgetown, we listened to a homily about the life of Angelo D'Agostino, SJ. I had been thinking about Father D'Ag, as those of us knew him called him, since I had received word from his dear friend Ben Palumbo that he had died. Ben and Madge Palumbo were wonderful friends to Father D'Ag, as they have been to Marcelle and me.

As Father Kevin O'Brien noted while talking about the home Father D'Agostino began in Nyumbani, Kenya, Father D'Ag worked tirelessly to raise money, especially for abandoned HIV-positive children. His Nyumbani village was designed to hold together families, where most members had lost their normal family cohesiveness because of deaths from AIDS. So many of us, like my friend Senator Dennis DeConcini and others, always responded when the Palumbos asked us to go to fund-raisers to raise money for the work Father D'Agostino was doing throughout Africa. I told some of his fellow Jesuits that we long ago decided that we would do whatever Father D'Agostino wanted—eventually he'd make sure we would anyway, so we might as well do it graciously to begin with. Nothing fazed him when he was asking for others. He always went out of his way to remind Senator DeConcini, Ben Palumbo, and me that we shared Italian heritage. I once told him, "Angelo, no matter who you were seeking help from, you would find something to connect you, and that would be the reason to do it." I remember his laugh to this day.

The beauty of Father D'Agostino and the saintly nature of him was that he never asked for anything for himself—it was always for others. He gave a voice to those who had no voice, and he leaves a great gap in their lives.

Even the President of Kenya and his wife attended the funeral to express his sorrow for the death of Father D'Agostino. He told the board members and others at the funeral that they must carry on Father D'Ag's work. He said, "I am sure that is the assurance Father D'Agostino would have liked. He founded these homes and wanted to succeed in reducing the prevalence and effects of HIV/AIDS. You should take the responsibility of ensuring that Father D'Agostino's work continues."

I ask unanimous consent that an article by Joe Holley of The Washington Post about Father D'Agostino be printed in the RECORD, as well as an article from the official website of the President of Kenya.

For my part, I feel blessed for having known Father D'Ag and I mourn his loss.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANGELO D'AGOSTINO; PRIEST AIDED HIV-POSITIVE ORPHANS

(By Joe Holley)

The Rev. Angelo D'Agostino, 80, a physician, psychiatrist and Jesuit priest who opened one of the first orphanages for abandoned HIV-positive children in Kenya, died Nov. 20 of cardiac arrest at the Karen Hospital in Nairobi. He had been hospitalized for a week with abdominal pain from diverticulitis and died after surgery.

Father D'Agostino, who practiced and taught psychiatry in Washington during the 1970s and '80s, was called to a country with more than 1 million children whose parents have died of AIDS. Many of the children, often HIV-positive themselves, have been abandoned or left to roam through Kenya's big-city slums.

He encountered the needs of Kenya's children while serving on the board of governors for a large orphanage in 1991. When the orphanage began receiving scores of abandoned children who tested HIV-positive, Father D'Agostino suggested setting up a facility for them. The board opposed the idea, so in 1992, he founded the Nyumbani Orphanage, beginning with three HIV-positive children.

Today Nyumbani, or "home" in Swahili, shelters about 100 Kenyan children, from newborns to 23-year-olds.

The larger nonprofit organization, also called Nyumbani, includes Lea Toto (Swahili for "to raise the child"), a community-based program founded in 1998 to provide outreach services to HIV-positive children and their families in the Nairobi area. Nyumbani also has the most advanced blood diagnostic laboratory in Kenya.

At the time of his death, Father D'Agostino, an indefatigable fundraiser, had just returned from Rome and the United States, where he had solicited money for Nyumbani Village, a self-sustaining community to serve the orphans and elderly left behind by the "lost generation" of the AIDS pandemic. The goal of the village, which has plans for 100 houses, a school, a clinic and a community center, is to create new blended families for orphaned children under the care of elderly adults.

"It was difficult to say no to him, particularly because what he asked you to do were the kinds of things your conscience would bedevil you about if you said no," said Benjamin L. Palumbo, a Washington attorney who serves as president of Nyumbani's U.S. board of directors.

Father D'Agostino's friends and orphanage supporters ran the political gamut, from former Sen. Jesse Helms (R–N.C.) to Sen. Patrick Leahy (D–Vt). Leahy called him "a living saint"

Short and rotund, "Father D'Ag," as some knew him, was quick to laugh but also had a temper, his friend James Desmond recalled. Desmond, former owner of a downtown bar called Beowulfs, one of the priest's haunts when he lived in Washington, recalled being with him in a meeting with congressional aides who were giving him the polite brush-off. When the priest realized what was happening, Desmond had to hustle him out the door before his temper got the best of him.

In 2001, Nyumbani became the first place in Africa to import deeply discounted AIDS drugs under an Indian pharmaceutical company's program to make such drugs more affordable on the continent where most of the world's AIDS patients live and die.

"I am sick and tired of doing funerals," Father D'Agostino told The Washington Post, explaining why he was willing to defy national regulations and international patent rules to buy cheaper, generic AIDS drugs.

"It's really the darker side of capitalism, the greed that is being manifest by these drug companies holding sub-Saharan Africa hostage," he told The Post. "People are dying because they can't afford their prices."

He also sued the Kenyan government for its policy banning HIV-positive children from the nation's public schools. He won that suit last year, which allowed more than 100,000 children to rejoin their classmates in schools across the country.

Angelo D'Agostino was one of six children born to Italian immigrants in Providence, R.I. His younger brother, Dr. Joseph D'Agostino of Fairfax, recalled that he had asthma as a child, so he spent a lot of time reading, making model airplanes and growing plants and flowers in the family's back yard.

He received his undergraduate degree in chemistry and philosophy from St. Michael's College in 1945 and his medical degree from Tufts University in 1949. He received a master of science degree in surgery from Tufts in 1953.

He served in the Air Force from 1953 to 1955 as chief of urology at Bolling Air Force Base. After attending a retreat with the Knights of Columbus, he decided to enter the priesthood in 1954, although the Jesuits at Georgetown asked him to take a year before making a final decision.

"The Jesuits couldn't use a urologist or kidney stone specialist," his brother recalled, "so they told him to go into psychiatry."

After a psychiatric residency at Georgetown from 1959 to 1965 and further work at the Washington Psychoanalytic Institute from 1962 to 1967, he became one of the first American Jesuits to be trained as a psychiatrist. (He liked to say he had "more degrees than a thermometer," a nephew recalled.)

He was ordained in 1966, earlier than expected because the Jesuits were concerned that he was going to succumb to lupus, an illness he had battled his whole life.

He taught psychiatry at Georgetown University and George Washington University and in 1972 founded the Center for Religion and Psychiatry at the Washington Theological Union to promote dialogue between the two. From 1983 to 1987, he was in private practice in the District. A number of his clients were police officers, many whom he met over beers at Beowulf's.

Father D'Agostino helped administer refugee centers in Thailand and East Africa in the 1980s, but it was the lost children of Kenya who captured his heart and wouldn't let go. They called him "Faza."

He retired when he turned 80, "but it was retirement with a small 'r,' "Joe D'Agostino said. "He still went to the office every day, although he was happy he didn't have to go to meetings anymore."

He will be buried in Kenya. His brother, his only immediate survivor, recalled that Father D'Agostino had only one regret about his adopted homeland: "He couldn't grow good tomatoes over there. Being a good Italian, that was important to him."

PRESIDENT AND FIRST LADY ATTEND FATHER D'AGOSTINO'S REQUIEM MASS

President Mwai Kibaki and First Lady Lucy Kibaki Monday joined other mourners for the requiem mass for Rev. Father Angelo D'Agostino at the Consolata Shrine Catholic Church in Westlands, Nairobi.

The mass was conducted by Nairobi Archbishop Ndingi Mwana A'Nzeki.

Addressing the congregation, President Kibaki urged Kenyans to emulate Father D'Agostino and assist the less fortunate in the society:

He called on board members of Nyumbani Children's Home, Lea Toto and Nyumbani Village in Kitui to carry on with Father D'Agostino's work, ensuring that the homes are well maintained and succeed in serving the HIV/AIDS orphans.

President Kibaki said: "I am sure that is the assurance Father D'Agostino would have liked. He founded these homes and wanted them to succeed in reducing the prevalence and effects of HIV/AIDS."

"You should take the responsibility of ensuring that Father D'Agostino's work continues," the Head of State said.

Paying tribute to Father D'Agostino, the First Lady described him as a colleague in her work of caring for orphans and in the fight against HIV/AIDS in the country.

She pointed out that Father D'Agostino played a pivotal role when she was setting up the Kenya Chapter of the Organization of African First Ladies Against HIV/AIDS (OAFLA) by introducing her to key people and institutions helping in the fight against HIV/AIDS.

As the patron of Nyumbani Children Homes, the First Lady reassured the orphans that she will continue working hard to provide them with the resources they need.

The First Lady recalled conversations she had with U.S. President George W. Bush during a state dinner in Washington when the U.S. leader hailed the work done by Father D'Agostino in assisting vulnerable members of the Kenyan society.

The mass was also attended by the Pope's representative in Kenya Archbishop Alain Paul Lebeaupin among others.

TRIBUTE TO RON RUPP

Mr. LEAHY. Mr. President, I want to take a few minutes to recognize an outstanding Vermont public servant who goes above and beyond to advocate for better laws and protection to keep children safe from lead poisoning—the No. 1 environmental health threat affecting young children in the United States.

Ron Rupp serves as the current director of the Vermont Housing and Conservation Board, VHCB, Lead-Based Paint Hazard Reduction Program and has played a major role in securing more than $10 million in HUD funds for the State of Vermont for lead hazard control efforts. Having been with this program since its inception in 1994, Ron has worked to expand the availability and quality of training and assistance for landlords and homeowners in order to reduce the hazards of lead poisoning caused by lead-based paint. Under his leadership, the program has provided comprehensive technical and financial assistance to make Vermont properties lead-safe. In addition to direct intervention, Ron has worked to expand education outreach efforts for the public on lead paint hazards, including training of construction and service workers, as well as property owners, and on the importance of testing young children for lead poisoning.

Ron's fight against childhood exposure to lead hazards is not limited to the State level. He has worked closely with the National Center for Healthy Housing to increase the overall body of knowledge on effective control of lead hazards and coauthored two papers on research into lead hazard control methods. Considered an expert on lead and environmental health, he has served as a reviewer for HUD's Lead Paint Safety Guide and other HUD documents.

The most common cause of lead poisoning is exposure to dust from deteriorated lead-based paint, the foremost cause of childhood lead poisoning, in old homes and buildings. Children are most frequently exposed to miniscule lead dust particles from chipping, peeling or flaking paint that cling to toys, fingers and other objects, leading young children to ingest the particles. Poisoning can also come from sources such as soil containing lead from car exhaust, water pipes, lead-glazed ceramic dishware, and plastic mini-blinds.

Too much lead in the body can cause damage to the brain, kidneys, nervous system and red blood cells. According to data from the Centers for Disease Control and Prevention, more than 1 million children living in the United States between the ages of 1 and 5 years have unacceptably high levels of lead in their blood, which may result in learning disabilities, reduced intellectual ability, behavioral problems, or other health problems. Poor children are at special risk because inadequate nutrition increases lead absorption by the body.

Ron's job is by no means an easy one, but he has done exceptional work advocating for better policies and practices so that Vermont's children can grow up in lead-free homes. My home State has the seventh oldest housing stock in the Nation—a real "Lead Leader." In the city of Burlington alone, housing units occupied by low-income residents constitute the highest concentration of older homes in Vermont. Significant lead paint hazards are characteristic of the deteriorated condition of many of these buildings. The result is that Burlington has a childhood lead poisoning rate that is more than double the national average.

Through the hard work of Ron and the VHCB Lead-Based Paint Hazard Reduction Program, Vermont is becoming a place where our children can grow up safe from lead poisoning. The removal of lead hazards from our old homes and buildings is a slow process and success can be long in coming, but with dedicated public servants like Ron I have no doubt that success will indeed be met. Thank you, Ron, and congratulations to you for making Vermont's Lead-Based Paint Hazard Reduction Program the continuing success it is today.

RETIREMENT OF SAM WHITEHORN

Mr. INOUYE. Mr. President, I rise to pay tribute to a member of my staff who will be leaving the Senate Committee on Commerce, Science, and Transportation after more than 15 years working for this institution and more than 25 years of service to the American public. Sam Whitehorn has been my deputy staff director and general counsel on the Commerce Committee during the 109th Congress, but he has worked diligently for the committee's membership and many of our predecessors during more than a decade as senior counsel on the Aviation Subcommittee. I know Senators Jay Rockefeller, Fritz Hollings, and Wendell Ford hold Sam in the highest regard for his commitment to this institution and his efforts to pass legislation that established the United States as a world leader in aviation and transportation policy.

Sam's reputation as an expert and dogged proponent of aviation security, safety, and economic viability is known to everyone in the aviation community. His ability to negotiate and work in a bipartisan fashion has served the committee honorably, allowing aviation legislation to consistently move responsibly and timely. His accomplishments speak well of him: he has been involved in the passage of six Federal Aviation Administration Authorization, FAA, reauthorization bills during his tenure. While Sam has more recently expanded his reach to other major aspects of the Commerce Committee's agenda, aviation continues to have a special place in his heart.

This country and the aviation industry also have benefited from Sam's commitment to public service and his expertise on the issues during one of our most difficult times in modern history. After the horrible attacks of September 11, 2001, he helped lead the passage of the Aviation and Transportation Security Act, which established the Transportation Security Administration, TSA. That legislation was instrumental in restoring public confidence in our aviation system.

He also played a central role in the development of legislation that currently funds the aviation system, efforts to advance the modernization of the National Airspace System, NAS, and promoted workplace reforms at the FAA which have helped place the agency on a more economically viable path. To put it simply, Sam Whitehorn's name is synonymous with aviation safety, security, and viability.

Prior to working for the Senate Commerce Committee, Sam worked at the U.S. Department of Transportation, DOT, as a senior attorney in the Office of the General Counsel for Regulations and Enforcement where he represented the DOT on a host of aviation issues. Before that he was a staff attorney in the antitrust section of the Civil Aeronautics Board, CAB, the precursor to the FAA.

While Sam has a passion for aviation and has been truly devoted to the Senate Commerce Committee, nothing has been more important to him than his family. From his upbringing in New Hyde Park, NY, to the many years he has spent in his adopted hometown of Washington, DC, his close-knit family has been vital to his success. We have seen his dedication to his wife Carol, who has been extremely patient at times, and more recently saw him watch proudly as his son Michael and daughter Zoe went off to college. We greatly appreciate their willingness to share Sam with us for these many years.

As Sam retires from the Senate, we wish him nothing but the best. He will be missed, but his legacy will remain strong as we continue to tackle aviation issues in the future. I and this institution will miss him.

RETIRING U.S. ATTORNEY CHARLES LARSON, SR.

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my sincerest congratulations and gratitude to retiring U.S. Attorney Charles "Chuck" Larson, Sr. While I could easily just focus on all Chuck has done in his years as the dedicated U.S. attorney for the Northern District of Iowa, this man has given so much more in over 40 years of Government service.

When his country has called, Chuck has been there. He served in the U.S. Army and Army Reserves for 40 years, retiring as a lieutenent colonel in 1989. Four U.S. Presidents have called on Chuck to serve in various capacities, and each time he has stepped forward and served with honor and distinction.

Chuck was first appointed as the U.S. attorney for the Northern District of Iowa by President Ronald Reagan in 1986 and continued to serve in this position under President George H.W. Bush through 1993. During his service at this post, Chuck went well above and beyond. He devoted himself to fighting the scourge of drug crime and abuse by bringing local, State, and federal agencies together. Chuck also recognized the need for community outreach, and he pioneered a number of programs that brought together community leaders, clergy, and citizens to explore approaches to reduce drug abuse in Iowa.

These ideas were recognized as very innovative at the time and led to President Clinton's call for Chuck to serve on the Commission on Drug-Free Communities, a post in which Chuck served with distinction and which his son, Chuck, Jr., fills today.

Following the tragic events of September 11, 2001, Chuck was again called to duty as the U.S. Attorney in the Northern District of Iowa by President Bush. He continued his aggressive and innovative strategies in this new and complex era of the war on terror. His efforts led to programs for the training of law enforcement and other emergency responders in dealing with and preventing terrorist attacks. Chuck extended this training effort to private industry and trade associations. Yet Chuck never ceased his efforts in Iowa in fighting crime and drug abuse. His past successes in community outreach programs and law enforcement coordination led to the creation of programs such as the "Weed and Seed" initiative in Cedar Rapids and the statewide "Meth and More" program. These programs not only helped put criminals behind bars but also provided help and support to thousands trapped in the destructive cycle of methamphetamine abuse and educated Iowa communities about the disastrous effects of drug abuse. His devotion to this cause can be summed up in Chuck's own words, "if we can save one life, then our efforts are a success."

In the midst of this, his country called yet again. In 2004, Mr. Larson was ask to serve as the senior Department of Justice representative in Iraq. Chuck was given the enormous task of directing and administering efforts to train Iraqi judiciary, law enforcement, and civilian contractors. He was tasked with nothing less than restoring justice and equity to the Iraqi judicial system. Despite the inherent dangers and complexities of his mission, Chuck yet again served with distinction.

Again, I offer my thanks and congratulations to U.S. Attorney Charles Larson, Sr. Chuck's dedication, devotion, and courage, again and again, provided invaluable service to our country and the great State of Iowa. Chuck, you are a true American and a model for all in Government service.

TRIBUTE TO KATIE GUMERSON ALTSHULER

Mr. KYL. Mr. President, I rise today to honor the service of Katie Gumerson Altshuler, my staff director at the Senate Republican policy committee. Katie has decided to return to her native Oklahoma and begin a new life as chief of staff to the Speaker of the House of the Oklahoma Legislature.

Katie became staff director of the RPC earlier this year, in what was the culmination of an impressive climb through the ranks of Senate staff leadership dating back to 1995 when she served as an intern for Senator Don Nickles when she was still in college. When Katie graduated from Sweet Briar College 2 years later, Senator Nickles hired her first as a staff assistant and then as a legislative correspondent. And in 1999, he promoted her into the majority whip's office, where she quickly became well known in the Capitol as a floor assistant and policy adviser to Republican Senators.

When Senator Nickles finished his term as majority whip, I was thrilled that Katie agreed to join me as my first deputy staff director of the Republican policy committee. In that capacity, she quickly became my eyes and ears here in the Capitol Building, tracking the ins and outs of floor activity, representing the RPC within the leadership, and doing everything she could to ensure that only the best policy—good, conservative Republican policy—became law. As one of her many duties, you may recall that she developed our RPC "getaway" materials and stood over by the side door to my right and handed them to Republican Senators after the last vote of the week.

Katie quickly earned my trust, as I know she had earned the trust of Senator Nickles before me. So it was an easy decision to promote Katie to staff director of the RPC in June 2006. She had experience in a broad range of policy areas and she understood the pulse of this body better than most ever will. My staff has enormous respect for her, and she is a natural leader.

Katie's departure coincides with the end of my 4 years chairing the Senate Republican policy committee, a job I have enjoyed immensely. I want to thank Katie for the consistently good work product she helped us achieve during these past 4 years. She has inspired other staff members of the committee to achieve a level of excellence that, I believe, has been of great value to Senators and their staffers. My goal, since day one, was to make sure we produced a first-rate product—thorough, accurate, and reliable. Katie understood this, and she made sure it happened. And so we both depart the policy committee—I for the chairmanship of the Republican Conference and she for the Oklahoma State House—I believe we have left it well-prepared and well-armed for the future.

Let me share a few words about Katie personally. We all know Katie to be bright, quick-witted, fiercely loyal, and genuinely warm to those around her. She is a true patriot who cares deeply for this Nation and the Senate, and I know she is proud to have served here for the past 9½ years. She loves and reveres this institution, even its eccentricities. For example, a former colleague of hers remembers fondly how irritated Katie can become when the decorum of the Senate is offended, even when it is a Senator who fails to take seriously the Senate Chamber's dress code.

When contacted a few days ago, Katie's former boss, Senator Don Nickles, had this to say about her: "Katie brought a great deal of professionalism and enthusiasm into both the Whip office and Policy Committee. She will certainly be missed."

Eric Ueland, now chief of staff to Majority Leader FRIST, worked with Katie for several years in the Nickles whip office. He said: "No one should ever mistake Katie's grace and charm for indifference to conservative philosophy or Republican ideology, because within her beats the heart of a lion and the ferocity of a tiger. Katie always harnesses the very best from her colleagues to bring creative solutions to bear. She always seeks to suggest the best way forward to do credit not just to the Senators she serves, but to the values that brought them to Washington."

One more accolade. Dave Schiappa, the secretary for the majority, who handles all floor operations for the Republicans and who has worked with Katie for many years, had this to say: "Over my 22 years, I have had the privilege to work with a great number of intelligent and dedicated people. Katie Altshuler is one of those shining stars and has set a standard of professionalism and devotion to the Senate as an institution."

I wish Katie could be convinced to stay and help us in the Senate, but I know that the pull of home and of new challenges is a strong one, and I wish her well in her new endeavors. So, Katie, my best wishes to you as you take up your new line of duty, and on behalf of the Senate, I commend you for your excellent work. Thank you.

ADDITIONAL STATEMENTS

100TH BIRTHDAY OF CLAUDE WOOD

• Mr. BINGAMAN. Mr. President, earlier this week, Claude Wood celebrated his centennial. His name is familiar to several long-serving Members of this body, for he was the chief of staff to one of the Senate's giants, Clinton Anderson of New Mexico. For all of Senator Anderson's career in this Chamber, Claude was at his right hand.

A native New Mexican, he served our State, our Nation, and the Senate with distinction and honor. He retains an active interest in what we do here and is a great friend of the Senate Historian, Richard Baker. I myself have known Claude for many years and am very glad to have this opportunity to send him best wishes on this milestone birthday.•

IN MEMORIAM: BEBE MOORE CAMPBELL

• Mrs. BOXER. Mr. President, today I offer a few words in observance of the passing of novelist Bebe Moore Campbell, a most influential American writer and a leading advocate for people living with mental illness.

I extend my deepest sympathy and most sincere condolences to Ms. Campbell's family, especially her husband, Ellis Gordon, Jr.; her mother, Doris Moore; and her daughter and stepson, Maia and Ellis Gordon III. My thoughts and prayers go out to them as they struggle with the death of a woman they loved dearly.

In an illustrious career spanning 20 years, Bebe Moore Campbell was an extraordinarily perceptive author who tirelessly explored the American experience through a variety of perspectives. Growing up in both the North and the South in the 1950s and 1960s, she experienced first hand the numerous ways in which fear and hatred are manifested in the form of racial segregation and oppression. She learned about living amid injustice, about the rage and sorrow it imparts, and about the dignity and resolve required to overcome it.

Ms. Campbell drew much of her inspiration and strength from the strong bond she had with her parents. Her second book, "Sweet Summer: Growing Up With and Without My Dad," is a loving tribute to the warmth of extended family and friends, the strong women in her life who helped mold her character, and the heroic example of her father, whose perseverance after a car accident left him a paraplegic taught her courage and independence. The importance of family dynamics would be a guiding theme in Ms. Campbell's work and stimulated her interest in the intricate nature of relationships.

As Ms. Campbell continued to explore the parent-child relationship, she also delved into the complexities that exist between and within genders, races, and communities. She produced two critically acclaimed novels in the first half of the 1990s set against the backdrop of historical instances of racial violence:

"Your Blues Ain't Like Mine" and "Brothers and Sisters."

In these novels, Ms. Campbell explored the issues of race, class, and gender and personalized them in the form of characters we related to and cared for. Courageous and exceptionally talented, she captured the social and historical forces that cut through out society and divide us. She graphically demonstrated how America's racial, economic, and gender fault lines cut through the lives of individuals, often forcing people into difficult and painful conflicts with others as well as themselves.

Ms. Campbell focused in her later writings on the issue of mental illness. With passion and emotional depth, she explored the horrible consequences of mental illness and the strain that it places on those who love and depend on people suffering from a mental condition. Her work has helped to raise our Nation's consciousness about the issue and has made an invaluable contribution to our society's efforts to improve the lives of people living with mental illness. Ms. Campbell was a founding member of the Inglewood branch of the National Alliance for the Mentally Ill, and her children's book "Sometimes My Mother Gets Angry" won that organization's Outstanding Literature Award for 2003.

In her work, Ms. Campbell illustrated how oppression and injustice dehumanizes everyone involved. She challenged and inspired us to examine our preconceptions and fears and to open our hearts and minds to those around us. Her powerful voice will be dearly missed, but her legacy cannot be diminished. I am confident that her spirit will carry on in the countless others whose lives she has touched.●

RECOGNIZING CAPTAIN JOHN C. CARMICHAEL

● Mr. CHAMBLISS. Mr. President, I rise today to recognize a special anniversary year for a true patriot, a great American and fellow Georgian, Captain John C. Carmichael, U.S. Navy, Retired. Friends and family back home on St. Simon's Island know him as Jack.

As a teenager, Jack Carmichael had aspirations of attending West Point, his desire being to follow in the great GEN Robert E. Lee's footsteps. However, his father died in 1928 when he was only 14 years old, leaving his two younger brothers and his mother Kate with heavy hearts and tough decisions. At the time, they were living in Jacksonville, FL. Kate did not think that schools in Jacksonville or Waycross, GA, where they had lived and from where Jack's father hailed, were adequate to prepare him for the academic rigors of the service academies; therefore, she made the decision to move the family to Washington, DC, to live with two aunts in order for Jack to acquire the requisite education. He attended Western High School and several military academy preparatory schools. During that time he became reacquainted with his cousin, John Harllee, who convinced him that the Naval Academy was the better path, so Jack reset his goal for Annapolis.

Unfortunately, his Georgia Congressman did not have any available Naval Academy slots, so he was referred to a Pennsylvania congressman. However, that Congressman only had a West Point slot, so the gentlemen referred him to a Congressman in Oklahoma who was able to sponsor Jack to attend the Naval Academy.

Jack's 4 years at the Naval Academy were fast and rewarding, helped along by his dear friend and roommate, John Court. Jack graduated on June 4, 1936, one of 242 graduates, the smallest graduating class since 1900.

During his career as a naval officer, Jack held various assignments both at sea and ashore. He served in World War II with the 5th Fleet and married his wife, Elizabeth Gordon Ellyson, on October 25, 1944, in San Francisco. "Gordie," the name his wife goes by, was the daughter of the reputed naval aviator, Theodore Gordon "Spuds" Ellyson.

Jack retired from the Navy in July of 1966 after 30 years of distinguished service. He moved Gordie and his family from Key West, FL, to St. Simon's Island, back to the nostalgic cottage of his youth within close proximity to the wonderful lighthouse. Jack and Gordie have enjoyed a full life and traveled much since then, but their center is St. Simon's Island and the quaint cottage they affectionately call "Homeport."

Mr. President, it is indeed an honor and a pleasure to recognize this accomplished fellow Georgian from the "greatest generation," some 70 years after his graduation from the U.S. Naval Academy. He is the consummate patriot and citizen, and his distinguished and noteworthy service to our Nation is laudable.●

ALLAN ROSENFIELD GLOBAL HEALTH FELLOWSHIP

● Mrs. CLINTON. Mr. President, today I honor Dr. Allan Rosenfield, Dean of the Mailman School of Public Health at Columbia University, as well as introduce the training program named in his honor.

Dr. Rosenfield has spent his career working to improve the health and well-being of our most vulnerable populations. He has been a champion of women's health both in United States and around the world and is well known for his work on the HIV/AIDS pandemic, innovative family planning studies, and strategies to address the tragedy of wholly preventable maternal deaths in resource-poor countries. As dean and professor of the Mailman School of Public Health, Dr. Rosenfield has been, for the past 20 years, a mentor for several generations of educators, public health students, and researchers.

Dr. Rosenfield was among the earliest to voice the ethical challenges of decreasing transmission of HIV to newborns by treating mothers with antiretroviral drugs before delivery, without consideration of ongoing care and treatment of mothers. He has spearheaded programs in resource-poor settings that not only prevent mother-to-child transmission of HIV but also provide comprehensive clinical services to women.

In light of Dr. Rosenfield's countless contributions toward improving the health of individuals globally—as a researcher, an advocate, an educator and as a compassionate human being—it is fitting to name the ASPH–CDC Global Health Fellowship Program in honor of Allan Rosenfield.

The fellows in this program, who are graduates of the Nation's accredited schools of public health, are trained to help prevent HIV infection, improve care and support, and build capacity to address the global HIV/AIDS pandemic. Fellows also participate in immunization program activities in support of global polio eradication, measles mortality reduction, regional measles elimination, and general global immunization activities. They receive mentoring and support from dedicated CDC employees in the field. The mission of this fellowship program is to train the next generation of global health leaders, and it is fitting that this program honor an individual who is a foremost leader in global health.

Mr. President, I ask my colleagues to join me in celebrating the Allan Rosenfield Global Health Fellowship, most appropriately named after a person whom I, and many others, admire and respect for his relentless dedication and remarkable achievements in preventing disease and saving lives worldwide. I would like to honor and thank him for his many years of work.●

WOODBURY SENIOR HIGH SCHOOL, WOODBURY, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish honor Woodbury Senior High School, in Woodbury, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Woodbury Senior High School is truly a model of educational success. This large, suburban high school has consistently ranked above the national and State averages in ACT test scores and Minnesota Comprehensive Assessment scores and has been designated as a five-star school in reading and math by the Minnesota Department of Education for 2 years in a row. Schools receiving the five-star status are few and far between: Last year, 11 schools in the Twin Cities metropolitan area qualified for this status; this year, only 8 metro-area schools qualified. These scores show that top students continue to grow academically and also that all students continue to perform well above expectations.

Success at Woodbury High does not occur without the hard work and dedication of all students and staff. In addition to their classroom responsibilities, the teaching staff at Woodbury High are engaged in professional learning communities. Teachers meet in groups each week to study student learning and compare test scores and other objective data to determine areas of need. Then each group discusses best practices for teaching, in order to improve all students' learning. These professional learning communities have resulted in better course grades, as well as improved test scores on state and national measures of student proficiency.

Course work calls for high standards of performance at all levels. For advanced learners, Woodbury High offers advanced placement classes in English, mathematics, science, and social studies. The staff is working to develop more AP classes to meet students' needs. Each year, more than 250 AP tests are given in the school, with better than 75 percent of these students qualifying for college credit. This rigor translates into ACT scores above the State and national averages. Last year, Woodbury High students averaged a composite score of 23.5 on the ACT test. Students requiring more academic attention may enter the Program for Success in grades 10, 11, and 12 in order to earn credit for on-the-job experience along with academic credits. These classes are kept small and are taught by teachers who take personal responsibility for their students' success.

Woodbury High is working to fulfill the District goal of giving all students an opportunity for excellence. With championship athletic teams and arts programs generating high-quality productions, students are stretched to reach their potential inside and outside the classroom. The Woodbury High girls soccer team has won the State championship during 3 of the past 4 years. The adapted soccer team and girls basketball team have also won State championships during the past several years. Excellence in education is the daily goal of teachers, administrators, and students at Woodbury High School.

Much of the credit for Woodbury Senior High School's success belongs to its principal, Linda Plante, and the dedicated teachers. The students and staff at Woodbury Senior High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Woodbury Senior High School should be very proud of their accomplishments.

I congratulate Woodbury Senior High School in Woodbury for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

HONORING DAVID HERMANCE

• Mrs. FEINSTEIN. Mr. President, I take a moment to pay tribute to David Hermance, who died in a tragic plane crash on November 25. David was the North American executive engineer for Advanced Technology Vehicles at Toyota.

Many Americans may not know David's name, but they know his work. He was one of the most well- respected environmentalists in America. He was a pioneer—called the Father of the American Prius—who worked tirelessly to help explain the workings and benefits of hybrid and other advanced technology vehicles.

David was an outspoken and passionate advocate. He championed advanced technology vehicles throughout his career at General Motors and Toyota and he earned a well-deserved reputation for being the most authoritative voice in America on hybrid technology. He helped me and many others better understand this new technology and its potential for creating a more sustainable future and a healthier world.

David was instrumental in raising awareness about the importance of these new technologies to help protect our environment. His death is a loss for us all.

TRIBUTE TO SISTER CYNTHIA "CINDY" MAHONEY

• Mr. GRAHAM. Mr. President, today I ask that the Senate observe the recent passing of Sister Cynthia "Cindy" Mahoney and recognize her tireless service to this country. A former emergency medical technician, Sister Mahoney volunteered at Ground Zero in New York City on September 11, 2001, blessing victims and providing medical and spiritual attention to survivors. In the days following, Sister Mahoney helped set up a respite program for first responders at St. Paul's Chapel across from the World Trade Center. She also became an official Red Cross volunteer chaplain serving as a grief counselor at the Pier 91 Federal Emergency Management Agency center. In October 2001 Sister Mahoney joined the Red Cross Medical Examiner's Fatality Team as a chaplain working out of the morgue to bless human remains excavated from Ground Zero. She served on the Fatality Team well into 2002.

In September 2002 Sister Mahoney moved to South Carolina to establish a spiritual practice but was unsuccessful. By this time, Sister Mahoney was experiencing symptoms consistent with exposure to toxic materials like asbestos. Sadly she soon became homeless, and her physical condition continued to deteriorate. Last summer she was diagnosed with chronic obstructive pulmonary disease, COPD. Sister Mahoney died on November 1, 2006, from complications related to her pulmonary condition. I ask that the Senate join me in commemorating Sister Mahoney for her actions at Ground Zero on September 11 and in the months that followed that fateful day.•

RECOGNIZING THE CIVIL AIR PATROL

• Mr. HARKIN. Mr. President, as a member of the Civil Air Patrol for more than two decades and now commander of its Congressional Squadron, I am proud to speak to you today about CAP, an all-volunteer organization celebrating 65 years of service to the United States of America.

CAP was created on Dec. 1, 1941, to assist the U.S. military. During World War II, when Nazi U-boat submarines had infested our coastal waters, volunteer aviators of CAP's Coastal Patrol distinguished themselves valiantly. It was a time when the U.S. military was unable to effectively counter these submarines. Flying small single- and twin-engine aircraft armed with 50 and 100-pound bombs, these brave men and women flew more than 24 million miles during 86,000 over-water missions—a total of 244,600 flight hours to help win the battle against U-boats that were preying on coastal shipping.

Despite the risk of death, they spotted 173 subs, attacked 57, hit 10 and sank 2. The Coastal Patrol aircrews also called in aid for 91 ships in distress, saved 363 survivors of sub attacks, discovered 17 floating mines, and flew 5,684 special convoy missions.

Fifty-nine members of these courageous aircrews died, 26 were lost at sea, and 7 others were seriously injured. They were inspired by the highest sense of patriotism, and they served with pride.

Today, CAP continues that tradition as one of the most unique volunteer organizations in America, consisting of everyday heroes from pilots, teachers, and youth counselors to technology experts, communicators, and more. These volunteers, most employed at a paying job, perform 95 percent of inland search-and-rescue missions in the continental United States.

Whether performing search and rescue missions or helping communities recover from floods, wildfires, tornadoes, hurricanes, or terrorist attacks, CAP members are there to aid their Nation. In 2005 alone, they saved 73 lives.

Following last year's terrible gulf coast hurricanes, 1,800 CAP volunteers from 17 States converged on hurricane-ravaged communities, serving over 50,000 volunteer hours. These patriotic members flew 1,000 air missions during 2,000 hours of flight time and provided more than 2,000 time-critical images of affected areas. They also ensured the well-being of Americans by visiting 4,266 homes, contacting 8,500 residents, and distributing 30,000 pounds of relief supplies.

Coming full circle from its beginnings in World War II, Civil Air Patrol is again taking on homeland security responsibilities for the Nation. These include assisting the Air Force in ensuring the skies above Washington, DC, are safe and flying target-intercept training missions for U.S. military pilots all at a low cost of about $100 per mission.

With 530 aircraft and thousands of trained aircrew members, CAP is a tremendous asset to the United States at a critical juncture in our history. This capability, however, is now greatly enhanced because CAP, over the past few years, had the foresight to invest in developing and obtaining sophisticated new technologies to help with its emergency missions. Today it uses two high-technology imaging systems Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance, ARCHER, and satellite-transmitted digital imaging systems, SDIS, to assist in search and rescue, disaster-assessment missions and other missions. These technologies make it a vital asset to the Air Force, State governments and local communities.

CAP also provides exceptional growth opportunities to 22,550 youth in cadet programs, which stress leadership and moral responsibility and teach aviation and emergency response skills. Through CAP, these youth gain access to scholarship opportunities, top national summer flight academies, flight training in powered and glider aircraft, and programs that emphasize leadership and careers in aviation. They routinely help communities when disaster strikes and other emergencies occur by operating radios, helping park aircraft, and serving on ground search and survey teams.

In addition, CAP's Aerospace Education Program touches over 400 educators, over 20,000 cadets, and thousands of other youths in classrooms across America by teaching them aerospace concepts that emphasize aviation's connection to history, math, science, government, and economics.

CAP's Missions for America annually impact the lives of thousands of Americans. These 56,000 volunteers all everyday heroes are deserving of our highest praise. Please join me in honoring and recognizing the Civil Air Patrol on the occasion of its 65th anniversary of service to our great Nation.•

WESTERN SOUTH DAKOTA SENIOR SERVICES MEAL PROGRAM

• Mr. JOHNSON. Mr. President, today I wish recognize the fine work of the Western South Dakota Senior Services Meals Program in South Dakota.

This year, the Meals Program celebrates 25 years of service to elderly and disabled individuals in western South Dakota. The Meals Program currently serves between 735 and 750 meals per day, or 185,000 meals annually, to residents at 28 stations in 16 communities. These communities include Rapid City, several cities in the Black Hills, and many rural communities in western South Dakota.

Despite declining budgets, the goal of the Meals Program has remained constant: to provide healthy and nutritious meals to hundreds of Black Hills and western South Dakota residents. Many of these individuals are homebound, and the noon meal they receive is often the only warm, healthy, and nutritious meal they receive during the day. The visit by the Meals Program volunteer is welcomed by the elderly or disabled individual who is unable to leave their home or apartment. It is an opportunity for a brief chat with a friend and to receive a nutritious, home-cooked meal.

Meals are also served at various apartment complexes or senior citizens centers where several tenants can come together, eat a good meal, and share stories with friends and neighbors. When someone is unable to attend the noon meal, the meal is delivered to the apartment and it is an opportunity to check on the health and welfare of the individual.

It is my hope that more individuals can receive the benefits of the Meals Program in my State and across the Nation. More funds are needed so that current programs can be maintained and expanded so that deserving individuals can get the nutritious meals they need. I appreciate the various local sponsors and entities that allow the Meals Program to function in western South Dakota.

I commend and applaud the great work of all the staff and volunteers of the Meals Program and congratulate Western South Dakota Senior Services, Inc., for their efforts. Thousands of western South Dakota residents have benefited greatly over the past 25 years from the Meals Program, and it is my hope these services can continue for many years to come.•

CONTROL GROUP'S 100 ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I am pleased to recognize and congratulate a great New Jersey company, the Control Group, on completing 100 years of service to firms and facilities throughout the country. This century-old company founded in 1906 by Austrian immigrant Louis Turen is the Nation's oldest, privately owned facility maintenance service company. The Control Group is still a family-owned and operated business and one of the largest private employers in the State of New Jersey. Four generations of the Turen family have directed Control Group from their headquarters in Secaucus, NJ.

Louis Turen began a one-man enterprise washing windows and provided maintenance services. He eventually passed the torch on to sons Nathan and Sam Turen, who continued the tradition. Today, Nathan's sons Edward D. Turen and Neal L. Turen carry the mantle of leadership of the organization. A fourth generation, Scott Turen continues to carry on the family tradition. The growth of the company has been consistent and has expanded internationally as well as across our country achieving revenues in excess of $300 million annually.

Control's success has produced a well-trained, loyal workforce of more than 7,000 employees providing their services to real estate, retail, banking, airport, pharmaceutical, and manufacturing industries as well as educational and public institutions. As a tribute to Control's high-quality service capabilities, its long-term customer base continues to grow, including some 50-year client relationships. Control Group has contributed to New Jersey's economy, its business climate and its jobs market.

Faithful to its traditions of reliable service, quality, and new products, the Control Group has earned a reputation for its integrity, vision, and dedication. It is believed that the company will continue to expand its service offerings which will continue to expand its growth and opportunity. We applaud and thank the Turen family and their fine companies for their commitment to quality and client satisfaction and its allegiance to its roots in the State of New Jersey.•

TRIBUTE TO LYNTON CALDWELL

• Mr. LUGAR. Mr. President, today I honor the life and work of a fellow Hoosier, Dr. Lynton Keith Caldwell, of Bloomigton, IN. I ask that the following tribute, attributed to Wendy Read Wertz of Bloomington, Indiana, be printed in the RECORD.

The tribute follows:

Dr. Lynton Keith Caldwell, 92, regarded as one of the twentieth century's most distinguished scholars in the fields of environmental policy, law, science and administration, and a principal architect of the National Environmental Policy Act of 1969, died on August 15, 2006, at his home in Bloomington, Indiana. At the time of his death Dr. Caldwell was Arthur F. Bentley Professor Emeritus of Political Science and Professor of Public and Environmental Affairs at Indiana University.

Today, Dr. Caldwell is frequently referred to as the "father of NEPA" and the "inventor" of the Environmental Impact Statement. Importantly, as he frequently reminded people later, NEPA did much more than simply mandate paperwork. True to its title, Congress established this nation's environmental policies in Section 101(a) of the Act, declaring that, "it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." And the reach of those policies goes beyond the federal government to touch every American. Indeed, in the law, "The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment" (Section 101(c)).

Dr. Caldwell lived a full life, making contributions on many levels. He earned his undergraduate degree in English at the University of Chicago in 1934, his Masters degree at Harvard in History and Government in 1938, and his doctorate degree in Political Science at the University of Chicago in 1943 where his special focus was on public administration. In 1977 he was awarded an honorary LLD from Western Michigan University.

From 1944 until 1962 Dr. Caldwell's career was focused on public administration. U.N. appointments took him to Columbia, the Philippines and Turkey where he served in Ankara as the U.N. Co-Director of the Public Administration Institute for Turkey and the Middle East. He became a Professor of Government at Indiana University in 1956 where he served as Director of the Institute of Training for Public Service and Coordinator of the Indonesian and Thailand Public Administration programs. Further assignments in a consulting or lecturing capacity took him to Japan, Pakistan, India, Europe and Australia.

In his private capacity, however, Dr. Caldwell was deeply committed to conservation issues. A lover of nature from childhood, he became a knowledgeable botanist and bird watcher. He helped to found the South Bend branch of the Audubon Society, assisted in the establishment of the Indiana Dunes National Lakeshore, and was a founding member of both the first local chapter of The Nature Conservancy in New York and of the Indiana chapter. He served on the Board of Governors of the Nature Conservancy from 1959–1965.

Dr. Caldwell will undoubtedly be missed by the many, many former students, colleagues and professionals in this country and around the world who benefited from his insights and teachings. His dignity, knowledge and personal compassion for the people and world around him served this nation well.●

HONORING SALVATORE FERRO

● Mr. ROBERTS. Mr. President, today I honor Salvatore Ferro's 40 years of dedicated service at the Defense Intelligence Agency, DIA. "Sal," who has worked for all 16 Directors of the DIA, will be retiring on January 3, 2007. He will be sorely missed by the Select Committee on Intelligence.

Sal has had a long and distinguished Government career. Sal served with honor in the Army in the Vietnam War, working as an intelligence officer with the "Phoenix" program. After his discharge from the Army in 1969, Sal joined DIA, just 8 years after its establishment as an agency and went right back to Vietnam for a 1-year tour as a civilian intelligence officer.

After finishing his service in Vietnam, Sal returned to the United States to work in DIA's Arlington Hall Station facility in northern Virginia. During the next decade, Mr. Ferro drew on his wartime experience and his analytical talents to work on issues related to American servicemen taken as prisoners of war or declared missing in action in Southeast Asia.

In 1991, Sal moved over to DIA's Office for Congressional Affairs in the Pentagon. This is when our committee really came to know Sal. He has been an invaluable asset to the members and staff of the Senate Select Committee on Intelligence. He has been tenacious in getting answers to our many questions and requests for information. He has taken pride in being responsive and making sure that DIA consistently met our deadlines. More important, his professionalism, diplomatic skills, and amazingly positive personality have smoothed over countless ripples in DIA's relations with Congress. Ask any Intelligence Committee staffer who has dealt with Sal over the years, an they will tell you that he is not only a pleasure to work with, he is also a good friend. You can always count on Sal for a kind word and a "happy Friday."

Sal has supported the Intelligence Committee's oversight work on countless topics. Some of the most significant and time-consuming include the 9/11 Joint Inquiry, the review of the intelligence community's prewar intelligence assessments on Iraq, and the Able Danger review. I will always be most grateful to Sal for his tireless support over the years in my efforts to resolve the status of Navy pilot CAPT Scott Speicher, who has been missing since the first gulf war.

Mr. Sal Ferro is a true national intelligence asset, and he has been one of the Defense Intelligence Agency's secret weapons. He will be missed.

Thank you for your service, Sal, and don't be a stranger.●

TRIBUTE TO DR. NORMAN DUFFY

● Mr. ROCKEFELLER. Mr. President, today I join the Council for Advancement and Support of Education, CASE, and the Carnegie Foundation in honoring Dr. Norman Duffy. Dr. Duffy, a chemistry professor at Wheeling Jesuit University, has personified both the best in education and the best in West Virginia throughout his career.

After receiving his bachelor of science in chemistry from Georgetown University, where he continued his studies as a doctoral student, Dr. Duffy began his career as a graduate and research assistant. His research then took him overseas where he became a NATO postdoctoral fellow at University College in London. After receiving his Ph.D. he began his teaching career at Kent State University where he first became a full professor and then eventually chairman of the Department of Chemistry.

Upon his departure from Kent State University in 1996, Dr. Duffy joined the faculty of Wheeling Jesuit University, WJU. From 1996 to 2000 he was chairman of the Department of Biology and Chemistry and from 2000 to 2002 he was Chairman of the Department of Chemistry. He continues teaching small classes that allow him to focus on individualized education as a professor in the Department of Chemistry.

In addition to his illustrious teaching career, Dr. Duffy has done a great deal to further the general public's knowledge of chemistry and has been acknowledged for doing so. He has released 95 publications, authored 14 research grants at WJU, including three from the National Science Foundation, and has received many honors and awards including the Exemplary Teacher award from the American Association of Higher Education during their 25th anniversary celebration in 1994.

In my decades of service to the people of West Virginia in the Senate, I have become very familiar with Wheeling Jesuit University and its outstanding academic programs. For 10 consecutive years US News and World Report has ranked WJU as among the best master's universities in the South.

Wheeling Jesuit has become one of the leading universities in the country in helping to educate and prepare students for the dynamic economy of the 21st century. WJU is home to the brand new $10 million Acker Science Center, the Robert C. Byrd National Technology Transfer Center, the Erma Ora Byrd Center for Educational Technologies, and NASA's flagship educational program, The Classroom of the Future, which uses simulated space missions as a way to teach elementary and high school students about science and math.

The true legacy of a teacher is the mark that their students leave on the world, and by that measurement Dr. Duffy has certainly had a remarkable career. He has taught future Fulbright Scholars, many students who have received departmental honors, and, of course, students who have been inspired enough by his example to become teachers themselves.

As a teacher, Dr. Duffy admits his work is never finished. Whenever he is asked if he plans to retire, Dr. Duffy responds by asking, "Does everyone in West Virginia understand chemistry?" Dr. Duffy's dedication is obvious and inspiring.•

JOHN "BUCK" O'NEIL EULOGY

• Mr. TALENT. Mr. President, today I wish to pay my respects and to say goodbye to a man who was bigger than life itself. John Jordan "Buck" O'Neil passed away on Friday, October 6, in Kansas City at the age of 94. Buck was a gifted baseball player, a veteran of the U.S. Navy, a devoted community leader, a role model for young and old and a good friend he was and will always be an American Hero.

I count myself as truly fortunate to have known Buck and will always cherish the opportunities I had to visit with him. When I think of Buck, I think of a great and loving man with a heart as big as Kansas City who believed that love and education could heal all wounds. I think of his near mythical baseball career, a career that spanned seven decades, making him a foremost authority of the game and one of its greatest ambassadors. I think of his contributions to his community as a role model and to society as a leader in the civil rights movement. Buck's contributions to the game of baseball and society will be everlasting.

I'd like to take a few minutes to tell you a little bit about Buck's life.

Buck O'Neil, the player, was a first baseman and manager for the Kansas City Monarchs from 1937 through 1955. His achievements include hitting .353 and leading his team to the 1942 Negro World Series Title. His career batting average of .288, included four .300-plus seasons winning batting titles in 1940 and 1946, hitting .345 and.353 respectively. Buck played in the 1942, 1943 and 1949 East-West All-Star Classics and barnstormed with the Satchel Paige All-Stars during the 1930s and 1940s.

Buck O'Neil, the manager, led the Monarchs from 1948 through 1955. His achievements as a manager include sending more Negro League players to the Major Leagues than any other manager in baseball history, including Ernie Banks, Elston Howard, Connie Johnson, Sweet Lou Johnson, and Satchel Paige. He led the Monarchs to league titles in 1948, 1950, 1951 and 1953 and he managed the West squad in the East-West All-Star game in 1950, 1952, 1954 and 1955—the West won all four contests.

In 1956, Buck was hired by the Chicago Cubs as a scout paving the way for him to make history 6 years later when he became the first African American to coach in the Major Leagues. As a scout he discovered such superstars as Lou Brock and Joe Carter. In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

The work Buck did after his retirement from the game are arguably more significant to the history of baseball than his exploits on the field as a player, scout and manager. Buck's true passion over the past 16 years was to share with the world the contributions that Negro Leagues players made to our National Pastime and more importantly to society through his work as chairman of America's National Negro Leagues Baseball Museum in Kansas City.

Buck's tireless work led the Baseball Hall of Fame in Cooperstown, NY, to hold a special election this spring to induct Negro Leagues and pre-Negro Leagues candidates into the Hall. In July, 17 legendary players, managers and owners were inducted into the Hall. This induction was bittersweet for many of us as its most visible legend, Buck O'Neil, did not receive the necessary votes. Although many of us viewed this as an outrageous oversight, Buck graciously viewed this as one of the greatest days in Negro Leagues history. That was Buck in his truest form. He was always about doing the right thing. No matter what doors had been closed to him; he always picked himself up and did what was right, never what was easiest or most beneficial to himself. What was most important to Buck was his true love for the Negro Leagues, the Negro Leagues players and the Negro Leagues Baseball Museum—he poured all of his life and energy into seeing that their stories were told and never forgotten.

Buck reminded us that these Leagues and their players are significant on so many levels: they represent a triumph of the human spirit, tremendous sportsmanship, high quality of play, were of vital importance to the African American community, and they led directly to the integration of the Major Leagues, which was the first in a series of major civil rights landmarks that eventually led to the progress we have achieved today. Buck was significant in so many ways and on so many different levels in his own right—he played an important part in shaping the America we live in today.

Buck's remarkable life reminds me of a favorite poem, Game Called, by Grantland Rice. I'd like to read it into the RECORD:

Game Called. Across the field of play
the dusk has come, the hour is late.
The fight is done and lost or won,
the player files out through the gate.
The tumult dies, the cheer is hushed,
the stands are bare, the park is still
But through the night there shines the light,
home beyond the silent hill
Game Called. Where in the golden light
the bugle rolled the reveille.
The shadows creep where night falls deep,
and taps has called the end of play.
The game is done, the score is in,
the final cheer and jeer have passed.
But in the night, beyond the fight,
the player finds his rest at last.
Game Called. Upon the field of life
the darkness gathers far and wide,
the dream is done, the score is spun
that stands forever in the guide.
Nor victory, nor yet defeat
is chalked against the players name.
But down the roll, the final scroll,
shows only how he played the game.

There is little question that Buck played the game with all his heart and lived his life to the fullest. Buck, you will be missed but not forgotten. Our Nation is better by virtue of your play on the field and service off the field. The principle by which you lived your life will carry on through all who knew you. The freedom for which you fought endures. May God bless you with a splendid room within His house. He has certainly blessed me with the privilege of having known you.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1458. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 4997. An act to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5280. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 5798. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 484. Concurrent resolution commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities.

H. Con. Res. 497. Concurrent resolution to honor the memory of Arnold "Red" Auerbach.

The message further announced that the House passed the bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Bourlag.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9226. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothianidin; Pesticide Tolerances" (FRL No. 8105-5) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9227. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyproconazole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8093-4) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9228. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Paraquat Dichloride; Pesticide Tolerance Correction" (FRL No. 8100-3) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9229. A communication from the Secretary of Agriculture, transmitting, a report of draft legislation that would provide relief and assistance to the village of Caseyville, Illinois regarding flood prevention and easement issues; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9230. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Robert T. Clark, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9231. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Larry J. Dodgen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9232. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General John R. Vines, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9233. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the Bank's management report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9234. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–9235. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 64148) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9236. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 64141) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9237. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (71 FR 64132) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9238. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (71 FR 60854) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9239. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (71 FR 59385) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9240. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Understandings Reached at the June 2006 Australia Group Plenary Meeting; Clarifications and Corrections; Additions to the List of States Parties to the Chemical Weapons Convention" (RIN0694–AD86) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9241. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of 'Montenegro' and 'Serbia' as Separate Countries in the Export Administration Regulations Based on U.S. Recognition of Montenegro as a Sovereign State" (RIN0694-AD58) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9242. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (New York Summer Flounder Commercial Fishery)" (ID No. 102706A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9243. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices" (RIN0694–AC82) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9244. A communication from the Legal Advisor to the Bureau Chief , Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Burkesville, Greensburg, Hodgenville, Horse Cave, Lebanon, Lebanon Junction, Lewisport, Louisville, Lyndon, New Haven, Springfield and St. Matthews, Kentucky, Edinburgh, Hope, Tell City and Versailles, Indiana, Belle Meade, Goodlettsville, Hendersonville, Manchester and Millersville, Tennessee)" (MB Docket No. 06–77) received on

December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9245. A communication from the Legal Advisor to the Bureau Chief , Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chester, Virginia; Fruitland, Maryland; Lakeside, Virginia; Port Norris, New Jersey; Warsaw, Virginia, and Willards, Maryland)" (MB Docket No. 04–409) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9246. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Powers, Oregon and Zapata, Texas)" (MB Docket Nos. 05–14 and 05–15) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9247. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville and Wheatland, Missouri)" (MB Docket No. 06–88) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9248. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carrizo Springs, Texas)" (MB Docket No. 06–50) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9249. A communication from the Acting Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band" (ET Docket Nos. 04–186 and 02–380) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9250. A communication from the Administrator and Chief Executive Officer, Booneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's annual report; to the Committee on Energy and Natural Resources.

EC–9251. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates" (Docket No. RM06–7–000) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC–9252. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nonprocurement Debarment and Suspension" (RIN1991–AB74) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC–9253. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NOx) SIP Call; Correction" (FRL No. 8249–7) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9254. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL No. 8250–7) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9255. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8250–9) received on December 4; 2006; to the Committee on Environment and Public Works.

EC–9256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8251–2) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Regulation 1102—Permits" (FRL No. 8252–5) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Redesignation of the Portland, Maine and the Hancock, Knox, Lincoln and Waldo Counties, Maine Ozone Nonattainment Areas to Attainment and Approval of These Areas' Maintenance Plans" (FRL No. 8253–4) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans, South Carolina: Revisions to State Implementation Plan" (FRL No. 8252–9) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9260. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Monitoring and Volatile Organic Compound Rules" (FRL No. 8243–9) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9261. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections" (FRL No. 8252–2) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9262. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of TSCA Section 4 Testing Requirements for Coke-Oven Light Oil (Coal)" ((RIN2070–AD16)(FRL No. 8103–2)) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9263. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Operating Permit Programs; Delaware; Amendments to the Definition of a 'Major Source'" (FRL No. 8252–3) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9264. A communication from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report relative to the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–9265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 by the departments and agencies that administer programs of Federal financial assistance; to the Committee on Health, Education, Labor, and Pensions.

EC–9266. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the findings of the evaluations of certain Public Housing Service Act programs; to the Committee on Health, Education, Labor, and Pensions.

EC–9267. A communication from the Director, Directorate of Construction, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Steel Erection; Slip Resistance of Skeletal Structural Steel" (RIN1218–AC14) received on December 4, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9268. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, a report relative to the implementation of the Office's recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–9269. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9270. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9271. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9272. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9273. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in various Executive offices; to the Committee on Homeland Security and Governmental Affairs.

EC-9274. A communication from the Attorney General, transmitting, pursuant to law, the "Inspector General's Semiannual Report to Congress" and the "Attorney General's Semiannual Management Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-9275. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Inspector General's semiannual report for the period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9276. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the semiannual report relative to the Office of Inspector General's auditing activity and a report relative to the implementation status of audit recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-9277. A communication from the Secretary of Labor, transmitting, pursuant to law, the Inspector General's semiannual report on the Department for period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9278. A communication from the President of the United States, transmitting, an alternative plan for locality pay increases payable to certain civilian Federal employees; to the Committee on Homeland Security and Governmental Affairs.

EC-9279. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-9280. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Los Carneros Viticultural Area Technical Amendment" (RIN1513-AB32) received on December 4, 2006; to the Committee on the Judiciary.

EC-9281. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Tracy Hills Viticultural Area" (RIN1513-AA89) received on December 4, 2006; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-444. A resolution adopted by the Michigan House of Representatives relative to extending the production tax credit for wind power energy development; to the Committee on Finance.

House Resolution No. 307

Whereas, Energy is our economic lifeblood. Indeed, with energy prices soaring to new and never seen heights in our country this is more apparent now than ever. In an effort to foster the development of alternative energy sources for the future, a production tax credit for wind power energy development was established in 1992. The success of this program is evident in the significant progress that has been made in the development of clean sources of power for our country in the years since that time; and

Whereas, The long-term effectiveness of the production tax credit for wind energy development has been impeded by the fact that this important program faces sunset provisions every two years. Although the sunset is a productive oversight tool to ensure sound spending policies, an extended effort like developing viable wind energy technologies requires enormous capital expenses and long-term commitment. The requirement for renewal every two years has proven to be counterproductive, as demonstrated by the fact that during most two-year cycles, the amount of power added by wind energy investment drops considerably in the second year as developers worry if the tax credit will be renewed after its sunset expiration; and

Whereas, The production tax credit would be far more effective if it could be extended farther beyond a two-year period. Like most other tax credits the government creates to encourage beneficial behaviors, the production tax credit is designed to foster an emerging and capital-intensive industry that may one day be a key part of America's overall energy needs. Clearly, wind energy technology will see many more significant advances with a consistent, multiple-year tax approach; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development beyond the two-year cycle under which it now operates: and be it further

Resolved, That copies of this document be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-445. A resolution adopted by the Pennsylvania House of Representatives relative to securing international recognition and rights for the Ecumenical Patriarchate; to the Committee on Foreign Relations.

House Resolution No. 876

Whereas, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred See that presides in a spirit of brotherhood over a communion of the self-governing churches of the Orthodox Christian world; and

Whereas, The See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning "first among equals" in the community of Orthodox churches worldwide; and

Whereas, In 1994 Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region; and

Whereas, In 1997 the Congress of the United States awarded Ecumenical Patriarch Bartholomew with the Congressional Gold Medal; and

Whereas, Following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the 9/11 attacks as "anti-religious"; and

Whereas, In October 2005 the Ecumenical Patriarch, along with Christian, Jewish and Muslim leaders, cosponsored the Conference on Peace and Tolerance to further promote peace and stability in southeastern Europe, the Caucasus region and Central Asia via religious leaders' interfaith dialogue, understanding and action; and

Whereas, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

Whereas, Since 1453 the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

Whereas, This religious coexistence is in jeopardy because the Government of Turkey refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, which is considered a minority religion by the Turkish government; and

Whereas, The Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals, and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century, and due to the continued policies of minority discrimination during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

Whereas, The Government of Turkey has reneged on its agreement to reopen the Theological School on the island of Halki, which the Turkish government closed in 1971, thus impeding training for Orthodox Christian clergy; and

Whereas, The Turkish government has confiscated nearly 94% of the properties of the Ecumenical Patriarchate and has placed a 42% tax retroactive to 1999 on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

Whereas, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

Whereas, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law and respect for and protection of minorities and human rights; and

Whereas, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

Whereas, Orthodox Christians in this Commonwealth and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, In November 2006 the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a Patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Government of Turkey to do all of the following:

(1) Uphold and safeguard religious and human rights without compromise.

(2) Cease its discrimination of the Ecumenical Patriarchate.

(3) Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities.

(4) Respect the property rights and human rights of the Ecumenical Patriarchate; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the United States Ambassador to the Republic of Turkey, to the Ambassador of the Republic of Turkey to the United States and to the Pennsylvania Congressional Delegation.

POM-446. A resolution adopted by the Michigan Senate relative to increasing funding to fully implement the Vaccine for Children Program; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 162

Whereas, The Vaccine for Children program is an outstanding example of a successful public-private partnership between the United States Centers for Disease Control and Prevention and healthcare providers. Vaccines purchased with the buying power of the federal government are distributed, at no cost to the patient or provider, to all participating providers caring for uninsured and underinsured children, Medicaid recipients, and Native Americans and Alaskan Natives. By distributing three-fourths of all the publicly funded doses, the Vaccine for Children program gives eligible children access to newly recommended vaccines and strengthens immunity levels across the community. Further, the program delivers vaccines to children as part of their routine, primary care rather than diverting them to public health departments; and

Whereas, A list of vaccines to be administered through the Vaccine for Children program is developed through sound, scientific review. The Advisory Committee on Immunization Practices is authorized in statute to establish the list of vaccines to be administered through the program. Fifteen experts in infectious disease and immunization who sit on the committee meet publicly three times a year to consider revising the list through the addition of new vaccines or revising existing vaccine resolutions. The list then provides the basis for the Centers for Disease Control and Prevention to negotiate contacts for the purchase of large quantities of childhood vaccines; and

Whereas, The Vaccine for Children program adheres to the Vaccine Management Business Improvement Project, which leverages commercial best practices in vaccine procurement, ordering, distribution, and supply management. The program saves money for states through bulk purchases and eliminates variations in price from state to state. By managing public resources so astutely, the program has achieved the ultimate goal of eliminating cost as a barrier to vaccinating eligible children; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to increase funding to fully implement the Vaccine for Children program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 4099. A bill for the relief of Perlat Binaj, Almida Binaj, Erina Binaj, and Anxhela Binaj; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. SANTORUM):

S. 4100. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. CARPER):

S. 4101. A bill to amend the Federal Water Pollution Control Act to provide more effective permitting and enforcement mechanisms for stormwater discharges associated with residential construction activity; to the Committee on Environment and Public Works.

By Mr. OBAMA:

S. 4102. A bill to amend the Communications Act of 1934 to prohibit the use of telecommunications devices for the purposes of preventing or obstructing the broadcast or exchange of election-related information; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 4103. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH:

S. 4104. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

By Ms. LANDRIEU:

S. 4105. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 4106. A bill to provide for research into the development of energy-efficient technologies and to foster the introduction of energy-efficient technologies into the marketplace, with the goal of reducing United States oil imports; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 4107. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

By Mr. BINGAMAN:

S. 4108. A bill to amend the Colorado River Storage Project Act and Public Law 87-483, to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 4109. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. BURNS, and Mr. PRYOR):

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 626. A resolution relating to the retirement of Linda E. Sebold; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. REID):

S. Res. 627. A resolution commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan; considered and agreed to.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. LANDRIEU, Mr. GREGG, Mr. LOTT, Mr. REED, Ms. CANTWELL, Mr. VITTER, Mr. SALAZAR, Mr. AKAKA, Mr. WYDEN, Mr. SMITH, Ms. MURKOWSKI, and Mr. COCHRAN):

S. Res. 628. A resolution supporting the 200th anniversary of the nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 629. A resolution establishing a procedure for affixing and removing permanent artwork and semi-permanent artwork in the Senate wing of the Capitol and in the Senate office buildings; considered and agreed to.

By Mr. STEVENS:

S. Con. Res. 123. A concurrent resolution providing for correction to the enrollment of the bill H.R. 5946; considered and agreed to.

ADDITIONAL COSPONSORS

S. 676

At the request of Mr. STEVENS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 729, a bill to establish the Food Safety Administration to protect the public health by preventing foodborne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1405

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3922

At the request of Ms. MURKOWSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3922, a bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes.

S. 4080

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 4080, a bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

S. 4096

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 4096, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, and for other purposes.

S. 4098

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 4098, a bill to improve the process for the development of needed pediatric medical devices.

S. CON. RES. 106

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan.

S. RES. 590

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 590, a resolution designating the second Sunday in December 2006, as "National Children's Memorial Day" in conjunction with The Compassionate Friends Worldwide Candle Lighting.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. SANTORUM):

S. 4100. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise to introduce The Secure Travel and Counterterrorism Partnership Act of 2006, along with my good friends Senators AKAKA, LUGAR, MIKULSKI, and SANTORUM.

This legislation would expand the U.S. Visa Waiver Program in a way that would increase cooperation with key allies in the war on terror while strengthening U.S. national security.

The bill provides a way for us to expand and improve the visa waiver system so that Americans are safer and our Nation is more prosperous for years to come.

This legislation comes at a particularly important time in our Nation's history. We are currently facing multiple foreign policy challenges in the post-9/11 world. We need the cooperation of several allies to combat transnational threats. As such, we are asking our friends and allies to contribute more of their troops and resources to Iraq, Afghanistan, and other conflicts in the world, so that we can be successful. This legislation will help us to solidify these relationships and increase goodwill toward the U.S. for years to come, while also enhancing travel security and safety at home.

My legislation would authorize the Department of Homeland Security, in consultation with the Department of State, to expand the Visa Waiver Program to countries that are true friends of America and prepared to do more to help us keep terrorists and criminals out of our borders.

For those that do not know about the Visa Waiver Program, it was established in 1986 to improve relations with U.S. allies and strengthen the U.S. economy. The program permitted nationals from the selected countries to enter the United States without a visa for up to 90 days for tourism or business.

Currently, 27 countries participate in the program, including the United Kingdom. But there are a number of new allies who would also like to participate in the Visa Waiver Program and are willing to meet strict security requirements and cooperate on counterterrorism initiatives.

Many of these countries were former members of the Soviet Union. They were victims of Soviet oppression for years, against their will, and despite their desire for freedom.

Today, many of these countries have boots on the ground in Iraq and Afghanistan and want to help us stop the terrorists and promote democracy. These countries are naturally suited to help other countries as they fight for freedom and democracy. Many of these countries are also actively engaged in Cuba, helping to promote democracy there. Likewise, they have a unique understanding of the struggle for democracy that is taking place in Iraq and Afghanistan.

Despite their commitments to the principles of freedom and democracy, these countries are still paying a price that other countries in the West do not pay. Citizens of Portugal, the U.K., or Spain can travel easily to the U.S., while citizens of Poland, Hungary, and Slovakia are given second-class treatment.

I would like to share a few examples to put a human face on this problem.

I recently learned of a story involving a young Czech officer who served in Iraq with Americans. This soldier wanted to come to America to visit the American friends he made during combat operations. But his application for a visa was refused. Why? Because his passport included a visit to Iraq, the very place he served with American soldiers.

Another example involves young students from places like Latvia, Estonia, or Bulgaria. These young people have a positive view of America and hope to visit our country. However, their expensive visa applications are frequently rejected, dampening their spirits and tainting their image of America. And this view is spreading every day.

By limiting travel to the U.S., we are risking a loss of influence with the future leaders of our closest allies.

I have been working for the last several months to develop a piece of legislation that will address these challenges, without sacrificing U.S. security. I was pleased when I heard President Bush announce his intention to focus on this issue in the coming year. On the margins of the NATO Summit in Riga, he called on Congress to expand the Visa Waiver Program so that we can reward our closest allies for their help and friendship.

I agree with the President—but I want to clarify that this is not simply a reward for these countries. The true reward is the knowledge that we are free and democratic countries working together to advance international security. But the foremost goal of this legislation is to create mutually beneficial partnerships with clear national security advantages for the United States.

By continuing on the current path, we risk marginalizing some of our closest allies in the war on terror and losing the hearts and minds of their future leaders and citizens. We have an opportunity to change direction in a way that will promote our own national security interests and improve control of our borders. The Secure Travel and Counterterrorism Partnership Act can achieve all of these objectives.

What would this bill do?

The legislation would expand visa-free travel privileges for up to five new countries, for a probationary period of 3 years.

In order for a country to participate in the plan, the executive branch would first need to certify that the country is cooperative on counterterrorism and does not pose a security or law enforcement threat to the United States. However, the country would also be required to take a number of new steps to enhance our common security.

Prior to participation, the countries would be required to conclude new agreements with the United States to further strengthen cooperation on counterterrorism and improve information-sharing about critical security issues.

Some might say—if these countries are key allies, aren't they cooperating with us already? The answer is yes. They are very cooperative. But in today's heightened security environment, there is more that each country can do, such as sharing additional sensitive information that can help our intelligence community and law enforcement agencies investigate threats and combat terrorist activity. By negotiating new agreements on counterterrorism and information-sharing to permit participation in the Visa Waiver Program, we can reduce threats to the United States.

Additionally, the legislation would require the countries to enact a number of significant security measures, which would limit illegal entry and unlawful presence in their countries and impede travel by terrorists and transnational criminals. Security standards required for participation in the program would include electronic passports with biometric information, as well as prompt reporting of lost, stolen, or fraudulent travel documents to the U.S. and Interpol.

These new requirements would help make the U.S. more secure. Expanding the number of participating countries would increase the number of states meeting common security standards. This would allow the United States to shift consular resources used to issue visas to other missions with more critical security needs.

If at any time, participant countries are not complying with these requirements, their probationary status in the program could be revoked. Likewise, if the program is determined to be successful, it could be expanded to include additional countries.

The last part of the legislation is aimed at enhancing security requirements for countries who are currently participating in the Visa Waiver Program. In this post 9/11 world, the U.S. Government has already required additional security measures of participating visa waiver countries, such as machine-readable passports with biometric information. But we can and must do more.

I was very pleased that last week, Homeland Security Secretary Chertoff recommended several new measures to further enhance the efficiency and security of the Visa Waiver Program. His recommendations included an electronic travel authorization system, additional passenger information exchanges, common standards for airport security and baggage screening, cooperation in the air marshal program, and home country assistance in repatriation for any traveler who overstays the terms of their visa or violates U.S. law.

As the administration works to develop the details of these recommendations, my legislation would require that within one year, the executive branch provide a report to Congress on its plans for the Visa Waiver Program improvements.

In addition to the benefits to foreign relations and homeland security, this bill would do a great deal to advance U.S. competitiveness. Visa-free travel to the United States has been proven to significantly boost tourism and business, as well as airline revenues, and would generate substantial economic benefits to the United States well into the future. Additionally, it would improve attitudes toward the United States throughout the world, which would benefit the U.S. economy and national security for generations to come.

As a member of both the Foreign Relations and the Homeland Security and Governmental Affairs Committees, I believe that we have a real opportunity to improve our foreign relations, our homeland defense, and the visa waiver system overall.

Therefore, I call on my colleagues in the Senate and the House to examine this legislation with a serious eye, refraining from the knee-jerk reaction that an expanded program is bad for national security. When you look at the facts involved and the opportunities ahead, you can see that we have a chance to improve security cooperation and strengthen the bonds of friendship with our allies in the war on terror.

I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

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I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Travel and Counterterrorism Partnership Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States should expand the visa waiver program to extend visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism as that expansion will—

(1) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(2) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(3) strengthen bilateral relationships.

SEC. 3. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) PROBATIONARY PARTICIPATION OF PROGRAM COUNTRIES.—

"(A) REQUIREMENT TO ESTABLISH.—Notwithstanding any other provision of this section and not later than 1 year after the date of the enactment of the Secure Travel and Counterterrorism Partnership Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a pilot program to permit not more than 5 foreign countries that are not designated as program countries under paragraph (1) to participate in the program.

"(B) DESIGNATION AS A PROBATIONARY PROGRAM COUNTRY.—A foreign country is eligible to participate in the program under this paragraph if—

"(i) the Secretary of Homeland Security determines that such participation will not compromise the security or law enforcement interests of the United States;

"(ii) that country is close to meeting all the requirements of paragraph (2) and other requirements for designation as a program country under this section and has developed a feasible strategic plan to meet all such requirements not later than 3 years after the date the country begins participation in the program under this paragraph;

"(iii) that country meets all the requirements that the Secretary determines are appropriate to ensure the security and integrity of travel documents, including requirements to issue electronic passports that include biometric information and to promptly report lost, stolen, or fraudulent passports to the Government of the United States;

"(iv) that country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of the enactment of this paragraph; and

"(v) that country has entered into an agreement with the Government of the United States by which that country agrees to further advance United States security interests by implementing such additional counterterrorism cooperation and information sharing measures as may be requested by the Secretary of Homeland Security, in consultation with the Secretary of State.

"(C) CONSIDERATIONS FOR COUNTRY SELECTION.—

"(i) VISA REFUSAL RATES.—The Secretary of Homeland Security may consider the rate of refusals of nonimmigrant visitor visas for nationals of a foreign country in determining whether to permit that country to participate in the program under this paragraph but may not refuse to permit that country to participate in the program under this paragraph solely on the basis of such rate unless the Secretary determines that such rate is a security concern to the United States.

"(ii) OVERSTAY RATES.—The Secretary of Homeland Security may consider the rate at which nationals of a foreign country violate the terms of their visas by remaining in the United States after the expiration of such a visa in determining whether to permit that country to participate in the program under this paragraph.

"(D) TERM OF PARTICIPATION.—

"(i) INITIAL PROBATIONARY TERM.—A foreign country may participate in the program under this paragraph for an initial term of 3 years.

"(ii) EXTENSION OF PARTICIPATION.—The Secretary of Homeland Security, in consultation with the Secretary of State, may permit a country to participate in the program under this paragraph after the expiration of the initial term described in clause (i) for 1 additional period of not more than 2 years if that country—

"(I) has demonstrated significant progress toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section;

"(II) has submitted a plan for meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section; and

"(III) continues to be determined not to compromise the security or law enforcement interests of the United States.

"(iii) TERMINATION OF PARTICIPATION.—The Secretary of Homeland Security may terminate the participation of a country in the program under this paragraph at any time if the Secretary, in consultation with the Secretary of State, determines that the country—

"(I) is not in compliance with the requirements of this paragraph; or

"(II) is not able to demonstrate significant and quantifiable progress, on an annual basis, toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

"(E) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical guidance to a country that participates in the program under this paragraph to assist that country in meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

"(F) REPORTING REQUIREMENTS.—

"(i) ANNUAL REPORT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress an annual report on the implementation of this paragraph.

"(ii) FINAL ASSESSMENT.—Not later than 30 days after the date that the foreign country's participation in the program under this paragraph terminates, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a final assessment to Congress regarding the implementation of this paragraph. Such final assessment shall contain the recommendations of the Secretary of Homeland Security and the Secretary of State regarding permitting additional foreign countries to participate in the program under this paragraph.".

SEC. 4. CALCULATION OF THE RATES OF VISA OVERSTAYS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and implement procedures to improve the manner in which the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such a visa are calculated.

SEC. 5. REPORTS.

(a) VISA FEES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall review the fee structure for visas issued by the United States and submit to Congress a report on that structure, including any recommendations of the Comptroller General for improvements to that structure.

(b) SECURE TRAVEL STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit a report to Congress that describes plans for enhancing secure travel standards for existing visa waiver program countries, including the feasibility of instituting an electronic authorization travel system, additional passenger information exchanges, and enhanced airport security standards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2013 to carry out this Act and the amendment made by this Act.

By Mr. OBAMA:

S. 4102. A bill to amend the Communications Act of 1934 to prohibit the use of telecommunications devices for the purposes of preventing or obstructing the broadcast or exchange of election-related information; to the Committee on Commerce, Science, and Transportation.

Mr. OBAMA. Mr. President, this year we witnessed a historic election, where the American people said loud and clear that the Nation is going in the wrong direction and things must change. One important part of that change is cleaning up our electoral process.

Dirty tricks are not a new thing in American politics. I am from Chicago, and my hometown has seen its share of political tricks. But some of tricks we have seen in recent elections astounded even those of us who thought we had seen everything.

For example, in 2002, the executive director of the New Hampshire Republican State Committee saw flyers advertising telephone numbers for Democratic get-out-the-vote efforts that offered voters rides to the polls. The executive director then hatched the idea of jamming those phone lines on election day to prevent voters from getting rides to the polls.

He consulted the New England Regional Political Director for the Republican National Committee, who led him to an associate who could handle phone jamming efforts, an outfit called GOP Marketplace. GOP Marketplace contacted an Idaho-based tele-services company that agreed to have employees place hang-up calls to the Manchester Democratic Party and the Manchester Professional Firefighters Association—the two groups offering rides—on election day, November 5, 2002.

As a result of these efforts, the New Hampshire Democratic Party's get-out-the-vote volunteers and employees answered the phones only to find callers who said nothing and immediately hung up. Legitimate voters who called the Manchester Democratic Party or the Manchester Professional Firefighters Association seeking a ride to the polls received busy signals.

The Department of Justice prosecuted many of those responsible for this dirty campaign, and some of the guilty have already served their sentences. These men were tried under existing phone harassment and civil rights laws. However, it is likely that the perpetrators of the next phone jamming effort will not be so ham-handed. General harassment laws may be insufficient to get at the next conspiracy. And even in the most recent election, we continue to hear about instances in which phone lines are misused.

That is why I am introducing the Election Jamming Prevention Act today. This bill will ensure that those who seek to disable election-related telephone communications will be criminally liable. This does not impede political speech—but this does stop nefarious efforts to shut down phone lines to cripple election-related efforts. From get-out-the-vote efforts, to voter education campaigns, qualified voters deserve to have access to information that will assist them in the exercise of their right to vote. Someone's ability to hire a company to place hang-up calls should not determine whether voters get the information they need to go to the polls on election day.

This shouldn't be a partisan issue, so I hope my colleagues on both sides of the aisle will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Election Jamming Prevention Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The most fundamental right accorded to United States citizens by the Constitution is the right to vote, and unimpeded exercise of the right to vote is essential to the functioning of our democracy.

(2) Historically, significant efforts have been undertaken to prevent qualified individuals from exercising this right.

(3) Poll taxes, property requirements, and literacy tests were once used to restrict voters' access to the polls. Now, efforts like deceptive practices, intimidation, and dirty tricks are used to impede qualified voters' exercise of their right to vote, to prevent voters from making informed decisions as to how to cast that vote, and to prevent candidates, parties, and organizations from engaging in constitutionally protected political speech.

(4) In recent elections, there have been allegations of political campaigns and committees using telephone jamming techniques to shut down the communication operations of groups supporting their political opponents.

(5) In November 2002, according to the Department of Justice, groups working on behalf of the Republican candidates in New Hampshire conspired to shut down Democratic get-out-the-vote efforts by placing hang-up calls to the phones of the Manchester Democratic Party and the Manchester Professional Firefighters Association, which were providing qualified voters rides to the election polling places. Several people have pled guilty or been convicted in connection with the incident.

(6) As a result of the hang-up call effort, the phone lines of the Manchester Democratic Party and the Manchester Professional Firefighters Association were jammed on election day 2002 and qualified voters were unable to access information that would have facilitated their access to polling places.

(7) The use of telephones or other communication devices to jam election-related communications should be prohibited in order to protect qualified voters' right to vote.

SEC. 3. PROHIBITION ON PREVENTING OR OBSTRUCTING THE BROADCAST OR EXCHANGE OF INFORMATION THROUGH TELECOMMUNICATIONS DEVICES.

(a) PROHIBITION.—

(1) IN GENERAL.—Subparagraph (C) of section 223(a)(1) of the Communications Act of 1934 (47 U.S.C. 223(a)(1)(C)) is amended by striking "with the intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communications;" and inserting "with the intent to—

"(i) annoy, abuse, threaten, or harass any person at the called number or who receives the communications;

"(ii) prevent or obstruct the broadcast or exchange of election-related information; or

"(iii) impair or obstruct any other telecommunications device from being used to engage in communications containing election-related information;".

(2) ELECTION-RELATED INFORMATION.—Subsection (h) of section 223 of the Communications Act of 1934 (47 U.S.C. 223(h)) is amended by adding at the end the following new paragraph:

"(5) The term 'election-related information' means information related to—

"(A) the endorsement, support, promotion of, or opposition to any clearly identified candidate or slate of candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession;

"(B) the time, place, or manner for the election of such offices; or

"(C) the facilitation of transport to or from polling places for any such election.".

(b) PRIVATE RIGHT OF ACTION.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by adding at the end the following new subsection:

"(i) PRIVATE RIGHT OF ACTION FOR INJUNCTIVE OR DECLARATIVE RELIEF AGAINST CERTAIN ACTIONS.—Any person aggrieved by a violation of subsection (a)(1)(C) may bring a civil action or other proper proceeding for injunctive or declarative relief in any court of competent jurisdiction, including an application in a United States district court.".

By Mr. SMITH:

S. 4104. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to provide for credit rate parity under section 45 of the Internal Revenue Code for electricity from eligible renewable resources produced and sold after December 31, 2006.

Currently, certain renewable resources such as wind and closed-loop biomass receive a credit of 1.5 cents per kilowatt hour produced. For other renewables, such as open-loop biomass and incremental hydropower, the amount of the credit is reduced by half.

I have been a longtime supporter of the production tax credit. There are significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon. My bill does not reduce the credit rate for wind but, rather, increases the rate for those renewables that are currently eligible only for the reduced credit rate.

I have also heard from those industries that receive the reduced credit rate about the disadvantage this creates for them in the marketplace. Often, when bidding to provide green power, the difference in the credit rate makes the difference in being outbid. We should provide a level playing field for all eligible renewables.

I applaud and support the current efforts to extend the existing section 45 tax credits for renewables for another year. I hope that can be accomplished before we adjourn sine die. In introducing this legislation today, I want to begin the discussion that will lead to parity for all of the important new renewable technologies that can help us meet growing demands for electricity with clean, sustainable resources. As a member of the Finance Committee, this is an issue which I will pursue next Congress, and I hope that my colleagues will join me in this effort to encourage the development of renewable energy resources.

By Mr. KERRY:

S. 4107. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Opportunity Tax Credit Act of 2006. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

An October 2006 College Board report found that this year tuition and other costs at public and private universities rose faster than inflation. And, according to the report, tuition and fees at public universities rose more in the past five years than at any other time in the past 30 years, increasing by 35 percent to $5,836 this academic year. Over the same time period, tuition and fees at private universities increased 22 percent to $22,218.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around the country, I frequently hear from parents concerned they will not be able to pay for college for their children. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, we implemented two new tax credits to make college affordable—the HOPE credit and the lifetime learning credit. These tax credits were important and have helped families afford college, but I believe we can do more. This week the Senate Finance Committee held a hearing on tax incentives for higher education in which we learned that the existing tax credits are not reaching enough students, particularly lower income students who are most severely impacted by rising tuitions.

The HOPE and lifetime learning credits are not refundable, and therefore a family of four must have an income over $30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the lifetime learning credit, a student has to spend $10,000 a year on tuition and fees. This is nearly double the average annual public four-year college tuition and four times the average annual tuition of a community college. Over 80 percent of college students attend schools with tuition and fees under $10,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of 4 years of college. Currently the HOPE Credit applies only to the first 2 years of college. The College Opportunity Tax Credit Act of 2006, COTC, helps students and parents afford all 4 years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts, including those at this week's Finance Committee hearing. My legislation creates a new credit that replaces the existing HOPE credit and lifetime learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first $1,000 of eligible expenses and a 50 percent tax credit to the next $3,000 of expenses. The maximum credit would be $2,500 each year per student. The second provides a nonrefundable tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first $1,000 of eligible expenses and a 20 percent credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the lifetime learning credit apply to the COTC: the COTC will be phased out ratably for taxpayers with income between $45,000 and $55,000—$90,000 and $110,000 for married taxpayers. These amounts are indexed for inflation, as are the eligible amounts of expenses.

The College Opportunity Tax Credit Act of 2006 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality next Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Opportunity Tax Credit Act of 2006".

SEC. 2. COLLEGE OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Section 25A(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended—

(A) in paragraph (1), by striking "the Hope Scholarship Credit" and inserting "the eligible student credit amount determined under subsection (b)", and

(B) in paragraph (2), by striking "the Lifetime Learning Credit" and inserting "the part-time, graduate, and other student credit amount determined under subsection (c)".

(2) NAME OF CREDIT.—The heading for section 25A of such Code is amended to read as follows:

"SEC. 25A. COLLEGE OPPORTUNITY CREDIT.".

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of parti IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 25A and inserting the following:

"Sec. 25A. College opportunity credit.".

(b) ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25A(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking "the Hope Scholarship Credit" and inserting "the eligible student credit amount determined under this subsection", and

(B) by striking "PER STUDENT CREDIT" in the heading and inserting "IN GENERAL".

(2) AMOUNT OF CREDIT.—Paragraph (4) of section 25A(b) of such Code (relating to applicable limit) is amended by striking "2" and inserting "3".

(3) CREDIT REFUNDABLE.—

(A) IN GENERAL.—Section 25A of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—The aggregate credits allowed under subpart C shall be increased by the amount of the credit which would be allowed under this section—

"(A) by reason of subsection (b), and

"(B) without regard to this subsection and the limitation under section 26(a) or subsection (j), as the case may be.

"(2) TREATMENT OF CREDIT.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a) or subsection (j), as the case may be.".

(B) TECHNICAL AMENDMENT.—Section 1324(b) of title 31, United States Code, is amended by inserting ", or enacted by the College Opportunity Tax Credit Act of 2006" before the period at the end.

(4) LIMITATIONS.—

(A) CREDIT ALLOWED FOR 4 YEARS.—Subparagraph (A) of section 25A(b)(2) of such Code is amended—

(i) by striking "2" in the text and in the heading and inserting "4", and

(ii) by striking "the Hope Scholarship Credit" and inserting "the credit allowable".

(B) ELIMINATION OF LIMITATION ON FIRST 2 YEARS OF POSTSECONDARY EDUCATION.—Section 25A(b)(2) of such Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(5) CONFORMING AMENDMENTS.—

(A) The heading of subsection (b) of section 25A of such Code is amended to read as follows:

"(b) ELIGIBLE STUDENTS.—".

(B) Section 25A(b)(2) of such Code is amended—

(i) in subparagraph (B), by striking "the Hope Scholarship Credit" and inserting "the credit allowable", and

(ii) in subparagraph (C), as redesignated by paragraph (4)(B), by striking "the Hope Scholarship Credit" and inserting "the credit allowable".

(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

(1) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

"(1) IN GENERAL.—In the case of any student for whom an election is in effect under this section for any taxable year, the part-time, graduate, and other student credit amount determined under this subsection for any taxable year is an amount equal to the sum of—

"(A) 40 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the student during any academic period beginning in such taxable year) as does not exceed $1,000, plus

"(B) 20 percent of such expenses so paid as exceeds $1,000 but does not exceed the applicable limit.

"(2) APPLICABLE LIMIT.—For purposes of paragraph (1)(B), the applicable limit for any taxable year is an amount equal to 3 times the dollar amount in effect under paragraph (1)(A) for such taxable year.

"(3) SPECIAL RULES FOR DETERMINING EXPENSES.—

"(A) COORDINATION WITH CREDIT FOR ELIGIBLE STUDENTS.—The qualified tuition and related expenses with respect to a student who is an eligible student for whom a credit is allowed under subsection (a)(1) for the taxable year shall not be taken into account under this subsection.

"(B) EXPENSES FOR JOB SKILLS COURSES ALLOWED.—For purposes of paragraph (1), qualified tuition and related expenses shall include expenses described in subsection (f)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills of the student.".

(2) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Subsection (h) of section 25A of such Code (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

"(3) DOLLAR LIMITATION ON AMOUNT OF CREDIT UNDER SUBSECTION (a)(2).—

"(A) IN GENERAL.—In the case of a taxable year beginning after 2007, each of the $1,000 amounts under subsection (c)(1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.".

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 25A(h) of such code is amended by inserting "UNDER SUBSECTION (a)(1)" after "CREDIT".

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25A of the Internal Revenue Code of 1986, as amended by subsection (b)(3), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (h) the following new subsection:

"(j) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowed under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENT.—Section 25(a)(1) of such Code is amended by inserting "25A," after "24,".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. LAUTENBERG:

S. 4109. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels; to the Committee on Commerce, Science, and Transportation.

Mr. President, I rise today to introduce a bill which would greatly improve the quality of life for many residents of New Jersey, and people across America, by reducing aircraft noise. The Aircraft Noise Reduction Act of 2006 would greatly reduce unnecessary levels of noise pollution by phasing out usage of the loudest aircraft still operating.

I have long had a strong interest in this issue; indeed, I first introduced legislation calling for the phase-out of older, noisier aircraft in 1990, and since then, significant progress has been made. As we face an influx of many new aircraft to our system—some 5,000 new very light jets, VLJs, are expected to enter the U.S. aviation market and our airspace in the next decade—now is the time to rid our skies of the older, noisier planes.

For purposes of rating aircraft noise levels, aircraft have to meet U.S. Environmental Protection Agency noise standards classified as "stages": stage 1 and stage 2 noise levels are the loudest, while stage 3 and stage 4 (standards adopted just last year are the quietest. Commercial stage 1 aircraft were phased out by 1985, and Congress mandated the retirement of commercial stage 2 aircraft by 2000. However, these regulations only applied to aircraft weighing more than 75,000 pounds; this means that there are still many loud business jets still in service. The legislation I am introducing today would finally bring closure to this issue by phasing out the use of all remaining stage 1 and stage 2 aircraft in the United States.

The benefits of this total phase-out will be abundant. On average, older, noisier stage 2 aircraft are twice as loud as newer, quieter, stage 3 planes. Unfortunately, at Teterboro Airport in my home State of New Jersey, one of the largest general aviation airports in the country, loud stage 2 planes have been common until recently. This contributed greatly to the noise pollution problems experienced in New Jersey communities, and hurt property values for many citizens. It's precisely why it is critically important to work toward a fleet devoid of stage 1 and stage 2 aircraft.

This issue has particular resonance in New Jersey, because Teterboro Airport and Morristown Airport, among others, are located in densely populated areas. Stage 1 and 2 aircraft flying into these airports constitute an unnecessary daily nuisance for, literally, hundreds of thousands of my constituents, and I believe it is time to take decisive action to correct the problem. Voluntarily banning these aircraft from one airport will only force them to use another local airport, so I believe that a nationwide ban is necessary.

Furthermore, Mr. President, this bill would not only help decrease aircraft noise; it will also promote energy conservation. On average, stage 2 aircraft use 30 percent more fuel than otherwise comparable stage 3 jets, and passage of this bill would eliminate usage of many of the most fuel-inefficient aircraft still operational in America.

My bill takes an approach which is sensitive to the economic hardship of communities who want to allow these aircraft to continue in use. Individual airports would still be allowed to opt-out of this measure by choosing to accommodate these noisier business jets. Also, the act would not take effect until fully 3 years after enactment, allowing ample time for businesses to adapt to the new regulations.

Mr. President, I believe that this bill represents a significant step forward in the ongoing efforts to control aircraft noise, and I urge my colleagues to support the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Noise Reduction Act of 2006".

SEC. 2. OPERATION OF AIRCRAFT NOT MEETING STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 of title 49, United States Code, is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

"(2) to scrap the aircraft;

"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

"(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 of title 49, United States Code, is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 of title 49, United States Code, is amended by striking "47528-47531" and inserting "47528 through 47531 or 47534".

(3) The chapter analysis for chapter 475 of title 49, United States Code, is amended by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 3 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 626 RELATING TO THE RETIREMENT OF LINDA E. SEBOLD

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 626

Whereas Linda E. Sebold has faithfully served the United States Senate for more than 33 years;

Whereas Linda began her service to the Senate as an assistant in the Disbursing Office in 1973;

Whereas Linda became the Committee Scheduling Coordinator for the Daily Digest in 1978 and was promoted to Editor of the Daily Digest in 1999;

Whereas Linda has been a leader in implementing technological advances in the preparation of the Daily Digest;

Whereas Linda has made a significant contribution to continuity of government planning;

Whereas, during her 33½ year tenure, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary efficiency, aplomb, and devotion;

Whereas Linda's service to the Senate has been marked by her personal commitment to the highest standards of excellence; and

Whereas Linda is retiring after more than 33 years service to the United States Senate; Now, therefore, be it

Resolved, That Linda E. Sebold be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Linda E. Sebold.

SENATE RESOLUTION 627—COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE NOVEMBER 9, 2005, TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the Senate—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and their government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

Mr. LUGAR. Mr. President, I rise today to introduce S. Res. 627 commemorating the 1-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan and reaffirming the support of the United States for the Hashemite Kingdom of Jordan as an important ally in combating terrorism in the region.

The Hashemite Kingdom of Jordan has been a steadfast friend and ally of the United States in the war against terrorism. Sadly, on November 9, 2005, Jordan itself became a victim of terrorism. Terrorists attacked western hotels in its capital city, Amman, killing and injuring scores of people.

This bill condemns the terrorist attacks that took place on November 9 and reaffirms the support of the U.S. Government for the Jordanian people and their government.

SENATE RESOLUTION 628—SUPPORTING THE 200TH ANNIVERSARY OF THE NATION'S NAUTICAL CHARTING AND RELATED SCIENTIFIC PROGRAMS, WHICH FORMED THE BASIS FOR WHAT IS TODAY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. LANDRIEU, Mr. GREGG, Mr. LOTT, Mr. REED, Ms. CANTWELL, Mr. VITTER, Mr. SALAZAR, Mr. AKAKA, Mr. WYDEN, Mr. SMITH, Ms. MURKOWSKI, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 628

Whereas the Act of February 10, 1807 (chapter VIII; 2 Stat. 4113), signed by President Thomas Jefferson, authorized and requested the President "to cause a survey be taken of the coast of the United States...together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts";

Whereas the Coast Survey was established to carry out the duties established under such Act, and was the first Federal science agency of the United States;

Whereas over time additional duties, including geodetic surveying and tide and current monitoring and predictions, were bestowed upon the agency, which was first known as the U.S. Coast Survey and later the U.S. Coast and Geodetic Survey;

Whereas, in addition to providing charts and information vital to the young nation's economic and commercial success, such pioneering agency led some of the nation's earliest oceanographic research, undertaking surveys of the Gulf Stream to determine temperatures, depths, direction, and velocity as well as the character of the seafloor and forms of vegetation and marine life;

Whereas the early technicians and scientists of such agency invented and supported the development of many innovative tools that led to advances in hydrographic, shoreline, and geodetic surveying and cartographic methods, the first real-time water level stations, and deep-sea anchoring;

Whereas during the 20th century such agency, by then re-named the Coast and Geodetic Survey, advanced the development and marine applications of electronics and acoustics, including the development of Radar Acoustic Ranging, radio sono-buoys and the Roberts Radio Current Meter Buoy;

Whereas throughout their history these programs have provided services in support of the Nation's commerce and defense serving in all theaters of the Civil War and in World Wars I and II as hydrographers, cartographers, topographers, and scouts, including the production of more than 100 million maps and charts for U.S. and Allied forces;

Whereas our Nation's interests and economy became increasingly interwoven with the marine and atmospheric environment, a number of Federal science agencies with complimentary functions, including the Weather Bureau and the Bureau of Commercial Fisheries, were combined with such agency to create the National Oceanic and Atmospheric Administration (NOAA);

Whereas today these mapping and charting, geodesy, and tide and current data programs are located in the National Ocean Service of NOAA, in the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services;

Whereas these programs promote NOAA's commerce and transportation goals and continue to support the research, development and application of state-of-the-art surveying, mapping, charting, ocean observing, modeling, and Internet-based product delivery services to promote safe and efficient commerce and transportation and contributing to the advancement of integrated ocean and earth observing systems;

Whereas, these programs continue to demonstrate relevance, value, importance, and service promoting and employing innovative partnerships with other agencies, State and local authorities, academia, and the private sector;

Whereas, these programs work internationally as the United States representative to the International Hydrographic Organization and through other organizations to promote integrated and uniform standards, protocols, formats, and services;

Whereas in addition to commerce and transportation these programs also advance NOAA's weather and water, climate, and ecosystem missions including marine resource conservation, coastal management, and the protection of life and property from coastal storms and other hazards, as most recently demonstrated in responding to and facilitating the recovery of communities and commerce in the hurricane stricken Gulf Coast;

Whereas the devotion, industry, efficiency, and enterprise of these people and programs over their 200-year history have set an enviable record of public service: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that for over 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have been providing the Nation research, service, and stewardship of the marine environment, through products and services that protect lives and property, strengthen the economy, and support and sustain our coastal and marine resources;

(2) recognizes the vision of President Thomas Jefferson in supporting the advancement of science, and the survey of the coast in particular, to the welfare and commercial success of the Nation;

(3) recognizes the contributions made over the past 200 years by the past and current employees and officers of the Office of Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services of the National Oceanic and Atmospheric Administration; and

(4) encourages the people of the United States to salute and share in the planned celebrations of these historic programs during 2007 with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its bicentennial anniversary.

SENATE RESOLUTION 629—ESTABLISHING A PROCEDURE FOR AFFIXING AND REMOVING PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK IN THE SENATE WING OF THE CAPITOL AND IN THE SENATE OFFICE BUILDINGS

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 629

Resolved,

SECTION 1. STANDARDS FOR PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK.

No permanent artwork or semi-permanent artwork may be affixed to or removed from the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings unless—

(1) the Senate Commission on Art—

(A) has recommended the affixation or removal; and

(B) in the case of an affixation of permanent artwork or semi-permanent artwork—

(i) has recommended an appropriate location for the affixation; and

(ii) has determined that—

(I) not less than 25 years have passed since the death of any subject in a portrait included in the permanent artwork or semi-permanent artwork; and

(II) not less than 25 years have passed since the commemorative event that is to be portrayed in the permanent artwork or semi-permanent artwork; and

(2) the Senate has passed a Senate resolution approving the recommendation of the Senate Commission on Art.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that prior to making a recommendation to affix any permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings, the Senate Commission on Art should consider, at a minimum, the following:

(1) The significance of the original, intended, or existing permanent artwork or semi-permanent artwork in the installation space proposed for the additional permanent artwork or semi-permanent artwork.

(2) The existing conditions of the surface of the proposed installation space.

(3) The last time fixed art was added to the proposed installation space.

(4) The amount of area available for the installation of permanent artwork or semi-permanent artwork in the proposed installation space.

(5) The opinion of the Curatorial Advisory Board on such affixation.

SEC. 3. CREATION OF ARTWORK.

If a request to affix permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings meets the requirements of section 1, the Senate Commission on Art shall select the artist and shall supervise and direct the creation of the artwork and the application of the artwork to the selected surface.

SEC. 4. DEFINITIONS.

In this resolution—

(1) PERMANENT ARTWORK.—The term "permanent artwork" means artwork that when applied directly to a wall, ceiling, or floor has become part of the fabric of the building, based on a consideration of relevant factors including—

(A) the original intent when the artwork was applied;

(B) the method of application;

(C) the adaptation or essentialness of the artwork to the building; and

(D) whether the removal of the artwork would cause damage to either the artwork or the surface that contains it.

(2) SEMI-PERMANENT ARTWORK.—The term "semi-permanent artwork" means artwork that when applied directly to the surface of a wall, ceiling, or floor can be removed without damaging the artwork or the surface to which the artwork is applied.

SENATE CONCURRENT RESOLUTION 123—PROVIDING FOR CORRECTION TO THE ENROLLMENT OF THE BILL H.R. 5946

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES 123

Resolved by the Senate (the House of Representatives concurring) That, in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5224. Mr. STEVENS proposed an amendment to the bill H.R. 5946, to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

SA 5225. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

SA 5226. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

SA 5227. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

SA 5228. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont.

SA 5229. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

SA 5230. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5224. Mr. STEVENS proposed an amendment to the bill H.R. 5946, to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Sestern Pacific Sustainable Fisheries Fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific and North Pacific community development.
Sec. 110. Secretarial action on State groundfish fishing.
Sec. 111. Joint enforcement agreements.
Sec. 112. Transition to sustainable fisheries.
Sec. 113. Regional coastal disaster assistance, transition, and recovery program.
Sec. 114. Fishery finance program hurricane assistance.
Sec. 115. Fisheries hurricane assistance program.
Sec. 116. Bycatch reduction engineering program.
Sec. 117. Community-based restoration program for fishery and coastal habitats.
Sec. 118. Prohibited acts.
Sec. 119. Shark feeding.
Sec. 120. Clarification of flexibility.
Sec. 121. Southeast Alaska fisheries communities capacity reduction.
Sec. 122. Conversion to catcher/processor shares.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries conservation and management fund.
Sec. 209. Use of fishery finance program for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Hurricane effects on commercial and recreational fishery habitats.
Sec. 214. North Pacific Fisheries Convention.
Sec. 215. New England groundfish fishery.
Sec. 216. Report on council management coordination.
Sec. 217. Study of shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science.
Sec. 218. Gulf of Alaska Rockfish demonstration program.

TITLE III—OTHER FISHERIES STATUTES

Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries Acts.

TITLE IV—INTERNATIONAL

Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 404. Monitoring of Pacific insular area fisheries.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
Sec. 407. United States catch history.
Sec. 408. Secretarial representative for international fisheries.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Prohibited acts.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Exclusive economic zone notification.
Sec. 511. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 701. Study of the acidification of the oceans and effect on fisheries.
Sec. 702. Rule of construction.
Sec. 703. Puget Sound regional shellfish settlement.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. Purposes.
Sec. 804. Tsunami forecasting and warning program.
Sec. 805. National tsunami hazard mitigation program.
Sec. 806. Tsunami research program.
Sec. 807. Authorization of appropriations.

TITLE IX—POLAR BEARS

Sec. 901. Short title.
Sec. 902. Amendment of Marine Mammal Protection Act of 1972.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.".

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (13) the following:

"(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

"(A) to meet social and economic needs in a region or subregion; and

"(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.";

(2) by inserting after paragraph (20) the following:

"(20A) The term 'import'—

"(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

"(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.";

(3) by inserting after paragraph (23) the following:

"(23A) The term 'limited access privilege'—

"(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

"(B) includes an individual fishing quota; but

"(C) does not include community development quotas as described in section 305(i).

"(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation."; and

(4) by inserting after paragraph (27) the following:

"(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary; or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.".

(c) Redesignation.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) Conforming Amendments.—

(1) The following provisions of the Act are amended by striking "an individual fishing quota" and inserting "a limited access privilege":

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking "individual fishing quota" and inserting "limited access privilege":

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking "individual fishing quotas," and inserting "limited access privileges,".

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Traditional Participation.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

"(c) Promotion of Stock Management.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.".

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking "shall be" and inserting "is";

(2) by striking "will not" and inserting "cannot, or will not,"; and

(3) by inserting after "Act." the following: "Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess domestic harvest capacity.".

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting "and any funds or contributions received in support of conservation and management objectives under a marine conservation plan" after "agreement" in paragraph (7); and

(2) by inserting after "paragraph (4)." in paragraph (8) the following: "In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

"(1) $337,844,000 for fiscal year 2007;

"(2) $347,684,000 for fiscal year 2008;

"(3) $357,524,000 for fiscal year 2009;

"(4) $367,364,000 for fiscal year 2010;

"(5) $377,204,000 for fiscal year 2011;

"(6) $387,044,000 for fiscal year 2012; and

"(7) $396,875,000 for fiscal year 2013.".

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) National Standards.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting "by utilizing economic and social data that meet the requirements of paragraph (2)," after "fishing communities".

(b) Contents of Plans.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking "describe the likely effects, if any, of the conservation and management measures on—" and inserting "analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—".

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting "and of commonwealths, territories, and possessions of the United States in the Caribbean Sea" after "seaward of such States".

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Tribal Alternate on Pacific Council.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

"(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.".

(b) Scientific and Statistical Committees.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

"(g) Committees and Advisory Panels.—

"(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

"(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

"(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

"(D) Each member of a scientific and statistical committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j). The Secretary shall keep disclosures made pursuant to this subparagraph on file.

"(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106-554—Appendix C; 114 Stat. 2763A-153).

"(F) In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.

"(G) A science and statistical committee shall hold its meetings in conjunction with the meeting of the Council, to the extent practicable.".

(2) by striking "other" in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) Council Functions.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "authority, and" in paragraph (5) and inserting "authority;";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and".

(d) Scientific Research Priorities.—Section 302(h) (16 U.S.C. 1852(h)), as amended by subsection (c), is further amended—

(1) by striking "(g); and" in paragraph (6) and inserting "(g);";

(2) by redesignating paragraph (7), as redesignated by subsection (c)(2), as paragraph (8);

(2) by inserting after paragraph (6) the following:

"(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

"(A) establish priorities for 5-year periods;

"(B) be updated as necessary; and

"(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council; and".

(e) Regular and Emergency Meetings.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking "published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity." and inserting "provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.".

(f) Closed Meetings.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking "notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports," and inserting "provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient,".

(g) Training.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

"(k) Council Training Program.—

"(1) Training course.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

"(A) fishery science and basic stock assessment methods;

"(B) fishery management techniques, data needs, and Council procedures;

"(C) social science and fishery economics;

"(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

"(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

"(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

"(G) public process for development of fishery management plans;

"(H) other topics suggested by the Council; and

"(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

"(2) Member training.—The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

"(3) Required training.—Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

"(l) Council Coordination Committee.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.".

(h) Procedural Matters.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking "to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g)." in paragraph (1) and inserting "to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).";

(2) by striking "of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):" in paragraph (2) and inserting "of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):"; and

(3) by inserting "the Council Coordination Committee established under subsection (l)," in paragraph (3)(A) after "Council,"; and

(4) by inserting "other committees," in paragraph (3)(A) after "committee,".

(i) Conflicts of Interest.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting "lobbying, advocacy," after "processing," in paragraph (2);

(2) by striking "jurisdiction." in paragraph (2) and inserting "jurisdiction, or with respect to an individual or organization with a financial interest in such activity.";

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

"(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and"; and

(4) by adding at the end the following:

"(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.".

(j) Gulf of Mexico Fisheries Management Council.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

"(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

"(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

"(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

"(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

"(iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.

"(iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.".

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) In General.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking "and charter fishing" in paragraph (5) and inserting "charter fishing, and fish processing";

(2) by inserting "economic information necessary to meet the requirements of this Act," in paragraph (5) after "number of hauls,";

(3) by striking "and" after the semicolon in paragraph (9)(A);

(4) by inserting "and" after the semicolon in paragraph (9)(B);

(5) by inserting after paragraph (9)(B) the following:

"(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(6) by striking "fishery" the first place it appears in paragraph (13) and inserting "fishery, including its economic impact,";

(7) by striking "and" after the semicolon in paragraph (13);

(8) by striking "allocate" in paragraph (14) and inserting "allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,";

(9) by striking "fishery." in paragraph (14) and inserting "fishery and;"; and

(10) by adding at the end the following:

"(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.".

(b) Effective Dates; Application to Certain Species.—The amendment made by subsection (a)(10)—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

(c) CLARIFICATION OF REBUILDING PROVISION.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking "one year of" in paragraph (3) and inserting "2 years after";

(2) by inserting "and implement" after "prepare" in paragraph (3);

(k) by inserting "immediately" after "overfishing" in paragraph (3)(A);

(4) by striking "ending overfishing and" in paragraph (4)(A); and

(5) by striking "one-year" in paragraph (5) and inserting "2-year".

(d) EFFECTIVE DATE FOR SUBSECTION (c).—The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting "(A)" after "(2)" in paragraph (2);

(2) by inserting after paragraph (2) the following:

"(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

"(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

"(i) is based on the best scientific information available;

"(ii) includes criteria to assess the conservation benefit of the closed area;

"(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

"(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;";

(3) by striking "fishery;" in paragraph (5) and inserting "fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;";

(4) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

"(A) present participation in the fishery;

"(B) historical fishing practices in, and dependence on, the fishery;

"(C) the economics of the fishery;

"(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

"(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

"(F) the fair and equitable distribution of access privileges in the fishery; and

"(G) any other relevant considerations;";

(5) by striking "(other than economic data)" in paragraph (7);

(6) by striking "and" after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

"(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and".

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

"SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

"(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

"(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

"(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

"(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

"(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

"(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

"(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

"(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

"(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

"(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

"(C) promote—

"(i) fishing safety; and

"(ii) fishery conservation and management; and

"(iii) social and economic benefits;

"(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

"(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

"(F) specify the goals of the program;

"(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

"(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

"(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

"(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

"(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

"(A) the fishery has historically processed the fish outside of the United States; and

"(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

"(3) FISHING COMMUNITIES.—

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

"(I) be located within the management area of the relevant Council;

"(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

"(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the

Council that have been approved by the Secretary and published in the Federal Register.

"(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

"(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

"(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

"(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

"(4) REGIONAL FISHERY ASSOCIATIONS.—

"(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

"(i) be located within the management area of the relevant Council;

"(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(iii) be a voluntary association, among willing parties, with established by-laws and operating procedures;

"(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

"(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

"(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

"(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

"(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

"(v) the administrative and fiduciary soundness of the association; and

"(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

"(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

"(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

"(i) current and historical harvests;

"(ii) employment in the harvesting and processing sectors;

"(iii) investments in, and dependence upon, the fishery; and

"(iv) the current and historical participation of fishing communities;

"(B) consider the basic cultural and social framework of the fishery, especially through—

"(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

"(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

"(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

"(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

"(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

"(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

"(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

"(6) PROGRAM INITIATION.—

"(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

"(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

"(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

"(D) NEW ENGLAND AND GULF REFERENDUM.—

"(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

"(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

"(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

"(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

"(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

"(vi) In this subparagraph, the term 'individual fishing quota' does not include a sector allocation.

"(7) Transferability.—In establishing a limited access privilege program, a Council shall—

"(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

"(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

"(8) Preparation and implementation of Secretarial Plans.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

"(9) Antitrust savings clause.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(d) Auction and Other Programs.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

"(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

"(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

"(e) Cost Recovery.—In establishing a limited access privilege program, a Council shall—

"(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

"(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

"(f) Characteristics.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

"(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

"(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

"(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

"(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

"(g) Limited Access Privilege Assisted Purchase Program.—

"(1) In general.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

"(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

"(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

"(2) Eligibility criteria.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

"(h) Effect on Certain Existing Shares and Programs.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

"(i) Transition Rules.—

"(1) In general.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

"(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

"(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

"(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(b) Fees.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking "management and enforcement" and inserting "management, data collection, and enforcement".

(c) Investment in United States Seafood Processing Facilities.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) Conforming Amendment.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking "section 305(h)(5)(B)" and all that follows and inserting "section 305(h)(5)(B).".

(e) Application With American Fisheries Act.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

"(i) Environmental Review Process.—

"(1) Procedures.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

"(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

"(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

"(2) Usage.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

"(3) Schedule for promulgation of final procedures.—The Secretary shall—

"(A) propose revised procedures within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

"(B) provide 90 days for public review and comments; and

"(C) promulgate final procedures no later than 12 months after the date of enactment of that Act.

"(4) Public participation.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.".

SEC. 108. EMERGENCY REGULATIONS.

(a) Lengthening of Second Emergency Period.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking "180 days," the second time it appears and inserting "186 days,".

(b) Technical Amendment.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting "or interim measures" after "emergency regulations".

SEC. 109. WESTERN PACIFIC AND NORTH PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

"(j) Western Pacific and Northern Pacific Regional Marine Education and Training.—

"(1) In general.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

"(2) PROGRAM COMPONENTS.—The program shall—

"(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

"(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

"(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

"(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

"(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

"(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.".

SEC. 110. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109 of this Act, is further amended by adding at the end thereof the following:

"(k) MULTISPECIES GROUNDFISH.—

"(1) IN GENERAL.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

"(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

"(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.

"(2) CURE.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).".

SEC. 111. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking "and" after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting "and" after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

"(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system, subject to the confidentiality provisions of section 402;";

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

"(h) JOINT ENFORCEMENT AGREEMENTS.—

"(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

"(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

"(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

"(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

"(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

"(C) shall provide for confidentiality of data and information submitted to the State under section 402.

"(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

"(i) IMPROVED DATA SHARING.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—

"(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

"(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

"(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

"(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

"(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.".

(b) REPORT.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using vessel monitoring systems, satellite-based maritime distress and safety systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether satellite-based maritime distress and safety systems, or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to satellite-based maritime distress and safety system or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the satellite-based maritime distress and safety system or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 112. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking "measures;" in subsection (a)(1)(B) and inserting "measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;";

(2) by striking "1996, 1997, 1998, and 1999." in subsection (a)(4) and inserting "2007 through 2013.";

(3) by striking "or the Governor of a State for fisheries under State authority, may conduct a fishing" in subsection (b)(1) and inserting "the Governor of a State for fisheries

under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing";

(4) by inserting "practicable" after "entrants," in subsection (b)(1)(B)((i);

(5) by striking "cost-effective and" in subsection (b)(1)(C) and inserting "cost-effective and, in the instance of a program involving an industry fee system, prospectively";

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

"(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established or in any other fishery and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or";

(7) by striking "The Secretary shall consult, as appropriate, with Councils," in subsection (b)(4) and inserting "The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,";

(8) by adding at the end of subsection (b) the following:

"(5) PAYMENT CONDITION.—The Secretary may not make a payment under paragraph (2) with respect to a vessel that will not be scrapped unless the Secretary certifies that the vessel will not be used for fishing in the waters of a foreign nation or fishing on the high seas.

"(6) REPORT.—

"(A) IN GENERAL.—Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report—

"(i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;

"(ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

"(iii) potential sources of funding for such measures.

"(B) BASIS FOR RECOMMENDATIONS.—The Secretary shall base the recommendations made with respect to a fishery on—

"(i) the most cost effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

"(ii) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or on the high seas.";

(9) by striking "Secretary, at the request of the appropriate Council," in subsection (d)(1)(A) and inserting "Secretary";

(10) by striking "Secretary, in consultation with the Council," in subsection (d)(1)(A) and inserting "Secretary";

(11) by striking "a two-thirds majority of the participants voting," in subsection (d)(1)(B) and inserting "at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.";

(12) by striking "establish;" in subsection (d)(2)((C) and inserting "establish, unless the Secretary determines that such fees should be collected from the seller;" and

(13) striking subsection (e) and inserting the following:

"(e) IMPLEMENTATION PLAN.—

"(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

"(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

"(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

"(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

"(i) the requirements of this section;

"(ii) the requirements of the framework regulations;

"(iii) the characteristics of the fishery and affected fishing communities;

"(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

"(v) the general needs and desires of harvesters in the fishery;

"(vi) the need to minimize program costs; and

"(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

"(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

"(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

"(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

"(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.".

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 113. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

"(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

"(b) PROGRAM COMPONENTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

"(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;

"(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

"(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

"(D) any other activities authorized under section 312 of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

"(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

"(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

"(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of

1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

"(A) no reasonable means are available through which applicants can meet the matching requirement; and

"(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

"(5) Net revenue limit inapplicable.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

"(c) Regional Impact Evaluation.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

"(c) Catastrophic Regional Fishery Disaster Defined.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

"(1) results in economic losses to coastal or fishing communities;

"(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

"(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).".

(b) Salmon Plan and Study.—

(1) Recovery plan.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) Annual report.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) Oregon and California Salmon Fishery.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 114. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) Loan Assistance.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2007 through 2013, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) Loan Forgiveness.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may, with respect to uninsured losses—

(1) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(2) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) Definitions.—In this section:

(1) Declared fisheries disaster area.—The term "declared fisheries disaster area" means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) Eligible holder.—The term "eligible holder" means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) Fishery finance program loan.—The term "fishery finance program loan" means a loan made or guaranteed under the fishery finance program under chapter 537 of title 46, United States Code.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2007 through fiscal year 2013.

SEC. 115. FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

(b) Allocation of Funds.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) Use of Funds.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for each of fiscal years 2007 through 2012 to carry out this section.

SEC. 116. BYCATCH REDUCTION ENGINEERING PROGRAM.

(a) In General.—Title III (16 U.S.C. 1851 et seq.), as amended by section 113 of this Act, is further amended by adding at the end the following:

"SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

"(a) Bycatch Reduction Engineering Program.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

"(1) be regionally based;

"(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

"(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

"(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

"(b) INCENTIVES.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

"(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

"(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

"(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

"(c) COORDINATION ON SEABIRD INTERACTIONS.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

"(1) outreach to industry on new technologies and methods;

"(2) projects to mitigate for seabird mortality; and

"(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

"(d) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

"(1) describes funding provided to implement this section;

"(2) describes developments in gear technology achieved under this section; and

"(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.".

(b) CDQ BYCATCH LIMITATIONS.—

(1) IN GENERAL.—Section 305(i) (16 U.S.C. 1855(i)) is amended—

(A) by striking "directed fishing allocation" and all that follows in paragraph (1)(B)(ii)(I), and inserting "total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and";

(B) by striking "directed fishing allocation of 10 percent." in paragraph (1)(B)(ii)(II) and inserting "total allocation (directed and nontarget combined) of 10.7 percent.";

(C) by inserting after paragraph (1)(B)(ii) the following:

"The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded."; and

(D) by inserting "Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision." after "2006." in paragraph (1)(C).

(2) EFFECTIVE DATE.—The allocation percentage in subclause (I) of section 305(i)(1)(B)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(B)(ii)), as amended by paragraph (1) of this subsection, shall be in effect in 2007 with respect to any sector of a fishery to which such subclause applies and in which a fishing cooperative is established in 2007, and such sector's 2007 allocation shall be reduced by a pro rata amount to accomplish such increased allocation to the program. For purposes of section 305(i)(1) of that Act and of this subsection, the term "fishing cooperative" means a fishing cooperative whether or not authorized by a fishery management council or Federal agency, if a majority of the participants in the sector are participants in the fishing cooperative.

SEC. 117. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 118. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (O);

(2) by striking "carcass." in subparagraph (P) and inserting "carcass;"; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

"(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

"(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).".

SEC. 119. SHARK FEEDING.

Title III (16 U.S.C. 1851 et seq.), as amended by section 116 of this Act, is further amended by adding at the end the following:

"SEC. 317. SHARK FEEDING.

"Except to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.".

SEC. 120. CLARIFICATION OF FLEXIBILITY.

(a) IN GENERAL.—The Secretary of Commerce has the discretion under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) to extend the time for rebuilding the summer flounder fishery to not later than January 1, 2013, only if—

(1) the Secretary has determined that—

(A) overfishing is not occurring in the fishery and that a mechanism is in place to ensure overfishing does not occur in the fishery; and

(B) stock biomass levels are increasing;

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the new time for rebuilding;

(3) the extension period is based on the status and biology of the stock and the rate of rebuilding;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) AUTHORITY.—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act concerning other species.

SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.

Section 209 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Pub. L. 108–447; 118 Stat. 2884) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 209.";

(2) by striking "is authorized to" in the first sentence and inserting "shall";

(3) by striking "$50,000,000" and all that follows in the first sentence and inserting "up to $25,000,000 pursuant to section 57735 of title 46, United States Code.";

(4) by striking the third sentence and inserting: "The loan shall have a term of 40 years."; and

(5) by adding at the end the following:

"(b) SOUTHEAST ALASKA FISHERIES PROGRAM.—

"(1) CONDUCT OF PROGRAM BY RSA.—The program described in subsection (a) shall be conducted under Alaska law by the Southeast Revitalization Association.

"(2) TREATMENT UNDER CHAPTER 577 OF TITLE 46.—For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

"(3) APPLICATION OF MAGNUSON-STEVENS ACT.—Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

"(c) SOUTHEAST ALASKA FISHERIES PROGRAM APPROVAL AND REFERENDUM.—

"(1) IN GENERAL.—The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association under subsection (b).

"(2) Referendum.—The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that—

"(A) no Council request and no consultation shall be required; and

"(B) the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.

"(d) Disbursal of Loan Proceeds.—If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments. The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.)".

SEC. 122. CONVERSION TO CATCHER/PROCESSOR SHARES.

(a) In General.—

(1) Amendment of plan.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for the Bering Sea/Aleutian Islands King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—

(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and

(B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.

(2) Eligibility and limitations.—

(A) The authority provided in paragraph (1)(A) shall—

(i)(I) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of less than 7 percent of the Bering Sea/Aleutian Island processor quota shares; or

(II) apply only to an entity which was initially awarded both catcher/processor owner quota shares under the plan and processor quota shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 546);

(ii) be limited to processor quota shares initially awarded to such entities and their commonly owned affiliates under the plan or section 417(a) of that Act; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(B) The authority provided in paragraph (1)(B) shall—

(i) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of more than 7 percent of the Bering Sea/Aleutian Island processor quota shares;

(ii) be limited to catcher vessel quota shares initially awarded to such entity and its commonly owned affiliates; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(3) Exchange rate.—The entities referred to in paragraph (1) shall receive under the amendment 1 unit of newly created catcher/processor owner quota shares in exchange for 1 unit of catcher vessel owner quota shares and 0.9 units of processor quota shares.

(4) Area of validity.—Each unit of newly created catcher/processor owner quota shares under this subsection shall only be valid for the Northern Region.

(b) Fees.—

(1) Local fees.—The holder of the newly created catcher/processor owner quota shares under subsection (a) shall pay a fee of 5 percent of the ex-vessel value of the crab harvested pursuant to those shares to any local governmental entities in the Northern Region if the processor quota shares used to produce those newly created catcher/processor owner quota shares were originally derived from the processing activities that occurred in a community under the jurisdiction of those local governmental entities.

(2) State fee.—The State of Alaska may collect from the holder of the newly created catcher/processor owner quota shares under subsection (a) a fee of 1 percent of the ex-vessel value of the crab harvested pursuant to those shares.

(c) Off-loading Requirement.—Crab harvested pursuant to catcher/processor owner quota shares created under this subsection shall be off-loaded in those communities receiving the local governmental entities fee revenue set forth in subsection (b)(1).

(d) Periodic Council Review.—As part of its periodic review of the plan, the North Pacific Fishery Management Council may review the effect, if any, of this subsection upon communities in the Northern Region. If the Council determines that this section adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, such changes to the plan as are necessary to mitigate those adverse effects.

(e) Use Caps.—

(1) In general.—Notwithstanding sections 680.42(b)(ii)(2) and 680.7(a)(ii)(7) of title 50, Code of Federal Regulations, custom processing arrangements shall not count against any use cap for the processing of opilio crab in the Northern Region so long as such crab is processed in the Northern Region by a shore-based crab processor.

(2) Shore-based crab processor defined.—In this paragraph, the term "shore-based crab processor" means any person or vessel that receives, purchases, or arranges to purchase unprocessed crab, that is located on shore or moored within the harbor.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

"(g) Recreational Fisheries.—

"(1) Federal program.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

"(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

"(i) in the Exclusive Economic Zone;

"(ii) for anadromous species; or

"(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

"(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

"(2) State programs.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

"(3) Data collection.—

"(A) Improvement of the marine recreational fishery statistics survey.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

"(B) NRC report recommendations.—The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including—

"(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

"(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

"(C) Methodology.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

"(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

"(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

"(iii) collection and analysis of vessel trip report data from charter fishing vessels;

"(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

"(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

"(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

"(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.".

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking "(a) COUNCIL REQUESTS.—" in the subsection heading and inserting "(a) COLLECTION PROGRAMS.—";

(2) by resetting the text following "(a) COLLECTION PROGRAMS.—" as a new paragraph 2 ems from the left margin;

(3) by inserting "(1) COUNCIL REQUESTS.—" before "If a Council";

(4) by striking "subsection" in the last sentence and inserting "paragraph";

(5) by striking "(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)" each place it appears; and

(6) by adding at the end the following:

"(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.".

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

"(b) CONFIDENTIALITY OF INFORMATION.—

"(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

"(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

"(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

"(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

"(D) when required by court order;

"(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

"(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

"(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

"(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

"(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

"(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

"(B) when such information is necessary in proceedings to adjudicate observer certifications; or

"(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

"(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

"(ii) to validate the accuracy of the observer information collected."; and

(3) by striking "(1)(E)." in paragraph (3), as redesignated, and inserting "(2)(A).".

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking "under section 401".

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 119 of this Act, is further amended by adding at the end the following:

"SEC. 318. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

"(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

"(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

"(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

"(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

"(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

"(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

"(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

"(5) Projects designed to collect and compile economic and social data.

"(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

"(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

"(f) EXEMPTED PROJECTS.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.".

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

"SEC. 319. HERRING STUDY.

"(a) IN GENERAL.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

"(b) REPORT.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.".

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 320. RESTORATION STUDY.

"(a) IN GENERAL.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.".

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking "and the Secretary of the Interior are" in paragraph (1) and inserting "is";

(2) by striking "not less than three and not more than five" in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

"(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).".

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) IN GENERAL.—The Secretary shall establish and maintain a fund, to be known as the "Fisheries Conservation and Management Fund", which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM FOR SUSTAINABLE PURPOSES.

Section 53706(a)(7) of title 46, United States Code, is amended to read as follows:

"(7) Financing or refinancing—

"(A) the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (including the reimbursement of obligors for expenditures previously made for such a purchase) ;

"(B) activities that assist in the transition to reduced fishing capacity; or

"(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.".

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

"(f) REGIONAL ECOSYSTEM RESEARCH.—

"(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

"(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

"(B) recommendations for processes for incorporating broad stake holder participation;

"(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

"(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

"(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.".

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

"SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall, subject to the availability of appropriations, establish a program—

"(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

"(2) to locate and map locations of deep sea corals and submit such information to the Councils;

"(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

"(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

"(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

"(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

"(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.".

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON COMMERCIAL AND RECREATION FISHERY HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTH PACIFIC FISHERIES CONVENTION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "all fisheries under the Council's jurisdiction except salmon fisheries" in subsection (a) and inserting "any fishery under the Council's jurisdiction except a salmon fishery";

(2) by striking subsection (a)(2) and inserting the following:

"(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.";

(3) by striking "observers" in subsection (b)(2)(A) and inserting "observers, or electronic monitoring systems,";

(4) by inserting "a fixed amount reflecting actual observer costs as described in subparagraph (A) or" in subsection (b)(2)(E) after "expressed as";

(5) by inserting "some or" in subsection (b)(2)(F) after "against";

(6) by inserting "or an electronic monitoring .system" after "observer" in subsection (b)(2)(F);

(7) by striking "and" after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

"(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and".

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

SEC. 217. STUDY OF SHORTAGE IN THE NUMBER OF INDIVIDUALS WITH POST- BACCALAUREATE DEGREES IN SUBJECTS RELATED TO FISHERY SCIENCE.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of Education shall collaborate to conduct a study of—

(1) whether there is a shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science, including fishery oceanography, fishery ecology, and fishery anthropology, who have the ability to conduct high quality scientific research in fishery stock assessment, fishery population dynamics, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees; and

(3) what institutions of higher education, the private sector, and the Congress could do to try to increase the number of individuals with such post-baccalaureate degrees.

(b) REPORT—.Not later than 8 months after the date of enactment of this Act, the Secretaries of Commerce and Education shall transmit a report to each committee of Congress with jurisdiction over the programs referred to in subsection (a), detailing the findings and recommendations of the study under this section.

SEC. 218. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM.

Section 802 of Public Law 108-199 (118 Stat. 110) is amended by striking "2 years" and inserting "5 years".

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking "$25,000" and inserting "$200,000";

(2) by striking "violation, the degree of culpability, and history of prior offenses, ability to pay," in the fifth sentence and inserting "violator, the degree of culpability, any history of prior offenses,"; and

(3) by adding at the end the following: "In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.".

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

"(e) REVOCATION OR SUSPENSION OF PERMIT.—

"(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

"(A) a vessel has been used in the commission of any act prohibited under section 7;

"(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

"(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

"(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

"(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(C) deny such permit; or

"(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

"(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

"(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

"(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

"(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.".

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking "$50,000" and inserting "$200,000"; and

(2) by striking "$100,000," and inserting "$400,000,".

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2007, 2008, 2009, 2010, 2011, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking "$4,000,000 for each of fiscal years 2004 through 2008," and inserting "$4,000,000 for each of fiscal years 2007 through 2011".

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2007 through 2011".

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A-56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106-113), and amended by Public Law 106-533 (114 Stat. 2762A-108)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking "SEC. 623."; and

(ii) inserting before "(a) NORTHERN FUND AND SOUTHERN FUND.—" the following:

"SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.".

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by paragraph (1), is amended—

(1) by inserting "sustainable salmon fisheries," after "enhancement,";

(2) by inserting "2005, 2006, 2007, 2008, and 2009," after "2003,"; and

(3) by inserting "Idaho," after "Oregon,".

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105-384 (16 U.S.C. 1856 note) is amended—

(1) by striking "September 30, 2006." in subsection (i) and inserting "September 30, 2016.";

(2) by striking "health" in subsection (j) and inserting "status"; and

(3) by striking "California." in subsection (j) and inserting "California, including—

"(1) stock status and trends throughout its range;

"(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

"(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.".

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

(g) REAUTHORIZATION OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.— Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for apportionment to carry out the purposes of this title $5,000,000 for each of fiscal years 2007 through 2012."; and

(2) by striking "$850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006" in subsection (c) and inserting "$900,000 for each of fiscal years 2007 through 2012".

(h) REAUTHORIZATION AND AMENDMENT OF THE ANADROMOUS FISH CONSERVATION ACT.—Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the purposes of this Act not to exceed $4,500,000 for each of fiscal years 2007 through 2012.".

(i) REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking "2006" and inserting "2012".

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

"SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

"(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

"(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

"(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

"(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

"(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

"(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

"(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

"(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

“(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.”.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

“(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.”.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

“SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

“The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

“(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

“(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

“(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

“(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

“(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

“SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

“The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

“(1) urging international fishery management organizations to which the United States is a member—

“(A) to incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

“(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

“(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under an international fishery management organization's jurisdiction;

“(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

“(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

“(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

“(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

“(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

“(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

“(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

“SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

“(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding 2 years, in illegal, unreported, or unregulated fishing; and—

“(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

“(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

“(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

“(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

“(1) notify nations listed in the report of the requirements of this section;

“(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

“(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

“(d) IUU CERTIFICATION PROCEDURE.—

“(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining if a nation identified under subsection (a) and listed in the report under section 607 has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The certification procedure shall provide for notice and an opportunity for comment by any such nation. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

“(A) whether the government of each nation identified under subsection (a) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

“(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

“(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

“(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

“(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

“(3) EFFECT OF CERTIFICATION.—

“(A) IN GENERAL.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4))—

“(i) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection; but "(ii) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(B) EXCEPTIONS.—Subparagraph (A)(i) does not apply—

"(i) to the extent that such provisions would apply to sport fishing equipment or to fish or fish products not managed under the applicable international fishery agreement; or

"(ii) if there is no applicable international fishery agreement, to the extent that such provisions would apply to fish or fish products caught by vessels not engaged in illegal, unreported, or unregulated fishing.

"(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

"(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

"(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

"(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

"(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

"(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

"(C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.

"SEC. 610. EQUIVALENT CONSERVATION MEASURES.

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

"(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

"(A) in waters beyond any national jurisdiction that result in bycatch of a protected living marine resource; or

"(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

"(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

"(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

"(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

"(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

"(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

"(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

"(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

"(c) CONSERVATION CERTIFICATION PROCEDURE.—

"(1) DETERMINATION.—The Secretary shall establish a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining whether the government of a harvesting nation identified under subsection (a) and listed in the report under section 607—

"(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

"(2) PROCEDURAL REQUIREMENT.—The procedure established by the Secretary under paragraph (1) shall include notice and opportunity for comment by any such nation.

"(3) CERTIFICATION.—The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether each such nation has provided the documentary evidence described in paragraph (1)(A) and established a management plan described in paragraph (1)(B).

"(4) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (3) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

"(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

"(5) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

"(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

"(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

"(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

"(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

"(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

"(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

"(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting "or illegal, unreported, or unregulated fishing" after "fishing" in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting "or illegal, unreported, or unregulated fishing" after "fishing".

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking "that is at least equal in effectiveness to the program established by the Secretary;" and inserting "or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;".

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

"(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;".

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

"(1) $5,770,000 for each of fiscal years 2007 and 2008;

"(2) $6,058,000 for each of fiscal years 2009 and 2010; and

"(3) $6,361,000 for each of fiscal years 2011 and 2013.

"(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

"(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

"(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96-339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).".

(b) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96-339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

"(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and".

(c) SENSE OF CONGRESS REGARDING FISH HABITAT.—Section 3 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a) is amended by adding at the end the following:

"(e) SENSE OF CONGRESS REGARDING FISH HABITAT.—It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.'.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

"(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

"(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

"(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

"(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

"(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.".

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking "(16 U.S.C. 971d)" and inserting "(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,".

SEC. 407. UNITED STATES CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history associated with a vessel of the United States remains with the United States and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish.

(d) DELEGATION.—The designated official may delegate and authorize successive redelegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2009.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Western and Central Pacific Fisheries Convention Implementation Act".

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term "Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term "Commission" means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term "convention area" means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term "fishing" means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term "fishing vessel" means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term "highly migratory fish stocks" means all fish stocks of the species listed in Annex 1 of the 1982 Convention, except sauries, occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term "transhipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPFC CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms "WCPFC Convention" and "Western and Central Pacific Convention" means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, (including any annexes, amendments, or protocols which are in force, or have come into force, for the United States) which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the United States Commissioners, who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

(I) injury compensation under chapter 81 of title 5, United States Code;

(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18, United States Code; and

(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) USE OF INFORMATION.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) IN GENERAL.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, on an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States; or

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) ENTRY CERTIFICATION.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the

Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) APPLICATION OF REGULATIONS—

(1) IN GENERAL.—Regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) DETERMINATION BY SECRETARY.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) HEARING.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) REVIEW OF STATE LAWS AND REGULATIONS.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the "Pacific Whiting Act of 2006".

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term "advisory panel" means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term "Agreement" means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term "catch" means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term "joint management committee" means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term "joint technical committee" means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term "offshore whiting resource" means the transboundary stock of *Merluccius productus* that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term "scientific review group" means the scientific review group established by the Agreement.

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term "United States Section" means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An

individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) Independent Member.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) In General.—

(1) Appointment.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) Term of office.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) In General.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) Regulations; Cooperation With Canadian Officials.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) Application With Magnuson-Stevens Act.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) Joint Management Committee Recommendations.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) Years With No Approved Catch Recommendations.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) Employment Status.—Individuals appointed under section 603, 604, 605, or 606 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(3) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) Compensation.—

(1) In general.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) Scientific review group.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) Travel Expenses.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) Joint Appointees.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) In General.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) Prohibited Acts.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) Actions by the Secretary.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) Penalties.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

TITLE VII—MISCELLANEOUS

SEC. 701. STUDY OF THE ACIDIFICATION OF THE OCEANS AND EFFECT ON FISHERIES.

The Secretary of Commerce shall request the National Research Council to conduct a study of the acidification of the oceans and how this process affects the United States.

SEC. 702. RULE OF CONSTRUCTION.

(a) In General.—Title VI of Public Law 109-295is amended by adding at the end the following:

"SEC. 699A. RULE OF CONSTRUCTION.

"Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.".

(b) Effective Date.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295).

SEC. 703. PUGET SOUND REGIONAL SHELLFISH SETTLEMENT.

(a) Findings and Purpose.—

(1) Findings.—Congress finds that—

(A) the Tribes have established treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by commercial shellfish growers;

(B) the district court that adjudicated the Tribes' treaty rights to take shellfish found that the growers are innocent purchasers who had no notice of the Tribes' fishing right when they acquired their properties;

(C) numerous unresolved issues remain outstanding regarding implementation of the Tribes' treaty right to take shellfish from lands owned, leased, or otherwise subject to harvest by the growers;

(D) the Tribes, the growers, the State of Washington, and the United States Department of the Interior have resolved by a settlement agreement many of the disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from covered tidelands owned or leased by the growers;

(E) the settlement agreement does not provide for resolution of any claims to take shellfish from lands owned or leased by the growers that potentially may be brought in the future by other Tribes;

(F) in the absence of congressional actions, the prospect of other Tribes claims to take shellfish from lands owned or leased by the growers could be pursued through the courts, a process which in all likelihood could consume many years and thereby promote uncertainty in the State of Washington and the growers and to the ultimate detriment of both the Tribes and other Tribes and their members;

(G) in order to avoid this uncertainty, it is the intent of Congress that other Tribes have the option of resolving their claims, if any, to a treaty right to take shellfish from covered tidelands owned or leased by the growers; and

(H) this Act represents a good faith effort on the part of Congress to extend to other Tribes the same fair and just option of resolving their claims to take shellfish from covered tidelands owned or leased by the growers that the Tribes have agreed to in the settlement agreement.

(2) PURPOSE.—The purposes of this section are—

(A) to approve, ratify, and confirm the settlement agreement entered into by and among the Tribes, commercial shellfish growers, the State of Washington, and the United States;

(B) to provide other Tribes with a fair and just resolution of any claims to take shellfish from covered tidelands, as that term is defined in the settlement agreement, that potentially could be brought in the future by other Tribes; and

(C) to authorize the Secretary to implement the terms and conditions of the settlement agreement and this section.

(b) APPROVAL OF SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—The settlement agreement is hereby approved, ratified, and confirmed, and section 6 of the settlement agreement, Release of Claims, is specifically adopted and incorporated into this section as if fully set forth herein.

(2) AUTHORIZATION FOR IMPLEMENTATION.—The Secretary is hereby authorized to implement the terms and conditions of the settlement agreement in accordance with the settlement agreement and this section.

(c) FUND, SPECIAL HOLDING ACCOUNT, AND CONDITIONS.—

(1) PUGET SOUND REGIONAL SHELLFISH SETTLEMENT TRUST FUND.—

(A) There is hereby established in the Treasury of the United States an account to be designated as the "Puget Sound Regional Shellfish Settlement Trust Fund". The Secretary shall deposit funds in the amount of $22,000,000 at such time as appropriated pursuant to this section into the Fund.

(B) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Fund.

(C) The Secretary shall transfer monies held in the Fund to each Tribe of the Tribes in the amounts and manner specified by and in accordance with the payment agreement established pursuant to the settlement agreement and this section.

(2) Puget sound regional shellfish settlement special holding account.—

(A) There is hereby established in the Treasury of the United States a fund to be designated as the "Puget Sound Regional Shellfish Settlement Special Holding Account". The Secretary shall deposit funds in the amount of $1,500,000 into the Special Holding Account in fiscal year 2011 at such time as such funds are appropriated pursuant to this section.

(B) The Special Holding Account shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Special Holding Account.

(C) If a court of competent jurisdiction renders a final decision declaring that any of the other Tribes has an established treaty right to take or harvest shellfish in covered tidelands, as that term is defined in the settlement agreement, and such tribe opts to accept a share of the Special Holding Account, rather than litigate this claim against the growers, the Secretary shall transfer the appropriate share of the monies held in the Special Holding Account to each such tribe of the other Tribes in the amounts appropriate to compensate the other Tribes in the same manner and for the same purposes as the Tribes who are signatory to the settlement agreement. Such a transfer to a tribe shall constitute full and complete satisfaction of that tribe's claims to shellfish on the covered tidelands.

(D) The Secretary may retain such amounts of the Special Holding Account as necessary to provide for additional tribes that may judicially establish their rights to take shellfish in the covered tidelands within the term of that Account, provided that the Secretary pays the remaining balance to the other Tribes prior to the expiration of the term of the Special Holding Account.

(E) The Tribes shall have no interest, possessory or otherwise, in the Special Holding Account.

(F) Twenty years after the deposit of funds into the Special Holding Account, the Secretary shall close the Account and transfer the balance of any funds held in the Special Holding Account at that time to the Treasury. However, the Secretary may continue to maintain the Special Holding Account in order to resolve the claim of an Other Tribe that has notified the Secretary in writing within the 20-year term of that Tribe's interest in resolving its claim in the manner provided for in this section.

(G) It is the intent of Congress that the other Tribes, if any, shall have the option of agreeing to similar rights and responsibilities as the Tribes that are signatories to the settlement agreement, if they opt not to litigate against the growers.

(3) ANNUAL REPORT.—Each tribe of the Tribes, or any of the other Tribes accepting a settlement of its claims to shellfish on covered lands pursuant to paragraph (2)(C), shall submit to the Secretary an annual report that describes all expenditures made with monies withdrawn from the Fund or Special Holding Account during the year covered by the report.

(4) JUDICIAL AND ADMINISTRATIVE ACTION.—The Secretary may take judicial or administrative action to ensure that any monies withdrawn from the Fund or Special Holding Account are used in accordance with the purposes described in the settlement agreement and this section.

(5) CLARIFICATION OF TRUST RESPONSIBILITY.—Beginning on the date that monies are transferred to a tribe of the Tribes or a tribe of the other Tribes pursuant to this section, any trust responsibility or liability of the United States with respect to the expenditure or investment of the monies withdrawn shall cease.

(d) STATE OF WASHINGTON PAYMENT.—The Secretary shall not be accountable for nor incur any liability for the collection, deposit, management or nonpayment of the State of Washington payment of $11,000,000 to the Tribes pursuant to the settlement agreement.

(e) RELEASE OF OTHER TRIBES CLAIMS.—

(1) RIGHT TO BRING ACTIONS.—As of the date of enactment of this section, all right of any other Tribes to bring an action to enforce or exercise its treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by any and all growers shall be determined in accordance with the decisions of the Courts of the United States in United States v. Washington, Civ. No. 9213 (Western District of Washington).

(2) CERTAIN RIGHTS GOVERNED BY THIS SECTION.—If a tribe falling within the other Tribes category opts to resolve its claims to take shellfish from covered tidelands owned or leased by the growers pursuant to subsection (c)(2)(C) of this section, that tribe's rights shall be governed by this section, as well as by the decisions of the Courts in United States v. Washington, Civ. No. 9213.

(3) NO BREACH OF TRUST.—Notwithstanding whether the United States has a duty to initiate such an action, the failure or declination by the United States to initiate any action to enforce any other Tribe's or other Tribes' treaty rights to take shellfish from public and private tidelands in Washington State, including from covered tidelands owned, leased, or otherwise subject to harvest by any and all growers shall not constitute a breach of trust by the United States or be compensable to other Tribes.

(f) CAUSE OF ACTION.—If any payment by the United States is not paid in the amount or manner specified by this section, or is not paid within 6 months after the date specified by the settlement agreement, such failure shall give rise to a cause of action by the Tribes either individually or collectively against the United States for money damages for the amount authorized but not paid to the Tribes, and the Tribes, either individually or collectively, are authorized to bring an action against the United States in the United States Court of Federal Claims for such funds plus interest.

(g) DEFINITIONS.—In this section:

(1) FUND.—The term "Fund" means the Puget Sound Shellfish Settlement Trust Fund Account established by this section.

(2) GROWERS.—The term "growers" means Taylor United, Inc.; Olympia Oyster Company; G.R. Clam & Oyster Farm; Cedric E. Lindsay; Minterbrook Oyster Company; Charles and Willa Murray; Skookum Bay Oyster Company; J & G Gunstone Clams, Inc.; and all persons who qualify as 'growers' in accordance with and pursuant to the settlement agreement.

(3) OTHER TRIBES.—The term "other Tribes" means any federally recognized Indian nation or tribe other than the Tribes described in paragraph (6) that, within 20 years after the deposit of funds in the Special Holding Account, establishes a legally enforceable treaty right to take shellfish

from covered tidelands described in the settlement agreement, owned, leased or otherwise subject to harvest by those persons or entities that qualify as growers.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.— The term "settlement agreement" means the settlement agreement entered into by and between the Tribes, commercial shellfish growers, the State of Washington and the United States, to resolve certain disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from certain covered tidelands owned, leased or otherwise subject to harvest by the growers.

(6) TRIBES.—The term "Tribes" means the following federally recognized Tribes that executed the settlement agreement: Tulalip, Stillaguamish, Sauk Suiattle, Puyallup, Squaxin Island, Makah, Muckleshoot, Upper Skagit, Nooksack, Nisqually, Skokomish, Port Gamble S'Klallam, Lower Elwha Klallam, Jamestown S'Klallam, and Suquamish Tribes, the Lummi Nation, and the Swinomish Indian Tribal Community.

(7) SPECIAL HOLDING ACCOUNT.—The term "Special Holding Account" means the Puget Sound Shellfish Settlement Special Holding Account established by this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $23,500,000 to carry out this section—

(A) $2,000,000 for fiscal year 2007;

(B) $5,000,000 for each of fiscal years 2008 through 2010; and

(C) $6,500,000 for fiscal year 2011.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Tsunami Warning and Education Act".

SEC. 802. DEFINITIONS.

In this title:

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 803. PURPOSES.

The purposes of this title are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 804. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this title;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 805 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this title and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 806 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this title.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this title, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this title but which has not yet been deployed, if the Administration has entered into a contract for that equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this title to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this title. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 805. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 804(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 806. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 805(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 807. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this title—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.

TITLE IX—POLAR BEARS

SEC. 901. SHORT TITLE.

This title may be cited as the "United States-Russia Polar Bear Conservation and Management Act of 2006".

SEC. 902. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

"TITLE V—POLAR BEARS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) AGREEMENT.—The term "Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

"(2) ALASKA NANUUQ COMMISSION.—The term "Alaska Nanuuq Commission" means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

"(3) IMPORT.—The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(4) POLAR BEAR PART OR PRODUCT.—The term "part or product of a polar bear" means any polar bear part or product, including the gall bile and gall bladder.

"(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

"(6) TAKING.—The term "taking" has the meaning given the term in the Agreement.

"(7) COMMISSION.—The term "Commission" means the commission established under article 8 of the Agreement.

"SEC. 502. PROHIBITIONS.

"(a) IN GENERAL.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

"(1) to take any polar bear in violation of the Agreement;

"(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

"(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

"(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

"(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

"(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

"(b) EXCEPTIONS.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

"SEC. 503. ADMINISTRATION.

"(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

"(b) UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.—

"(1) OTHER GOVERNMENT RESOURCES.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

"(2) OTHER POWERS AND AUTHORITIES.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

"(c) ENSURING COMPLIANCE.—

"(1) TITLE I AUTHORITIES.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

"(2) ADDITIONAL AUTHORITIES.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

"(2) ORDINANCES AND REGULATIONS.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

"SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

"(b) DELEGATION.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

"(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

"(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

"(3) administer its co-management program for polar bears in accordance with—

"(A) this title; and

"(B) the Agreement.

"SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

"(a) APPOINTMENT OF U.S. COMMISSIONERS.—

"(1) APPOINTMENT.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

"(A) the Secretary;

"(B) the Secretary of State; and

"(C) the Alaska Nanuuq Commission.

"(2) QUALIFICATIONS.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

"(A) 1 United States commissioner shall be an official of the Federal Government;

"(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

"(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

"(3) SERVICE AND TERM.—Each United States commissioner shall serve—

"(A) at the pleasure of the President; and

"(B) for an initial 4-year term and such additional terms as the President shall determine.

"(4) VACANCIES.—

"(A) IN GENERAL.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

"(B) MANNER.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

"(b) ALTERNATE COMMISSIONERS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

"(2) DUTIES.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

"(3) REAPPOINTMENT.—An alternate commissioner—

"(A) shall be eligible for reappointment by the President; and

"(B) may attend all meetings of the United States section.

"(c) DUTIES.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

"(d) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—A member of the United States section shall serve without compensation.

"(2) TRAVEL EXPENSES.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

"(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

"SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

"In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

"SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

"(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

"(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

"SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

"(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect—

"(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

"(2) the authorities provided under title II of this Act.

"(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

"(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

"(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

"TITLE V—POLAR BEARS

"Sec. 501. Definitions.
"Sec. 502. Prohibitions.
"Sec. 503. Administration.
"Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
"Sec. 505. Commission appointments; compensation, travel expenses, and claims.
"Sec. 506. Votes taken by the United States Section on matters before the Commission.
"Sec. 507. Implementation of actions taken by the Commission.
"Sec. 508. Application with other titles of Act.
"Sec. 509. Authorization of appropriations.".

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking "vessel or other conveyance" each place it appears and inserting "vessel, other conveyance, or container".

SA 5225. Mr. McCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; as follows:

In line 17, page 3, strike "on or".

SA 5226. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona; as follows:

Strike section 4(d) and insert the following:

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

SA 5227. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; as follows:

At the end of the bill, add the following:

SEC. 4. OFFSETS.

(a) GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT EXPANSION.—Section 2 of Public Law 107–354 (16 U.S.C. 442 note) is amended by striking "or appropriated funds".

(b) MAGGIE L. WALKER NATIONAL HISTORIC SITE.—Section 511(e)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 461 note; Public Law 95–625) is amended by striking "$795,000" and inserting "$195,000".

SA 5228. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; as follows:

At the end of the bill, add the following:

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading "NORFOLK HARBOR AND CHANNELS, VIRGINIA" by striking "$551,000,000, with an estimated first Federal cost of $256,000,000" and inserting "$545,000,000, with an estimated first Federal cost of $250,000,000".

SA 5229. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of

the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

SA 5230. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) RURAL SCHOOLS AND COMMUNITIES TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

"(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

"(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.".

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(B) PAYMENTS TO COUNTIES.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(3) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Rural Schools and Communities Trust Fund.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) ACCELERATION OF EFFECTIVE DATE.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2006".

(2) EXCLUSION FOR PAYMENTS TO SMALL BUSINESSES BEFORE 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", and", and by adding at the end the following:

"(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.".

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking "2007" both places it appears and inserting "2008"; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking "2006" each place it appears and inserting "2007".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, December 7, 2006, at 9:30 a.m., to receive testimony on the report of the Iraq Study Group.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, December 7, 2006, immediately following the next vote on the Senate floor, in the Senate Reception Room, S–212 of the Capitol, to consider favorably reporting the nomination of Eric Solomon to be an Assistant Secretary of the Treasury, U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, December 7, 2006, to consider pending committee business.

Agenda

Nomination: 1. Paul A. Schneider, Under Secretary for Management, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Vertically Integrated Sports Programming: Are Cable Companies Excluding Competition?" for Thursday, December 7, 2006 at 11 a.m. in Dirksen Senate Office Building Room 226.

Witness list:

Panel I: Mr. David L. Cohen, Executive Vice President, Comcast Corporation, Philadelphia, PA; Mr. John D. Goodman, President, Coalition for Competitive Access to Content, Washington, DC; Dr. Mark Cooper, Director of Research, Consumer Federation of America, Washington, DC; Mr. Michael Salinger, Director of Bureau of Economics, Federal Trade Commission, Washington, DC; and Mr. James Baller, The Baller Herbst Law Group, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered,

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intellience be authorized to meet during the session of the

Senate on December 7, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

STEVENS-INOUYE INTERNATIONAL FISHERIES MONITORING AND COMPLIANCE LEGACY ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5946 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

There being no objection, the Senate proceeded to consideration of the measure.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Stevens amendment be agreed to; the bill, as amended, be read for the third time and passed; and a motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5224) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5946), as amended, was read the third time and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6111, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable spouse relief and to suspend the running on the period of limitations while such claims are pending.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5225) was agreed to, as follows:

In line 17, page 3, strike "on or".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6111), as amended, was read the third time and passed.

PIPELINE SAFETY IMPROVEMENT ACT OF 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5782 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5782) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. LAUTENBERG. Mr. President, I would like to thank Commerce Committee co-chairmen Stevens and Inouye for their hard work in achieving this bill's passage. H.R. 5782 the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 is a timely piece of legislation, and I hope that it will soon become law. I am proud to be one of the original cosponsors of the Senate version of this bill, S.3961.

Our 2.3 million miles of natural gas and hazardous liquid pipelines are more than simply a series of tubes. This system is the transportation mode for nearly two-thirds of the energy consumed by our Nation. From large transmission pipelines to distribution pipelines to service lines which run into our homes, every part of this system must be safe.

I am pleased that Congress is acting to reauthorize the Office of Pipeline Safety, OPS, and bringing its resources more in line with what is needed to adequately regulate this industry. This bill would authorize 50 percent more Federal pipeline safety inspectors than the Federal Government currently has.

The bill will change Federal policy to help prevent construction-related damage to pipelines by giving additional enforcement authority to OPS and authorizing grants to states to improve one-call notification programs. At the same time, it will also make OPS enforcement actions more transparent to those interested in what the Federal Government is doing to make their lives safer. Furthermore, this bill will also regulate for the first time low-stress oil pipelines, such as the ones in Prudhoe Bay, AK, and gas distribution pipelines all over the country.

One subject in the bill I was proud to author deals with the mandatory use of excess flow valves. These important safety devices can shut off gas flow when a service line is ruptured, preventing a potential explosion. One lesson we learned after the 1994 gas explosion in Edison, NJ, is that technology must be used to shut off gas flow in the case of a rupture. Shortly after that damaging explosion, I introduced legislation to require a greater use of automatic or remotely controlled shutoff valves. I am pleased that this bill will require excess flow valves to be installed in every new single family residence or replacement service lines in a single family residence.

While the bill would give some discretion to the administration as to who may be exempted from this EFV requirement, I have met with Admiral Barrett, Administrator of the Pipeline and Hazardous Material Safety Administration, and he assures me that only operators of master meter and liquefied petroleum gas, LPG, systems are intended to be excluded. On these systems, he believes EFVs have not been shown to be effective.

By letter to me dated December 4, 2006, Admiral Barrett of the Federal Pipeline and Hazardous Materials Safety Administration wrote to me:

REQUIRING INSTALLATION OF EXCESS FLOW VALVES

The American Gas Association has provided data that leads PHMSA to believe that 1.2 million new and renewed gas services will be installed each year. PHMSA had been planning to propose to require each operator to include in its risk analysis consideration of whether to install EFV's to protect single-family residences served by new and replaced gas service lines from release of gas due to major damage to the line. Modifications to the reauthorization provisions will change PHMSA planned approach, but would allow PHMSA to determine applicability of the future standard to distribution operators. The circumstances where PHMSA believes conditions for installation of EFV's are not suitable are when gas supply pressure is not continuously higher than 10 psig, when liquids/contaminants that could interfere with valve operation are present in the gas stream, and where load data may be unstable.

Based on current data, we would expect to apply the requirements for EFV's to more than 99 percent of new and replaces residential service lines. PHMSA plans to exclude from the requirement only operators of master meter and liquefied petroleum gas (LPG) systems. These are very small distribution systems, whose operation of gas is incidental to another business, such as a mobile home park or small apartment complex, in the case of the master meter operator; or a ski lodge, in the case of the LPG operator. The variability in gas use is too large to pick one size EFV and most incidents would not trigger an EFV. We estimate that approximately 8,000 of these systems would be excluded from the EFV requirement. The estimate is based on reports in 2004 from (1) 45 state pipeline safety agencies that collectively 6,972 master meter systems were operating in their states and (2) 5 state pipeline safety agencies indicating that 926 LPG systems were operating in their states. Because some states do not have jurisdiction over all master meter systems in their states, the number reported may slightly understate the actual number. Further, we estimate that, on average, for each master meter and LPG system the operator has 100 services.

I will continue to work with Senator INOUYE in the next Congress, who will chair the Committee on Commerce, Science, and Transportation, to determine the feasibility of requiring these important safety devices in types of buildings as well—other than single family residences as well as safety advocates including the National Transportation Safety Board have suggested is feasible. These safety devices can provide crucial protection in the event of a pipeline rupture or similar incident, and technology has advanced to the point where they are effective and readily available. Many pipeline companies are already using excess flow valves in such installations.

I thank all those who worked toward an agreement on this provision and all those who helped pass this bill. A gas leak in a home can be a silent killer, with little warning; we must utilize technology which is available to keep our families safe.

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5782) was ordered to a third reading, was read the third time, and passed.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5076 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5076) to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5076) was ordered to a third reading, was read the third time, and passed.

VETERANS PROGRAMS EXTENSION ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6342 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6342) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6342) was ordered to a third reading, was read the third time, and passed.

PROHIBITING DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4042 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4042) to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4042) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

"(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

"(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

"(i) the boundary of the location of such funeral; and

"(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

"(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

"(2)(A) is within 300 feet of the boundary of the location of such funeral; and

"(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

"(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

"(3) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

"(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

"(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

"(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

"(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

"1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.".

PROVIDING AUTHORITY FOR RESTORATION OF THE SOCIAL SECURITY TRUST FUNDS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 4091 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4091) to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4091) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Trust Funds Restoration Act of 2006".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) CLERICAL ERROR.—The term "clerical error" means the bookkeeping errors at the Social Security Administration that resulted in the overpayment of amounts transferred from the Trust Funds to the general fund of the Treasury during the period commencing with 1999 and ending with 2005 as transfers, under the voluntary withholding program authorized by section 3402(p) of the Internal Revenue Code of 1986, of anticipated taxes on benefit payments under title II of the Social Security Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(3) TRUST FUNDS.—The term "Trust Funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 3. RESTORATION OF TRUST FUNDS.

(a) APPROPRIATION.—There is hereby appropriated to each of the Trust Funds, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the difference between—

(1) the sum of—

(A) the amounts that the Secretary determines, in consultation with the Commissioner of Social Security, were overpaid from such Trust Fund to the general fund of the Treasury by reason of the clerical error, and

(B) the amount that the Secretary determines, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the interest income that would have been payable to such Trust Fund pursuant to section 201(d) of the Social Security Act on obligations issued under chapter 31 of title 31, United States Code, that was not paid by reason of the clerical error, and

(2) the sum of—

(A) the amounts that are refunded to such Trust Fund as overpayments by reason of the clerical error to the extent not limited by periods of limitation under applicable provisions of the Internal Revenue Code of 1986, and

(B) the interest that is paid to such Trust Fund on the overpayments resulting from the clerical error to the extent allowed under applicable provisions of such Code.

(b) INVESTMENT.—The Secretary shall invest the amounts appropriated to each of the Trust Funds under subsection (a) in accordance with the currently applicable investment policy for such Trust Fund.

SEC. 4. TIMING.

(a) ACTIONS BY THE SECRETARY.—The Secretary shall take such actions as are necessary to accomplish the restoration described in section 3 not later than 120 days after the date of the enactment of this Act.

(b) ACTION BY THE COMMISSIONER.—The Commissioner of Social Security shall cooperate with the Secretary to the extent necessary to enable the Secretary to meet the requirements of subsection (a).

SEC. 5. CONGRESSIONAL NOTIFICATION.

Not later than 30 days after the Secretary takes the last action necessary to accomplish the restoration described in section 3, the Secretary shall notify each House of the Congress in writing of the actions so taken.

THE CALENDAR

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following bills reported out of the Energy Committee:

Calendar Nos. 542 to 545, 548 to 551, 554 to 556, 650 and 671, and the Energy Committee be discharged from further consideration of S. 2205 and H.R. 5646, and the Senate proceed to their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bills, as amended, if amended, be read the third time and passed; the title amendments be agreed to; and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONTANA CEMETERY ACT OF 2005

The Senate proceeded to consider the bill (S. 997) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 997

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Cemetery Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means Jefferson County, Montana.

(2) MAP.—The term "map" means the map that is—

(A) entitled "Elkhorn Cemetery";

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE TO JEFFERSON COUNTY, MONTANA.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in subsection (e), in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of approximately 9,67 acres of National Forest System land (including any improvements to the land) in the County that is known as the "Elkhorn Cemetery", as generally depicted on the map.

(c) USE OF LAND.—As a condition of the conveyance under subsection (a), the County shall—

(1) use the land described in subsection (b) as a County cemetery; and

(2) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(d) EASEMENT.—In conveying the land to the County under subsection (a), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that subsection.

(e) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under subsection (a) shall revert to the Secretary, at the election of the Secretary, if the land is—

(1) used for a purpose other than the purposes described in subsection (c)(1); or

(2) managed by the County in a manner that is inconsistent with subsection (c)(2).

Amend the title so as to read: "To direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 997), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CITY OF YUMA IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 1529) to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "City of Yuma Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) City.—The term "City" means the city of Yuma, Arizona.

(2) Federal land.—The term "Federal land" means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) Map.—The term "map" means the map entitled "City of Yuma Proposed Property Ownership" and dated July 25, 2005.

(4) Non-federal land.—The term "non-Federal land" means the non-Federal land depicted on the map and generally known as the "Railroad Parcels".

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) In General.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) Title to Non-Federal Land.—

(1) In general.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) Requirements.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) Administration of Acquired Land.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) Release From Liability.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) Administrative Costs.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) Valuation, Appraisals, and Equalization.—

(1) In general.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) Appraisals.—

(A) In general.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) Requirements.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) Equalization of values.—

(i) In general.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) Disposition of proceeds.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) In General.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) Consideration.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) Administrative Costs.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) Disposition of Proceeds.—The Secretary shall deposit the proceeds of the sale of land under subsection (a) in the general fund of the Treasury.

The amendment (No. 5226) was agreed to, as follows:

(Purpose: To modify the provision governing the disposition of amounts paid to the Secretary for the conveyance of certain United States Fish and Wildlife Service land to the city of Yuma)

Strike section 4(d) and insert the following:

(d) Disposition and Use of Proceeds.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1529), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "City of Yuma Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) City.—The term "City" means the city of Yuma, Arizona.

(2) Federal land.—The term "Federal land" means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) Map.—The term "map" means the map entitled "City of Yuma Proposed Property Ownership" and dated July 25, 2005.

(4) Non-federal land.—The term "non-Federal land" means the non-Federal land depicted on the map and generally known as the "Railroad Parcels".

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) In General.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) Title to Non-Federal Land.—

(1) In general.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) Requirements.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) Administration of Acquired Land.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) Release From Liability.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) Administrative Costs.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) Valuation, Appraisals, and Equalization.—

(1) In general.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) Appraisals.—

(A) In general.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) CONSIDERATION.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) ADMINISTRATIVE COSTS.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE ACT OF 2005

The Senate proceeded to consider the bill (S. 1548) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coffman Cove Administrative Site Conveyance Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in subsections (c) and (d), in and to the parcel of National Forest System land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of National Forest System land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled "Subdivision of U.S. Survey No. 10099" and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of National Forest System land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under subsection (b)(2).

(d) REVERSION.—If any portion of the land conveyed under subsection (a) (other than a portion of land sold under subsection (e)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(e) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under subsection (a)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

The amendment (No. 5227) was agreed to, as follows:

(Purpose: To provide offsets)

At the end of the bill, add the following:

SEC. 4. OFFSETS.

(a) GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT EXPANSION.—Section 2 of Public Law 107–354 (16 U.S.C. 442 note) is amended by striking "or appropriated funds".

(b) MAGGIE L. WALKER NATIONAL HISTORIC SITE.—Section 511(e)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 461 note; Public Law 95–625) is amended by striking "$795,000" and inserting "$195,000".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1548) was ordered to be engrossed for a third reading, was read the third time, and passed.

WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 2003) to make permanent the authorization for watershed restoration and enhancement agreements, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2003

SECTION 1. SHORT TITLE.

This Act may be cited as the "Watershed Restoration and Enhancement Agreements Act of 2006".

SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking "each of fiscal years 2006 through 2011" and inserting "fiscal year 2006 and each fiscal year thereafter";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

"(1) a watershed restoration and enhancement agreement entered into under this section; or

"(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2003), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF WATER RESOURCES IN THE STATE OF VERMONT

The Senate proceeded to consider the bill (S. 2054) to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 2, line 1, to insert "in accordance with this Act and any other applicable law,".

The amendment (No. 5228) was agreed to, as follows:

(Purpose: To provide an offset)

At the end of the bill, add the following:

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading "NORFOLK HARBOR AND CHANNELS, VIRGINIA" by striking "$551,000,000, with an estimated first Federal cost of $256,000,000" and inserting "$545,000,000, with an estimated first Federal cost of $250,000,000".

The committee amendment, as amended, was agreed to.

The bill (S. 2054), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VERMONT WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey and in coordination with the State of Vermont, shall, in accordance with this Act and any other applicable law, conduct a study of water resources in the State of Vermont, including—

(1) a survey of—

(A) with respect to groundwater—

(i) supplies, including aquifers, that are available for potable use by municipalities in the State; and

(ii) availability, potability, potential to recharge, and interaction with surface water; and

(B) potential future water supply sources, and

(2) a characterization of surface and bedrock geology, including the effect of that geology on groundwater yield and quality.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading "NORFOLK HARBOR AND CHANNELS, VIRGINIA" by striking "$551,000,000, with an estimated first Federal cost of $256,000,000" and inserting "$545,000,000, with an estimated first Federal cost of $250,000,000".

EUGENE LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 2150) to direct the Secretary of the Interior to convery certain Bureau of Land Management to the City of Eugene, Oregon, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eugene Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Eugene, Oregon.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE CITY OF EUGENE, OREGON.

(a) IN GENERAL.—[Not later than 60 days after the date of enactment of this Act] *Except as provided in subsection (c)*, the Secretary shall convey to the City, without consideration and subject to all valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)(1) for the purposes of—

(1) establishing a wildlife viewing area; and

(2) the construction and operation of an environmental education center.

(b) DESCRIPTION OF LAND.—

[(1) IN GENERAL.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled "Red House Property" and dated April 11, 2005.

[(2) SURVEY.—

[(A) IN GENERAL.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey acceptable to the Secretary, including an existing survey.]

(1) IN GENERAL.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled "West Eugene Wetlands Land Transfer" and dated April 11, 2005.

(2) SURVEY.—

(A) IN GENERAL.—The legal description of the land described in paragraph (1) may be based on the survey of the land completed in 1979.

(B) COST.—If the Secretary determines that a new survey of the land is required, the City shall be responsible for paying the cost of the survey.

(c) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for the purposes described in that subsection—

(A) all right, title, and interest in and to the land (including any improvements to the land) shall , *at the discretion of the Secretary*, revert to the United States; and

(B) the United States shall have the right of immediate entry to the land.

(2) HEARING.—Any determination of the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyance under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

The committee amendments were agreed to.

The bill (S. 2150), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CITY OF GREEN RIVER LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 2373) to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "City of Green River Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Green River, Wyoming.

(2) MAP.—The term "map" means the map prepared by the Secretary entitled "Green River, Wyoming Land Conveyance Act" and dated February 7, 2006.

(3) PUBLIC LAND.—The term "public land" means approximately 132 acres of Federal land managed by the Secretary and depicted on the map as "Lands to be conveyed to the City of Green River, Wyoming".

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

SEC. 3. CONVEYANCE TO THE CITY.

(a) IN GENERAL.—Subject to valid existing rights, if the City submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall, [within 180 days after the date of the offer,] convey to the City all right, title, and interest to the public land.

(b) APPRAISAL.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land.

(2) ACCORDANCE WITH UNIFORM STANDARDS.—The Secretary shall conduct the appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this section, the City shall pay to the Secretary an amount equal to the appraised value of the public land, as determined under subsection (b).

(d) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established under section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(e) COSTS.—The City shall pay any cost associated with the conveyance of land under subsection (a).

(f) PLAN.—The conveyance of the public land under subsection (a) shall not require an amendment to the Green River Resource Management Plan.

SEC. 4. SEGREGATION OF LANDS.

Except as provided in section 3(a), effective immediately on the date of enactment of this Act and subject to valid existing rights, the public land is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws, including the mining laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

The committee amendments were agreed to.

The bill (S. 2373), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2006

The Senate proceeded to consider the bill (S. 2403) to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Extension Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means the Grand Teton National Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) Subdivision.—The term "Subdivision" means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled "Final Plat GT Park Subdivision", and dated June 18, 1997; and

(B) the map entitled "2006 Proposed Grand Teton Boundary Adjustment", numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) In General.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) Administration.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) Deadline for Acquisition.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) Restriction on Transfer.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

Amend the title so as to read: "To modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2403), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A BOUNDARY STUDY

The bill (H.R. 394) to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PINE SPRINGS LAND EXCHANGE ACT

The Senate proceeded to consider the bill (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Pine Springs land Exchange Act".

SEC. 2. DEFINITIONS

In this Act:

(1) Federal Land—.The term 'Federal land' means the 3 parcels of Forest land (including any improvements on the land), comprising approximately 80 acres, as depicted on the map.

(2) Forest.—The term "Forest" means the Lincoln National Forest in the State of New Mexico.

(3) Map.—The term "map" means the map entitled "Pine Springs Land Exchange" and dated May 25, 2004.

(4) Non-Federal Land.—The term "non-Federal land" means the parcel of University land comprising approximately 80 acres, as depicted on the map.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(6) University.—The term "University" means Lubbock Christian University in the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) In General.—In exchange for the conveyance to the Secretary of the non-Federal land by the University, the Secretary shall convey to the University, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) Map.—

(1) Availability of Map.—The map shall be on file and available for inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Supervisor of Lincoln National Forest.

(2) Minor Errors.—The Secretary and the University may correct any minor errors in the map.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) In General.—The conveyance of Federal land under section 3(a) shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) Acceptable Title.—Title to the Non-Federal Land Shall—

(1) conform with the title approval standards of the Attorney General applicable to Federal land acquisitions; and

(2) otherwise be acceptable to the Secretary.

(c) Compliance With Federal Land Policy and Management Act.—The land exchange authorized under section 3(a) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) Costs.—The costs of carrying out the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and the University.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) Revocation and Withdrawal.—

(1) Revocation of Orders.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land in accordance with this Act.

(2) Withdrawal of Federal Land.—Subject to valid existing rights, pending the completion of the land exchange under section 3(a), the Federal land is withdrawn from all forms of location, entry, and patent under the public land laws, including—

(A) the mining and mineral leasing laws; and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) Administration of Land Acquired by the United States.—

(1) Boundary Adjustment.—On acceptance of title by the Secretary to the non-Federal land—

(A) the non-Federal land shall become part of the Forest; and

(B) the boundaries of the Forest shall be adjusted to include the acquired land.

(2) Land and Water Conservation Fund.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Forest, as modified under paragraph (1), shall be considered to be boundaries of the Forest as of January 1, 1965.

(3) Management.—The Secretary shall manage the non-Federal land acquired under section 3(a) in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any other laws (including regulations) applicable to National Forest System land.

(c) Duties of Secretary.—In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 482), as amended, was read the third time and passed.

HOLLOMAN AIR FORCE BASE LAND EXCHANGE ACT

The Senate proceeded to consider the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holloman Air Force Base Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Federal Land.—The term "Federal land" means the land administered by the Secretary consisting of a total of approximately 320 acres, as depicted on the map.

(2) Map.—The term "map" means the map entitled "Holloman AFB Land Exchange" and dated May 19, 2006.

(3) Non-Federal Land.—The term "non-Federal land" means the parcel consisting of a total of approximately 241 acres of land, as depicted on the map, that is—

(A) contiguous to Holloman Air Force Base, New Mexico; and

(B) located within the required safety zone surrounding munitions storage bunkers at the installation.

(4) Owner.—The term "owner" means an owner that is able to convey to the United States clear title to the non-Federal land.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—If the owner submits to the Secretary a request to exchange the non-Federal land for the Federal land or a portion of the Federal land, the Secretary shall convey to the owner all right, title, and interest of the United States in and to the Federal land or the applicable portion of the Federal land.

(b) CONSIDERATION.—As consideration for the conveyance of the Federal land under subsection (a), the owner shall convey to the United States all right, title, and interest of the owner in and to the non-Federal land.

(c) ADDITION TO MILITARY RESERVATION.—On acquisition of the non-Federal land by the Secretary, the Secretary shall—

(1) assume jurisdiction over the non-Federal land; and

(2) amend the withdrawal for the Holloman Air Force Base to include the non-Federal land.

(d) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this Act shall include the conveyance of all surface, subsurface, mineral, and water rights to the Federal land and non-Federal land exchanged.

(e) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Federal land.

(f) NO AMENDMENT TO MANAGEMENT PLAN REQUIRED.—The exchange of Federal land and non-Federal land shall not require an amendment to the White Sands Resource Management Plan.

(g) DISPOSITION AND USE OF PROCEEDS.—

(1) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under this Act in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 US.C. 2305(a)).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be expended in accordance with section 206(c) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(c)).

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for the land exchange that the Secretary considers to be appropriate to protect the interests of the United States.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 486), as amended, was read the third time and passed.

RIVER RAISIN NATIONAL BATTLEFIELD STUDY ACT

The bill (H.R. 5132), to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812, was considered, ordered to a third reading, read the third time, and passed.

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL DESIGNATION ACT

The bill (H.R. 5466) to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, was considered, ordered to a third reading, read the third time, and passed.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

The Senate proceeded to consider the bill (S. 2205) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

The amendment (No. 5229) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a, person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society. .

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

The bill (S. 2205), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 5646) to study and promote the use of energy efficient computer servers in the United States.

The bill (H.R. 5646) was ordered to a third reading, was read the third time, and passed.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 590.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) designating the second Sunday in December 2006, as "National Children's Memorial Day" in conjunction with The Compassionate Friends Worldwide Candle Lighting.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas approximately 200,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas stillbirth, miscarriage, and the death of an infant, child, teenager, or young adult are considered some of the greatest tragedies that a parent or family could ever endure;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one;

Whereas the mission of The Compassionate Friends is to assist families working towards the positive resolution of grief following the death of a child of any age and to provide information to help others be supportive; and

Whereas the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, grandparents, and siblings can work through their grief with the help of others: Now, therefore, be it

Resolved, That the Senate—

(1) designates the second Sunday in December 2006, as "National Children's Memorial Day" in conjunction with The Compassionate Friends Worldwide Candle Lighting;

(2) supports the efforts of The Compassionate Friends to assist and comfort families grieving the loss of a child; and

(3) calls upon the people of the United States to observe National Children's Memorial Day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

CORRECTING THE ENROLLMENT OF H.R. 5946

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 123, which was submitted earlier today, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 123) was agreed to, as follows:

S. CON. RES.

Resolved by the Senate (the House of Representatives concurring) That, in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

RETIREMENT OF LINDA E. SEBOLD

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 626, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 626) relating to the retirement of Linda E. Sebold.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, after 33 years of service to the U.S. Senate, Linda Sebold has decided to retire. Linda began her Senate career with the Office of the Secretary of the Senate back in August of 1973, and until this day Linda remains totally dedicated to the Senate. After 5 years as an assistant in the Disbursing Office, Linda became the Committee Scheduling Coordinator for the Daily Digest. In time, through dedication and hard work, Linda was named the Assistant Editor of the Digest, and in the spring of 1999, Linda was appointed Editor of the Digest.

Throughout Linda's years of service, the combination of her experience and work ethic allowed her to produce a top flight Daily Digest. The Digest is one those valuable Senate resources thoroughly examined the first thing each morning by many Senate and House staffers. Some people with Linda's years of experience might have become complacent, but throughout her service, Linda remained vigilant, working closely with Senate committee staff, the Government Printing Office, the Senate Sergeant at Arms technical development staff, the Secretary's information technology staff, and her counterparts in the House of Representatives in search of possible improvements for the Digest.

Over the years, Linda's achievements were not limited to the Daily Digest. Linda's recommendations led to numerous improvements being implemented to the Senate-wide Legislative Information System. Linda has contributed significantly to the Senate's continuity of operations planning. Linda has been a true leader among the Secretary's legislative staff. Linda has been the ultimate teacher and mentor for all those fortunate enough to have worked with her. During her time with the Senate, one of Linda's most important roles has been the time she has taken to counsel and encourage young people, especially "young moms," with respect to the personal demands associated with working Senate hours.

As our Senate family says goodbye to Linda and thanks her for always having the best interest of the Senate at heart over the past 33 years, it is also fitting that we acknowledge her greatest accomplishment, her beautiful family. It is our wish that Linda, her loving husband Jerry, her son Brian and daughter Karen, enjoy a future filled with health, happiness, and many treasured memories. We thank Linda's family for their many sacrifices during Linda's career and sincerely thank them for sharing Linda with the Senate.

Thank you, Linda.

Mr. REID. Mr. President, the end of the 109th Congress marks the end of a very distinguished career of Linda Sebold, Editor of the Senate Daily Digest.

After 33 years of Senate service, Linda has decided that she will retire and spend time with her family. Linda began her Senate career with the Office of the Secretary of the Senate in August 1973, and remained a totally dedicated Senate employee.

Through her hard work and dedication, Linda advanced through the ranks and was named Assistant Editor of the Digest, and in the spring of 1999, Linda was appointed Editor of the Digest.

Over the course of Linda's Senate career, she had made numerous contributions which have been instrumental in the development of the Senate-wide Legislative Information System, LIS. Additionally, she had worked diligently in the area of the Senate's continuity of operations planning. Linda has been a true leader in the Senate's legislative staff operations.

It is our hope and wish that Linda, along with her husband Jerry and her children, Brian and Karen, will enjoy many days and family fun, and we wish her well as she embarks on her adventure of retirement.

Good luck, Linda, and thank you very much for your service to the Senate and the Nation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 626) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 626

Whereas Linda E. Sebold has faithfully served the United States Senate for more than 33 years;

Whereas Linda began her service to the Senate as an assistant in the Disbursing Office in 1973;

Whereas Linda became the Committee Scheduling Coordinator for the Daily Digest in 1978 and was promoted to Editor of the Daily Digest in 1999;

Whereas Linda has been a leader in implementing technological advances in the preparation of the Daily Digest;

Whereas Linda has made a significant contribution to continuity of government planning;

Whereas, during her 33½ year tenure, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary efficiency, aplomb, and devotion;

Whereas Linda's service to the Senate has been marked by her personal commitment to the highest standards of excellence; and

Whereas Linda is retiring after more than 33 years service to the United States Senate: Now, therefore, be it

Resolved, That Linda E. Sebold be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Linda E. Sebold.

COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 627, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 627) commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 627

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the Senate—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and their government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

SUPPORTING THE 200TH ANNIVERSARY OF THE NATION'S CHARTING AND RELATED SCIENTIFIC PROGRAMS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 628 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 628) supporting the 200th anniversary of the Nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 628) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 628

Whereas the Act of February 10, 1807 (chapter VIII; 2 Stat. 4113), signed by President Thomas Jefferson, authorized and requested the President "to cause a survey be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts";

Whereas the Coast Survey was established to carry out the duties established under such Act, and was the first Federal science agency of the United States;

Whereas over time additional duties, including geodetic surveying and tide and current monitoring and predictions, were bestowed upon the agency, which was first known as the U.S. Coast Survey and later the U.S. Coast and Geodetic Survey;

Whereas, in addition to providing charts and information vital to the young nation's economic and commercial success, such pioneering agency led some of the nation's earliest oceanographic research, undertaking surveys of the Gulf Stream to determine temperatures, depths, direction, and velocity as well as the character of the seafloor and forms of vegetation and marine life;

Whereas the early technicians and scientists of such agency invented and supported the development of many innovative tools that led to advances in hydrographic, shoreline, and geodetic surveying and cartographic methods, the first real-time water level stations, and deep-sea anchoring;

Whereas during the 20th century such agency, by then re-named the Coast and Geodetic Survey, advanced the development and marine applications of electronics and acoustics, including the development of Radar Acoustic Ranging, radio sono-buoys and the Roberts Radio Current Meter Buoy;

Whereas throughout their history these programs have provided services in support of the Nation's commerce and defense serving in all theaters of the Civil War and in World Wars I and II as hydrographers, cartographers, topographers, and scouts, including the production of more than 100 million maps and charts for U.S. and Allied forces;

Whereas our Nation's interests and economy became increasingly interwoven with the marine and atmospheric environment, a number of Federal science agencies with complimentary functions, including the Weather Bureau and the Bureau of Commercial Fisheries, were combined with such agency to create the National Oceanic and Atmospheric Administration (NOAA);

Whereas today these mapping and charting, geodesy, and tide and current data programs are located in the National Ocean Service of NOAA, in the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services;

Whereas these programs promote NOAA's commerce and transportation goals and continue to support the research, development and application of state-of-the-art surveying, mapping, charting, ocean observing, modeling, and Internet-based product delivery services to promote safe and efficient commerce and transportation and contributing to the advancement of integrated ocean and earth observing systems;

Whereas, these programs continue to demonstrate relevance, value, importance, and service promoting and employing innovative partnerships with other agencies, State and local authorities, academia, and the private sector;

Whereas, these programs work internationally as the United States representative to the International Hydrographic Organization and through other organizations to promote integrated and uniform standards, protocols, formats, and services;

Whereas in addition to commerce and transportation these programs also advance NOAA's weather and water, climate, and ecosystem missions including marine resource conservation, coastal management, and the protection of life and property from coastal storms and other hazards, as most recently demonstrated in responding to and facilitating the recovery of communities and commerce in the hurricane stricken Gulf Coast;

Whereas the devotion, industry, efficiency, and enterprise of these people and programs over their 200-year history have set an enviable record of public service: Now, therefore, be it

Resolved, by the Senate That the Senate—

(1) recognizes that for over 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have been providing the Nation research, service, and stewardship of the marine environment, through products and services that protect lives and property, strengthen the economy, and support and sustain our coastal and marine resources;

(2) recognizes the vision of President Thomas Jefferson in supporting the advancement of science, and the survey of the coast in particular, to the welfare and commercial success of the Nation;

(3) recognizes the contributions made over the past 200 years by the past and current employees and officers of the Office of Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services of the National Oceanic and Atmospheric Administration; and

(4) encourages the people of the United States to salute and share in the planned celebrations of these historic programs during 2007 with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its bicentennial anniversary.

ESTABLISHING A PROCEDURE FOR AFFIXING AND REMOVING ARTWORK

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 629 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 629) establishing a procedure for affixing and removing permanent artwork and semi-permanent artwork in the Senate wing of the Capitol and in the Senate office buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 629) was agreed to, as follows:

S. RES. 629

Resolved,

SECTION 1. STANDARDS FOR PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK.

No permanent artwork or semi-permanent artwork may be affixed to or removed from the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings unless—

(1) the Senate Commission on Art—

(A) has recommended the affixation or removal; and

(B) in the case of an affixation of permanent artwork or semi-permanent artwork—

(i) has recommended an appropriate location for the affixation; and

(ii) has determined that—

(I) not less than 25 years have passed since the death of any subject in a portrait included in the permanent artwork or semi-permanent artwork; and

(II) not less than 25 years have passed since the commemorative event that is to be portrayed in the permanent artwork or semi-permanent artwork; and

(2) the Senate has passed a Senate resolution approving the recommendation of the Senate Commission on Art.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that prior to making a recommendation to affix any permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings, the Senate Commission on Art should consider, at a minimum, the following:

(1) The significance of the original, intended, or existing permanent artwork or semi-permanent artwork in the installation space proposed for the additional permanent artwork or semi-permanent artwork.

(2) The existing conditions of the surface of the proposed installation space.

(3) The last time fixed art was added to the proposed installation space.

(4) The amount of area available for the installation of permanent artwork or semi-permanent artwork in the proposed installation space.

(5) The opinion of the Curatorial Advisory Board on such affixation.

SEC. 3. CREATION OF ARTWORK.

If a request to affix permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings meets the requirements of section 1, the Senate Commission on Art shall select the artist and shall supervise and direct the creation of the artwork and the application of the artwork to the selected surface.

SEC. 4. DEFINITIONS.

In this resolution—

(1) PERMANENT ARTWORK.—The term "permanent artwork" means artwork that when applied directly to a wall, ceiling, or floor has become part of the fabric of the building, based on a consideration of relevant factors including—

(A) the original intent when the artwork was applied;

(B) the method of application;

(C) the adaptation or essentialness of the artwork to the building; and

(D) whether the removal of the artwork would cause damage to either the artwork or the surface that contains it.

(2) SEMI-PERMANENT ARTWORK.—The term "semi-permanent artwork" means artwork that when applied directly to the surface of a wall, ceiling, or floor can be removed without damaging the artwork or the surface to which the artwork is applied.

HONORING THE MEMORY OF ARNOLD "RED" AUERBACH

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 497 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 497) to honor the memory of Arnold "Red" Auerbach.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, today, we pay special tribute to a giant of sports in Massachusetts we are proud to call our own. I was honored to speak at his memorial service in Boston, and I am honored today to offer this resolution on the one and only Arnold "Red" Auerbach, who died in October at the age of 89.

Red was a pioneer in sports and in civil rights as well. He has been widely praised as one of the architects of the new Boston. He will never be forgotten—and there will never be another like him.

Basketball was his sport, and the Celtics he led with the legendary Bob Cousy and incomparable Bill Russell set the gold standard for the NBA for many years and transformed his city as well as his sport.

The stories of his competitive drive have become legendary. Red had a deep and abiding passion for life and for living each day as if it was a gift from above. Whenever you were in his presence, you could sense the powerful joy that comes to the rare few like Red Auerbach, who know they have done everything possible in every way on every day to achieve their dream.

Red Auerbach was a great coach and also a great man. He believed in winning, but he also believed that every individual should have the chance to be a winner. In the 1950s, before every Celtics game Red would invite a few children to play a brief game of basketball, complete with uniforms, official referees, and all the rest on the famous Boston Garden parquet floor. One player would be from the CYO, one from Chinatown, one from Roxbury, and one from the Young Men's Hebrew Association.

Long before anyone ever dreamed of it, Red had created his own "Rainbow Coalition," and he continued to champion civil rights all his life. He was the first to go overseas with American players to teach basketball to children in Europe and Asia, and he deserves immense credit for making it the international game it is today.

But his heart was in Boston, where he single-handedly put basketball on the map. He created the famous Celtic "magic & mystique," and renewed it year after year with exciting basketball. In the end, he led the Celtics to 9 world championships as coach—8 in a row and 16 world championships altogether. He was voted greatest coach of all time by the Professional Basketball Writers of America.

Few giants in the world are known by one name—Cher, Madonna, Elvis, Bono, and our very own "Red." He will be greatly missed and never forgotten, and his record of success will probably never be matched anywhere.

It is an honor to urge my colleagues in the Senate to support this resolution. Even if you rooted against the Celtics, Red Auerbach made your home team great, too.

Mr. KERRY. Mr. President, I want to express my thanks to all of my colleagues for adopting this resolution to honor the memory of Boston's greatest sports champion and legend, Arnold "Red" Auerbach. Plain and simple, Red Auerbach was basketball. He was more than just the greatest NBA coach of all time; he was the creator of the modern professional game.

Through the selection of the likes of Cousy, Russell, Havlicek, and Bird, Red built the greatest basketball dynasty in history. During two decades of coaching, Red Auerbach won 938 games and led the Boston Celtics to a record 9 National Basketball Association, NBA, championship titles. He was inducted into the Basketball Hall of Fame twice, once for his coaching and once for his contributions to the game. In 1980, Red was voted the greatest coach in NBA history by the Professional Basketball Writers Association of America. Fourteen of Red's players have been inducted into the Basketball Hall of Fame. After moving to the Celtics front office in 1966, Red's knowledge of basketball was instrumental in helping the Celtics win seven additional NBA titles.

In 1985, a life-size sculpture of Red Auerbach was placed in Boston's historic Faneuil Hall Marketplace to honor Red's contributions to the Boston Celtics and the city of Boston.

Most importantly, Red was known as a visionary and for his fierce loyalty to the people who worked for the Boston Celtics. From the players, to the coaches, to the ball boys, Red recognized the goodness in people and brought out the greatness in everyone he touched. He was an agent of change, hiring the first African-American coach in all of pro sports and drafting the league's first African-American player.

Red will be forever remembered as Boston's greatest winner on the court, but through the Red Auerbach Youth Foundation, he made a difference in thousands of young lives throughout Massachusetts. Red's foundation focuses on getting children, who would not otherwise participate, involved in sports and to bring children of all racial and ethnic backgrounds together through sports.

Red was also a proud Navy man. The values of honor, commitment, and integrity that Red brought to his coaching were also taught in the Navy where he served so proudly. The Navy's "Lone Sailor Award," which he recently received. will sit in a special place of honor in this giant's trophy case along with an awe inspiring number of championship trophies.

My thoughts and prayers go out to his children, Randy and Nancy, and his granddaughter Julie during this very difficult time. We take comfort knowing he is once again in the arms of his beloved Dot. While we may never again catch a whiff of that unforgettable cigar smoke or see him shake his rolled up program at a bad call by an official again, we will never forget the man who taught us how to win again and inspired a city to be champions. Boston—indeed America—lost one of its finest with Red's passing. And I am so pleased that the U.S. Senate is honoring his life today by passing this resolution

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 497) was agreed to.

The preamble was agreed to.

AMENDING THE CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 623, S. 1535.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1535) to amend the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the Pick-Sloan Missouri River Basin program, authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891), was intended to promote the general economic development of the United States;

(2) the Oahe Dam and Reservoir Project—

(A) is a major component of the Pick-Sloan Missouri River Basin program; and

(B) contributes to the national economy;

(3) the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, which greatly damaged the economy and cultural resources of the Cheyenne River Sioux Tribe and caused the loss of many homes and communities of members of the Tribe;

(4) Congress has provided compensation to several Indian tribes, including the Cheyenne River Sioux Tribe, that border the Missouri River and suffered injury as a result of 1 or more of the Pick-Sloan projects;

(5) on determining that the compensation paid to the Cheyenne River Sioux Tribe was inadequate, Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365), which created the Cheyenne River Sioux Tribal Recovery Trust Fund; and

(6) that Act did not provide for additional compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide that the Cheyenne River Sioux Tribal Recovery Trust Fund may be used to provide compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project; and

(2) to provide for the capitalization of the Cheyenne River Sioux Tribal Recovery Trust Fund.

SEC. 3. CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION.

(a) FINDINGS AND PURPOSES.—Section 102 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) in subsection (a)(3), by striking subparagraphs (A) and (B) and inserting the following:

"(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservation project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

"(B) the Tribe and member landowners should be adequately compensated for that land;"; and

(2) in subsection (b)(1), by inserting "and member landowners" after "Tribe" each place it appears.

(b) DEFINITIONS.—Section 103 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by redesignating paragraph (1) as paragraph (3) and moving the paragraph so as to appear after paragraph (2); and

(2) by inserting before paragraph (2) the following:

"(1) MEMBER LANDOWNER.—The term 'member landowner' means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.".

(c) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—Section 104 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006 and on the first day of each of the following 4 fiscal years (referred to in this section as the 'capitalization dates'), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

"(1) $58,144,591.60; and

"(2) an additional amount equal to the amount of interest that would have accrued if—

"(A) the amount described in paragraph (1) had been—

"(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

"(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

"(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

"(i) credited to the interest account under subsection (c)(2)(B)(ii); and

"(ii) invested during that period in accordance with subsection (c)(2)(D)(i).";

(2) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

"(I) credited to a principal account within the Fund (referred to in this paragraph as the 'principal account'); and

"(II) invested in accordance with subparagraph (C).

"(ii) INTEREST ACCOUNT.—

"(I) IN GENERAL.—The interest earned from investing amounts in the principal account shall be—

"(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the 'interest account'); and

"(bb) invested in accordance with subparagraph (D).

"(II) CREDITING.—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

"(ii) SUBSEQUENT INVESTMENTS.—

"(I) IN GENERAL.—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(II) MATURITY OF OBLIGATIONS.—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE EACH CAPITALIZATION DATE.—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

"(ii) ON AND AFTER EACH CAPITALIZATION DATE.—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

"(E) PAR PURCHASE PRICE.—

"(i) IN GENERAL.—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

"(ii) TREATMENT.—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

"(F) HOLDING TO MATURITY.—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

"(4) MODIFICATIONS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to the least extent necessary, as determined by the Secretary of the Treasury.

"(B) CONSULTATION.—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.";

(3) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006, and on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation."; and

(4) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) MEMBER LANDOWNERS.—

"(A) ADDITIONAL COMPENSATION.—

"(i) IN GENERAL.—Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.

"(ii) DETERMINATION OF HEIRS.—An heir of a member landowner shall be determined in accordance with the probate code governing the estate of the member landowner.

"(iii) EXCEPTION.—During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—

"(I) be deposited or transferred into—

"(aa) the Individual Indian Money account of the member landowner; or

"(bb) any other fund held by the United States on behalf of the member landowner; or

"(II) exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).

"(B) PROVISION OF RECORDS.—To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.".

(d) ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.—Section 105 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended in the matter preceding paragraph (1) by inserting "or any member landowner" after "Tribe".

(e) EXTINGUISHMENT OF CLAIMS.—Section 107 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2368) is amended to read as follows:

"SEC. 107. EXTINGUISHMENT OF CLAIMS.

"(a) IN GENERAL.—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

"(b) EFFECT OF ACCEPTANCE OF PAYMENT.—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished.".

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1535), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO REAUTHORIZE PERMANENTLY THE USE OF PENALTY AND FRANKED MAIL IN EFFORTS RELATING TO THE LOCATION AND RECOVERY OF MISSING CHILDREN

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4416, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4416) to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4416) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 4110

Mr. DEWINE. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report the bill by title.

The legislative clerk read as follows:

A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spywear, and cross-border fraud and deception, and for other purposes.

Mr. DEWINE. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, DECEMBER 8, 2006

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, December 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 10:30 a.m., with the time until 10:30 a.m. equally divided between the two leaders or their designees; further, that at 10:30, the Senate proceed to executive session for the cloture vote on the nomination of Kent Jordan to be U.S. Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, there are many critical legislative and executive items that must be completed before the Senate adjourns sine die. On behalf of the majority leader, I ask Senators on both sides of the aisle to be prepared for a busy day tomorrow. Before we adjourn, the leaders announced that we will complete action on a continuing resolution, a tax extenders package, nominations, and a number of other legislative items that both sides are attempting now to clear for action. The majority leader has indicated there is still a hope to complete our business tomorrow, but the Senate will remain in session into the weekend if necessary in order to finish our work.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:10 p.m., adjourned until Friday, December 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate December 7, 2006:

THE JUDICIARY

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOLM J. HOWARD, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate December 7, 2006:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANDREW VON ESCHENBACH, OF TEXAS, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

IN HONOR OF MARTIN D. GEFLAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Martin D. Gefland, on the occasion of his recognition as the 2006 Distinguished Recent Graduate by the Case Western Reserve University School of Law.

The CWRU School of Law annually recognizes a member of the alumni who, through his or her accomplishments and civic participation, enhances the perception of the profession, as well as the School of Law, in the community. Over the course of his legal career, Marty consistently has demonstrated the zeal and legal acumen to meet these requirements easily.

After completing his commission in the United States Navy, Marty embarked on his professional and educational careers, where he has evinced an unparalleled commitment to jurisprudence and the law. As a student at St. John's College, Marty served as a legislative intern to State Senator Gerald Winegrad. As a student at the School of Law, Marty was the president of the CWRU Environmental Law Society, as well as an editor for the Case Western Reserve Journal of International Law.

Since graduating from the School of Law and being admitted to the Ohio bar in 1997, Marty has employed his legal passions in pursuit of environmental and labor justice, as well as community health. As my senior counsel, Marty has been a tireless advocate for the residents of the 10th District of Ohio, and throughout Ohio. Marty was instrumental in saving hundreds of jobs, and millions of dollars in community resources, during the Primary Health System bankruptcy case and the Conrail merger. Marty continues his pursuit for environmental and labor justice by fighting to keep vital manufacturing jobs in Northeast Ohio, protect NASA Glenn Research Center, and maintain Cleveland's greatest natural resource, Lake Erie.

Marty also displays a commitment to community development through his involvement with myriad community service organizations, as well as his advocacy with Federal administrations to ensure that Cleveland receives all the resources it needs.

Mr. Speaker and colleagues, please join me in honoring Martin D. Gelfand on this special occasion. I and the residents of the 10th District are grateful for his tireless advocacy.

REGARDING TURKEY'S ACCESSION TO THE EUROPEAN UNION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to express my deep concerns with Turkey's progress toward meeting its European Union, EU, accession criteria.

Today marks the deadline set by the EU for Turkey to demonstrate its willingness to implement the necessary policy changes prior to a summit scheduled for December 14–15 in Brussels, where the EU members will decide if Turkey will continue its accession process.

In a report released last month, the European Commission criticized Turkey's efforts to fulfill its obligations. In many critical areas including political rights and economic reforms, Turkey has much work to do. For example, Turkey is expected to show greater respect for and protection of human, civil, and political rights by guaranteeing freedom of expression in line with European standards. Additionally, Turkey has yet to ratify the Additional Protocols to the European Charter on Human Rights. Turkey must do more to protect religious freedoms, guarantee legal protections for women and children, and comply with International Labor Organization standards, including the right to collective bargaining. The report also detailed necessary improvements to infrastructure still to be made as well as the signing of the Energy Community Treaty that establishes a regional energy market in southeast Europe.

Finally, Turkey's obligations toward Cyprus remain unfulfilled. As part of this process, Turkey must normalize its relations with Cyprus, which joined the EU in May 2004. Unfortunately, Turkey still refuses to recognize Cyprus or open its ports and airports to Cypriot ships and airplanes. Additionally, Turkey has yet to extend the Customs Union to Cyprus to promote the free movement of goods and the removal of barriers to trade. If Turkey wants to join the EU, it should play by the rules.

Turkey is fully responsible for the outcome of this process, including if talks break off. If Turkey truly wants to be a member of the EU, it knows what actions it must take.

Turkey is at an important crossroads in determining its future. I will be watching with great interest to see how it handles all of these matters. I hope that it makes the right decision and takes immediate steps to meet its accession criteria.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CARDOZA. Mr. Speaker, after 18 years of litigation, the Friant Water Users Authority, the U.S. Bureau of Reclamation and the Natural Resources Defense Council, NRDC, in November reached a settlement agreement to restore the San Joaquin River. This historic agreement resolves the lengthy and costly litigation issues that created an atmosphere of uncertainty for the Friant Authority and the growers that rely upon Friant for their water supply.

I rise today in support of the settlement agreement and in support of H.R. 6377, the San Joaquin River Restoration Settlement Act. This legislation not only sets out a course for the implementation of this historic agreement, but it also resolves issues that are crucial to my constituents in California's 18th Congressional District. Without this legislation, the settlement could result in significant costs—in the millions—for downstream landowners and flood control operations, and also would have untolled impacts on water delivery systems for the State of California. The release of water to restore the river would have a domino effect downstream—from flooding, water table impacts, impacts on farmland and crops near the river, Endangered Species Act impacts and resulting water supply impacts to Delta water exporters—Central Valley and State Water Project contractors—and upon San Joaquin River tributary agencies—Merced, Turlock, Modesto, Oakdale and South San Joaquin Irrigation Districts.

This legislation ensures that the release of restoration flows down the San Joaquin River will not transfer impacts downstream. After weeks of negotiations with the impacted parties, Senator FEINSTEIN and my other Valley congressional colleagues, I am pleased that we were able to come to an agreement on language that would allow the settlement to go forward, while at the same time protect the water rights and property rights of those not party to the litigation. Specifically, the language provides that the resulting spring run salmon population would be considered an "experimental population" and therefore not subject to the terms of the Endangered Species Act if the salmon migrate from the San Joaquin to its tributaries to the State or Federal export pumps in the San Francisco Bay Delta. This language will protect CVP and SWP contractors as well as Merced, Turlock, Modesto, Oakdale and South San Joaquin Irrigation Districts from water supply impacts.

This legislation also allows the settlement to go forward with a phased-in approach, requiring the Bureau to conduct a feasibility study

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on the issues of costs and impacts and mitigation of the various options to release restoration flows. No water, other than test flows and minimum restoration flow levels, will be released until a feasibility study and mitigation plan for property is completed.

The settlement agreement's two goals of restoration and water management are equal goals. In order for this settlement to be successful, it is crucial to have the continued support of the Friant Water Users. Meeting the water management goals of the settlement, with the Bureau developing an effective recirculation plan with excess pumping capacity and a recovered water account to mitigate a substantial portion of the water losses to Friant districts, is the best path toward this success. Successful implementation also dictates that funding is provided to meet both of these goals.

I remain committed to continuing to work with my Valley congressional colleagues, Senators FEINSTEIN and BOXER, the settling parties and third parties to ensure that this legislation and the settlement agreement are implemented consistent with these goals.

TRIBUTE TO NORTH JERSEY CHAPTER OF THE LINKS, INC., PILGRIM BAPTIST CHURCH, AND DR. DORIAN J. WILSON FOR THEIR WORK ON NATIONAL DONOR SABBATH AND THE LINKAGES TO LIFE PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PAYNE. Mr. Speaker, I rise today to honor the participants in The Linkages to Life Program of the North Jersey Chapter of the Links, Inc., which has as its service area Essex, Hudson, Bergen and Passaic counties in the fine state of New Jersey. Each year, for the past 5 years, Links, Inc., and Roche form a major lifesaving or life-altering function by conducting the Linkages to Life program in houses of worship. Today approximately 93,000 people are awaiting transplant surgery, and 25 percent of the people awaiting transplants are of African descent.

Nationwide, we reserve the second weekend in November each year to emphasize the need for life-saving and life-altering blood, organ and tissue donation in houses of worship throughout the United States of America. The National Trends and Services Facet of the North Jersey Chapter of the Links, Inc., chaired by Beverly McQueary Smith, a past president of the National Bar Association, and a native and resident of Jersey City, New Jersey spearheaded this year's effort on behalf of the North Jersey Chapter of the Links, Inc.

Links, Inc., is built on a foundation of friendship and service. Sarah Scott and Margaret Hawkins founded it on November 9, 1946, in Philadelphia, Pennsylvania. Today, it contains a network of over 10,000 Black women. Gloria P. Watson, the principal at Dionne Warwick Institute in East Orange, New Jersey, is the current president of The North Jersey Chapter of the Links, Inc., established in June 1949. The Motto for Links, Inc., this year under the leadership of National President Gwendolyn B. Lee, Ph.D. is "Seizing the Opportunity to Provide World Class Leadership, Friendship and Service." The members of the North Jersey Chapter of the Links, Inc., exemplify that motto.

By way of background let me first say that the United States Department of Health and Human Services started to coordinate National Organ Donor Sabbath in 1996, and November 10–12, 2006 marked the 10th anniversary celebration of the National Donor Sabbath program.

My friend Beverly McQueary Smith, who worked on my first campaign many years ago, was blessed with a hardworking and diligent committee. The members of the National Trends and Services Facet include:

Jessica L. Morse, who works for Community Agencies Corporation of New Jersey in Newark;

Dr. Paulette Stanford who promotes HIV and AIDS prevention and awareness at the University of Medicine and Dentistry of New Jersey;

Dr. Montrae Calhoun Thomas, a pediatrician in Orange, NJ and the first lady of Pilgrim Baptist Church, and last, but certainly not least,

The Honorable Shirley Tolentino, a judge of the Superior Court of New Jersey sitting in Hudson County, a former president of the National Association of Women Judges, and a former president of the North Jersey Chapter of the Links, Inc., organized this year's Linkages to Life program at Pilgrim Baptist Church on 34 Hudson Street in Newark, New Jersey.

Linkages to Life focuses on educating people of African descent about the importance of blood, tissue and organ donation, and Linkages to Life is a 5-year partnership between Roche and Links, Inc., which resulted in the publication of a pamphlet, "Can We Talk?"

The Reverend Clarence Thomas, the pastor of Pilgrim Baptist Church in Newark, NJ, agreed to allow members of the North Jersey Chapter of the Links, Inc., to worship with and to present its Linkages to Life Program on National Donor Sabbath to the members of Pilgrim Baptist Church. He delivered a powerful sermon on organ donation.

Dr. Dorian J. Wilson, a transplant surgeon and a native of Jersey City, and member of the faculty at The University of Medicine and Dentistry spoke at the Linkages to Life program at Pilgrim Baptist Church.

Leslie and Laureen Britton, Kevin and Tawanna Waters, and the Honorable Mumtaz Bari-Brown, an administrative law judge in the city of Newark and also a member of the North Jersey Chapter of the Links Inc., discussed the impact of organ and tissue donation on their lives. Garry Branch spoke in his choir robe about how he learned that he needed a kidney transplant. Other members of the congregation talked about their decisions to donate organs of their loved ones.

Former Chapter President, Leanora Logan serves as the Eastern Area Representative for National Trends and Services, who returned from a meeting in Virginia to bring greetings at the Linkages to Life program. Attendees recognized the hard work of the representatives from Ketchum Marketing including Katie Donnelly, Nichole Rothkopf, Adam Pawluk and Amy Losak of Link Victoria Dent's office. They thanked Gail Safian and Ellen Lambert of Roche for providing the brochures and organ donor cards for the Linkages to Life Program.

The North Jersey Chapter of the Links, Inc., thank Newark City Council President Mildred C. Crump and her counsel, Victoria F. Pratt for making sure that members of the City Council provided proclamations to Pilgrim Baptist Church and the North Jersey Chapter of the Links, Inc., during the service.

Mr. Speaker, I am pleased to recognize the hard work of people who work in and serve my congressional district. Their work was reported by the New York Times, The Houston Chronicle, The Record, News 12 NJ, and also aired on The Today Show. This body should acknowledge their willingness to help let my constituents know how important it is to donate blood, tissue and organs.

IN CELEBRATION OF RILEY MOORE, AN EXCEPTIONAL GODFATHER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the 90th Birthday of my Godfather, Riley Moore. Riley Moore exemplifies all the qualities one would want or expect from a Godfather.

I am 57 years old and Riley Moore and his wife of 56 years, Mattie, have not missed a birthday, a graduation, a Christmas, an election victory, the birth of my son, my marriage, the celebration of the life of my mother, or any other significant or insignificant event in my life. For all of these reasons, I am eternally grateful for the love and instruction I have received from Riley and Mattie Moore.

Riley and my father, Andrew Tubbs, worked together as skycaps for United Airlines for almost forty years. My mother, Mary Tubbs, and Mattie Moore were born on the same day. They were both members of the Wives Club, an organization composed of wives of skycaps. The Wives Club hosted picnics, parties and other events in support of their husbands.

Riley introduced my father to the game of golf more than fifty years ago. He and my father have since golfed all over the world. Their circle of friends in golf includes Charles Sifford, who was recently inducted into the Golf Hall of Fame in Scotland. It also includes Renee Powell, one of only three African-American women to ever play on the Ladies Professional Golf Association's (LPGA) tour, and her father, William Powell, who was the first African American to design, construct, own and operate a golf course. This golf course is located not far from my district, in Canton, Ohio. At age 90, Riley is still an avid golfer.

Although Riley and Mattie have moved from Cleveland to Centerville, Tennessee, they have yet to miss an opportunity to celebrate an event in my life. In addition, they call my 86-year-old father every Sunday. Although he is homebound, he eagerly looks forward to these weekly phone calls from his friend.

Mr. Speaker, I wish that everyone could have a godfather like my godfather, Riley Moore.

RECOGNIZING SAMUEL A. BRANDT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel A. Brandt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many Scout activities. Over the many years Samuel has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Samuel A. Brandt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING IMPERIAL HIGH SCHOOL RECIPIENT OF 2006 DISPELLING THE MYTH AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. FILNER. Mr. Speaker, today I recognize Imperial High School, in my congressional district, the only high school in the Nation to receive a 2006 Dispelling the Myth Award, an award of the Education Trust. Five schools were presented this award by Department of Education Secretary Margaret Spellings on November 3, 2006, as part of the Education Trust's 17th National Conference on "Closing the Achievement Gap."

Imperial High is described in the award program as a school "just a few miles from the Mexican border. Seventy percent of Imperial's students are Latino, many of whom are English language learners. Seven years ago, the school was considered chaotic and low-performing. After . . . identifying students who need help and support, matching instruction to standards, and encouraging students to think beyond high school graduation, Imperial is now considered a California Distinguished School."

There are 773 students in grades 9–12 at Imperial High. Principal Lisa Tabares and her teachers deserve great praise for the caring environment and high standards they have developed in which remarkable accomplishments are achieved by their students.

The Education Trust, funded by the Annie E. Casey Foundation, the Bill and Melinda Gates Foundation, the Carnegie Corporation of New York and eight other Foundations, has worked since 1990 for the high achievement of all students, focusing especially on schools serving concentrations of low-income or Latino, African-American or Native American students who, because of their environment, may need assistance to achieve at high levels. Their Dispelling the Myth Program honors high-performing and gap-closing schools that serve large populations of low-income or minority students.

The four other schools so honored in 2006 are Capitol View Elementary in Atlanta, GA; East Millsboro Elementary in Millsboro, DE; M. Hall Stanton Elementary in Philadelphia, PA; and Port Chester Middle School in Port Chester, NY.

"These schools provide compelling evidence . . . that when we teach students to high levels and focus on closing the achievement gaps, students succeed," said Kati Haycock, director of the Education Trust. "These schools are a testament to the power of committed educators to transform the lives of children who too often get less than their fair share of what public education has to offer. We owe these educators a great deal of gratitude."

As an educator, one of my top priorities is to provide a quality education for each and every child. I am proud of the principal and teachers and especially the students of Imperial High School for their achievements. I sincerely thank them for their contribution to the community of Imperial.

TRIBUTE TO COUNTY SUPERVISOR CYNTHIA MURRAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor County Supervisor Cynthia Murray on the occasion of her retirement from two terms on the Marin County Board of Supervisors,

Since she was first elected in 1998, Cynthia has been a forceful voice on key issues in Marin County. She has been in the forefront of promoting transportation infrastructure improvements, from fighting for public transit as a member of the Golden Gate Bridge Board to chairing the Policy Advisory Group for widening a key bottleneck on Highway 101.

Cynthia has also stepped up on other important issues, especially emergency services and disaster preparation, seniors' independence, education and workforce, sustainable economic development, the battle against Sudden Oak Death, and wetlands preservation. She has chaired the Disaster Council and the Long Term Care Task Force and served on the Schools to Careers partnership, North Bay Watershed Association, which she founded, and Novato Business Education Roundtable. Regionally she sits on the Bay Area Economic Forum and chairs the Bay Area Water Forum.

Cynthia has been a strong partner to my offices in working for shared priorities such as education—life-long learning, mentorship and internship programs for youth, and increased access to technology in schools; affordable housing—Community Development Block Grants, the Section 8 voucher program, Community Opportunity funds; breast cancer research; the Older Americans Act and expansion of programs for seniors; transportation—car pool lanes, bike paths, the Golden Gate Bridge seismic retrofit, and the acquisition of the railroad right of way; conversion of Hamilton Air Base, and environment—acquisition of Bel Marin Keys V and restoration of over 1,800 acres of wetlands in Bel Marin Keys, Hamilton and Bahia.

Born and raised in New Jersey, Cynthia was the oldest of seven children. This may explain why she so easily handles many responsibilities. She graduated from Rutgers University and moved to Marin in 1978. In 1988 she moved to Novato where she served 7 years on the Novato City Council, including one term as mayor. She has two children, Katie and Mack, who are both in college.

Mr. Speaker, Cynthia Murray will remain active and involved in local issues. I have enjoyed working with her as a supervisor and look forward to her continuing participation in issues affecting the people of Marin and Sonoma Counties.

TRIBUTE TO THE HONORABLE JOHN J. "JACK" RODGERS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor an outstanding citizen of Columbus, GA, who has distinguished himself as a dedicated and exemplary public servant. The Hon. John J. "Jack" Rodgers at age 64 is retiring from the Columbus Consolidated Government after 24 years as a member of the Columbus Council. He served 8 of those years as mayor pro tem, having been unanimously elected to that position by his fellow councilors for four consecutive 2-year terms.

Mr. Rodgers, who was born in Pittsburgh, PA, has lived in Columbus since 1961. He was inducted into the United States Army in 1961 and served honorably for 2 years. Shortly after his honorable discharge in 1963, he married the former Barbara Riddle who has given him constant love and support in parenting two children, through whom Jack and Barbara have four grandchildren. Mr. Rodgers not only adopted Columbus, GA, as home for himself and his family, but also accepted leadership roles in business and government. He earned a B.S. at Columbus State University in 1973.

Jack Rodgers had a distinguished 21-year career with Ford. He then launched his own mortgage company and has been chair and CEO for 15 years. His successful participation in the business community provided an excellent background for his work at Chattahoochee Valley Community College in Phenix City, AL, where he taught business and economics for 7 years.

During his service on the Columbus Council, Mr. Rodgers was selected for four 1-year terms as Budget Review Committee chairman. He also served as the council's Ethics Committee chairman, and had a major role in developing revisions to the city's tax law by chairing the council's Occupational Tax Committee. Among the many notable and worthy projects to which he has contributed vital energy. and leadership was the placement of the "Eternal Flame" memorial in front of the Columbus Government Center, a project for which he and then-Councilor Bobby Peters led fundraising efforts in the private sector. His wisdom and counsel, especially in financial matters, are frequently sought by other councilors and by citizens in his council district, as well as throughout the city.

Jack Rodgers is known as a devout Christian, a longtime member and leader in Edgewood Baptist Church of Columbus. He has often been called upon for invocations and other prayers in council meetings and on other public occasions.

His civic and social affiliations, which bespeak his dedication to service, include: the Rotary Club of Columbus; the Columbus Georgia Convention & Trade Center Board, of which he formerly served as vice-chairman; the Valley Rescue Mission, of which he is a former board member; president of the Heritage Educational Foundation; board member of the Columbus Technical College Foundation; and board member of the There is HOPE Foundation. His leadership qualities also have made him valuable to governmental associations: the Georgia Municipal Association; the National League of Cities; and the Georgia Municipal Association/Association County Commissioners of Georgia.

Today, as Jack Rodgers moves into retirement from government service, we honor him and thank him for all he has done for the benefit of Columbus, GA—as an elected official and as a private citizen dedicated to the good of others. His exemplary service to his community has set a standard of dedication and leadership that has inspired many and will inspire many others.

TRIBUTE TO MR. KEVORK S. HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PALLONE. Mr. Speaker, I would like to recognize a most deserving business and community leader, Mr. Kevork S. Hovnanian. On Saturday, November 18, 2006, Kevork was honored as the Honorary Life Chairman and founder of the Fund for Armenian Relief at the New York Public Library.

Kevork has been a benefactor in his community for decades. His business successes have always been interposed by examples of community leadership in both the United States and Armenia. He has exemplified the pursuit of business consciousness and never compromised his commitment to providing "homes" and not just housing.

Kevork will leave a personal legacy marked by numerous accomplishments. In the 1980s, he partnered with the city of Newark to rejuvenate the areas impacted by the riots some thirteen years before. In 1996, the New Jersey Institute of Technology awarded him a President's Medal for "Distinguished Achievement to an Outstanding Entrepreneur." Not three years later, his carer ethic earned him a place among other greats like Thomas Edison and George Gallup on the list of "Twenty Five Top New Jersey Business Leaders of the Century."

The achievements he has earned since his immigration to the United States have not made him forget his roots. Kevork has loyally contributed to the Armenian people in times of celebration and need. The Diocese of the Armenia Church and the New Jersey Council of Christians and Jews both named him Man of the Year in recognition of his aid to earthquake victims in Armenia.

He currently serves as the chairman of the Armenian Church Endowment Fund and Fund for Armenian Relief, which works for international development. This organization pledges to provide short and long-term plans for the economic and social development in Armenia. It is responsible for a variety of programs, ranging from soup kitchens to educational scholarships and implementing agricultural technology. There is a special focus on preparing Armenian youth as the future of their nation.

As much as he is an active part of the Armenian community, Kevork remains vigilant in providing available health services to children and families in the local community. In 2002, Mr. Hovnanian helped establish the K. Hovnanian Pavilion and the Alton A. Hovnanian Emergency Care Center at Riverview Medical Center. The expansion of Riverview provided the facility with a new pavilion and emergency care center, which now houses the most advanced emergency and critical care centers in the area. Earlier this year, he funded the first state-designated children's hospital in New Jersey's Monmouth and Ocean counties, named The K. Hovnanian Children's Hospital in his honor. Here, families can find dedicated and personal health professionals who treat their patients as if they were their own children.

Mr. Speaker, Kevork embodies the American dream. He came to America to escape political tummoil in Iraq, and through hard work and unwaving motivation, he is now able to realize that dream in others through his service to the community. His dedication and passion deserves the utmost recognition.

SIKHS CELEBRATE BIRTHDAY OF GURU NANAK, FIRST SIKH GURU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. TOWNS. Mr. Speaker, I rise today because earlier this month, about 15,000 Sikhs from all over the world celebrated the birth of the first Sikh guru, Guru Nanak, in his birthplace, Nankana Sahib, which is now in Pakistan. The Sikhs in attendance chanted slogans of "Khalsitan Zindabad" calling for the liberation of the Sikh homeland, Khalistan. Over 3,000 Sikhs from Punjab were in attendance and many of them commented on how much better they were treated in Pakistan than in their own country.

A delegation of Sikhs met with Pakistani Prime Minister Shaukat Aziz. He pledged to build a road from Kartarpur, where Guru Nanak died and where there is a shrine to him, to the Indian border if India would build a road to the border also and repair a bridge at the border. This would enable Sikhs to go to Kartarpur and honor Guru Nanak whenever they choose to do so. I call on the governments of Punjab and India to build this road and fix the bridge.

The Pakistani government also issued an open invitation to Sikhs to come and visit Nankana Sahib whenever they wish with no restrictions, although they did express concern that agents of India's Research and Analysis Wing (RAW) would use this to come in and try to undermine Pakistan. That is a very real and legitimate concern.

It is tragic and offensive that the Sikhs who went to Nankana Sahib felt that they were better treated in Pakistan than in their own country. That just shows why the Sikhs in Punjab need to be free of Indian rule. The sovereignty of the Sikhs, recognized in the Indian constitution, was used in cancelling Punjab's water deals with India. It should be used by the Legislative Assembly to declare Punjab's independence, as the Sikhs did on October 7, 1987. Such a declaration from the legislature would carry a lot of weight.

Mr. Speaker, the time has come for the beacon of freedom, America, to take a stand. We can help to stop the tyranny and the repression by stopping our aid and trade to India until full human rights are restored to all people there. And it is time for a free and fair plebiscite in Punjab, Khalistan on the question of independence, as well as Kashmir, Nagalim, and wherever people seek their freedom. India promised Kashmir a plebiscite in 1948 and it has not yet delivered on the promise. When will "the world's largest democracy" decide that it is time for the people to enjoy the most basic of democratic rights, the right to self-determination? If India is the democratic country it says it is, what could be wrong with a simple vote?

I request the permission of the House to insert the Council of Khalistan's press release on the events in Nankana Sahib into the Record at this time.

Sikhs Celebrate Guru Nanak's Birthday With Reverence—Air Filled With Khalistan Zindabad Slogans

Washington, DC, November 16, 2006.—More than 15,000 Sikhs came from the United States, Punjab, Thailand, France, the United Kingdom, Germany, and around the world to Nankana Sahib celebrate the 537th anniversary of the birth of their first Guru, Guru Nanak, founder of the Sikh religion. Guru Nanak was born in 1469. This is he highest number of Sikhs who have attended the event since the partition of India. Over 3,000 Sikhs came from Punjab. At the celebration, the air was filled with slogans of "Khalistan Zindabad."

The delegation met with Prime Minister Shaukat Aziz in Islamad on November 4. He welcomed the Sikhs with open arms and offered a road link between Kartarpur and the Indian border if India agrees to build a road on its side and repair the bridge. He said Sikhs were free to visit Kartarpur whenever they want without a visa. The Pakistani government has issued an open invitation to

Sikhs from around the world to come and visit Nankana Sahib with no restrictions. Any genuine Sikh who wants to come and visit may do so. There was some concern about agents of India's Research and Analysis Wing (RAW) coming to destabilize Pakistan, however.

The government and people of Pakistan welcomed the Sikhs and treated them so well that Sikhs from Punjab asked why they were treated so well in Pakistan, which is not our country, but in the Sikh homeland, Punjab, Khalistan, the Indian government does not treat them fairly. India attacked the Golden Temple, the center and seat of Sikhism, in June 1984. Since then, the Indian government has murdered over 250,000 Sikhs and another 52,268 are being held as political prisoners, according to a report by the Movement Against State Repression (MASR.) India has killed over 90,000 Muslims in Kashmir as well as 2,000 to 5,000 Muslims in Gujarat, over 300,000 Christians in Nagaland, and tens of thousands of Assamese, Bodos, Dalits (the dark-skinned, aboriginal "Untouchables"), Manipuris, Tamils, and other minorities. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Last year. 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. "How can making speeches and raising a flag be considered crimes in a democratic society?" asked Dr. Gurmit Singh Aulakh. President of the Council of Khalistan, which leads the peaceful, democratic, nonviolent struggle to liberate the Sikh homeland from Indian occupation. The Gujarat massacre was pre-planned, according to a police officer who spoke to Indian newspapers. Nuns have been raped, priests have been murdered, churches have been burned, Christian prayer halls and schools have been attacked, and police broke up a Christian religious festival with gunfire.

India is also destroying Sikhs economically. The Indian government fixes the price for fertilizer very high and the price for produce very low so Sikh farmers can't even get the cost of production for their crops. This year it fixed the wheat price at Rs 750 per quintal. Even Badal demanded Rs 1000 per quintal. If Punjab farmers could sell their produce across the border in Pakistan and the Middle East, they could easily get close to Rs 1,500 per quintal and would be able to make a living. India seeks to destroy the Sikh Nation religiously, economically, and politically.

"Freedom is the God-given right of every nation and every human being," said Dr. Aulakh. Sikhs must be allowed to have a free and fair plebiscite on the issue of Khalistan. In a democracy, you cannot continue to rule against the wishes of the people. As former Senator George Mitchell said about the Palestinians, "the essence of democracy is the right to self-determination." "We must reclaim the sovereignty of the Sikh Nation," Dr. Aulakh said. Dr. Aulakh appealed to the Akali Dal and other Sikh parties in the Punjab Legislative Assembly to pass a resolution documenting all the mistreatment and economic exploitation of the Sikhs by the Indian government since independence. India diverts Punjab's river water, its natural resource, to neighboring Haryana and Rajasthan without any compensation despite Chief Minister Amarinder Singh cancelling Punjab's water agreements with India. We salute Captain Amarinder Singh for this legislation. In the legislation, the Legislative Assembly explicitly affirmed the sovereignty of Punjab as described in the Indian constitution. This same sovereignty can be used by the Assembly to declare independence. India will be helpless and the Sikh diaspora will help to free Khalistan.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "if Kashmir goes, India goes." History shows that multinational. states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia. and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Currently, there are 17 freedom movements within India's borders. It has 18 official languages. "We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's," Dr. Aulakh said. "Montenegro. which has less than a million people, has become a sovereign country and a member of the United Nations," he said. "Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent. The sooner the better."

"The only way that the Sikh nation can flourish and progress is in a sovereign, independent Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani. he is not a Sikh.'," Dr. Aulakh said. "We must free Khalistan now."

TRIBUTE TO JOHN A. NEJEDLY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, with a heavy heart, I rise to pay tribute to the life of former California State Senator John A. Nejedly who died on September 19, 2006. For more than 35 years, Senator Nejedly dedicated his life to serving the people of California and his Contra Costa County community. As a California State Senator, Mr. Nejedly was a brilliant leader in environmental policy and following his career in the senate, he was a relentless advocate for disadvantaged youths in Contra Costa County and throughout California.

John A. Nejedly was born on October 22, 1914, in Oakland, California, and had been a resident of Walnut Creek since 1938. He graduated from the University of California with a Bachelor of Science degree and in 1941 earned his law degree from Boalt School of Law. His ties to the University were especially strong and the gold sweater he wore as a symbol of his devotion to Cal soon became his trademark.

In 1942, with World War II at hand, John Nejedly became an intelligence officer in the Army Air Force and served as a Japanese language officer until his honorable discharge in 1946. Shortly after the war, John opened his law firm and was soon after appointed to the position of City Attorney for the city of Walnut Creek and Deputy District Attorney for Contra Costa County. He worked diligently in this capacity for 12 years before being elected Contra Costa County District Attorney.

In 1969, District Attorney Nejedly was elected to the California State Senate. John served the people of the 7th Senate District with distinction for 11 years. As a State senator, he wrote some of California's most important environmental laws and in the process became one of our State's principal water policy experts. He also helped create one of California's greatest urban park institutions for Contra Costa County. Renowned for his art of persuasion, John was instrumental in securing our precious resources for generations to come and, as a result, in 1966 he was named one of ten "Outstanding Americans in the Field of Conservation".

Senator Nejedly retired from public office in 1980 and followed his passion of helping disadvantaged youth full time. He donated 80 acres of landing California's Sierra Mountains to provide a camp for the Boy Scouts and created the Contra Costa Youth Council to assist disabled, and underpivileged youth take pleasure in the outdoors. In addition, he funded a generous scholarship to help minority adults today who will never forget the generosity and compassion John Nejedly showed them in their youth.

Throughout his life, John was magnificent leader. Whether it was water, open space or parks he was a pioneer. He was a true public servant.

To John's children, Mary Piepho, his sons, Jim and John, his stepson, Greg, and his grandchildren I extend my heartfelt condolences. Their loss is shared not only by those who knew John personally but also by all those who have been touched by the work he has done. We will be forever grateful for the integrity, compassion and generosity with which he sought to make our community, the State of California, and our country, a better place for all of us. We are extremely grateful to John's family for sharing him with us for so many years.

CONGRATULATING ERIELE JOHNSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Eriele Johnson for earning a spot on the Texas Girls Coaches Association's All-State Volleyball Team. This honor is awarded to top female athletes for their superior performance on the court.

The Texas Girls Coaches Association is the largest group of girls' athletic coaches in the nation, and serves the coaches and administrators at every level of education. The elite All-State Volleyball Team is selected by a committee panel of coaches and administrators, and is comprised of the most competitive female athletes in the state.

As a senior at Pilot Point High School in the 26th District of Texas, Eriele manages to give her absolute best efforts when the team requires it most. As a 4-year starter, she has led the LadyCats to regional quarter and semifinal games. Ms. Johnson was named the District 9–3A Most Valuable Hitter.

I extend my most sincere congratulations to Eriele Johnson, and I wish her the best of luck in her academic and athletic career.

IN HONOR OF THE FIRST ANNIVERSARY OF THE SAIGON PLAZA COMMUNITY CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in celebration of the first anniversary of the Saigon Plaza Community Center, sponsored by the Friendship Foundation of American Vietnamese. Saigon Plaza has excelled in its first year, having established valuable links and bridges of friendship between the people of America and the people of Asia, especially Indochina.

The Saigon Plaza has been a beacon within the community promoting peace, progress, justice, and friendship. The Saigon Plaza has opened its facilities up to various groups and agencies throughout Northeast Ohio area for gatherings, events, celebrations, and other community activities. Under the sponsorship of the Friendship Foundation, the Community Center has presented many worthwhile events and services including art exhibits, festivals, veterans' memorial events, job and employment events, and other community activities. The Saigon Plaza and Friendship Foundation have also assisted members of the Vietnamese-American, Kampuchean-American, and Laotian-American communities by providing various services for them, including tax educational activities, financial counseling, and utility assistance.

The Saigon Plaza also has spread its marvelous works outside Ohio and the United States. They have established programs of economic development, women's enterprises, and handicapped people in Vietnam as well as countries of Southeast Asia, establishing an outlet for their goods and handicrafts. The Plaza is a vital source of Vietnamese and Asian culture locally, and bridges international communities.

I ask my colleagues to join me in recognition and appreciation of the Saigon Plaza and the Friendship Foundation of American Vietnamese. Their work and dedication has reached across borders to aid communities locally and internationally.

IN RECOGNITION OF SOROPTIMIST INTERNATIONAL OF MODESTO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure and gratitude that I rise today to recognize Soroptimist International of Modesto as it celebrates its 70th Anniversary.

Soroptimist International of Modesto is one of the first service organizations for women in Modesto and has been an important part of our community as a leading service club for seven decades. This organization is dedicated to making a difference in the future of our community by working together with local community and government leaders in addressing issues that women value and by developing and promoting projects in education, environment, health, human rights/status of women, international good will/understanding, and social and economic development. Their membership is composed of women of all ages, cultures and ethnic groups who are committed to making a difference through service.

Soroptimist International of Modesto is also a leading philanthropist in our community who donates generously to the Modesto area through their service projects such as the Community Christmas Tree at Vintage Fair Mall, scholarships and other local community organizations and projects such as the MOMobile.

Soroptimist International of Modesto truly makes a difference in the lives of citizens because of the energy and passion of its members. I am honored to recognize this outstanding organization and all of the members whose time, energy, vision and commitment has made the organization the involved, informed and active part of our community that it is today. Their efforts have undoubtedly made a difference in lives of the residents of our community and I commend each and every one of them for their efforts.

Mr. Speaker, I am honored to represent Soroptimist International of Modesto in the United States Congress. I ask that my colleagues join me in offering our congratulations on its 70th Anniversary and in extending our best wishes for continued success and prosperity for many years to come.

TRIBUTE TO JOHN ARTHUR THOMAS—80TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a highly valued citizen of my home city of Newark, New Jersey. John Arthur Thomas celebrates his 80th Birthday on December 6, 2006. He has been married for fifty four years to Elizabeth Lee Nowlin. In addition, he is the father of two wonderful daughters and grandfather of two grandsons and triplet granddaughters. He has dedicated his life, for almost five decades, to educational and political development throughout the state of New Jersey.

Mr. Thomas, who is devoted to service, has established himself as an innovative member of his community. From marching with Rev. Dr. Martin Luther King, Jr. in the March on Washington to serving as Chairman of the Urban League of Hudson County, he has proven his dedication to service and leadership.

One of his leadership positions, that had a profound impact in my development during my high school years, was as the assistant football coach in Newark, New Jersey. Continuing with his commitment to sports, he currently serves as co-chair in the Newark Athlete Hall of Fame Annual Dinner held in Newark.

In the 60's Mr. Thomas was the founder of the "Crispus Attucks Day Parade" celebrating Black History.

The parade is currently titled, "The African American Black Heritage Day Parade" and is the largest African American heritage parade in the state.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring John Arthur Thomas, who becomes 80 years young on December 6, 2006, for his tireless work for the Newark community. He is a paragon of true virtue through his selfless dedication to the betterment of others. I am proud to have him in my Congressional district and wish him never-ending success in his future endeavors.

IN RECOGNITION OF TROY SMITH FOR EXCELLENCE IN COLLEGE FOOTBALL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of a constituent of the 11th Congressional of Ohio, the starting quarterback for the Ohio State University football team, Mr. Troy Smith. Mr. Smith is currently a senior majoring in communications. Born in Cleveland, Ohio, Mr. Smith attended Glenville High School, which he led to the state playoffs. After a strong senior year at Glenville, Smith was invited as one of eleven of the top high school quarterbacks at the elite 11 competition where he earned great praise. Following his performance, Ohio State recruited Smith late in the recruiting process.

As a freshman, Smith played sparingly as a running back and kick returner. As a sophomore, Smith was a backup quarterback but took over as starter when starter Justin Zwick was injured halfway through the season. Smith won four of five games as a starter, including a victory over archrival Michigan. Soon after, Coach Jim Tressel decided to make Smith the sole starting quarterback.

Smith was named the Offensive MVP of the 2006 Fiesta Bowl after leading the Buckeyes in a victory over the University of Notre Dame. Smith was recently honored as one of five finalists for the Johnny Unitas Golden Arm Award, which is given to the top senior college quarterback. In three games against Michigan, Smith has a total of 1,151 yards of total offense, two rushing touchdowns, and seven passing touchdowns. Smith is the first Ohio State starting quarterback to win three straight games against Michigan. Additionally, Troy Smith is the frontrunner for the 2006 Heisman Trophy award. As his Congresswoman, I am confident that he will receive this honor.

I have been a Troy Smith booster for many years. I have personally known Troy since

1999, when he and my son Mervin attended St. Edwards High School together. I have known Troy's father, Irvin, since kindergarten, when we attended Mile Standish Elementary School in Cleveland, Ohio. We have maintained a friendship throughout the years. I am so proud of Troy Smith's accomplishments and pray that God continue to bless him, keep him healthy, and give him the wisdom to make good decisions.

It is thus my pleasure, on behalf of the people of the 11th Congressional District, to recognize the exceptional accomplishments of Ohio State University football player Troy Smith, one of our own.

RECOGNIZING JARED DANIEL MALONE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Malone, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Jared has been very active with his troop, participating in many scout activities. Over the many years Jared has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Jared has shown.

Mr. Speaker, I proudly ask you to join me in commending Jared for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Jared in the United States House of Representatives.

THE HONORABLE LEON L. WILLIAMS—A TRUE INSPIRATION TO ALL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. FILNER. Mr. Speaker, earlier this year, the city of San Diego had the honor of recognizing one of its greatest civic and progressive leaders, the Honorable Leon L. Williams who finally retired, after more than three decades of public life.

Early in his career, Leon was an executive with the San Diego Urban League, a director of the Neighborhood Youth Corps and an administrative assistant to three county sheriffs. Leon used these early positions to become a voice for police reform—advocating a community-based police approach long before it became popular or trendy.

Many present and former elected officials have greatly benefited from the knowledge and wisdom of Leon over these past 30 years. Whether as a member of the San Diego City Council, the San Diego County Board of Supervisors or as Chairman of the Metropolitan Transit Development Board, Leon's statesman-like qualities and demeanor were appreciated, admired and copied by many of his colleagues, associates and staff members.

As a strong advocate for developing older neighborhoods, not discarding them, Leon led the charge to create the Centre City Development Corp. and the Southeast Economic Development Corporation (SEDC). An unquestioned authority on urban transportation issues, Leon's ideas and vision helped San Diego develop a top-notch transportation system. That is why, in 2004, Leon was selected Board Member of the Year by the American Public Transportation Association. Also, Leon strongly believed, correctly I might add, that the San Diego Trolley System would bring the many neighborhoods of San Diego closer together.

Several of Leon's towering contributions to San Diego remain in place today and have blossomed; for example, both the Trolley and SEDC have grown and continue to provide well paying jobs and numerous business opportunities to residents living in southeastern San Diego.

Even in retirement, Leon remains gracious with his time, civic expertise and wisdom by helping to improve the quality of life for all San Diegans.

The Honorable Leon L. Williams truly has been an inspiration to all of San Diego.

COMMENDING THE SERVICE OF JAMES K. CONZELMAN TO THE U.S. HOUSE OF REPRESENTATIVES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. OXLEY. Mr. Speaker, behind every successful Member of Congress is a good staff. When I was elected in 1981, I was told that my first and most important decision would be to find an outstanding Chief of Staff who could build a loyal and effective team.

That first decision turned out to be my best. Jim Conzelman has been my only Chief of Staff during an amazing 25 years in the history of the House of Representatives and our Country. He is a trusted aide and personal friend who has played an integral role in our accomplishments on behalf of the Fourth District and the Nation as a whole.

Jim came to me from that hotbed of political activism—Bozeman, Montana—with credentials from the Ford presidential campaign, the Select Committee on Assassinations, and a Member office. I was the newest recruit of a minority party near its low ebb in the House.

But it was a good time to be young and a Republican because the Reagan Revolution had begun. As I cast votes to advance the President's agenda, Jim assembled a support team that allowed me to meet my twin objectives of becoming a respected legislator in Washington and a persuasive advocate for my constituents.

The foundation that Jim built proved to be a lasting one during the quarter-century that followed. There have been memorable legislative battles, from telecommunications reform to financial services modernization to the Sarbanes-Oxley Act. In 2001, we made the unprecedented move from the Commerce Committee to the newly created Financial Services Committee. As counselor to the chairman, Jim helped me organize a committee soon recognized for its productivity and responsiveness to all of its members.

Jim inspires great loyalty by treating everyone he meets with respect. Considering the transient nature of most staff, the retention rate in my office is unheard of. My core staff when I announced my retirement had combined legislative experience of more than 250 years, a true tribute to Jim's management skills. Many other staffers have gone on to successful careers after getting their first "break" from Jim, who remembers the feeling of starting a career in a city where the U.S. Capitol exerts a magical influence.

In a town where success often depends on the relationships you build, Jim has thrived professionally through the strength of his personal character. It is evident in both his work on the Hill and his volunteerism for charitable causes like the Multiple Sclerosis Society. I am reminded of the observation that Doris Kearns Goodwin made in Team of Rivals, her book about Lincoln, that "the qualities we generally associate with decency and morality—kindness, sensitivity, compassion, honesty, and empathy—can also be impressive political resources."

Jim's ideals have remained the same since the day he arrived in Washington from Montana. He came for the same reason we all come—to serve the people and our Country. It is above all a privilege, but that should not prevent us from showing appreciation to those who have done the job well. With gratitude, "Team OXLEY" salutes Jim Conzelman for his service.

HOOKED ON HEALTH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to recognize the work of the Southwest Georgia Public Health District's Hooked on Health campaign. Today, many in my home state of Georgia are suffering from poor health. One in four adults is obese and only two in five adults in Georgia are regularly active. Poor health choices put all of our communities at risk for major health problems, like cardiovascular disease. The growing rates of obesity and inactivity will continue to impact our communities if we do not take action to reverse these trends.

There are simple, yet highly effective, solutions to this growing health crisis. Under the leadership of the District Health Director, Dr. Jacqueline H. Grant, MD, the Public Health District in Southwest Georgia launched the Hooked on Health wellness campaign in January 2006 to address three major health priorities: promoting healthy lifestyles, reducing health disparities, and engaging community and educational partners in these efforts. Hooked on Health approaches these priorities through a campaign model designed to increase physical activity, improve nutritional choices, and reduce tobacco use and lower stress.

The campaign brings in motivational speakers and introduces wellness activities and incentives from community partners, such as reduced fees at health clubs and health screenings. Hooked on Health has modeled this program to community partners representing local businesses, hospitals, school systems, government and nonprofits.

The success of the campaign in its first year shows that an investment in healthy choices makes an important impact. After just 8 months, the wellness campaign teams reported: 1,029 pounds lost, 13 improved lipid profiles, 21 hypertensive employees met blood pressure goals, four diabetics improved Hg A1C (a glucose control measure), one smoker quit and two decreased, and 88 percent are still engaged.

Jim Pericaud, a Public Health employee who participated in the Hooked on Health campaign, reported, "I started riding my bike to work last July. I ride to work 2 to 3 days a week. My wife has encouraged healthy eating by preparing meals of lean meats, fish and vegetables. I also do weight training. I have lost 15 pounds since July and I feel great!"

I appreciate the opportunity to discuss the challenges facing our country's overall health and to highlight the solutions promoted through Hooked on Health in southwest Georgia as a model for employers, school systems and community groups across the country.

TRIBUTE TO THE SHARE AND CARE FOUNDATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PALLONE. Mr. Speaker, I want to thank the Share and Care Foundation for their charitable work in India. Their annual gala was recently held at the New Jersey Performing Art Center in Newark, New Jersey on Saturday, November 4th. I was pleased to attend that evening. This event marked the kickoff of their forthcoming Silver Jubilee of helping the challenged, especially women and children, in the fields of education, improving healthcare and social uplifting. They have also worked in emergency situations like earthquakes, floods, the tsunami, and September 11, etc. The majority of their work is carried out by volunteers who are professionals or entrepreneurs.

Mr. Speaker, I would like to specially commend Dr. Ketki Shah who has been closely involved with the Share and Care Foundation. Dr. Shah, a Diplomate, American Board of Psychiatry and Neurology, is an experienced Psychiatrist with specializations in Psychopharmacology and Addiction Psychiatry. She is a low keyed humanitarian with the sole purpose of helping people who need help. She attended a global women's conference in Geneva to promote peace in the world. Her work including field visits during emergencies like earthquakes and the 2004 tsunami are remarkable. Her work as a chairperson of the medical committee is directly correlated with over ten million dollars of medical equipment and medical supplies that have been sent to India. This has generated tremendous benefit, especially for the people who are challenged and need our attention. She has demonstrated that excess and unuseful resources of one society can be diverted for the betterment of another society.

Dr. Ketki Shah's selfless work has earned the goodwill of many, especially those who are also involved in humanitarian work. This year, humanitarian Shabana Azmi and her husband Javed Akhtar appeared on stage in a riveting performance that highlighted the career of Shabana's father, a renowned poet and a freedom fighter. Shabana Azmi, leading star of Indian Cinema, is an outstanding social activist, a passionate advocate of human rights, and a prominent humanitarian. Her work in each of the areas has been exceptional and has earned her a long list of awards, recognitions and medals including Padma Shri, one of the prestigious recognitions in India.

She was one of the sixteen women to whom tributes were paid by President Mitterrand of France in 1989 on Bicentenary celebrations of International Human Rights. In 1993, she was invited to Cape Town to present "The News maker of the year award" to President Nelson Mandela. She has been appointed the United Nations Goodwill Ambassador on Population and Development. She was selected to Rajya Sabha by the President of India. On October 26, 2006, she was the first Indian to receive a prestigious Gandhi Peace award presented at the House of Commons, London. Previous recipients of this award include Nobel Laureates: Honorable Dalai Lama and Archbishop Desmond Tutu.

She had lead march of 4 days for communal harmony from Delhi to Meerut. Her heart goes to the economically challenged for whom she undertook a 5 day hunger strike and as a Chairman of Nivara Hakk, she has managed to get alternative land for slum dwellers. Her struggle for the poor in India has now resulted in the construction of 30,000 homes under a tripartite agreement among charities, a private builder and the Maharashtra government.

She has also addressed several Universities in the USA, such as Harvard, Columbia, Berkeley, and MIT, for the need to relate communal harmony to issues of social justices.

Shabana thrived and expanded the project "Mijwan Welfare Society" started by her father in Mijwan, a small "challenged village" in Uttar Pradesh, India where emphasis is placed on education and empowerment of women. We are extremely pleased to join hands with Shabana in this project to make a difference in one of the poorest regions with a very high infant mortality rate and birth rates, low female literacy and near absence of health and sanitation facilities. They have started 2 computer training schools, training center and "Sewa"; embroidery projects for women.

Shabana's accomplishments are countless and extremely commendable, however, her dedication to humanity is what makes her a special individual.

Mr. Speaker, Shabana Azmi, Javed Akhtar and Dr. Ketki Shah are all very special individuals who have made a remarkable difference in the global community. Together they have realized the benefits of volunteerism and self-help.

INDIA PLAYS THE VICTIM TO COVER UP ITS TERRORIST RECORD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. TOWNS. Mr. Speaker, last month, Indian Prime Minister Manmohan Singh publicly stated that India is the victim of cross-border terror. The Council of Khalistan under the leadership of Dr. Gurmit Singh Aulakh wrote to Prime Minister Singh and reminded him that India has been sponsoring cross-border terrorism in Sindh, a province of Pakistan, as the Washington Times reported on January 2, 2002 and that according to India Today, which is the leading news magazine in India, the Indian government created the Liberation Tigers of Tamil Eelam, which the U.S. government has identified as a terrorist organization.

It has also sponsored domestic terrorism against the minorities within its borders, including murdering a quarter of a million Sikhs and holding another 52,000 as political prisoners; killing Muslims by the tens of thousands in Kashmir, where more than 90,000 have been killed, Gujarat, where between 2,000 and 5,000 died in a massacre preplanned by the government, and elsewhere; killing Christians throughout the country, including over 300,000 just in Nagaland; and mass killing many other minorities. Yet India proclaims itself the victim of terrorism and proclaims itself a democracy. Well, Mr. Speaker, it certainly doesn't act that way.

The repression and terrorism must be stopped. We should end all aid and trade with India until such time as the repression ends and people enjoy the most basic human rights, and we should throw our full support behind self-determination in Punjab, Khalistan, in Kashmir, in Nagalim, and wherever people are trying to be free. The essence of democracy is the right to self-determination. In addition, we should designate India a terrorist state and impose the sanctions that that designation brings.

Mr. Speaker, I would like to insert the Council of Khalistan's open letter into the RECORD. It is a frightening record of Indian terrorism.

INDIA IS A TERRORIST STATE, NOT A VICTIM

DEAR PRIME MINISTER SINGH: On October 4, you said that India is a victim of cross-border terrorism. India is a terrorist state itself and should be subject to the penalties that are imposed on terrorist states.

On January 2, 2002, the Washington Times reported that India is supporting cross-border terrorism in Sindh, a province of Pakistan, the very same kind of thing that Prime Minister Singh was claiming is victimizing India. In addition, India's leading newsmagazine, India Today, reported that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), identified by the U.S. government as a terrorist organization, and its leaders were put up by the Indian government in the finest hotel in Delhi. How can you blame Pakistan when India started cross-border terrorism with its own actions?

The Indian government has committed terrorism against its own minorities. It has murdered over 250,000 Sikh infants, children, youth, men, women, and elderly since 1984, as well as more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Assamese, Bobos, Dalits, Manipuris, Tamils, and other minorities. A report by the Movement Against State Repression (MASR) states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984! There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Tell the families of these innocent Sikhs and others that there is no terrorism in India.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The only witness to the Khalra kidnapping, Rajiv Singh Randhawa, has been repeatedly harassed by the police, including having been arrested for trying to hand a note to then-British Home Secretary Jack Straw. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. How can making speeches and raising a flag be considered crimes in a democratic society?

The police never released the body of former Jathedar of the Takht Gurdev Singh Kaunke after SSP Swaran Singh Gholna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. The MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs (hundreds of thousands.)" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. Missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then the Indian government threw him out of the country. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. Police broke up a Christian religious festival with gunfire. Recently, militant Hindus from the Bharatiya Janata Yuva (a youth movement affiliated with the BJP and the Fascist RSS) attacked the Convent of Loreto and the school there. A spokesman for the BJP, Mr. H. Dikshit, demanded an investigation of the school!

The murders of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984. The most important mosque in India, the Babri Mosque, was destroyed by militant Hindu fundamentalists who have never been held responsible for their actions.

It is good that you have admitted the guilt of the Indian government by for the Delhi massacres, in which over 20,000 Sikhs were killed, by apologizing for the massacres, but what good does it do the Sikh Nation? Where are the apologies for the Golden Temple attack, the destruction of the Akal Takht, and the desecration of Darbal Sahib, and the other atrocities? Where is the compensation for the victims' families? That operation was yet another act of Indian domestic terrorism.

The Guru granted sovereignty to the Sikh Nation, saying "In Grieb Sikhin Ko Deon Patshahi." We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan Whoever is honest and dedicated in leading that Shantmai Morcha deserves our support. Every morning and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Recently, Dal Khalsa and the Shiromani Khalsa Dal announced that they are uniting for sovereignty for Khalistan. This was met with chants of "Khalistan Zindabad." The Punjab Legislative Assembly proclaimed the sovereignly of Punjab when it cancelled the water agreements. Only by liberating Khalistan can we put an end to the repression and terrorism against the Sikh Nation by the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

Last year, Sikh farmers were expelled from Uttaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers, Their homes in many cases were built using their life savings and by their own hands. We condemn this act of state terrorism by the government of Uttaranchal Pradesh. As you know, Sikhs are prohibited from buying land in Rajasthan and Himachal Pradesh. Now Uttaranchal Pradesh joins that list. Yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. It is incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation and the Sikh religion.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Among those who conspired with the government, according to Chakravyuh Web of Indian Secularism, were Dr. Chohan, Ganga Singh Dhillon, and Didar Singh Bains. It appears the Indian regime is even willing to arrest its own agents to suppress the movement for Khalistan! Now Badal and Chief Minister Amarinder Singh have been accusing each other of being tied in with "terrorists." These leaders view support for Khalistan as terrorism, as the Indian government does. They have shown where their loyalties lie. How will these so-called Sikh leaders account for themselves? Remember the words of former Jathedar of the Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's, memo calling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India. There is no place for Sikhs in supposedly secular, supposedly democratic India. Our moment of freedom is closer than ever. Sikhs will continue to work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may have lives of prosperity, freedom, and dignity.

Sincerely,

DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

TRIBUTE TO REVEREND ANGELO D'AGOSTINO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay tribute to Rev. Angelo D'Agostino, a hero and a pioneer in the fight against AIDS in Africa.

I was deeply saddened when I heard news of Father D'Agostino's death. I met Father D'Agostino on my trip to Kenya in 2000 and I became a firm believer in his AIDS orphans and families programs.

He was a friend and a champion in the fight against AIDS. Constantly fighting the small battles on the front lines of the war against AIDS, he was responsible for improving the lives of many young Kenyans devastated by the scourge of AIDS.

Father D'Agostino, a Jesuit priest, was sent to Kenya to coordinate the refugee work of the Jesuits. Through his work, he was exposed to the AIDS-affected population of the country. All over Kenya, children were orphaned as AIDS claimed the lives of their parents; leaving the children alone, abandoned and in many cases HIV positive. He was deeply disturbed by the devastating effect of the disease on children and the community and knew that helping these children and families was his mission. Father D'Agostino dedicated his life to making a better life for those suffering the devastating effects of the horrible disease.

He founded the Nyumbani Orphanage with three children in 1992 and expanded it into a community for children and adults alike. The Nyumbani organization is also involved in community-based programs such as Leo Toto (meaning to raise a child), which are set up to provide outreach services to HIV-positive children and their families in the Nairobi area. His tireless efforts to better the lives of those touched by AIDS were widely successful.

Father D'Agostino believed that every individual had a right to an education. He successfully sued the Kenyan Government, forcing them to repeal a law banning HIV positive children from public schools.

Under Father D'Agostino's leadership, Nyumbani became the first place in Africa to import hugely discounted AIDS drugs. It also has the most advanced blood diagnostic laboratory in Kenya.

Father D'Agostino was truly a hero and a pioneer in the fight against the scourge of AIDS. He believed that every HIV positive and AIDS inflicted child and family, no matter how poor or meager their existence, deserved the chance to live a better life. He was a model for those who wish to dedicate themselves to improving the lives of others. I admire his work and commitment in serving children marginalized by society. He will be missed.

CONGRATULATING LAUREN McKEAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Lauren McKean for earning a spot on the Texas Girls Coaches Association's All-State Volleyball Team. This honor is awarded to top female athletes for their superior performance on the court.

The Texas Girls Coaches Association is the largest group of girls' athletic coaches in the nation, and serves the coaches and administrators at every level of education. The elite All-State Volleyball Team is selected by a committee panel of coaches and administrators, and is comprised of the most competitive female athletes in the state.

As a senior at Frisco Centennial High School in the 26th District of Texas, Lauren manages to give her absolute best efforts when the team requires it most. Ms. McKean led the Lady Titans to the Class 4A Regional finals for the first time in school history.

I extend my most sincere congratulations to Lauren McKean and I wish her the best of luck in her academic and athletic career.

IN REMEMBRANCE OF CHARLES J. GERMANA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Charles J. Germana whose personal service to the greater Cleveland Community and the United States alike are a shining example of the all-American spirit. Charles' life is marked by his dedication to his country, community, and his family.

Charles valiantly defended freedom in World War II in the United States Navy. He transformed his courage and core values to civilian life when he actively led his community by founding the Seven Hill Democratic Club. Charles continued his leadership by proudly being elected as the Mayor of Seven Hills from 1967 to 1973. His public service career did not end there as he went on to selflessly serve as the Council President in Seven Hills.

Throughout his long and distinguished life, Charles did not only serve his community in elected positions. He was also a devoted and enthusiastic Boy Scout for 50 years. His strong leadership skills were cultivated heavily throughout a lifetime of volunteering and brotherhood in the Boy Scouts of America. Charles was also a very spiritual man, showing his faith as an active member of the Columbine Catholic Church.

Family was very important to Charles. His legacy continues through his wife, Mae; three children, Chuck, Joe, and Janet; and the memory of his daughter Emily; eleven grandchildren; and seven greatgrandchildren. Charles' love and concern for his family reflected in his hard work and Four Star Insurance Agency, which he founded in 1954, still remains in the control of his family. Charles Germana's love of his family and his dedication to public service continue on as his son Chuck carries the family torch of public service as the President of Parma City Council. Charles nurtured these values of leadership, service, brotherhood, and giving in all of his family—making him truly an honorable statesman and father.

Mr. Speaker and Colleagues, I am honored to ask you to join me in recognition of Charles J. Germana as a loving community leader, member, and pillar. Charles' unwavering commitment to his family, church, and community is a great example of how one man can in deep faith dedicate his life to helping others.

RECOGNIZING ROBERT "JASON" SCHOWENGERDT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Robert "Jason" Schowengerdt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Jason has been very active with his troop, participating in many scout activities. Over the many years Jason has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jason holds the rank of fire builder as a Hardway Warrior in the Tribe of Mic-O-Say. While achieving this rank, Jason has served the Maple Woods Community College community where he is still attending classes.

Mr. Speaker, I proudly ask you to join me in commending Jason Schowengerdt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Jason in the United States House of Representatives.

TRIBUTE TO MR. CURTIS PARHAM REDDING

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a great man who has tirelessly dedicated his life to bettering his community. At the age of 74, Mr. Curtis Parham Redding, also known as C.P., is retiring as a Quitman County, Georgia Commissioner. He has served his community faithfully while blazing new trails for those who would follow him.

C.P. was born in Quitman County to proud parents, Curtis Lowe and Ora Inez Green Redding. As the eldest of three children, he quickly learned about dedication to family, service to nation, and responsibility. Quitman County is located on the banks of Lake Walter F. George in rural Southwest Georgia. The citizens of Quitman County are known for their strong work ethic and sense of self sufficiency and regional pride, and C.P. was no exception. With the exception of a few years, C.P. lived his entire life in Quitman County and was raised to love and respect his hometown. After graduating from Georgetown High School, C.P. recognized his love for politics and most importantly people. Realizing the town lacked social services, educational services, and basic services any citizenry would require, he began working hard to become a Quitman County Commissioner in 1975. During his first tenure as a Commissioner, he served for two years. Recognizing the need for involvement and higher basic educational standards for the County, he was then appointed to the Quitman County School Board where he served until 1994. C.P. was again elected to the Quitman County Commission and took office on January 1, 1996 and during this tenure, Quitman County achieved each of the goals C.P. established.

Although C.P. has decided to retire, his vision for Quitman County has not ended. C.P. has always believed that for small counties to flourish, it would be through organized coalitions. To this end, he has become active in creating and serving on Boards such as: Four County Economic Development Authority (Past Chairman), Southwest Georgia Chamber of Commerce (Past Chairman), and Southwest Georgia Housing Development Board just to name a few. He and his wife of fifty-five years, Annie Ruth Holmes who is the retired Director of the Quitman County Department of Family and Children's services, selflessly continue to devote their services to the advancement of Quitman County.

As an enduring testament of his dedication to his community and fortitude as a public servant, bids are currently being taken for the construction of a building to house the Quitman County Health Services since they have outgrown their present facility. Serving the needs of his community remains paramount to C.P. Redding.

Today, we thank and honor Mr. Curtis Parham Redding for his dedication and lifelong commitment to the welfare of others and his community. His lifetime of altruistic service has made him a legend in Southwest Georgia and an inspirational figure for us all.

CONGRATULATING KELSEY OWENS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Kelsey Owens for earning a spot on the Texas Girls Coaches Association's All-State Volleyball Team. This honor is awarded to top female athletes for their superior performance on the court.

The Texas Girls Coaches Association is the largest group of girls' athletic coaches in the nation, and serves the coaches and administrators at every level of education. The elite All-State Volleyball Team is selected by a committee panel of coaches and administrators, and is comprised of the most competitive female athletes in the state.

As a senior at The Colony High School in the 26th District of Texas, Kelsey manages to give her absolute best efforts when the team requires it most. Ms. Owens has also been named the MVP and Captain of her Lady Cougars team.

I extend my most sincere congratulations to Kelsey Owens and I wish her the best of luck in her academic and athletic career.

RECOGNIZING THE CHATTY HATTY RED HAT LADIES OF RAINBOW SPRINGS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor a group of women from Rainbow Springs, Florida who have gone above and beyond the call of duty in their efforts to help the soldiers serving in Iraq. The Chatty Hatty Red Hat Ladies of Rainbow Springs have adopted soldiers serving in Iraq, sending them care packages each and every month. The Ladies deserve recognition for their efforts.

Earlier this year, the Red Hat Ladies contacted my office to find soldiers from the 5th District currently deployed in Iraq. The Ladies were looking to adopt a couple of soldiers from the district and to send them packages filled with necessities and goodies. These women wanted to let our troops know their friends back home support their service in the Global War on terror.

As you might imagine, those first few soldiers grew to nearly 30 soldiers that the Ladies eventually adopted. Each month they put together three large care packages for the troops, and once a quarter they send over a special box of movies so that the soldiers can have a "movie night," complete with packages of popcorn.

To help celebrate Christmas, the Ladies and their friends took up collections and donations to ship the troops a Christmas tree with all the trimmings, as well as individual stockings stuffed with gifts. This way the soldiers can enjoy Christmas, even though they are still serving in Iraq and missing their friends, family, and loved ones.

Mr. Speaker, volunteer groups like the Chatty Hatty Red Hat Ladies of Rainbow Springs are just one of the thousands of dedicated organizations throughout the Nation who support our troops overseas. Millions of Americans have donated their time and their money to ensure that our troops know the folks back home support their mission and hope they return home safely. The Red Hat Ladies are to be commended for starting this adopt-a-soldier program and for helping to brighten their days of service.

DEMOCRATIC PACIFIC UNION SPONSORS INTERNATIONAL SYMPOSIUM ON DEMOCRACY AND CONGRESS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. COSTA. Mr. Speaker, this December 8–10, an international symposium on democracy and congress will be held in Taipei, Taiwan. The symposium is sponsored by the Democratic Pacific Union (DPU), a non-governmental organization founded in 2005 in Taipei for the purpose of fostering better relations among members of parliaments from countries around the Pacific Rim.

This year's symposium will feature speakers from a number of countries, including Canada, Australia, New Zealand, Japan, the United States and Taiwan. Taiwan Vice President Annette Lu, the driving force behind this year's symposium, is to be commended for putting this conference together.

I support and endorse the symposium's goal: It is time for everyone in the international community to respect one another, to abide by international norms, and to respect the common values, namely, democracy, peace and prosperity.

I hope my colleagues will find the time to participate in this important symposium on democracy and congress.

TRIBUTE TO WILLIAM BLOCK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to William (Bill) Block of Morrison County, Minnesota, who recently retired after serving 24 years as a Morrison County Commissioner representing District 5. Bill has rendered long, distinguished, and dedicated service for his community and the State of Minnesota.

First elected as a Morrison County Commissioner in 1983, Bill's list of accomplishments is both lengthy and varied. Under his stewardship, Morrison County expanded its airport, built a new Government Center, implemented a county-wide 9–1–1 system, promoted economic development, developed the Belle Prairie Park as a premier visitors destination, resolved a recurring flooding problem from Fletcher Creek, converted an abandoned railway into a recreational trail, and improved highway safety.

As County Commissioner, he brought together individuals with diverse and sometimes contentious positions through his dedication, hard work, and diplomacy. Admired by his fellow Commissioners, department heads, and county employees, I know that Bill will be sorely missed.

I wish Bill and his lovely wife Barb well as they move onto other life pursuits. Because of the many contributions he made to his community, Bill deserves to hang out his "Gone Fishing" sign.

I am proud and honored to share with my colleagues this well-deserved tribute to Bill Block, who has given so much of himself to enrich the lives of others and to serve his community.

RECOGNIZING PATRICIA BASS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. FATTAH. Mr. Speaker, I rise to honor Patricia Bass, one of Philadelphia's and the Nation's leaders in our collective efforts to provide high quality, accessible care and treatment to people living with HIV/AIDS.

Ms. Bass played a central role in building Philadelphia's response to HIV/AIDS as the co-director of the AIDS Activities Coordinating Office. Today, I rise to salute Ms. Bass's tenure as Chair of the Communities Advocating Emergency AIDS Relief Coalition. CAEAR Coalition is a leading voice for the treatment and care needs of people living with HIV/AIDS. Ms. Bass has served as Chair of CAEAR Coalition for 6 years, leading the organization in its annual efforts to secure increased appropriations for the Ryan White CARE Act. She has also guided CAEAR Coalition's collaborative and evidence-based efforts over the past 3 years to reauthorize a strengthened Ryan White CARE Act that responds effectively to the needs of people living with HIV/AIDS in the United States. Consistently mobilizing its members across the county to advocate with their elected officials on behalf of the care and treatment needs of people living with HIV/AIDS, CAEAR Coalition epitomizes the important role that our constituents play in helping us to understand the needs of those in the communities we represent.

Ms. Bass's experiences and perspective as a nurse and African American woman who has worked on the frontlines of the epidemic inform her understanding of HIV/AIDS and its impact on communities of color, and her voice has been critically important in policymaking discussions and dialogue with Congressional leaders and staff.

I know that when the Ryan White CARE Act is reauthorized, the provisions in the final law will undoubtedly be better because of Ms. Bass's vision, leadership and long-term commitment to a coalition compromised of those giving and receiving care and committed to carrying those experiences directly to their elected representatives.

Today, I rise to thank Ms. Base for her leadership and wish her much success in her continued efforts to ensure that people living with HIV/AIDS at home and abroad have the care and treatment they need.

TRIBUTE TO MARGARET FORGACH CUMMINGS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to honor Margaret Forgach Cummings, a tireless public servant for the Pima County Sheriff's Department. Ms. Cummings, currently a Deputy Sheriff, will be retiring after serving the citizens of Pima County for more than 20 years.

She has served my community with honor and compassion throughout her career.

She started her service as a volunteer crisis advocate with Pima County Attorney's Victim-Witness Program. Her stellar commitment and performance as an advocate laid the foundation for her to participate in a Meditation program with a grant from Volunteer in Service to America (VISTA). She was one of five individuals that initiated the program at the South Tucson Police Department.

Her reputation and selfless devotion as volunteer earned her the opportunity to become a Police Dispatcher for the South Tucson Police Department. Mastering that position, she proved to be an invaluable member in support of the city's police force. Recognizing her abilities, the police department trusted Margaret with further responsibilities, and through the 1980's Margaret served her community with distinction as Emergency Radio Dispatcher.

More recently, Margaret has benefited the Tucson community by volunteering as Reserve Deputy of the Pima County Sheriff's Department, in addition to her duties as a Public Safety Dispatcher. Her dedication to the well-being of the residents of Tucson makes her an outstanding citizen and public servant, and I am honored to recognize her efforts.

RETIREMENT OF DR. LINDA J. FURIGA OF THE DEFENSE LOGISTICS AGENCY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the career of Dr. Linda J. Furiga, who will retire from the Defense Logistics Agency (DLA) of Fort Belvoir, Virginia, on January 3, 2007. Her distinguished government career spans 40 years, and her record of achievement during this period reflects great credit upon herself and upon the organizations with which she has served. Her contributions to the National Defense will be missed as she moves on to new opportunities.

Dr. Furiga is a member of the Senior Executive Service and has received numerous awards during her 40-year career. Most recently, Dr. Furiga was recognized for her outstanding service with the President's Distinguished Rank Award.

She began her civil service career as a Secretary Stenographer with the Air Force in 1967. With great drive and determination, Dr. Furiga quickly transitioned to a professional career field in financial management with the Defense Logistics Agency.

Dr. Furiga has since held numerous financial management positions in DLA and was also briefly the Director for Resource Management at the Defense Acquisition University. On July 7, 1997, Dr. Furiga became the DLA Comptroller and served in this capacity until her retirement.

As Dr. Furiga transitions from her role as a key financial leader in the Department of Defense to other pursuits, I am honored to ask my colleagues to join me in congratulating Dr. Furiga on her retirement. Her dedication and service to the Federal Government is a model for others to follow, and I wish her all the best in her future endeavors.

IN HONOR OF DR. ANSON ELLIOTT

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BLUNT. Mr. Speaker, I rise today in honor of Dr. Anson Elliott, head of the Department of Agriculture at Missouri State University in Springfield, MO, for being named the Agriculture Leader of the Year by the Agriculture Leaders of Tomorrow program. He has dedicated 38 years to not only being a leader himself, but mentoring many of today and tomorrow's agricultural leaders.

As head of the MSU Department of Agriculture, Anson oversees seven undergraduate comprehensive degree programs and collaborates on the administration of three Masters Degree programs. Additionally, Anson is responsible for the budgets of three off campus agriculture centers and has budgetary responsibilities for various foundation accounts including oversight of private, public and foundation grants. Anson has several publications, including a chapter in an American Society of Agronomy book on the hybridization of crops. In addition to administrative responsibilities, Dr. Elliott teaches three classes on a yearly basis and serves as an advisor to student organizations.

Anson Elliott is making a difference in America's agricultural community. As an advisor and a friend of mine, it gives me great pleasure to offer these words of congratulations to a true leader in Missouri agriculture.

IN HONOR AND REMEMBRANCE OF ROBERT LOCKWOOD, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in joyful remembrance of the life and work of Robert Lockwood, Jr., a giant of Delta blues, whose music and spirit will leave a lasting legacy in Cleveland, his hometown since 1961.

Born in Turkey Scratch, Arkansas, Robert Lockwood, Jr., began playing the guitar at the age of 11. Under the tutelage of master bluesman Robert Johnson, Lockwood was playing professionally by the age of 15.

Over time, Lockwood developed a unique musical style of his own, going beyond the Mississippi Delta Blues he mastered as a youth. Two of his albums, "I Got to Find Me a Woman" and "Delta Crossroads" were nominated for Grammy Awards. He is the recipient of numerous honors, including the National Heritage Fellowship presented to him by HILLARY CLINTON in 1995, two National Blues Music Awards from the Blues Foundation, induction into the Blues Hall of Fame, and honorary doctorates from Case Western Reserve and Cleveland State Universities.

Home of the Rock 'n' Roll Hall of Fame, Cleveland's diverse cultural community thrives on music and art. Robert was a regular performer for years in the popular Fat Fish Blue, a blues-themed restaurant and bar in Cleveland, and in venues all over the city. Robert's infectious music and hypnotic finger-picking has left an indelible stamp on Cleveland as well as a whole musical genre.

Mr. Speaker and colleagues, please join me in honoring the memory and legacy of Robert Lockwood, Jr., protege to Robert Johnson, mentor to B.B. King, and entertainer to generations of fans. His soulful blues and personality will live on in our hearts.

CONGRATULATING ASHLEY BYRD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ashley Byrd for earning a spot on the Texas Girls Coaches Association's All-State Volleyball Team. This honor is awarded to top female athletes for their superior performance on the court.

The Texas Girls Coaches Association is the largest group of girls' athletic coaches in the Nation, and serves the coaches and administrators at every level of education. The elite All-State Volleyball Team is selected by a committee panel of coaches and administrators, and is comprised of the most competitive female athletes in the State.

As a senior at Denton Ryan High School in the 26th District of Texas, Ashley manages to give her absolute best efforts when the team requires it most. Ms. Byrd has led the Lady Raiders to their first playoff berth since 2000, and was named the District 4–5A Most Valuable Player.

I extend my most sincere congratulations to Ashley Byrd and wish her the best of luck in her academic and athletic career.

H.R. 4766, ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. McKEON. Mr. Speaker, I rise today in support of H.R. 4766, the Esther Martinez Native American Languages Preservation Act of 2006. This measure will empower Native American tribes, organizations, and colleges as they seek to preserve Native languages and cultures.

In many Native American communities, Native languages are disappearing at an alarming rate. It is estimated that only 20 indigenous languages will remain viable by the year 2050. Providing grants to Native American language programs consisting of language nests, survival schools, and restoration programs will bolster the effort to preserve this important part of our Nation's history and culture.

By encouraging a greater focus on Native language programs, we are not only striving to preserve the identity of the Nation's tribes, but we're encouraging greater academic performance among Native American students as well. In fact, the legislation requires that Native American language survival schools work toward a goal of all students achieving both fluency in a Native American language and academic proficiency in mathematics, reading (or language arts), and science. It is our intention that students in survival school programs demonstrate adequate progress in English proficiency according to their appropriate grade level.

It is also our intention that the Department of Health and Human Services' Administration for Native Americans administer this program in such a way that Native American survival school grantees be required to obtain parental permission for students to enroll in the survival schools. All parents should be able to make decisions about their children's education, and this bill provides Native American parents with new opportunities to do so.

I urge my colleagues to join me in supporting this worthwhile legislation.

INTRODUCTION OF A BILL TO AMEND TITLE 17, UNITED STATES CODE

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BOUCHER. Mr. Speaker, today my colleague from Virginia, Mr. GOODLATTE, and I introduce a bill to amend Section 119 of Title 17 of the United States Code. This modest, consumer-focused measure would simply allow a court to accept a negotiated settlement between parties to a lawsuit in which it is alleged that a satellite television provider has engaged in copyright infringement by providing the signals of out-of-market television stations to ineligible homes.

I, like many of our colleagues, have been flooded with phone calls over the last several weeks from concerned constituents who subscribe to EchoStar's DISH network satellite television service. They are upset and confused because their access to the signals of out-of-market network television stations was suddenly cut off, and many of them are now unable to receive any network television service from DISH. Many of the affected households are in rural and underserved areas with a limited choice of alternative video programming providers to turn to. In my district alone, thousands of people have lost service, and nationwide, 800,000 are affected.

The Satellite Home Viewer Act (SHVA), which was enacted with my support in 1988, allows residents to receive by satellite the network signals they cannot receive over-the-air from their local broadcast television stations. As a result, thousands of Southwest Virginians and millions of Americans who cannot view local television signals over the air today receive by satellite ABC, CBS, Fox and NBC network channels that originate from markets outside of their own communities. In some areas of the United States, particularly in mountainous regions like Southwest Virginia, a home may be predicted to receive a strong over-the-air signal from a local television station but not actually get a quality picture. Receipt of good local television signals is effectively blocked by obstructions between viewers' homes and the local station. These households have come to depend on the distant network channels for important news and emergency information, as well as network programming. Without SHVA, millions of Americans, particularly those in remote areas, would be denied network television programming.

Since December 1, 2006, EchoStar's DISH network has been prohibited by a permanent injunction from providing out-of-market signals to any of its subscribers due to violations of SHVA. The court which enjoined EchoStar also rejected a settlement negotiated by EchoStar and affiliates of the ABC, CBS, Fox and NBC networks which would have avoided mass consumer disruption by allowing DISH to continue to provide most out-of-market channels. I am deeply disappointed that the court found that it could not accept the settlement, an outcome which was acceptable to the defendant and four of five plaintiffs in the case and which would not have prevented the fifth plaintiff from availing itself of the remedies provided by statute. In virtually any other lawsuit, the parties may settle at any time, even after the jury or judge has rendered its decision. I am gravely concerned that the result of the court's action has been a denial of network programming to hundreds of thousands of households located primarily in remote areas.

The simple, straightforward measure we introduce today would merely clarify that the court has the option of accepting a settlement between the parties to a distant signal copyright infringement lawsuit. It would enable the court to protect consumers, who are the true victims here, from the abrupt cutoff of all network television service. The ability to receive network television programming is important to Southwest Virginians, and I am committed to assuring its availability by satellite throughout my district.

I therefore urge my colleagues to protect rural households by adopting this measure and clarifying that a court may adopt a settlement to which the parties in a lawsuit have agreed.

WELCOME TO FIRST LADY OF THE REPUBLIC OF AZERBAIJAN, MRS. MEHRIBAN ALIYEVA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. SHUSTER. Mr. Speaker, as the new co-chairman of the Azerbaijan Caucus, it is a privilege to join with my good friend, the gentleman from Texas and fellow co-chairman SOLOMON ORTIZ, to welcome to Washington, DC, the first lady of the Republic of Azerbaijan, Mrs. Mehriban Aliyeva.

We welcome Mrs. Aliyeva as a member of the Azerbaijan parliament—Milli Majlis—and as chairperson of the United States-Azerbaijan Inter-Parliamentary Working Group.

This week, Mrs. Aliyeva and a delegation of parliamentarians from Azerbaijan are meeting with Members of Congress and administration offices to further reinforce understanding of Azerbaijan and encourage dialogue between Congress and the Milli Majlis.

Members of the parliamentary delegation include: Gultakin Haciyeva, New Azerbaijan Party; Ganira Pashayeva, Independent; Evda Abramov, Independent; Malahat Hasanova, New Azerbaijan Party; and Ali Huseynov, New Azerbaijan Party. Also part of the delegation is Deputy Foreign Minister Hafiz Pashayev, a former abassador from the Republic of Azerbaijan to the United States.

We thank our distinguished colleagues for their visit and encourage continued support of the Inter-Parliamentary Working Group and coordination with the Republic of Azerbaijan, one of our important strategic allies.

TRIBUTE TO KAZAKHSTAN

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. ADERHOLT. Mr. Speaker, I rise today to recognize the country of Kazakhstan on the occasion of its 15th anniversary of independence from the former Soviet Union on December 16, 1991. Kazakhstan has been at the crossroads of trade and empires for centuries along the ancient Silk Road, and today plays an increasingly important role in the stability and security of the Central Asian region, and of our world.

I had the privilege of visiting Kazakhstan along with Congressman JIM MCDERMOTT, Congressman MAURICE HINCHEY and former member Don Bonker in January of this year to see first hand the accomplishments that have been made since 1991. While in Kazakhstan we spent considerable time with members of the President's Cabinet and the current speaker of the senate, Nurtai Abykayev learning about current work going on in their country and their endeavors in making Kazakhstan a real leader in Asia and the world.

In the first few years after independence, Kazakhstan successfully rid itself of the fourth largest nuclear arsenal in the world and closed the world's largest nuclear test site at Semipalatinsk, an unwanted legacy from the U.S.S.R., and continues to be a model for the global community. In 2005, the U.S. Senate unanimously adopted a resolution congratulating Kazakhstan on the 10th anniversary of the removal of all nuclear weapons from the country and commended Kazakhstan-U.S. cooperation in this sphere as a "model." Earlier this year, this House unanimously adopted resolution 905 congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction.

Kazakhstan condemned the terrorist attacks against the U.S. on September 11, 2001 and has been a staunch supporter of the U.S. led international coalition against global terrorism since. Kazakhstan provides free overflight rights and a major international airport for U.S. and coalition aircraft for operations in Afghanistan. Kazakhstan works with the international community to bring peace and stability to Iraq following the U.S. led campaign to end Saddam Hussein's regime. Kazakh military engineers in that country have destroyed more than 4 million pieces of ordnance since 2003.

On a visit to Astana in 2005, U.S. Secretary of State Condoleezza Rice said, "Today, Kazakhstan is poised and ready to break a path for a new Silk Road, a great corridor of reform . . . A strong and prosperous and democratic Kazakhstan will once again energize the global transmission of learning, and trade and freedom across the steppes of Central Asia. This nation has a glorious past and it is destined for a hopeful future. Kazakhstan's greatest days lie ahead of it. And the United States wants to be your partner."

During his 2006 visit to Washington President Nazarbayev and President George W. Bush signed a joint statement which says, "We are satisfied with the progress made by Kazakhstan and the United States of America in the promotion of our strategic partnership, and announce our commitment to promote stability, prosperity and democratic reforms in Central Asia and outside of the region." The joint statement also stipulates the U.S. support for Kazakhstan's plan for accession to the group of the 50 most competitive countries in the world, according to the strategy of President Nursultan Nazarbaev, and for Kazakhstan's membership in the WTO. The document recognizes Kazakhstan's leadership in regional integration, considering its significant contributions in Eurasia and Afghanistan. The joint statement outlined a number of directions of the bilateral cooperation underlining "we announce our intention to further strengthen our strategic partnership via strengthening strategic dialogues on energy, military collaboration, trade, investments and democratization. We express solid confidence that our enhanced strategic partnership will assists to security, prosperity and democracy development in the 21st century."

President Nursultan Nazarbayev has called for a massive transformation of Kazakhstan's political life and strengthening the country's move to democracy in a March 2006 speech to the first session of the State Commission. The priorities include significant strengthening of the role of the national Parliament, increasing the numbers of deputies in both houses of Parliament; continuing the introduction of elections of akims—mayors—at district levels, and the introduction of a bill on local self-government. "Democracy is the choice of civilized people, and it is our choice too," President Nazarbayev said.

Mr. Speaker, because of Kazakhstan's peaceful transition to democracy, its strong commitment to eliminating nuclear weapons, and her strong support for our country in the wake of the September 11, 2001 attacks, I rise today to congratulate all her people on the occasion of the 15th anniversary of their independence.

H.R. 4766, ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today in support of H.R. 4766, the Esther Martinez Native American Languages Preservation Act of 2006. H.R. 4766 will help to preserve all the indigenous languages that are still being spoken.

It is estimated that only 20 indigenous languages will remain viable by the year 2050. Providing grants to Native American language programs consisting of language nests, survival schools, and restoration programs will help to preserve this important part of our Nation's history and culture.

By encouraging a greater focus on Native language programs, we are not only striving to preserve the identity of the Nation's tribes, but we're encouraging greater academic performance among Native American students as well. H.R. 4766 requires that Native American language survival schools work toward a goal of all students achieving both fluency in a Native American language and academic proficiency in mathematics, reading (or language arts), and science. It is my intention that students in survival school programs demonstrate adequate progress in English proficiency according to their appropriate grade level.

It is also my intention that the Department of Health and Human Services' Administration for Native Americans administer this program in such a way that Native American survival school grantees be required to obtain parental permission for students to enroll in the survival schools. Parents should be able to make decisions about their children's education, and H.R. 4766 provides Native American parents with new opportunities to do so.

INTERNATIONAL SYMPOSIUM ON DEMOCRACY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BUTTERFIELD. Mr. Speaker, the Democratic Pacific Union (DPU) will be hosting an International Symposium on Democracy and Congress this December 8 through 10, 2006 in Taipei, Taiwan.

The DPU is a non-government organization established in 2005 for the purpose of enhancing stronger ties among members of parliaments around the Pacific Rim. DPU's goals are to train young leaders to install democracy in their own countries, to consolidate democracy and to compromise on regional differences.

This year's symposium will attract participants from Canada, Mexico, Australia, New Zealand, the United States, the Republic of China and other countries. Participants will discuss such topics as the workings of congresses, presidential systems, and prospects for democracy.

Mr. Speaker, I hope my colleagues will find the time to go to Taiwan to participate in the symposium and to visit with the leaders in Taiwan regarding bilateral relations, the war on terror, and the crisis in the Korean peninsula.

Also, I offer my best wishes and congratulations to Taiwan's Vice President Annette Lu for putting this symposium together. I applaud her leadership.

HONORING 100 YEARS OF SERVICE BY FIDELITY ASSOCIATES INSURANCE AND FINANCIAL SERVICES

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize Fidelity Associates Insurance and Financial Services for their 100 years of service to Spokane, Washington. Fidelity Associates is one of the Inland Northwest's largest locally owned, independent insurance agencies, and one of its richest in terms of history and tradition. Fidelity Associates is a family-owned business and has the distinction of being one of the few to be passed from the hands of the third generation to those of a fourth.

In 100 years, this proud company has become a leader in the insurance world. From humble roots, it has grown to manage premiums in excess of $40,000,000. This places Fidelity in the top 5 percent of all United States insurance agencies. Its employees are directly involved with over 8,500 clients through risk management, insurance, employee benefits and financial services. On top of all this, the employees of Fidelity Associates post thousands of hours toward community service each year.

Mr. Speaker, I rise today to acknowledge and thank Fidelity Associates Insurance and Financial Services, the Jones Family, and the exemplary employees for their 100 remarkable years of service to our community, and I invite my colleagues to join me in congratulating this company and the family which has led it for so long.

A TRIBUTE TO THE HILLIARD DAVIDSON WILDCATS, THE 2006 OHIO HIGH SCHOOL STATE FOOTBALL CHAMPIONS

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to extend my congratulations and adulations to the 2006 Hilliard Davidson Wildcats football team, which on Saturday, December 2, earned the title of State Champions in the Division I Ohio State Football Playoffs, and finished its storybook season a perfect 15–0.

No superlative or tired sports cliche can effectively capture the magic of the Wildcats' season. Consistently overlooked and routinely outsized by its opponent, week after week, Davidson utilized its underdog role, its unglamorous but methodical offense, and its blistering defense to knock off yet another favored adversary. Davidson won with discipline, with heart, and perhaps most importantly, with class and dignity.

Quietly, Davidson has amassed a 73–25 record under the leadership of Coach Brian White, and has firmly asserted itself as a premier, dynastic program in central Ohio. However, each year, Davidson and other central Ohio high school football programs are largely ignored by the football experts and pundits, and relegated to the shadows of storied, goliath programs in the northeast and southwest parts of the state.

This year, however, one by one, the Goliaths fell to David—or in this case, Davidson. In its heart-stopping, double overtime victory on Saturday, Davidson fully entrenched itself in the hearts and minds of central Ohio football fans, and served notice to high school football aficionados across the State and Nation that Hilliard Davidson is second to no one.

Throughout its historic championship run, Hilliard Davidson represented the ideal virtues of amateur athletic programs—teamwork, tenacity, competitiveness, and dignity—and its storybook season will be recounted for generations to come in central Ohio.

I could not be more proud than to represent Hilliard Davidson High School in Congress, and I congratulate the players, coaches, fans and parents who made 2006 such a memorable one.

IN HONOR OF JEANETTE GRASSELLI BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUCINICH. Mr. Speaker, I rise in esteem of Jeanette Grasselli Brown's lifetime of profound accomplishments. Ms. Grasselli Brown has contributed immensely to the world through her distinguished career as a chemist, and since retiring she has been just as busy working to improve northeast Ohio.

After beginning her career as the only female chemistry major at Ohio University, Ms. Grasselli Brown continued to work for 39 years at BP America, retiring as the director of corporate research. At BP, Ms. Grasselli Brown fought to ensure that female employees received salaries equal to their male coworkers, and that they received flexible schedules while raising their children. While working full time, she earned her master's degree in organic chemistry, and wrote a monthly column called "Letter from America," for a European spectroscopy journal. Ms. Grasselli Brown also has served as an advisor for The White House Initiative on Historically Black Colleges and Universities, the National Science Foundation, the U.S. Department of Energy, the National Institute of Standards and Technology, the International Women's Forum, the Ohio Academy of Sciences, the Smithsonian Institute, and the International Union of Pure and Applied Chemistry. Furthermore, Ms. Grasselli Brown is a champion within the scientific world and is considered the outstanding woman chemist in the United States. She received the Garvan Medal in 1986 from the American Chemical Association, and the Fisher Award in 1993 from the American Chemical Society. In 1999, she followed these accolades with the American Chemical Society's Award for Encouraging Women into Careers in the Chemical Sciences. She has been recognized by the Society for Applied Spectroscopy with their Distinguished Service Award; she has received 13 honorary doctoral degrees from universities in both the United States and Hungary; and she is listed in both The World's Who's Who of Women and Foremost Women of the Twentieth Century. In 1989, Ms. Grasselli Brown was inducted into the Ohio Women's Hall of Fame, and she was the first woman to be inducted into the Ohio Science and Technology Hall of Fame. In addition to her full time job at BP, she has been a director of six corporations, three of which are Fortune 500 companies.

Ms. Grasselli Brown has been a tireless worker in the corporate, civic, and philanthropic realms, and continues her commitment to northeast Ohio through her work on numerous committees and boards of regents, acting as trustee and chair.

Today I am honored to ask my colleagues to join me in recognizing the life and achievements of this amazing woman, Ms. Jeanette Grasselli Brown.

RECOGNIZING KYLE HERNDON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Herndon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Kyle has shown.

Mr. Speaker, I proudly ask you to join me in commending Kyle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Kyle in the United States House of Representatives.

FRISCO RECEIVES COMMUNITY ECONOMIC DEVELOPMENT AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the city of Frisco and the Frisco Economic Development Corp. in the 26th District of Texas for receiving the Community Economic Development Award. The city of Frisco excels in bringing leadership, partnership, and creativity to the economy, and is the winner of the 40,000 to 100,000 population category.

The Texas Economic Development Council presents this prestigious award to member cities in recognition of exceptional contributions to their community. Superior projects in Frisco include the T-Mobile USA Technology Campus, DebtXS, Technisource, Inc., and the National Breast Cancer Foundation. These projects have created and maintained over 1,600 jobs for the community, and brought new investments of nearly $64.2 million to the city of Frisco.

I am proud to recognize the city of Frisco as recipients of the 2006 Community Economic Development Award. Under the capable direction of Mayor Mike Simpson, City Manager George Purefoy, and the Economic Development Corp., the city of Frisco has cultivated a standard of excellence and leadership, and serves as a role model for all other communities.

TRIBUTE TO DENNIS DOUGLASS, DEPUTY DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS EDUCATION SERVICE

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BOOZMAN. Mr. Speaker, I rise to pay tribute to Mr. Dennis Douglass, who will retire on January 3, 2007, after 30 years of service to our Nation's veterans.

Over the last 7 years Mr. Douglass has served with distinction as the Deputy Director for the Education Service at the U.S. Department of Veterans Affairs. He was a consummate professional with unquestioned integrity, who consistently exhibited management and leadership qualities that put him among VA's top performers.

I first had the privilege of meeting Mr. Douglass when I became chairman of the Subcommittee on Economic Opportunity at the Committee on Veterans' Affairs and began working on legislation to improve education benefits for servicemembers and veterans. Mr. Douglass has always made himself available to Congress when needed and served on behalf of the Secretary with honesty and sincerity. He has been the VA's institutional memory on education benefits and his contributions will truly be missed.

Mr. Douglass began his Federal career in 1976 as a Veterans Claims Examiner at the VA regional office in Detroit, Michigan. In 1982 he transferred to VA Headquarters in Washington, DC, to work in Education Service. Since his arrival, he has written procedural guidance for education claims processing, assisted in systems design, performed quality assurance reviews, conducted regional office appraisal visits, and served as Budget Analyst and Staff Assistant to the Director of Education Service. In 1999 the Secretary of Veterans Affairs appointed him Deputy Director in Education Service.

When asked, staff at VA describe him as an avid golfer with a penchant for corny jokes. Many remarked on his priceless collection of bad ties from the 70's and 80's. Overall, Mr. Douglass is known as one of the nicest persons that any of them have had the privilege to work with at VA. His colleagues state that his understanding of veteran's needs and his dedication to the job will be sorely missed by all, including the veterans he dedicated his career to serve.

Mr. Douglass was born in Ypsilanti, Michigan, and served honorably in the U.S. Army from 1969 through 1971. He graduated from Eastern Michigan University in 1974 and did graduate work at Wayne State University. He resides in Springfield, Virginia, with his wife JoAnn, son Daryl, and daughter Alison.

TRIBUTE TO JOHN W. JACOBS, JR.

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. DEAL of Georgia. Mr. Speaker, as a journalism major, John W. Jacobs, Jr., understands that a person's life is like a newspaper. From the announcement of birth, an event over which we have no control, to the obituary notice, which we will never read, events fill the pages of our lives, and it is how we respond to or create those events that will determine if our life's story is worth reading or remembering.

For John W. Jacobs, Jr., most of his life has evolved in Gainesville, Georgia, where he was born on November 28, 1922. He graduated from high school there and attended Riverside Military Academy for a year before venturing west to the University of Missouri to attend the prestigious journalism school. The outbreak of World War II interrupted his education and he soon found himself on the battlefields of Europe in one of the most important battles of the war, the Battle of the Bulge, where he was awarded two Silver Stars. When the war concluded, he finished his college degree and returned to his hometown where he began his career in communications by selling ads for a local newspaper.

He soon joined some of his veteran friends and formed the radio station WDUN. In the years that followed, he formed, bought and sold a newspaper, a cable television system and an FM radio station. Today, his company, Jacobs Media, owns three radio stations, an on-line local newspaper, and a travel agency. He and his son and daughter are the sole shareholders.

If that was all that John Jacobs, Jr., had done with his life and talents, it would be an impressive story worthy of an extensive spread in the business section of any newspaper. But that is only part of the story, for John understood that business success must be coupled with personal service if anyone is going to be inspired by the story of your life. And it is in this arena where the real story of John Jacobs can be found. He has served as President of the Greater Hall County Chamber of Commerce on two separate occasions, President of the Gainesville Jaycees, Exalted Ruler of the Elks Lodge, local President and Governor of the Georgia District of Kiwanis, President of the Georgia Association of Broadcasters and the Georgia Cable Television Association.

In addition, John has been active in Grace Episcopal Church, serving as Warden and Vestryman, chairman of Building Funds and Day Reader. John recognized that Brenau University was one of the jewels in his hometown and he has served on its Board of Trustees since 1958 and as Chairman of the Board for 23 years. For his long service and charitable support, he has been awarded an Honorary Doctorate Degree and the Business and Communications Building has been named in his honor. He has also served as an active Trustee at Riverside Military Academy since 1975. It is no wonder that in 2000 Georgia Trend Magazine named him one of the 100 most influential Georgians, and that the City of Gainesville presented him with a Distinguished Citizen Award at its 180th Birthday Celebration.

Since 2003 his primary involvement has been with the Northeast Georgia History Center and the completion of An American Freedom Garden which pays tribute to veterans and their gift of freedom. This year he will complete 2½ years as President of that organization.

John's wife Martha Rand Jacobs, and their children, Elizabeth Carswell, and Jay Jacobs, and their seven grandchildren have set an example for service for all of us.

John W. Jacobs, Jr. has filled the pages of his life with excitement, successes and service, and every day he is writing a new paragraph. He is an outstanding example of a purpose driven life, and he is a great encourager for all who would follow in his path.

CONGRATULATING DR. RENÉ DÍAZ-LEFEBVRE FOR HIS SELECTION AS THE 2006 ARIZONA PROFESSOR OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PASTOR. Mr. Speaker, I rise before you today to congratulate Dr. René Díaz-Lefebvre, Professor of Psychology at Glendale Community College in Glendale, Arizona, for his selection as this year's Arizona Professor of the Year.

Sponsored by The Carnegie Foundation for the Advancement of Teaching and administered by the Council for Advancement and Support of Education (CASE), the Professors of the Year awards recognize professors for their influence on teaching and their outstanding commitment to teaching undergraduate students. Dr. Díaz-Lefebvre is the first Latino from Arizona and one of eight community college professors to win this award, one of the most prestigious and competitive in the Nation.

A fifth generation Arizonan, Dr. Díaz-Lefebvre was born in South Tucson, in a low-income housing project known as La Reforma. Encouraged by his family, who taught him that la educación abre puertas (education opens doors), Dr. Díaz-Lefebvre was in the first graduating class of Pima Community College in 1972. He went on to receive his Bachelor's degree in Humanistic Psychology from the University of Redlands, his Master's degree in Guidance and Counseling from California State University, San Bernardino, and his Ph.D. in Counseling Psychology from Union Graduate School.

Dr. Díaz-Lefebvre has been a leader in applying cognitive psychology research to innovative ways of helping students learn and assessing that learning. He has pioneered the Multiple Intelligences/Learning for Understanding (MI/LfU) method of teaching, learning, and assessment, which takes into account the differences in students' learning abilities and offers as many approaches to learning as possible, such as role playing, creative writing, and computer simulations. Dr. Díaz-Lefebvre has received numerous awards and recognitions for his work on MI/LfU and is frequently asked to speak at conferences regarding his innovative approach to teaching.

Mr. Speaker, I am honored to recognize Dr. Díaz-Lefebvre for receiving this prestigious award, and to express my gratitude for his innovation and determination in teaching our next generation of leaders. It is with great pleasure that I congratulate Dr. Díaz-Lefebvre today for this award, which duly recognizes his important work.

NATIONAL ALZHEIMER'S AWARENESS MONTH

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MACK. Mr. Speaker, I rise today to express my support for the goals and ideals of National Alzheimer's Awareness month. It is during this month that we recognize the millions of Americans who have succumbed to this devastating disease, as well as their loved ones and caretakers. It is also a time to renew our commitment to advancing the research efforts aimed at preventing and combating Alzheimer's disease.

As America's Baby Boomer generation ages, the need to find a cure for this disease is more urgent than ever. There is groundbreaking work being done at our Nation's premier research universities, the National Institutes of Health, as well as the Department of Veterans Affairs, to further understand how Alzheimer's affects the brain. We must continue to support this cutting edge research to combat and prevent the debilitating effects of this disease.

Far too many Americans are faced with what Nancy Reagan called the "long, long goodbye." Over 4 million Americans are living with Alzheimer's and it is estimated that in the next 50 years that number will likely triple. These numbers do not take into account the countless family members, loved ones, and caretakers who shoulder the burden to ensure that patients are able to live out their days with as much dignity and comfort as possible.

HAPPY BIRTHDAY TO MR. FRANKLYN EUGENE COLE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. POMBO. Mr. Speaker, I rise today to submit into the RECORD a birthday greeting for my father-in-law, Mr. Franklyn Eugene Cole. I honor Franklyn on his 80th birthday and would like to bring attention to the life Franklyn has lived. Having served his country honorably in the United States Navy during World War II, Franklyn returned to California where he married his wife of 53 years, Rena Cole. Over the years Franklyn built a successful small business and dedicated himself to the education of children while he served on the Jefferson school board for over 30 years. Today, Franklyn lives happily with his wife Rena, two daughters, and five grandchildren. Mr. Speaker, I want to salute Franklyn Cole on his birthday for his unending patriotism and devotion to the American dream.

A TRIBUTE TO TWO BRAVE TOTS, JUWAN BRUNSON, 3 YEARS OLD, RHAQUANN BRUNSON, 4 YEARS OLD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to pay tribute to two very special tots, Juwan and Rhaquann Brunson, who had the presence of mind to call 911 to seek assistance from emergency personnel when their grandmother, Mrs. Otisteen Brunson, became dizzy and fell in her house on Park Avenue in Wilson, North Carolina.

Mr. Speaker, I learned that as soon as Mrs. Brunson fell, Rhaquann and Juwan immediately charged to their grandmother's rescue; Rhaquann's tiny fingers happened upon 911 on his grandmother's telephone while little Juwan provided comfort to his grandmother by rubbing her head until the emergency personnel arrived.

Mr. Speaker, this incident stresses the importance of parents, grandparents or older siblings taking the time to familiarize children at a very young age with the proper way to respond in emergency situations. It is critically important for children to know their address, home telephone number and how they should respond when confronted with a catastrophic situation such as illness, a fire or flood.

I applaud Juwan and Rhaquann Brunson for their bravery, but more importantly, I applaud their grandmother, Mrs. Otisteen Brunson, for taking the time to teach these tots how to dial 911.

Mr. Speaker, this special act performed by Mrs. Brunson's grandsons very well may have saved her life, as she had just recently been released from the hospital and she suffers with arthritis, congestive obstructive pulmonary disease and diabetes.

Mr. Speaker, I ask my colleagues to rise and join me in paying tribute to two mighty brave tots, Juwan and Rhaquann Brunson. I thank God for the blessings of children.

ON THE RETIREMENT OF DAVID BUCKLEY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. HARMAN. Mr. Speaker, while Members of Congress are the ones with our names on the door, I doubt any of us would disagree with the view that we are only as good as the team we have working with us.

David Buckley has been one such stellar member of my team. As Minority Staff Director of the House Permanent Select Committee on Intelligence for the last two years, "Buck" or "Mud"—as he is affectionately known—has been an indispensable aide, a calm counselor, and one of the most pleasant people with whom I have ever worked and traveled.

Together, Buck and I have visited with the brave women and men of the intelligence community in some of the most challenging and austere parts of the world.

Together, Buck and I have discussed and analyzed some of the most difficult intelligence and national security issues confronting our country, and we have worked hard to translate those efforts into policies that will hopefully keep the American people and the world safe in this era of terror.

David Buckley came to the Intelligence Committee with many years of impressive experience in congressional and criminal investigations, counterintelligence and law enforcement. Following 8 years of active duty service in the Air Force, he worked as Chief Investigator for the Senate's Permanent Subcommittee on Investigations, chaired at the time by former Georgia Senator Sam Nunn—one of the most respected voices on national security the Congress has ever produced. He served in the Inspector General's office in the Department of Defense and later as the Assistant Director for Defense, National Security and International Affairs in the Government Accountability Office. Immediately prior to joining the Committee, Buck led a staff of 350 criminal investigators in the Treasury Department's Inspector General for Tax Administration's office. Finally, Buck is also a graduate of the Defense Intelligence Agency's clandestine human intelligence case officer course and the Federal Executive Institute.

Buck leaves Capitol Hill with the affection and respect of Members and staff on both sides of the aisle. He is genetically programmed to be bipartisan and courteous—traits that have served him extremely well and will continue to distinguish him in the workplace. I personally will miss our daily conversations, his unfailingly positive attitude and consummate professionalism.

I wish him and his wonderful family time for dinners at home, church activities, scout trips, and lots of love and laughter. As Buck begins this new chapter in his life, he remains a valued member of "Team Harman."

INTRODUCING "AMERICAN NATIONAL RED CROSS GOVERNANCE MODERNIZATION ACT OF 2006"

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. RADANOVICH. Mr. Speaker, charitable giving makes a real difference in the lives of people in need, and I have continually sought ways to encourage all Americans to give more. More than a government program or grant or stipend—nothing reflects better the spirit of man caring for his fellow man than the act of freely, benevolently giving out of his own pocket. I truly believe that by increasing charitable giving, we can make a real difference in the world. The Red Cross is the symbol that best represents charitable giving to most Americans. That is why I became involved in this effort to make the American Red Cross a more effective organization, capable of carrying out its mission of meeting critical disaster and emergency needs around the globe. We need to better enable the Red Cross to meet the needs of victims from natural disasters like Katrina, the tsunamis, and the California wildfires.

Yesterday, I introduced the "American National Red Cross Governance Modernization Act of 2006." This bill is in large part the result of a report done by the Red Cross, entitled American Red Cross Governance for the 21st Century, and the hard work and dedication of Senator CHARLES GRASSLEY and his staff. Earlier this year the American Red Cross undertook its first significant review of internal governance since 1947, in an effort to modernize and strengthen its governance structure and practice. In February of this year, the Red Cross challenged its Governance Committee to conduct a comprehensive review and analysis of the Board of Governors, the role of management, the relationship with local chapters, and the transparency and accountability of the Red Cross. To conduct this review, the Committee brought together an independent panel of the country's preeminent governance experts and with this panel produced recommendations that were unanimously approved by the Board of Governors in October.

The most important aspects of effectively operating a large corporation are governance, oversight, and accountability. This carefully crafted legislation will modernize the Red Cross governance structure by decreasing the size of the Board of Governors and clarifying their role as being responsible for governance, not day-to-day operations. The bill subjects the Red Cross to enhanced oversight by creating an Office of the Ombudsman that reports annually to Congress, and ensuring that oversight is a primary responsibility of the Board. Through the legislation, the Comptroller General is authorized to review Red Cross involvement in any Federal program or activity, and the bill includes findings that Congress expects the Red Cross to maintain open communications with State regulators of charitable organizations and cooperate with them as necessary. These provisions will help the Red Cross achieve greater transparency and accountability.

Governance, oversight, and accountability are the hallmarks of an efficient corporation that meets the needs of its consumers. In the case of the Red Cross, those needs are great and, unfortunately, continue to grow. But the changes made by the American National Red Cross Governance Modernization Act of 2006 will better equip the Red Cross to achieve its mission worldwide. We need to pass this bill as soon as possible to enable the Red Cross to begin making these changes. This will allow the Red Cross to continue to be a major conduit for charitable givers and better utilize the generosity of all Americans.

That is why, Mr. Speaker, I have introduced the American National Red Cross Governance Modernization Act and strongly encourage my colleagues to cosponsor and pass this important legislation.

IN HONOR OF MELANIE CHRISTOPHER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PICKERING. Mr. Speaker, as this Congress comes to an end, we see the closing of an era for News Channel 12 in Jackson, Mississippi. After 25 years in the business, Melanie Christopher—the cheerful and informative co-anchor of WJTV—will be retiring at the end of this year. She will be focusing more time and attention on her husband and family, but we, her viewers, will miss her.

Melanie is one of Jackson's most respected and honored television journalists. This year, she was voted "Newsperson of the Year" by the Mississippi Associated Press, the first female journalist to earn this distinction. Her work has also won awards from the National Commission on Working Women, the Mississippi Association of Broadcasters, and the Associated Press. She has served as emcee of numerous fund raising events on WJTV over the years, including the Children's Miracle Network telecast to benefit Batson Hospital for Children in Jackson.

In recent years, Melanie has been the face of health and medical reporting for WJTV as she informed viewers about the latest treatments, drugs, and how to improve their health.

Melanie serves on the Board of Directors of the Metropolitan YMCA and MORA, the Mississippi Organ Recovery Agency. She also works with the March of Dimes, the Multiple Sclerosis Society and the Blair E. Batson Hospital for Children. She is also a board member of Ballet Mississippi and hosts "The Learning Exchange" four times a year on Mississippi ETV.

Mr. Speaker, Melanie Christopher has long been a reliable, trustworthy source of news and information for Mississippians, and her dedication to the community has earned her well deserved honor. She has served in her role as journalist and kept the public trust in that institution. We will miss tuning in to see and hear her on WJTV, but I'm convinced she will continue to benefit her community and all of Mississippi for many years to come.

HONORING MR. WILLIAM BENEDETTO

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. HOOLEY. Mr. Speaker, I am honored to recognize Mr. William Benedetto, who was recently the first Oregonian to be awarded the 2006 U.S. Maritime Literature Award for his book Sailing Into the Abyss.

Mr. Benedetto's service to this country began when he enlisted in the U.S. Coast Guard after finishing high school in Maine in 1946. During his time with the Coast Guard, Mr. Benedetto served on every coast in the areas of search and rescue, port security and with the U.S. Merchant Marine. He was commended by the Coast Guard for performing rescue operations when Hurricane Betsy hit New Orleans in 1965.

Mr. Benedetto retired from the Coast Guard in 1974 after moving to Oregon and beginning his college career. He graduated from Portland State University in 1977 and from the University of Oregon Law School in 1980. After practicing law for 20 years, Mr. Benedetto retired and completed his longtime goal of writing a book. Sailing Into the Abyss was published in 2005 and was awarded the 2006 U.S. Maritime Literature Award in June of this year.

I believe I speak for the great State of Oregon when I say we are proud to call Mr. Benedetto a writer, a serviceman, and an honorable citizen of our State and country.

Congratulations Mr. Benedetto.

RECOGNIZING THEODORE JOSEPH FETTERLING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Theodore Fetterling, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Theodore has been very active with his troop, participating in many Scout activities. Over the many years Theodore has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Theodore has shown.

Mr. Speaker, I proudly ask you to join me in commending Theodore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Theodore in the United States House of Representatives.

IN HONOR OF OFFICER JOHN GREEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. FARR. Mr. Speaker, I rise today to recognize Officer John Green of the Santa Cruz Police Department. During his tenure, Officer Green served in the Patrol Section as a Patrol Officer and Field Training Officer as a Detective in the Investigation Section and with the Santa Cruz County Narcotics Enforcement Team. He is a man of honor and will be greatly missed.

Officer Green was born in Long Island, New York and grew up in Queens, New York to a family of two sisters and one brother. He enlisted in the Navy in 1975 and was stationed in Jamaica, New York. He was an Aviation Machinest Mate First Class. He later transferred to Moffett Field, California and remained there until his discharge in 1981.

Upon discharge, John worked as a Maintenance Technician for a large corporation in Santa Clara, California before beginning a career in law enforcement when on February 3, 1986, Officer Green was sworn in as a Police Patrol Officer. In 1984, John was hired as a Deputy Sheriff with the Alameda County Sheriff's Department where he worked in the detention facility for 2 years before being hired by the Santa Cruz Police Department in 1986.

John attended several U.S. Navy Aircraft Mechanics schools, studied at Mission College in Santa Clara, California and graduated from the Alameda County Sheriff's Department Police Academy.

John's dedication to the community first began with his service to the United States, but it did not stop there. His desire to become a police officer revolved around his desire to serve the community and its citizens through law enforcement. He enjoys interacting and working with members of the community and strives to help keep our community safer. Community members describe him as professional, poised, kind, thorough, and having a positive attitude. One person even stated, "His compassion for people, kindness . . . open and friendly attitude puts everyone at ease." Officer Green is a man of integrity and respect.

John has been married for 13 years to his wife Sharon. They have three children; Brandon, 12; Melissa, 20 and Lori, 31. In John's spare time he likes to fish, travel and spend time with friends and family. His retirement plans include more fishing, traveling, and time with friends and family, plus working part time and engaging in volunteer work of some sort.

Mr. Speaker, for all of these reasons it is with great joy that I acknowledge Officer John Green of the Santa Cruz Police Department for 20 years of service to the community.

HONORING JON BUTLER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HOLT. Mr. Speaker, I rise today to honor Jon Butler, a constituent from Pennington, and recognize his great achievements. Mr. Butler has recently received the 2006 Hershey's STRIVE award, National Administrator of the Year from the National Council of Youth Sports.

Mr. Butler has been chosen for this award because he has been a guiding force in his community. He has worked closely with Pop Warner Little Scholars, the largest youth football, cheerleading, and dance program in the United States. Mr. Butler has worked to facilitate children's participation in group sports and activities. These activities engage children in a safe environment and help to teach essential skills and knowledge. Jon now has begun educating Capitol Hill about the value of Pop Warner Little Scholars.

Mr. Butler sets high standards for children and always encourages them to perform at their highest level. Mr. Butler has developed a Coaches Education Training Program to educate adults on the basic fundamentals of youth sports, including sportsmanship, coaching techniques, and respect for youth.

STRIVE, which stands for Sports Teach Respect, Initiative, Values, and Excellence, honors adult leaders who have a passion for helping children, and I am proud to recognize Mr. Jon Butler for receiving this award.

TRIBUTE TO FIRST LIEUTENANT JOSHUA DEESE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a true gentleman, wonderful father, and a leader in the Armed Forces, First Lieutenant Joshua Deese, who passed away while on patrol near Kirkuk, Iraq when his vehicle was hit by a roadside bomb on October 15, 2006. Josh's legacy and contributions will live on in the hearts and minds of many for generations to come, and we are forever grateful for his service to our country.

Born and raised in Rowland, North Carolina, Josh embodied the true spirit of a dedicated and determined leader. He graduated from South Robeson High School in 1999 and joined the Army shortly after his graduation from the University of North Carolina at Pembroke in 2003. Described as a natural leader by his family, Josh served as a platoon leader in the infantry and had recently become an executive officer of his unit. He had been deployed to Iraq in August after serving in Afghanistan.

As someone who grew up in a military family, Josh always dreamed of serving in the Army as a paratrooper. In addition to his uncle, Dexter Clark, his older sister Ronnean Collins, and his two grandfathers, served in the military.

Josh loved his family and is survived by his parents, Ronnie and Regina Deese; his sisters, Ronnean Collins and Myra Deese; his 2-year-old son Jacob and his girlfriend Andrea Anderson.

President Dwight D. Eisenhower once said, "If we make ourselves worthy of America's ideals; if we do not forget that our nation was founded on the premise that all men are creatures of God's making, the world will come to know that it is free men who carry forward the true promise of human progress and dignity." Indeed, Josh's life was the embodiment of this. He was a man who was known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of Josh's life. May we all use his wisdom, selflessness, and integrity as a beacon of direction and a source of true enlightenment. Indeed, may God bless to all of our memories the tremendous life and legacy of First Lieutenant Joshua Deese.

TRIBUTE TO LIEUTENANT GENERAL LARRY J. DODGEN

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to LTG Larry J. Dodgen, Commanding General of the United States Army Space and Missile Defense Command/United States Army Forces Strategic Command. General Dodgen is also the Commander of the Joint Functional Component Command—Integrated Missile Defense.

General Dodgen, a native of New Orleans, Louisiana, began his military career after graduating from Louisiana State University in 1972. Over the last 34 years, he has received numerous decorations and awards for his distinguished duty, including the Defense Distinguished Service Medal with Oak Leaf Cluster, the Legion of Merit with two Oak Leaf Clusters, the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, and the Army Achievement Medal.

Mr. Speaker, I had the opportunity to work with General Dodgen during his 2-year tenure as the Commanding General of the U.S. Army Aviation and Missile Command, which is located at Redstone Arsenal in North Alabama. He served in that capacity from September 2001 through December 2003. During his tenure in North Alabama, General Dodgen worked to ensure that the entire North Alabama defense community was engaged in efforts to meet the future needs of the Army and the warfighter. Our work together continued after General Dodgen assumed the Command at SMDC. I applaud his commitment to the Army, Redstone, and to our Nation.

Mr. Speaker, after 34 years of honorable service in the U.S. Army, Lieutenant General Dodgen is retiring from active duty. On November 30, 2006, the North Alabama community held a celebration in his honor. I rise today to join them in their tribute and to thank him for his many years of service. I wish General Dodgen the very best for the future.

H.R. 5441, FY2007 HOMELAND SECURITY APPROPRIATIONS CONFERENCE REPORT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 5441, the Homeland Security Appropriations Conference Report.

As a member of the Homeland Security Subcommittee, it has been an honor to work with Chairman HAL ROGERS and with our Ranking Member MARTIN SABO who is retiring from Congress at the end of this session.

Congressman SABO has served our country with honor and distinction throughout his distinguished career in the House of Representatives.

I have had the privilege to serve with him on the Budget Committee and for the past 4 years on the Appropriations Homeland Security Subcommittee.

As the ranking member on the Budget Committee, MARTIN fought hard for fiscally responsible budgets and funding priorities that would enhance the quality of life of all Americans.

As the ranking member on the Homeland Security Subcommittee, he has been a true champion and advocate for real and effective security for our Nation.

He has led the fight, for example, to protect our ports, our aviation system, and our chemical plants.

Mr. Speaker, Congressman MARTIN SABO is a gentleman Congressman and a respected Member of the House. He has been the voice of calm and reason in a process that has had the potential to be partisan and acrimonious.

It has been a genuine privilege to serve with him in the U.S. House of Representatives and particularly on the Homeland Security Appropriations Subcommittee.

I will miss him, and this House will miss him. MARTIN, I wish you the best in the future.

Mr. Speaker, the conference report before us makes several improvements to the House-passed bill and is a testament to Congressman SABO's leadership. The increased funding for Urban Area Security Initiative (UASI) grant funds is essential to cities like Los Angeles that continue to be potential terrorist targets. UASI grants are badly needed by our local law enforcement officers who are the first line of defense in a disaster or terrorist attack. These funds are critical to local efforts to prevent, prepare, respond and recover from acts of terrorism or mass disaster. I am happy that the UASI grants are funded in the conference at the House level of $770 million, $13 million or 2 percent above 2006.

I am pleased that this conference report has increased funding for fire grants to $662 million; this is above the House-passed level and $14 million (2 percent) above 2006. Included in the grant money is $115 million for hiring additional personnel under the Staffing for Adequate Fire and Emergency Response Firefighters Act (SAFER Act). These funds are critical to firefighters such as those in my state of California. The funds will help fire services obtain additional personnel, equipment and training to better protect the American public.

The conference report also increases port security grants to $210 million. This is $173.25 million above last year's level. While this is an improvement over previous years' funding, it still is insufficient to meet the needs identified by the Coast Guard to adequately secure our ports. With only 6 percent of containers entering our seaports and fewer than half of our ports having radiation portal monitors, much work remains to be done.

I am pleased also that the conference report includes my report language on unaccompanied alien children, detention standards, alternatives to detention, increasing Customs and Border Protection operations at Ontario International Airport, and bill language that prevents the Department of Homeland Security from moving forward with its potentially dangerous plan to privatize key immigration officer positions at the Bureau of Citizenship and Immigration Services. I am thankful that this inherently governmental work will continue to remain the responsibility of trained and experienced Federal employees directly accountable to the Department and not to the bottom line of a private company. I am also pleased that Senate language limiting the tenure of the university centers of excellence was not included in the conference report.

Nevertheless, Mr. Speaker, I also have a few concerns about this conference report. First, I am disappointed and greatly concerned that this bill's report expresses support for the expansion of the 287(g) program which allows State and local law enforcement officers to perform immigration enforcement functions. Many local law enforcement officers have stated that if they are required to enforce Federal immigration policies it would hamper their ability to successfully fight crime in their respective communities.

Secondly, I am concerned about certain provisos regarding chemical plant security. Preventing the Secretary of Homeland Security to disapprove a security plan based on the presence or absence of a particular security measure, undermines the Secretary's authority to require meaningful and comprehensive security measures.

Furthermore, shielding from public discourse information submitted on security plans, treating the information during court proceedings as if it were classified material, and making scrutiny of the implementation and enforcement of the security requirements the sole purview of the Secretary, prohibits the needed transparency and oversight of a system intended to provide security for all Americans. Finally, I am concerned that allowing the Secretary to approve alternative security programs established by private sector entities, Federal, State, or local authorities may allow the Secretary to pre-empt State laws that impose more stringent requirements.

Mr. Speaker, in spite of these concerns, I believe the passage of this conference report is important to our efforts to improve the safety of our Nation and the American people. As Chairman ROGERS has said on numerous occasions, those who seek to do us harm only have to do their job right occasionally. We have to do our jobs to protect America 100% of the time. This is a step toward that important goal. I urge my colleagues to support this conference report, and fund these efforts to protect our Nation.

WELCOME TO THE FIRST LADY OF AZERBAIJAN, DR. MEHRIBAN ALIYEVA

HON. SHELLEY SEKULA GIBBS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. SEKULA GIBBS. Mr. Speaker, I would like to echo the sentiments of my colleague from Tennessee and also extend the welcome of the House of Representatives to the First Lady of Azerbaijan, Dr. Mehriban Aliyeva, to Washington.

The House of Representatives recognizes the strategic relationship the United States has with Azerbaijan. We know that its troops stand with us in Kosovo, Afghanistan and Iraq, that it supports our efforts toward combating global terrorism, and that it plays a key role in providing a secure and dependable energy supply to the West. The Caspian Sea Republic is rapidly modernizing, in large part due to its offshore sector and the opening earlier this year of the Baku-Tbilisi-Ceyhan gas pipeline and Baku-Erzerum natural gas pipeline. The country experienced 26 percent growth in 2005 and is expected to surpass 30 percent growth this year. This phenomenal growth is allowing Azerbaijan the opportunity to make significant investments in its future, in many respects. Here in the United States, and I might add in my home district, in particular, we are acutely aware of the importance in investing in our own future through efforts to develop new sources of energy for our own use and those of our global friends.

We also recognize Azerbaijan as an emerging democracy that is working hard to improve the social, political and economic opportunities of its predominately Muslim population. As an aspiring NATO and EU member, as well as a member of the Council of Europe, the largest governmental human rights organization calling for its members to harmonize human rights protection laws and regulations and compelling compliance with them, the success of initiatives in these areas is an example for other Caucasus and Central Asian countries.

Mr. Speaker, I would like to take the opportunity of the visit of Azerbaijan's First Lady to draw special attention to the strides it is making in areas of particular importance to me as a doctor. Not only is the First Lady of Azerbaijan an elected member of the Azerbaijani Parliament and chair of its Azerbaijan-U.S. Interparliamentary Friendship Working Group, but she is a UNESCO Goodwill Ambassador, President of the Heydar Aliyev Foundation, the largest regional nonprofit NGO in the Caucasus, and herself a Moscow-trained ophthalmologist.

As a doctor myself, I am particularly aware of the opportunities and responsibilities that we have as physician leaders to take medical knowledge and apply it in ways that benefit the greater good. I applaud the way Dr. Aliyeva has used her training and respected position for philanthropic and charitable works through the Heydar Aliyev Foundation in the areas of education, health care, science, humanitarian aid, international relations and culture. I am aware that the Foundation has been intimately involved in the construction and refurbishment of Azerbaijani hospitals and the international exchange of new medical technologies and commend those efforts.

I've also learned that Houston, too, has played a direct role in advancing medical technology in Azerbaijan and the region through various programs over the years with Texas Medical Center institutions. In 1998, Baylor College of Medicine's world-renowned heart surgeon Dr. Michael DeBakey traveled to Baku to assess the country's cardiovascular needs and the state of its health care. I understand that Dr. DeBakey met with President Aliyev in Baku after having previously met him in Houston, and I would imagine that Mrs. Aliyeva personally appreciates the importance of sharing medical technologies across borders as her husband is a heart attack survivor himself.

Mr. Speaker, I am honored to welcome First Lady Mehriban Aliyeva to Washington on behalf of the House of Representatives. I commend a fellow doctor, parliamentarian, wife and mother on her personal commitment to advancing health care and women's initiatives in her country and the Caspian Region. Welcome to Washington, Dr. Aliyeva.

TAIWAN INTERNATIONAL SYMPOSIUM ON DEMOCRACY AND CONGRESS

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. WATSON. Mr. Speaker, an international symposium on democracy and congress will be held in Taipei, Taiwan from December 8 through December 10. The symposium is sponsored by Democratic Pacific Union (DPU). DPU is a Taipei-based non-governmental organization founded in 2005. Its goal is to enhance dialogues and exchanges among members of parliaments from countries around the Pacific Rim.

This year's symposium will include participants from Chile, Republic of the Philippines, El Salvador, Honduras, Tuvalu, Canada, New Zealand, Australia, Malaysia, the United States, and Republic of China. The symposium's agenda will include panel discussions on the legislative process, presidential systems, congressional elections, and other parliamentary issues.

Mr. Speaker, the symposium will also enable U.S. participants to learn more about Taiwan, our unique bilateral relationship, and regional issues of common interest. I strongly urge my colleagues to support the symposium and to attend the symposium, if at all possible.

I offer my best wishes and congratulations to Taiwan Vice President Annette Lu who has been the driving force behind this international symposium on democracy and congress.

IN HONOR OF SALLY LILIENTHAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. PELOSI. Mr. Speaker, with deep admiration and affection I pay my final respects to a great San Franciscan and global citizen, Sally Lilienthal, who died on Oct. 24 at the age of 87. I join my constituents in honoring her vision, her courage, her leadership and her immense contributions to building a safer and more peaceful world. A magnificent role model, she lived her conscience and practiced her ideals each and every day.

In 1981, at the height of the Cold War—as superpowers stockpiled nuclear weapons, the international arms trade boomed and intercontinental ballistic missiles grew more lethal—Sally Lilienthal founded the Ploughshares Fund. Based in her living room with few resources and her determination to inform the public about the issues and the danger, it became an enormously influential foundation dedicated to the prevention of nuclear, biological and chemical weapons of war.

She supported researchers, policy activists, and scientists in the United States and overseas who were trying to change government policies and was a vital figure in shaping the anti-proliferation agenda during the Cold War. As of now, the fund has given away more than $50 million, mostly for startup research and is the largest grant-making foundation in the United States focused exclusively on peace and security issues.

Sally Ann Lowengart was 12 when her family moved to San Francisco. She graduated from Sarah Lawrence College and returned to San Francisco in 1940. During the 1950s, she studied sculpture at the San Francisco Art Institute. Elegant and artistic, she could have spent her life comfortably moving in San Francisco's art and social circles. Instead, she turned her attention and her might to the issues of war, peace, and social justice.

Together with her husband Philip Lilienthal she founded the Northern California Committee of the NAACP Legal Defense and Education Fund in 1970. She served on the regional ACLU board. She cofounded Amnesty International Western Region and was an early supporter of the International Campaign to Ban Landmines that, while she was vice chair, resulted in a global treaty and a Nobel Peace Prize in 1977. In 1990, the United Nations Association bestowed to her its Eleanor Roosevelt Humanitarian Award.

In addition to her work for peace, for social justice, and the arts, Sally Lilienthal was an active member of our community supporting progressive policies and politicians. For 30 years I was blessed with her support, her advice, and her friendship.

I extend my deepest sympathy to her children; Laurie Cohen, Liza Pike, Thomas Cohen, Matthew Royce, Sukey Lilienthal, Andrea Lilienthal, and her 11 grandchildren. I hope it is a comfort to her family that so many people mourn her passing and will hold Sally in their hearts forever.

TRIBUTE TO HONORABLE PATRICK J. BRENNAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Patrick J. Brennan, Mayor of Merchantville, New Jersey and lifetime resident of New Jersey. Mayor Brennan served on the borough council for four years before becoming mayor.

Mayor Brennan is married to Joan Foley and they have seven children. He was born in Camden, New Jersey, raised in Collingswood and attended Camden Catholic High School, Georgetown University and Rutgers University. After an unsuccessful run for state Assembly, Mayor Brennan was elected mayor, a job he has held for 12 years. Mayor Brennan is also the owner of three companies in Turnersville, NJ.

Mayor Brennan has successfully maintained Merchantville's hometown, laid-back atmosphere while improving, revitalizing, and redeveloping the borough. He has overseen the development of a new senior housing complex, which will make it easier for the elderly to stay in the town while providing housing opportunities for new seniors. He has also overseen the opening of Chestnut Station in 2003.

Mr. Speaker, I offer my congratulations to Mayor Brennan for his years of outstanding service to the borough of Merchantville. I wish him all the best in his retirement.

HONORING DR. B.J. MISTRY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to honor Dr. B.J. Mistry on her installment as President of the Ninth District Dental Association.

Founded in 1909 and with a membership of close to 1600 dentists, the Ninth District Dental Association is dedicated to advancing the dental profession and promoting public service. I have no doubt that under the leadership and guidance of B.J. Mistry the organization will continue to grow and expand the positive role it plays in our communities.

A graduate of the Government Dental College in Ahmedabad, India, as well as the College of Medicine and Dentistry of New Jersey, Dr. Mistry has played an active role in promoting dentistry and proper dental health throughout her career. She has served as an Assistant Clinical Professor at the Albert Einstein College of Medicine, is a longtime member of the American Dental Association and previously served 5 years on the Board of Governors for the Ninth District Dental Association.

Her installment as the 98th President of the Ninth District Dental Association also marks a historic occasion as she becomes the first woman and first immigrant to lead the organization.

I am honored to work closely with Dr. B.J. Mistry to better our community, and I urge my colleagues to join me today in recognizing her accomplishments.

RECOGNIZING THE TULARE COUNTY HOUSING AUTHORITY

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. NUNES. Mr. Speaker, I would like to pay tribute to the Tulare County Housing Authority in central California. This agency has done an outstanding job of managing their housing units, implementing the Moving to Work program, and empowering low-income families to be self-sufficient.

By way of background, the Tulare County Housing Authority was established in 1945 with their first major project being the development of housing for returning World War II Veterans and their families. Currently, the

Tulare County Housing Authority is managing and administering 5,000 units for families, seniors, and the disabled. It is quite clear that the Tulare County Housing Authority has established a solid reputation for providing safe, affordable housing for low income people.

In fact, the Tulare County Housing Authority is performing so well that their Board of Commissioners has made the decision to return their operating subsidies to the Department of Housing and Urban Development for Fiscal Year 2007. It goes to show that a Housing Authority, that pays attention to rent structures and operating costs, can not only enhance the lives of those directly participating, but also benefit taxpayers by operating independent of federal subsidies.

I commend the Tulare County Housing Authority and their Board of Commissioners for their efficient management and sound business practices.

GALT CHRISTIAN CHURCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Galt Christian Church in Galt, Missouri. This church will be celebrating its 125th year anniversary of service to the community on October 15, 2006. Over these past 125 years, this church grew to meet all the needs of its congregation.

As a staple of the community throughout the years, the church has gone through growth and expansion with the Galt community it serves. From humble beginnings, this church is a stabilizing force for this community. Originally, this church was borrowing space from a neighboring church.

The church buildings grew in concert with its congregation. Growing, even taking in two hundred new members in one afternoon, with a large baptism of faith. Finally in 1974, the church's current building was erected to house the growing congregation.

Mr. Speaker, I proudly ask you to join me in recognizing the Galt Christian Church. The services which they have provided over these 125 years have been fundamental to the growth of this community. Let us use the Galt Christian Church as a powerful example of the lasting commitment to faith.

TRIBUTE TO THE 172ND STRYKER BRIGADE COMBAT TEAM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. YOUNG of Alaska. Mr. Speaker, I rise today I rise to acknowledge the significant contributions and sacrifices of the 172nd Stryker Brigade Combat Team "Arctic Wolves," based out of Ft. Wainwright, Alaska. I would like to congratulate this elite fighting force of men and women who performed with distinction during an unprecedented 16-month deployment in Iraq.

Few units in the history of the Army have developed such a diverse ability to effectively fight in extreme combat situations. The 172nd formed, lived and trained in the harsh Alaska arctic conditions. Alaskan winters have as many as 21 hours of darkness a day and an average daily temperature of 15 degrees. During the initial Iraq deployment in July/August of 2005, these soldiers faced dry, desert conditions in heat topping 120 degrees, quite different from their original training conditions. The ability to adapt and continue to fight insurgents in any environment is one of the many exceptional traits of these Arctic and now, "Desert Wolves."

During their tour of duty, the Stryker Brigade had an outstanding combat record and an exceptional reputation for their relationship with the Iraqi citizens. During their service, 5 soldiers were Silver Star Receipts, along with the entire 172nd receiving the Valorous Unit Award. The sacrifices made by these soldiers over the last 16 months were tremendous; 26 soldiers lost their lives and another 381 soldiers were wounded, while in Iraq. The commitment of these soldiers to their Nation is admirable. This brigade, despite their extended tour, had the highest reenlistment rate in the Army with over 33 percent of assigned personnel signing up for the second life cycle.

Along with the contributions our Alaskan service members make on a regular basis to the security of this Nation we cannot forget the difficulties their families face during these deployments. Close to 5,000 Alaskan family members of the 172nd had been without their loved ones for 16 months and waited to be back in their arms of their husbands, wives, sons and daughters. While soldiers were overseas, these families in the Fairbanks community pulled together with resounding resolve. Not only am I proud to represent the Artic Wolves, but I am also proud to represent the great military families of Ft. Wainwright who patiently waited for their brave soldiers to return.

Over the last 4 months, the 172nd has received increased publicity because of their extended deployment, and the families and soldiers were asked to perform duties few are capable of handling. However, I am proud to say that our Arctic Wolves acted with the utmost level of professionalism and heroism on the ground, from the unit commanders to the most junior enlisted ranks. The 172nd Stryker Brigade Combat Team has made a significant contribution to the proud United States Army military history and I am proud to represent these great American Warriors. On behalf of the state of Alaska, I extend my thanks and appreciation for their exceptional service to this nation. Welcome home, Arctic Wolves.

IN RECOGNITION OF THE HEROIC ACTIONS BY THE STAFF OF JEANNE MOORE, INC., IN MONTGOMERY, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay recognition to the heroic actions of the entire staff at Jeanne Moore, Inc. Daycare in Montgomery, Alabama, and to specifically recognize the bravery of Ms. Jeanne Moore, Ms. Liberty Duke, Ms. Sharon Ware and Ms. Elaine Edwards.

On November 15th, powerful tornados swept through Alabama, including the City of Montgomery. Jeanne Moore, Inc. Daycare was in the path of one of those tornados and was destroyed while the children were on site. According to Jeanne Moore, one four year old described the terrifying experience as, "my school was breaking in two . . ." Responding quickly and professionally, the staff at the daycare did not flee, but made sure the children were safe and covered the children with their own bodies during the brunt of the storm.

According to news reports, Ms. Liberty Duke had two of her own children at the daycare when the storms hit. Instead of going to look for her children, she saved the ones closest to her knowing and trusting that the staff at Jeanne Moore, Inc. would take care of her own. She was right.

In addition, media reports said that Ms. Jeanne Moore recalls seeing other nearby citizens risking their lives when they realized what was happening. Moore said after the storm passed people were running from surrounding businesses to help pull children from the rubble.

Miraculously, no one died and only minor injuries were incurred.

I salute the heroes from that horrible day—everyday Alabamians working together to save innocent children. It is indeed a miracle that no lives were lost, and I hope we will all look to these brave Alabamians as role models for us all.

TRIBUTE TO MR. STEPHEN R. REED

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Stephen R. Reed of Harrisburg, Pennsylvania, who was voted America's number one mayor in the World Mayor 2006 online poll by the City Mayor organization.

Mayor Reed, the 7-term mayor of Harrisburg, Pennsylvania, is the only United States mayor to ever break into the top 3 spots in the annual online contest finishing third in the world. From January to May each year, citizens nominate mayors in the contest then choose from a list of fifty finalists from June to October. This year, over 103,000 people voted giving Mayor Reed more than 7,000 votes.

Under his leadership, the Pennsylvania state capital has been revitalized with the development of shops, hotels, and restaurants in the downtown area that once stood virtually vacant; the Harrisburg Senators baseball games and other attractions have revived tourism in the city; the Harrisburg University was established; and graduation rates have increases since Mr. Reed took control of the city school district.

Mr. Speaker, it is a privilege to be able to recognize a man who has dedicated his entire life to the City of Harrisburg, helping hundreds of people in my district, including myself. I ask you and my other distinguished colleagues to join me in congratulating Mr. Stephen R. Reed on his many years of devoted public service and thank him for the many contributions he has made toward the well being of the citizens of Harrisburg, Dauphin County, and the Commonwealth of Pennsylvania.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KNOLLENBERG. Mr. Speaker, on December 5, 2006, I was unavoidably absent and missed rollcall vote 524. For the record, had I been present, I would have voted "yea."

DEMOCRATIC PACIFIC UNION SYMPOSIUM

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. WU. Mr. Speaker, I rise to recognize that on December 8, 2006, the Democratic Pacific Union will be hosting an international symposium in Taipei, Taiwan on democracy and commerce. Participants from more than 20 countries will discuss issues related to democracy and the workings of national legislatures, parliaments and congresses.

The Democratic Pacific Union was founded in Taiwan and is committed to the promotion of democracy, human rights and the rule of law in the Pacific Rim. It emphasizes representative government and peaceful resolution of disputes.

I am pleased that the Democratic Pacific Union will foster a discussion about the importance of democracy and the rule of law and also pleased that the open dialogue will foster the possibility of enduring peace.

TRIBUTE TO CARL YAEGER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a medical pioneer, Dr. Carl E. Yaeger, Jr. Dr. Yaeger is the recipient of the Trailblazer Award, a recognition bestowed upon him for his extraordinary contributions to his profession.

Carl Yaeger was born in Hartford, Connecticut, the son of another trailblazer, Dr. Carl Yaeger, Sr. founder of the Yaeger Clinic in Long Island, New York. Carl Jr. came to my home State of South Carolina to practice his profession after graduating from the University of Southern California, Los Angeles College of Chiropractic and Center States College of Physiatrics. In 1956, Dr. Yaeger joined his father in Miami, Florida to open the Yaeger Clinic there. It is one of the oldest African American owned medical facilities in the country.

Over the years, Dr. Yaeger built a tremendous clientele. He has provided health care to several generations of patients, treated disaster victims and delivered over 400 babies in the clinic's four-bed maternity ward. Some patients were so loyal to Dr. Yaeger they traveled from as far as Georgia and the Bahamas regularly to see him. He counts among his more than 100,000 patients, Muhammad Ali, who came to his clinic while living in Miami in the 1960s. He continued an active Naturopathic and Chiropractic medical practice until 2005. Dr. Yaeger continues to serve on the executive board of the Yaeger Foundation, Inc. and is actively involved in the organization's establishment of the National Medical Museum.

Among Dr. Yaeger's many contributions, was his appointment as Chairman of the Florida Board of Naturopathic Medicine by Governors Rubin Askew and Bob Graham. He also provided internships to aspiring health care professionals and free medical services to indigent patients.

Dr. Yaeger has been the recipient of many other honors including the Florida Chiropractic Association's Lifetime Achievement Award. He has served as the President of the Florida Naturopathic Physicians Association and was a member of the Practice Parameters Advisory Committee of the Florida Agency for Health Care Administration. Outside his professional affiliations, Dr. Yaeger has been a civil rights activist that helped integrate many of Miami's segregated restaurants and hotels and is a Lifetime Member of the NAACP.

Dr. Yaeger and his late wife, Ollie, raised four children. He is now the proud grandfather of two grandchildren.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Carl Yaeger, Jr. for receiving this distinguished honor. He has given a lifetime of service to the medical community, and has had a tremendous impact on Miami and its people.

HONORING THE ROY CLASSEN FAMILY FOR BEING SELECTED AS THE ESCAMBIA COUNTY 2006 OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend congratulations to the Roy Classen Family for being selected as the Escambia County 2006 Outstanding Farm Family of the Year. The Classen family has run an extremely successful farm in Northwest Florida for 39 years.

Classen is a Row Crop Producer, growing cotton, peanuts, corn, soybeans and wheat on his 515 acre farm in Walnut Hill. He raises cows as well. Classen and his wife, Miriam have been married 40 years and have four children and seven grandchildren.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that could serve as a role model to us all. A deep sense of work ethic and values has been instilled in the Roy Classen Family. It is my hope that this family tradition continues for many generations to come.

ST. NICHOLAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. POE. Mr. Speaker, while later this month kids will talk of Santa Claus, today, December 6th, belongs to St. Nicholas. The Christian Bishop. The human Santa Claus.

In Europe, around 300 A.D. St. Nicholas, a devout Christian, gave away all of his possessions. And dedicated his life to helping the poor.

St. Nicholas wearing a long, red robe, would sneak into homes leaving fruits, chocolates, and small presents by the fireplace for families in need.

As word of his deeds spread, eager young children would hang stockings or leave out shoes hoping for a visit from St. Nicholas.

When St. Nicholas died in 343 A.D., an annual day of celebration was declared on the anniversary of his death—December 6th.

Across continents, throughout centuries, acts of generosity continued to be carried out in St. Nicholas' name.

Today the spirit of St. Nicholas is still celebrated.

Children leave their shoes by the door, awaking to the candy and gifts left by St. Nicholas.

St. Nicholas Day reminds us of the true meaning of the holiday season . . . giving to others and spreading goodwill among all. It's a good thing.

TRIBUTE TO DAVID E. JANSSEN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to Dr. David E. Janssen and to thank him for his 40-year career as a public servant in the State of California. Our Nation owes him a debt of gratitude for his decades of dedicated public service.

In August 1996, Dr. Janssen became the ninth Chief Administrative Officer (CAO) of Los Angeles County, a position that was created in 1938. He has been a superb leader and an inspiring example of personal integrity and dedication. He brought a wealth of fiduciary and operational knowledge gained through years of experience to his post that has resulted in prudent recommendations and sound oversight of the County's $20 billion budget.

As CAO, Dr. Janssen has been responsible for a wide range of duties, including making financial recommendations to the County of Los Angeles Board of Supervisors to bring more cost-efficient programs to better serve the public. He has worked closely with the 38 County Departments to make certain that Board policies and priorities have been implemented. He has monitored Countywide spending and recommended departmental budgets to the Board and ensured that Board-approved allocations are not exceeded.

Dr. Janssen has made sure that the Board's legislative and intergovernmental policies and objectives have been coordinated with the Board Offices, the Legislative Strategist, and the offices in Sacramento and Washington, DC.

Dr. Janssen has coordinated capital projects/debt management, asset management, leasing and space management; administered insurance management programs; coordinated emergency preparedness and cost recovery efforts following major disasters; addressed unincorporated area issues; handled centralized security management for employees and facilities; advised Board offices and departments on international protocol issues; managed the County's employee relations program and compensation systems; coordinated centralized marketing programs; performed demographic and geographic research; coordinated centralized workplace programs, such as ride sharing, saving bonds, charity and volunteers; initiated and promoted activities which provide information about the County to the public; and provided centralized photographic and graphic art services.

Under Dr. Janssen's leadership, the CAO's office initiated an annual Vision Statement for the County that defined "core values" for providing public services, including integrity, commitment, accountability, professionalism, compassion, respect for diversity, and responsiveness. Dr. Janssen was instrumental in implementing a Strategic Plan in conjunction with the Vision Statement, which now includes six goals: Service Excellence; Workforce Excellence; Organizational Effectiveness; Fiscal Responsibility; Children and Families Well-Being; and Community Services.

Dr. Janssen has held memberships in several civic and professional organizations, including the United Way, on which he continues to serve as a member of the Board of Directors, and the Rotary. He also serves on the University of Southern California School of Policy, Planning and Development Board of Councilors. In addition, he is a member of the American Society of Public Administration and the National Academy of Public Administration, which honored him with the 2003 National Public Service Award given for exemplary public service.

Dr. Janssen has served our Nation, our State, and our County with honor and distinction. He is to be commended for his philosophy of open and honest government that provides easy access to information for employees and the public so they can meaningfully participate in the governmental process.

I ask my colleagues to join me and Dr. Janssen's many co-workers, family, friends, and associates in congratulating him on his retirement and wishing him health, happiness, and good fortune in his future endeavors.

GOVERNMENT SUPPORT CRITICAL TO AMTRAK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important institutions in the region I represent in this House is the New England Council. No organization does a better job of advocating in a sensible and reasonable way for the economic interests of our area. The Council is composed largely of businesspeople and it is important to note that they are businesspeople who recognize that we need both a vibrant private sector and an adequately funded and well run public sector working together to make the kind of progress that will improve the quality of lives of all of those we represent.

James T. Brett is a very able chief executive of the Council. Mr. Brett is a former State Representative who has a very impressive understanding of the importance of this private–public interaction. During our recess, he wrote a very interesting article published in the Patriot Ledger of Massachusetts making in very strong terms the case for significant improvements in the way in which the federal government deals with Amtrak. As Mr. Brett notes, "the regional consequences would be disastrous if Amtrak were unable to operate."

Mr. Brett cogently addresses one of the important issues that will be facing us when we convene for the 110th Congress, and I ask that his important article be printed here so that Members will have the benefit of this information as we do so.

[From the Patriot Ledger]

GOVERNMENT SUPPORT CRITICAL TO AMTRAK

(By James T. Brett)

Passenger rail is vital to our quality of life and economy in New England, where rail is an integral part of the region's multi-modal transportation system and relied on by so many for daily commuting and business travel.

Yet the future of Amtrak, including the future of the nation's busiest rail route—the Northeast Corridor—will be affected in the coming weeks as Congress works to finalize spending bills before the end of the session.

In July, the full Senate Committee on Appropriations approved $1.4 billion in funding for Amtrak in the Senate Transportation-Treasury appropriations bill for the 2007 fiscal year, an increase over the current $1.3 billion allocation, and well above the President's budget request of $900 million. In June, the House passed its Transportation-Treasury bill for the 2007 fiscal year, which funds Amtrak at $1.14 billion.

It is critical that Congress approve adequate funding for Amtrak in the upcoming appropriations debate. A 2007 funding level for Amtrak that, at the very least, meets its 2006 of $1.3 billion will allow Amtrak to continue to operate with some infrastructure investment.

Over the last several years, Amtrak has implemented many reforms, modified service and reduced personnel. More than 14 million people rode Amtrak trains in the Northeast last year and Amtrak had its third straight year of record ridership. In addition, Amtrak has continued its efforts to implement a capital investment plan to bring its infrastructure closer to a state of good repair.

Despite the progress, much important work still needs to be done. In this year's fiscal 2007 request, Amtrak cited Northeast Corridor infrastructure improvements as a critical priority. These include three major bridges in Connecticut—the Thames River, the Niantic River and the Connecticut River Bridges—which date back to the turn of the century and need to be replaced. Forty Amtrak trains run over these bridges daily, providing service between New York and Boston.

Other projects, cited by Amtrak, include the replacement of wood ties on main tracks; the rehabilitation or replacement of much of the overhead catenary system that supplies power; the replacement of major portions of the power supply systems; and the upgrading of interlockings and signal systems.

Amtrak is a vital transportation link for millions of New Englanders. At a time when our highways are increasingly congested, the regional consequences would be disastrous if Amtrak were unable to operate. Amtrak serves hundreds of thousands of commuter rail riders and represents thousands of jobs in the region.

And highway congestion is not a problem that is going away anytime soon. A new study by the nonprofit think tank the Reason Foundation reported this summer that traffic delays will increase 65 percent and the number of congested lane-miles on urban roads will rise 50 percent over the next 25 years. Even in smaller cities, traffic congestion is expected to worsen substantially over the next two decades. In our region, Massachusetts and Connecticut are both ranked in the top 25 of states that will have the most congested lane miles by 2030.

A safe, reliable passenger rail system is vital to managing transportation in the Northeast. The region's ability to sustain and enhance its economic growth and remain competitive is linked to an efficient regional transportation system which includes intercity passenger rail. Government support is critical to Amtrak's survival. And it is important that Congress consider these economic factors as they debate funding for Amtrak.

TRIBUTE TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'S PRINTING AND DESIGN OFFICE STAFF FOR ITS OUTSTANDING AND PROFESSIONAL EFFORT IN PRESENTING THE VISION FOR SPACE EXPLORATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CALVERT. Mr. Speaker, I rise today to recognize the outstanding and professional effort of the staff working in the National Aeronautics and Space Administration's (NASA) Printing and Design Office for their high quality work, and contribution to NASA's overall mission. Throughout the course of a legislative cycle, NASA officials meet with Members of Congress and their staff via meetings, briefings and Congressional Hearings. The effectiveness of these interactions is directly attributed to the quality of the products developed by the staff of NASA's Printing and Design Office. Under the outstanding leadership and commitment of the Printing and Design staff, the Agency has been prepared and able to present professional briefing charts, Congressional testimony, posters and publications to the United States Congress in an exemplary manner.

The staff includes: the Head of Printing and Design Office, Michael Crnkovic; the Printing Officer, Stanley Artis; the Printing Specialist, Jeffrey McLean; the Customer Service personnel, Frantz Casmir; the Duplication Specialists, Carl Hammond and Ondray Mackin; and, the Distribution Clerk, Carl Paul. In addition, the competent, professional and expert Exhibit Design Team, consisting of Michael Barnes, Ray Brown and Steve Schaeberle, has enabled NASA to present montages depicting various Space Shuttle missions to Members of Congress that are proudly displayed and observed by all who visit these Members' offices.

I ask my colleagues to join me in recognizing NASA's Printing and Design Team for its role in presenting the Vision for Space Exploration.

IN MEMORY OF BRIAN M. BRIAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor Brian M. Brian of Camden, Arkansas, who died on October 22, 2006, while working in Iraq as a police trainer. Brian M. Brian was 58 years old when the military convoy he was riding in was attacked. Brian M. Brian was working outside of Baghdad as an international police liaison officer.

Before going to Iraq, Brian worked for the Ouachita County Sheriff's Department for 13 years. Brian held many roles within the department and left the office with the rank Captain. In 2005, he became an instructor at the Arkansas Law Enforcement Training Academy. Brian was a veteran of the U.S. Navy, where he served from 1968 to 1971, including a tour of duty in Vietnam. While not serving our state and our country, Brian enjoyed helping people and animals in his community who were in need of shelter, food or help.

Brian M. Brian gave his life to serve our country and will forever be remembered as a hero, a son, and a husband. My deepest condolences go out to his wife Connie. He will be missed by his family, his community and all those who knew him and counted him as a friend. I will continue to keep Brian M. Brian and his family in my thoughts and prayers.

HONORING THE MEMORY OF MR. R.C. CRAFT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, Baldwin County and indeed the entire state of Alabama recently lost a dear friend and I rise today to honor him and pay tribute to the memory of Mr. R.C. Craft, a devoted family man and dedicated community leader.

A veteran of World War II, R.C. moved to Gulf Shores from Fort Myers, Florida in 1954, where he parlayed 16 years in the nursery flower business with the H. L. Hobbs Co. into his own business growing gladioli.

After 10 years, R.C. and his only child, Robert, went into the sod business, which continues to this day. By the late 1980s, the company diversified into championship golf courses. They opened Cotton Creek, designed by golfing great Arnold Palmer, as well as Cypress Bend and The Woodlands course.

R.C. was a very personable man who loved to tell stories, but he was also a firm believer in hard work and determination. He was the type of man who would look you in the eye and firmly shake your hand when the deal was done. That was how he did business, and a successful businessman he was.

In 2001, the Baldwin County Commission honored R.C.'s many contributions to the county as a citizen and a businessman. In 2003, he received the South Baldwin Chamber of Commerce Walton M. Vines Free Enterprise Award. Additionally, R.C. was a founding member of the Gulf Shores Golf Club and served as chairman of the Gulf Shores Utility Board. His contributions to Baldwin County and the state of Alabama will be long remembered.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama.

R.C. Craft loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife of 56 years, Jane Wingo Craft; his son, Robert Craft; his sister, Janie Johnson; two grandchildren; as well as countless friends and admirers that he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

PAYING TRIBUTE TO DAVID HUGHEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. David Hughey for his continued dedication and volunteer work to his community.

This year, David was named Volunteer Supervisor of the Year at the Interagency Volunteer Recognition Program Ceremony. He was nominated for the award by Lake Mead National Recreation Area Superintendent Bill Dickinson for his dedication to the volunteer program, park visitors, and the recreation area in general. The program is coordinated by employees from the National Park Service, Bureau of Land Management, U.S. Fish & Wildlife Service, and the Forest Service, aimed at improving and maintaining public lands in Southern Nevada.

David supervises about 25 volunteers and has helped the volunteer program grow throughout the years. He is known for treating his volunteers with respect and kindness while maintaining his post. He holds weekly staff meetings in order to keep everyone informed, organizes monthly recognition barbeques for the volunteers, ensures that they have the proper training and tools necessary, and allows himself to be available to his volunteers at all times.

Maintenance around the park is a high priority for David. He's involved with several of the beach and park clean up events, including the Great American Clean-Up, National Public Lands Day, Eagle Scouts Projects, and other corporate and civic group sponsored public service works. David and volunteers also help rake the campgrounds, work on irrigation systems, plant and prune trees, and provide information to visitors about the park. Not only does he do this, but he also coordinates the day-to-day maintenance work of paid employees and volunteers. "We are fortunate to have dedicated employees like David Hughey on our staff," said Superintendent Dickinson.

Mr. Speaker, it is with great pleasure that I honor Mr. David Hughey for his selfless devotion and undying enthusiasm to his staff and to the community that frequents his park. I commend him for all his efforts and wish him luck with all his future endeavors.

HONORING MAJOR DAVID HAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. WOLF. Mr. Speaker, it is an honor for me to recognize Major David Han upon his retirement from the United States Marine Corps after 22 years of dedicated service. Major Han is a constituent who lives in Ashburn, Virginia. He spent 12 years as an enlisted Marine and another 10 years as an officer, completing assignments across the country, including his last assignment in our Nation's capital.

During Major Han's last 2 years of service in Washington, DC, he has been the administration officer in the Marine Corps' Office of Legislative Affairs. In this capacity he was able to support members of Congress and congressional committees, working on issues related to the Marine Corps and national security. During this time, Major Han volunteered to deploy to Iraq, serving with II Marine Expeditionary Force Forward at Camp Fallujah. While at Camp Fallujah he served as a protocol officer, coordinating, planning, and executing over 150 visits to USMC units in Iraq by generals, foreign dignitaries, congressional delegations, the vice president, and the secretary of defense.

These assignments are only a small glimpse of Major Han's many accomplishments as a Marine. I have no doubt that Major Han has made a lasting contribution in the capability of today's Marine Corps and has helped to shape the future of the Marines. His performance and dedication to duty over his 22-year career has been exemplary. I want to take this opportunity to wish him, his wife Cassandra, and two daughters, Anna and Madeleine, all the best as he retires from the Marine Corps. Semper Fi!

IN RECOGNITION OF THE 70TH ANNIVERSARY OF FIRST HOUSES, THE BIRTHPLACE OF PUBLIC HOUSING IN THE UNITED STATES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to First Houses, the first public housing development in the United States. This year, the New York City Housing Authority is celebrating the 70th anniversary of First Houses and the worthy ideals which it symbolizes.

By creating the New York City Housing Authority seven decades ago, the leaders of our Nation's greatest metropolis launched an ambitious initiative to improve the lives of America's least privileged members by providing affordable housing that met high standards of sanitation, health and safety. The first fruit of that noble undertaking, the watershed First Houses development, was created by rehabilitating a series of tenements built in 1846.

For the first time in American history, First Houses proved that government could provide a practical remedy to the shortage of decent affordable housing confronting citizens of low and moderate incomes. By removing every third building of those original tenements to expand light, air, and open space, combining backyards, and constructing a welcoming common courtyard and recreational area, those visionary civic leaders created in First Houses a vibrant and livable public housing development that became a model for the Nation.

In a tribute to the momentous achievement marked by the opening of First Houses, the inaugural celebration of the complex was attended by two great New Yorkers and great Americans, First Lady Eleanor Roosevelt and Mayor Fiorello LaGuardia.

Today, the approximately 174 authorized residents of First Houses live in eight attractive four- and five-story buildings located on 1.23 acres of land lying between East 2nd and East 3rd Streets and Avenue A and First Avenue on Manhattan's Lower East Side in New York's Fourteenth Congressional District, which I am privileged to represent in this House.

Indeed, as is fitting for New York, traditionally a beacon of progressive ideals of social reform, First Houses also marked the first housing initiative of the newly founded New York City Housing Authority (NYCHA), the oldest public housing agency in the continent of North America. Throughout its history, the NYCHA has also been the largest public housing authority on the continent. Today it administers 344 public housing developments containing 2,686 buildings housing approximately 412,281 authorized residents in 179,025 different apartments. Today, more than one in twenty New Yorkers lives in public housing managed by the NYCHA, enough to constitute the population of the Nation's 44th largest city.

Mr. Speaker, I ask my colleagues to join me in recognizing the historic 70th anniversary of First Houses, in congratulating Mayor Michael Bloomberg and New York City Housing Authority Chairman Tino Hernandez for their dedication to maintaining and expanding New York City's affordable housing, and in recognizing the tremendous contributions to the people of the city of New York and our Nation made by the hard-working men and women of the New York City Housing Authority throughout its proud 70-year history.

CONGRATULATING J.W. SALES FOR 51 YEARS OF AUTOMOBILE SALES IN MONROEVILLE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. J.W. Sales on 51 years of automobile sales and to recognize Sales Ford in Monroeville, Alabama, on the occasion of its 40th anniversary.

J.W. Sales has been a vital member of the Monroeville, Alabama, community all of his life. He began his career selling automobiles in Mobile in 1954. In 1966, he purchased the Ford dealership in Monroeville, and he opened Sales Ford Lincoln Mercury in Grove Hill in 2002.

In addition to his professional successes, J.W. has long been an active supporter of numerous community organizations. He served as governor of the Alabama District of Kiwanis and was one of the seven trustees on the Kiwanis International Board of Directors.

He is also active in the Monroeville Chamber of Commerce and has served on the board of directors of the University of Mobile. J.W. has also been an active deacon of the First Baptist Church in Monroeville.

Mr. Speaker, I commend J.W. Sales for his long-standing commitment to the community and for his many professional achievements. I know his wife, Wendy, his family, and his many friends join with me in praising his accomplishments and in celebrating this latest milestone.

RECOGNIZING REVEREND FRED RANDLES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, today I have the privilege of recognizing a dear friend of mine. Reverend Fred Randles of Sulphur Springs, who is retiring as minister of music after serving the church and community for the past 25 years.

Reverend Randles has dedicated his life to making music, for which he has received certificates of appreciation from 4 U.S. Presidents and the U.S. Congress. Additionally, the governments of Cozumel, Mexico, Bahamas, and the entertainment division of Disney World have recognized him.

His youth choirs have toured extensively, singing throughout the U.S. and in Ireland, Canada, Puerto Rico, Mexico, and the Bahamas as well as on a number of cruise ships. The youth choir under his direction has also appeared on Good Morning America and the Early Show on CBS.

Reverend Randles also has enjoyed many achievements with the senior adult choir known as the Silvertone Choir. Under his direction, this group has recorded for Benson Music Company and performed at a variety of conventions and conferences. They have had the privilege to perform at conferences in Glorieta, New Mexico; Ridgecrest, North Carolina; and Williamsburg, Virginia.

A particularly noteworthy accomplishment is Rev. Randles' assistance in originating the Northeast Texas Symphony in conjunction with Sarah Smith, Scott York, and others from Texas A&M Commerce. This symphonic group performed its first concert at First Baptist Church and has grown considerably with his assistance.

Reverend Randles has been asked to conduct funeral services of more than 1000 people and officiate, sing for or do both at the wedding ceremonies of more than 200 couples. He has also provided music for a variety of functions, including the Dairy Festival, the annual Hospital Christmas Tree lighting, baseball games, and area worship services.

Reverend Randles is married to Jane and they have one daughter, Natalie, who is married to Darren Brown. Olivia Brown is their granddaughter and a second grandchild is on the way.

Due in no small part to Natalie's violin playing, Jane has worked to bring a beginning strings program to the Sulphur Springs I.S.D. This program has brought orchestral music to the lives of children who otherwise would not have had the opportunity .

Rev. Randles has made a lasting contribution to his community, and in celebrating his retirement, I join his family, church, and friends in expressing appreciation for the many ways he has shared his music, faith, and fellowship. Mr. Speaker, I ask that my colleagues join me in paying tribute to Rev. Fred Randles for his many years of service and wishing him well in his retirement years.

DEMOCRATIC PACIFIC UNION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CULBERSON. Mr. Speaker, on August 14, 2006, the 60th anniversary of the end of World War II, the Democratic Pacific Union was formally inaugurated in Taipei, Taiwan. The ceremony drew 76 dignitaries from 23 countries, including the presidents and vice presidents of Taiwan, Costa Rica, Guatemala, Nicaragua and Palau.

The Democratic Pacific Union's goal is to promote democracy and encourage cooperation among its 28 member democracies. So far, the Union has planned regular regional meetings in the East and the West Pacific regions, initiated the Pacific Economic Advisory

Group and the Pacific Congressional Caucus, established a training program for typhoon and flood disaster reduction, offered scholarships for students to study in Taiwan, planned a Pacific university network in Taiwan, and invited women to Taiwan to discuss women issues in the Pacific region.

On December 8–10, the Taiwan Chapter of the Pacific Congressional Caucus will be holding a special symposium in Taipei, Taiwan. The symposium will examine critical issues such as the legislature and democracy, the legislature and electoral process, and the legislature and campaign finance. Fifty or more legislators from DPU's member states will be invited. U.S. lawmakers are especially welcome to attend this symposium.

We should give encouragement to the leaders of the Democratic Pacific Union by endorsing its goals for democratic and economic cooperation in the Pacific region. I am certain that the Union will attract more members and win even wider international attention and recognition in the months and years ahead.

IN HONOR OF THE 30TH ANNIVERSARY OF SUTTON AREA COMMUNITY, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, for three decades, Sutton Area Community, Inc., has served as the voice of New Yorkers residing on the East Side of Manhattan between 52nd and 59th Street, from Second Avenue to the East River. Founded to maintain and improve the quality of life in that historic neighborhood, Sutton Area Community (SAC) has united area residents on a myriad of concerns and its ranks now include over 2000 dues-paying members. On October 22nd, SAC celebrated its thirtieth anniversary at the internationally renowned Perigord restaurant, at which its members honored their community's extraordinarily dedicated and effective representative in the New York State Assembly, the Honorable Jonathan Bing.

The dedicated members of Sutton Area Community, currently led by the estimable Mary Clare Bergin, have been at the forefront of efforts the surrounding community. Its volunteers have spearheaded local beautification initiatives. Thanks to the tireless efforts of SAC's members, seasonal planting and iron fence tree enclosures have been installed between Sutton Place and Second Avenue, and dozens of trees have been planted on and around First Avenue. In addition, SAC members serve as conscientious caretakers of three "pocket" parks at 54th, 57th and 58th streets. The carefully maintained greenery and flowers have created a ripple effect, inspiring owners and residents of neighboring buildings to make improvements to their own landscaping, making a community already renowned for its quiet elegance a charm an even more idyllic oasis for residents and visitors alike.

The tranquil quality of life of Sutton Place and its environs is rendered even more remarkable for its proximity to midtown Manhattan, the most bustling and thriving commercial district in the entire United States. A constant concern for Sutton Area Community residents is the considerable traffic congestion due to the neighborhood's close proximity to the Queensborough Bridge and the Franklin Delano Roosevelt Drive. After the New York City Department of Transportation made an ill-considered decision to close the 48th street ramp onto the FDR Drive, forcing over tens of thousands of motorists onto local streets, SAC worked with elected officials and civic organizations to overturn this ill-considered decision. Their persuasive and persistent lobbying ultimately won the day, and the ramp was reopened.

In addition, the members of Sutton Area Community successfully fought a proposal to eliminate local bus stops. Such a move would have had very negative consequences on the neighborhood's significant population of seniors, and I was pleased to joined with SAC members, other elected officials and Manhattan Community Board 6 to urge successfully that the bus stops be restored. It is a testament to SAC and the strength of their organization that the stops remained in place.

Armed with the knowledge that clean and safe streets are keys to maintaining the quality of life in an intense urban environment, SAC works closely with the 17th Precinct of the New York Police Department. Its members have former one of the largest groups of volunteer "blockwatchers" in New York City. SAC also has contracted with the Doe Fund, a not-for-profit organization that provides jobs for the homeless, to improve sweeping and sanitation of the streets.

Mr. Speaker, I ask that my distinguished colleagues join me in saluting the tremendous contributions to the civic life of New York City made by the members of the Sutton Area Community and their Assemblymember, Jonathan Bing, and in wishing them continued success at their vital mission in the years to come.

IN HONOR OF FRANK ANTHONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the hard work and dedication of Frank Anthony. Mr. Anthony is a guiding light to the youth and educators of Arkansas. On November 28th he was honored as the Arkansas Association of Education Administrator's (AAEA) 2006–2007 Superintendent of the Year.

The AAEA is an umbrella organization of ten constituent educational administrator groups. The organization was founded in 1976 and currently represents more than 2,800 members.

Frank Anthony is the Superintendent of the Pine Bluff School District and has dedicated his life to education. Before excelling in his current position, Mr. Anthony served the Arkansas State Department of Education and the school districts of Eudora, Warren, Wilmot and Parkdale. Mr. Anthony started out his career as a Math teacher and basketball coach and immediately made a difference in the lives of the students and fellow faculty members.

Along with serving his school district, Mr. Anthony also serves the community by sitting on numerous boards and commissions such as the United Way and Pine Bluff Chamber of Commerce.

Frank Anthony's dedication to making our state a better place to live, through his work as a public school educator, should serve as an example and an inspiration for us all.

I am so pleased to have the opportunity to properly recognize Frank Anthony before the United States Congress for his outstanding contributions to the field of education and to the communities and lives he has touched in Arkansas. Please join me in congratulating Mr. Anthony on his honor of being named Arkansas's Superintendent of the Year.

HOUSE OF REPRESENTATIVES—*Friday, December 8, 2006*

The House met at 9:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in You there is no beginning, no end. You live in the ever-present moment: now. Before You, all human life is fragile and dependent. Limited by time and space, human nature changes very little, yet hopes and dreams expand. Often, the powerful of this world seem powerless and those who hunger for justice and thirst for peace increase in numbers.

Be with the Members of the United States House of Representatives as they approach these last hours of the 109th Congress. Pressured by the complexity of today's society and limited by constitution and human capability, they have regularly turned to You to help foster the American dream and enact laws and policies for the American people and our neighbors on Earth. You have not failed them in their compromises. You have counseled them in dealing with mistrust and reconciled differences in the search for the common good.

Called to lead Your freed people is not always easy. Popular understanding for decisions cannot be the guide, only world history can adequately measure and ultimately, You alone, Lord God, can offer judgment.

Lord, bless the accomplishments, nurture the seeds which have been planted, reward justice with peace, heal all blindness and paralysis, and supply compensation for all our deficiencies. Reward and bless J. DENNIS HASTERT for his public service as Speaker of this House. For not to us, O Lord, not to us, but to You, Lord God, be the glory, honor, power, and thanksgiving now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side

SUNSET ON THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, as the sun sets on the 109th Congress today, the sun is also setting in the Southwest at a border unguarded from illegal entry, open for settlement and incursion. Our government has voiced empty words of border security and protecting our Nation from foreign invasion.

Much like the Empire of Rome in 364 A.D., when the Goths encroached into Roman lands, there were not enough border security agents to keep them out. They were not required to assimilate into the Roman culture. The Romans did nothing. Blind to Goth occupation, Rome created its own downfall and disappearance as a Nation.

Inability to protect borders and keep intruders out has led to the extermination of civilizations throughout history. Our government has failed with empty, meaningless political promises to protect the American people from border invasions.

Mr. Speaker, Americans are tired of the hollow, hapless words. They are demanding secure borders to keep our Nation sovereign. It is the moral responsibility of this Nation to protect its citizens from invasion, to secure its borders from foreign invaders, before we become another Rome and pass smoldering into the ash heap of historical insignificance.

All the while the sun sets in the Southwest. And that's just the way it is.

HONORING CONGRESSMAN LANE EVANS

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, I rise today to honor the service and achievements of my dear friend LANE EVANS. LANE EVANS is a hero who has tirelessly fought to provide just for over 200,000 "comfort women" who were forced into sex slavery by the Japanese Imperial Army during World War II. He has been a voice for those voiceless women who are still holding out hope that they will receive a formal apology from the Japanese Government for the indignities they have suffered.

I want to assure LANE that I will do my best to continue his work and legacy on this issue after his retirement this year. He has personally inspired me, and I look forward to seeking the justice the "comfort women" deserve, knowing that LANE EVANS blazed much of the trail.

Mr. Speaker, for his leadership, mentorship and companionship, for his work on behalf of those who would have otherwise been forgotten, and for his unparalleled work these past 24 years, I will not forget LANE.

LANE, Semper Fi.

LASALLE, MT. NOTRE DAME MAKE CHAMPIONSHIP RUNS, MERCY TAKES HOME RUNNER-UP

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, today I would like to recognize the achievements of three exceptional high school teams from my district in Cincinnati, the volleyball teams from Mt. Notre Dame and Mother of Mercy High Schools, and the cross-country team from my alma mater, LaSalle High School.

On November 11, Mt. Notre Dame and Mother of Mercy battled for Ohio's Division I State volleyball championship. In the third and most important meeting of the season, Mt. Notre Dame emerged victorious. The victory marks Mt. Notre Dame's fifth State volleyball title. Mother of Mercy also gave a top-notch effort and finished an impressive second in the State.

The GCL also saw one of its own bring home a State championship when the LaSalle Lancers' cross-country team sprinted to their second consecutive State title.

It gives me great pride to acknowledge the achievement of these exceptional young men and women, and their coaches and parents and fans and teachers and administrators. It is important to point out that while these schools enjoy tremendous success in athletics, they also have a tradition of academic excellence, and they should be equally proud of that accomplishment.

Congratulations again to Mt. Notre Dame and Mother of Mercy, and my alma mater, LaSalle.

BRING THE TROOPS HOME NOW

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The American people made clear on November 7 that they demand a new direction in Iraq: Out. Bring the troops home. Just 1 month later, they have their answer. President Bush will not bring the troops home.

The Iraq Study Group report does not recommend bringing the troops home and ending the occupation. Read the fine print of the report. Only Congress can bring the troops home and keep faith with the American people.

The money is there. Just 2 months ago, we appropriated $70 billion for the war. That money should be used to start bringing the troops home now. If Congress gives the President another $130 billion in the spring to keep the war going, we will then be directly responsible for the casualties.

Why won't we take responsibility for bringing the troops home? The money is there now to bring the troops home. The American people voted for a new Congress to bring the troops home. We cannot say we are against the war and vote to fund it. We cannot say we are for the troops and vote to keep them in Iraq when the money is there to bring them home now.

IN MEMORY OF DR. GEORGE MEETZE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today in memory of Dr. George Meetze of Columbia, South Carolina. Dr. Meetze passed away on Thanksgiving Day after a brief illness.

During his 97 years, Dr. Meetze touched numerous lives. I had the honor of working with him during the 17 years I served in South Carolina's State Senate. Dr. Meetze was elected chaplain of the South Carolina Senate in January 1950 and served until his death. His 57 years of service make him the longest-serving chaplain of a legislative body in the history of our Nation.

Dr. Meetze spent his life in service to others, honorably working for his God, his community, and his country. He was a colonel and chief chaplain in the South Carolina State Guard, a past president of the South Carolina American Cancer Society, and a faithful member of St. Paul's Lutheran Church.

Dr. Meetze was a loving husband, father and grandfather. He will be greatly missed by all who knew him.

In conclusion, God bless our troops, and we will never forget September 11.

CONGRATULATING THE 2006 UNC WOMEN'S SOCCER TEAM

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Madam Speaker, I rise today to celebrate an accomplishment for which my constituents and all North Carolinians have tremendous pride. The 2006 Lady Tarheels of the University of North Carolina have just claimed their 19th Women's Soccer National Championship, beating the Notre Dame Fighting Irish 2–1 in the title game last Sunday.

Under the leadership of Head Coach Anson Dorrance, Carolina women's Soccer has been the most dominant program in the history of college athletics, winning 18 of the last 25 national championships since the NCAA established the women's tournament.

The national title game capped off a stellar career for senior captain Heather O'Reilly, who was named the tournament's Most Outstanding Offensive Player, as well as for Carolina's other seniors. Junior Defender Robyn Gayle was named Most Outstanding Defense Player, and seven freshmen played for the Lady Tarheels in the game.

I also take great pride in the fact that the championship game took place in my district at the SAS Soccer Park in Cary. The sell-out crowd of more than 8,300 enthusiastic fans is a testament to the growing popularity of soccer in North Carolina and across the country.

So I extend my congratulations to the Lady Tarheels on their outstanding success, to a Notre Dame squad for a well-played tournament, and to the university community in Chapel Hill that has come to embrace women's soccer as one of its most precious gems.

Even the great Dean Smith, himself the winningest coach in college basketball history, once remarked: "This is a women's soccer school. We're just trying to keep up with them."

TRIBUTE TO J.B. HUNT, SR.

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to honor the memory of a great Arkansan, a giant of American business who passed away yesterday morning, J.B. Hunt of Springdale, Arkansas.

He built a billion-dollar trucking business from humble beginnings, and in the span of a lifetime went from a sharecropper's son to the employer of over 16,000 people and a major force in shaping the economy of the Third District of Arkansas.

He donated to charities, he was very, very active in his church, and was known to carry $100 bills in case he ran across somebody who needed help immediately. When asked why, he explained, I was hungry once, a lesson we can all learn from.

I knew him when I was a young man, when he had absolutely no idea who I was; and I knew him when I was a young professional in my community, and later on as his Congressman. He was the kind of man that treated me the same in regard to all of those stations in life.

He was a wonderful man, and certainly our prayers are with him, his wife Johnelle, his family, and his company which lives the American Dream every day.

THE DO-NOTHING CONGRESS AND A NEW DIRECTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, the differences between this session of Congress and the one that will begin next month will be vast. In this tale of two Congresses, let us compare the current "do-nothing" Congress, led by the Republican Majority, and the upcoming Democratic New Direction Congress.

The Republican "do-nothing" Congress that ends this week has set abysmal records for the fewest number of days worked and for defeating numerous important bills, or simply not bringing them forth at all. Now they will adjourn for good at the end of this week, long before they need to, without passing a budget for 9 of the 11 appropriation bills. It is shameful, Madam Speaker, but fortunately it is about to change.

In January, when the Democratic Majority takes control of this body, we will immediately begin to pass legislation that will benefit working families all across our country. Democrats will raise the minimum wage, pass ethics reform, lower the price of higher education and prescription drugs, and repeal the needless tax breaks to big oil all within the first 100 hours of the next Congress.

Madam Speaker, Democrats will turn this do-nothing Congress into a body that works hard for all Americans.

HOMELAND AND BORDER SECURITY

(Ms. SEKULA GIBBS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SEKULA GIBBS. Madam Speaker, I rise today to discuss subjects of homeland security and border security as it relates to my District 22 in Texas, which is Houston, Sugar Land, and Clear Lake. That includes two distinct assets. One is Johnson Space Center, and one is Ellington Fields.

These two important assets require some additional funding that would have been discussed had the process allowed for a little more opportunity. But because of the lack of regular order, they may not be addressed in the continuing resolution that will be brought up either today or tomorrow.

On a positive note, there will be a Predator squadron placed at Ellington Field, but on a more concerning note, we may lose our F–16 jets, which provides excellent homeland security for petrochemical products that are made in our area, the Port of Houston, NASA, and the Texas Medical Center.

It is my hope that these two assets, both Johnson Space Center and Ellington Field, will be adequately funded in the very near future.

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WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1102 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 1102

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 8, 2006.

SEC. 2. It shall be in order at any time on the legislative day of December 8, 2006, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Ms. FOXX). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 1102 waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on this legislative day.

The rule also provides that suspensions will be in order at any time on the legislative day. The resolution also provides that the Speaker or his designee shall consult with the minority leader or her designee on any suspension considered under the rule.

Madam Speaker, we have before us this morning a simple rule that will allow for the consideration of important final measures that must be addressed before we adjourn sine die. Most important is the consideration of the continuing resolution, which will continue funding of the government until February of 2007.

Although I am disappointed this Congress was unable to complete its spending bills for fiscal year 2007, we must consider and pass this continuing resolution before we leave tonight. It is my hope that in future Congresses we can work together with the other body to ensure we finish the appropriating process on schedule and in a fiscally responsible manner.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation considered under this rule is brought to the floor. This rules also allows for consideration of special rules reported on this day.

We are nearing the end of our session, always a chaotic time, and this rule will allow the House to finish its business in a timely fashion. I now ask my colleagues to support this rule so that we may continue the work of the American people in a timely fashion today. Completing consideration of these suspensions and remaining bills ensures that we may accomplish as much as possible in the final days of this Congress, and I encourage my colleagues on both sides of the aisle to support this balanced rule.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank my good friend, the gentlewoman from West Virginia, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, it is disappointing we are adjourning after passing only 2 of the 13 appropriation bills that fund the Federal Government. We should have done better, and clearly we could have done better. Instead, we are leaving this year's unfinished business to the next Congress. That is far from the ideal way of handling our constitutional responsibilities.

Nonetheless, that is a reality, and we will deal with it as such when Congress returns next year under new leadership. But the American people should be assured that such a turn of events will not alter the focus of the next Congress. We will remain focused on the critical priorities of American families, priorities that were made clear in the recent election: a sensible energy policy, affordable health care for working families, reforming prescription drug benefits, honest wages for honest work, increasing homeland security, and responsible oversight of and a change in direction of our policy in Iraq.

I hope those issues will be addressed next year in a bipartisan manner, with open debate and a focus on concrete results for the American people.

The time to deal with those will come soon. The problem before us now is that the Federal Government shuts down at midnight tonight unless we invoke martial law under this rule. It concludes the 109th Congress on a less than satisfactory note, but it is nonetheless necessary.

Madam Speaker, I yield back the balance of my time.

Mrs. CAPITO. Madam Speaker, I have no further speakers, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE U.S.-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1101 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1101

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 1101 allows for consideration of the conference report on House Resolution 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. It provides for a closed rule with 1 hour general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. It waives all points of order against the conference report and against its consideration, and it provides that the conference report shall be considered as read.

The underlying bill is not only an excellent bipartisan bill, but also a tribute to the skill and wisdom of one of the body's most distinguished and respected representatives, the Honorable HENRY HYDE, Chairman of the House Committee on International Relations, a representative from Illinois's Sixth Congressional District for the last 32 years.

It is fitting that this underlying bill is named after Chairman HYDE, in recognition for his long and faithful service and commitment to American ideals as well as nonproliferation activities. Yesterday we had many people pay their respect to this great man, and this is a fitting conclusion with this bill today.

I would also be remiss if I did not also thank the ranking member, Representative LANTOS of California, for his repeated efforts and his strong efforts in pushing this legislation forward and the hard work he also put in, in a dedicated and respected manner, to come up with a truly bipartisan bill and a bipartisan conference report.

We should also thank the conferees for their efforts to come in here with a conference report that is focused, that is clean, that is direct and without extraneous materials added to it. It is one that actually goes to the heart of the issue in a very direct report and is a very good conference report.

To the substance of the bill, which was passed on July 26 of this year by an overwhelming majority, with 359 of our colleagues supporting the bill, it contained a myriad of important measures, beginning with a Sense of Congress Resolution that the preventing of proliferation of nuclear weapons and other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives of United States foreign policy, and that sustaining the Nuclear Nonproliferation Treaty and strengthening its implementation, particularly its verification and compliance, is the keystone of the United States' nonproliferation policy.

We live in an uncertain world where any number of demagogues would pay any price to obtain the technology to inflict pain and suffering on the world's inhabitants.

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Because of that it is important that India's commitment to nuclear nonproliferation and America's commitment is the same, and it makes the world a safer place.

This bill, with additions added by the Senate, and one of those unique elements actually strengthens the overall bill itself. It provides for the administration to report to Congress of its activities in forwarding this particular agreement. It provides for an affirmative response by Congress to that agreement that is there. And it provides for greater control on nonproliferation efforts between both of our countries in this very uncomfortable and unstable world.

I have to commend Chairman HYDE, Ranking Member LANTOS, the entire conference committee that did a wonderful job, excellent work with this particular committee report.

With that, I urge adoption of the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank my colleague from Utah (Mr. BISHOP) for yielding me the time, and yield myself such time as I may consume.

Madam Speaker, I rise today in support of the U.S.-India Nuclear Cooperation Promotion Act. I, too, want to commend Chairman HYDE and Ranking Member LANTOS and the members of International Relations Committee for their work on this. This conference report that comes before us has been signed by all of the conferees, the process has been good, and I support the rule.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I thank my colleague from Massachusetts for yielding me time.

Madam Speaker, I rise in support of the rule and in strong support of the U.S.-India Nuclear deal conference report. I would like to thank Chairman HYDE and incoming Chairman LANTOS for their hard work to help ensure passage of this bill after the agreement was announced. I would also like to thank the House and Senate conferees who negotiated throughout the night to reconcile differences and reach a compromise.

The U.S. has an important strategic partnership with India, and this civilian nuclear cooperation deal is a critical component to a continued successful partnership. The agreement strengthens energy security for the U.S. and India, and promotes the development of stable and efficient energy markets in India to ensure adequate and affordable supplies.

This deal is also the foundation of a promising U.S.-India alliance that will serve as a defense against terrorism and nuclear proliferation. The U.S. has an important stake in ensuring regional stability in South Asia, even as Pakistan continues to produce and test nuclear weapons without proper safeguards.

With the rising power of Communist China in the region and Osama bin Laden continuing to hide in Afghanistan or Pakistan, we need India as our strategic ally. The bill before us today has a new policy that will solidify the U.S.-India bilateral relationship. India has been a responsible nuclear power and deserves to be treated that way.

I urge my colleagues to vote "yes" on both the rule and the conference report.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise to express my concern about the impact that this agreement will have on the state of nonproliferation in the world. The United States has not had a nonproliferation policy, per se. As a matter of fact, if we look at the administration, this administration has moved to build new nuclear weapons called bunker busters. They have moved to discourage efforts at nuclear disarmament. They have, in the first days of their administration, canceled the antiballistic treaty with Russia. This administration does not have a commitment to nonproliferation, and the world knows that.

Iran knows that. That is why it is very difficult for us to be able to simultaneously discourage Iran from acquiring nuclear technology, and at the same time speak to the imperative of a bilateral progress with India.

The United States has to have a consistent policy with respect to nuclear nonproliferation. This country cannot speak out of one side of its mouth and tell Iran and North Korea, don't you dare go in that direction, don't you dare try to acquire nuclear technology, because we cannot see whether you can separate civilian and military, and on the other hand give a blessing to that same kind of an arrangement with a country that, yes, we have a great relationship with; yes, it is the longest and the oldest democracy in the world; yes, there is a lot to be said about the people in the Indian Government being responsible people.

My point here is not in any way to diminish the role that India has in trying to develop social and technological progress in the world, but it is to speak to our responsibility as citizens of the United States to ask: What is the impact of any agreement that we have with India on the rest of the world?

And I would say that with this administration not being willing to talk to Iran with respect to Iran's nuclear ambitions, with this administration not being ready to talk to North Korea with respect to North Korea's nuclear ambitions, this is a dangerous time to be approving such an agreement, because it will be seen as a license to other countries which have nuclear ambitions to proceed whether they are talking to the United States or not.

The imperative of the Nuclear Nonproliferation Treaty at its inception was not to manage proliferation, but it was to do away with all nuclear weapons. Read the treaty. We are at a moment in human history where we have not found a way to be able to resolve our differences without war.

Witness the failed policies of this administration with respect to Iraq. Iraq did not have weapons of mass destruction, but we chose to attract Iraq anyway. Policies of unilateralism, of first strike breed the same kind of policies around the world.

It is premature for us to be promoting an agreement with India when we have not shown the capacity as a Nation to take a direction which prizes diplomacy, which shows that we can use the science of human relations to be able to avert conflict. We have to show a capacity to demonstrate that war is not inevitable; we have not done that.

And so when we are on the threshold of approving a new nuclear agreement with India, notwithstanding our good relations with that country, we cannot do that without looking at the impact that will have on the rest of the world.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, without speaking to the merits of the allegations made by gentleman from Ohio, he should indeed be happy with this particular resolution and conference report coming to us. For not only does it take the country of India that did not sign the Nuclear Nonproliferation Treaty and provide that both the United States and India will work together to try and combine ourselves so we are working within the parameters of that treaty, it also provides for the administration to present any results of their negotiation back to Congress, and forcing Congress to actually take an affirmative approach "yea" or "nay" on the results of those negotiations, which once again will allow all Members of Congress to again have some kind of say in the ultimate process.

I also appreciate once again what the conferees did with this report in trying to narrow the focus down to the specifics of how the United States and India deal together in separating civilian and military uses of this new type of energy, and not trying to expand it into other areas which may indeed make the process much more complex and the questions much more difficult to answer.

Madam Speaker, this once again is a very clean, specific and focused conference report.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Madam Speaker, I rise in strong opposition to the rule and the underlying legislation. When I was a child, this country sold F–15s to Iran so that Iran could be our offset to Soviet power in South Asia. And because we sold F–15s and other arms to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iranian power in the Middle East, and today we have 135,000 troops in Iraq, in part, because of those unwise decisions.

Now, we are told that we should sell nuclear materials to India, which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program as an offset to Chinese power in Asia.

If we approved this deal with India, it would encourage China to increase its nuclear arsenal, and I submit to you that we, that we are one of the potential targets of that enhanced Chinese nuclear arsenal.

Even more worrisome is that an Indian nuclear build-up would further accelerate the Pakistani nuclear build-up. While I have strong confidence in the stability of the Indian Government and in the stability of Indian democracy, I have much, much less faith in the stability of the Pakistani Government and of Pakistani democracy, and of the Pakistani Government's ability to keep under control those nuclear weapons which it already has and the additional weapons it would build because of an Indian nuclear build-up.

If there is a military coup in Pakistan, we should be very, very concerned about the stability of not only South Asia, but of the world. There have been three military coups in Pakistan since its independence in 1947. Rather than approving nonsignatory states like India in violation of nonproliferation treaties, the better course of action is to respect international agreements and immediately bring to the Senate a total ban on nuclear testing and a comprehensive set of treaties to curtail nuclear proliferation.

Back in July, just this summer, there were only 68 of us in this Chamber who voted against approving the legislation to permit sales of nuclear materials to India. I ask more of my colleagues to join me today at this historic moment to prevent adding fuel to the fire of nuclear proliferation in South Asia. This legislation and the following sale of nuclear materials to India blows out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear for this record and for history that the actions of this administration in containing nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation which takes nuclear materials out of the open market which would otherwise be available for sale to terrorists. This administration has failed to support internal treaties limiting nuclear weapon proliferation, and now, and now it has proposed a treaty with India that would sell India nuclear materials, which would result in a nuclear arms race between India and China and between India and Pakistan.

Pakistan is not a stable country. It is already leaking nuclear weapons technology to other countries and groups. Let the RECORD show that if or when a mushroom cloud ever erupts over an American city, that event will be traced back to this unwise vote in the United States Senate and to the boneheaded policy of this administration toward treaty obligations, Nunn-Lugar, and the sale of nuclear materials to India.

Ladies and gentlemen, compared to this legislation, the authorization to go to war in Iraq was a piker. This is the moment to pull back from the brink of a new nuclear arms race.

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Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. Twenty minutes.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Florida for yielding me time.

Madam Speaker, it is with great respect for my good friends I consider this conference report the right start in the face of challenge of nuclear nonproliferation. It is a start. And even though this conference report allows a relationship with India and the United States to pursue civilian nuclear research and investment, this is not the final stop.

There is a responsibility that there is an agreement with the IAEA that the Indian Government must assure that their purposes are for civilian purposes only. We do need to continue the friendship between India, the United States, and Pakistan. And I would much rather affirm the fact that there are two governments who are allies of the United States in the South Asia region, India and Pakistan, and to include both of those countries in our discussions in the war against terror, and as well the isolation of Iran and certainly the resolution in Iraq.

To do so we must show the respect and the friendship that India has shown to us. And so this is an important step.

I might say that this conference report ensures that safeguards in the agreements between India and the International Atomic Energy Agency is finalized before the President can exempt India from certain legal restrictions.

It also provides for end-use monitoring of U.S. exports to India, and as well it strengthens the Nuclear Supplier Group, the group of countries that try to stem nuclear nonproliferation around the world. It helps us, in fact, by having India in the family of nonproliferation, but also having civilian use.

Madam Speaker, I am also glad that my amendment stayed in that I offered in the House, remained in the conference report. And that amendment particularly talks about the fact that there are two important countries in South Asia, and that is India and Pakistan, and that relationships should continue with both of them.

Madam Speaker, this is, in fact, the right start. There is a second chance, and that second chance is the atomic energy agency. We do have the opportunity to maintain our friendship, to pass this legislation, to allow India to do its research in civilian nonproliferation nuclear use, and at the same time provide a buffer for those countries who refuse to adhere to international guidelines. India has shown itself a democracy, shown itself to be a friend, and I would encourage that this conference report be a roadmap, if you will, for ensuring the friendship of the United States with India and Pakistan, and at the same time recognizing the longstanding democracy that India has been.

I believe it is a good step. I think it is a first step. I think that we have the checks and balances that would support the idea that we are not promoting the proliferation of nuclear use; we are helping to provide for the safe nonproliferation use of nuclear devices, particularly in the civilian area.

I thank the Gentleman for yielding, I thank the Rules Committee for making consideration of the conference report to accompany H.R. 5682, the "United States and India Nuclear Cooperation Promotion Act of 2006" in order.

Madam Speaker, the United States' relationship with India and Pakistan is of paramount importance to our nation's political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the nation well in the past, particularly in the South Asia region.

It is important that we are considering this conference report today. I also want to thank my colleagues for adopting my amendment to H.R. 5682. My bipartisan amendment, which was endorsed and co-sponsored by Congressman BURTON, and which was not opposed by either the Majority or Minority of the Committee on International Relations, simply states that the "South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan."

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between India and the United States.

Similarly, Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

I support this Rule, this Bill with my Amendment, and this Conference Report. I urge my colleagues to do the same.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the gentlewoman from Texas for her very articulate expression of what this resolution and this conference report does indeed do, and refocusing the debate on the specifics that brought an unusual harmony together from both sides of the aisle and to a specific report and specific conference report that is here.

Madam Speaker, I reserve the balance.

Mr. HASTINGS of Florida. Madam Speaker, I yield 8½ minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been a leader in this area for some time here in the Congress.

Mr. MARKEY. Madam Speaker, I thank the gentleman very much for yielding me time.

This bill that we are considering is an historic mistake, a mistake which will come back to haunt the United States and the world. India has refused to sign the Nuclear Nonproliferation Treaty. Iran is a signatory to the Nuclear Nonproliferation Treaty.

We are asking the U.N. to isolate Iran, to force it to comply with its signature on the Nuclear Nonproliferation Treaty, not to use civilian nuclear materials in order to create a military nuclear weapon.

What are we doing here today? We are saying to India, you do not have to abide by the Nuclear Nonproliferation Treaty at all. You never signed it, we put it on the books because of India, we know that it created an arms race with Pakistan, and instead of enforcing our own law, our own law, we are now out here going to carve out an exception.

Now, what do the experts say? Well, the experts say that India produces approximately seven nuclear bombs per year, but they have a limited amount of nuclear material. What are we doing? We are going to provide the nuclear materials for their civilian nuclear program so that it will free up their domestic nuclear materials for their weapons program.

What do the experts say? The experts say that is going to increase India's capacity to make nuclear weapons to 40 to 50 nuclear bombs per year. Now, people here say, well, that is fine. Why worry about it? India is a country that we trust. Well, you know who does not trust India? I will tell you who does not trust India: Pakistan does not trust India. Pakistan, the home of al-Qaeda. Pakistan, the home of A.Q. Khan, the nuclear Pied Piper, the nuclear Johnny Appleseed, who spread nuclear weapons material across the world.

Here is what we have learned now: We have learned that Pakistan is constructing its own nuclear weapons manufacturing facility that will increase their capacity from 2 to 3 nuclear bombs per year to 40 to 50 nuclear bombs per year.

Now, the Bush administration, as we all know, has already made a mess of our nuclear nonproliferation policy in North Korea, a mess of our nuclear nonproliferation policy in Iraq, a mess of our nuclear nonproliferation policy in Iran. And the world is now looking at us. Pakistan is looking at us. Iran is looking at us. North Korea, Venezuela, Saudi Arabia, Egypt. How will we handle this challenge on the Asian subcontinent? The answer: We are just going to do away with the Nuclear Nonproliferation Treaty, because that is what this vote will be on the House floor today.

We are just basically saying: It is all over. The rest of the world will not listen to us again. The consequences, the domino effect, the nuclear weapons domino effect begins here, ladies and gentlemen. It begins today. It begins with a policy that says that it is not enough for the United States to have high-tech commerce with India, to have outsourcing of our jobs to India, to have massive increases in diplomatic relations and dozens of other areas with India. No, as a gesture of our friendship with India, we are going to gut our own nuclear nonproliferation policy.

Now, back in the debates of 2004, there was really only one thing that George Bush and JOHN KERRY agreed upon, and that was that the most important issue in the world was nuclear nonproliferation. And here we are on the last day of the Republican era in the United States Congress gutting the most important policy, the policy which has kept the reins imperfectly but significantly on the spread of nuclear weapons over the last generation.

And this is in a way almost the exclamation point on the end of this Republican era, on the Bush administration's efforts to control nuclear weapons. This era will be looked back at as the era where the Bush administration and the Republicans in this Congress said: Anything goes. Anything for trade with India. When asked, we will surrender our nuclear nonproliferation policy.

Pakistan is now in a massive escalation of its nuclear weapons program. Al-Qaeda is headquartered in Pakistan. A.Q. Khan lives in Pakistan in a palace, still not under arrest, still not in prison, his people who helped to spread these nuclear weapons still walking the streets of Pakistan. What kind of administration do we have that instead of saying, we are going to put together a conference that deals with that issue which will threaten us here in the United States, because these materials will escalate massively in the Asian subcontinent.

This is in many ways comical. I mean, it really is comical. We are going to debate the end of the nuclear nonproliferation regime in the United States for an hour on the last day of Congress. It is comical. I am scraping here to get an extra minute out of this paltry amount of time to debate what the consequences are of what we are doing. And so, yeah, this is a going-away present to the Bush administration. There has been such a mismanagement of the nuclear nonproliferation policy over these last 6 years that this probably does represent, in a crazy kind of a way, you know, the final statement.

But I will tell you, we are going to come back and we will rue this day, because the Pakistanis and the Iranians, they are not going to sit on their hands and allow this to happen. They are going to look at us and they are going to say: These Americans, they preach temperance from a bar stool. They are going to say that this is an era of historic hypocrisy, where the United States expects the rest of the world to listen to us when we tell them that they should not pursue nuclear weapons, while we selectively grant exceptions to countries that never signed the Nuclear Nonproliferation Treaty in the first place.

It is a nonsustainable policy. It will come back to haunt us, not today, not tomorrow, but there will be a day in 5 years or 10 years when everyone here today will be able to point back to this moment and say that is the day the historic mistake was made.

Madam Speaker, I rise in strong opposition to this conference report.

For over three decades it has been the policy of the United States to restrict nuclear trade with India. Why? Because in 1974 India violated its pledges to the United States and Canada to use American and Canadian nuclear technologies only for peaceful purposes. Instead, India used our technology to develop and explode a nuclear bomb.

Despite that history, despite the refusal of India to sign the Nuclear Nonproliferation Treaty or to honor its contractual obligations to the United States, this Administration has now undertaken to ignore the past and to ask Congress to approve legislation that will, according to nonproliferation experts from across the political spectrum, enhance India's nuclear bomb-making capacity from 7 bombs a year to over 40 bombs a year.

This is exactly the reverse of what we should be doing if we are serious about reducing the spread of nuclear weapons in the world. In fact, it was India's blatant misuse of peaceful American nuclear technologies for a weapons program that prompted the Congress to radically strengthen our nonproliferation laws. And when we were done with that, we went to our allies and established new international guidelines to prevent any other country from doing what India had done: misusing imported nuclear technologies for a secret weapons program. And now, in an act fraught with hypocrisy, irony, and hubris, the Congress will approve a sweeping exception from our nonproliferation laws for the very country that prompted us to strengthen those laws.

I fully support strengthening American ties with India on trade, high-tech, military cooperation, and so many other issues, but why do we need to gut our nonproliferation laws at the same time? The simple fact is that we DON'T have to gut our nonproliferation laws in order to improve our relationship with India, but the President took us into the nuclear Twilight Zone, instead.

During the Conference, the Bush Administration, reportedly at New Delhi's urging, tried to strip out the few good nonproliferation provisions that the Congress inserted into what is a deeply flawed piece of legislation.

Last week, Secretary of State Condoleezza Rice wrote a letter asking Congress to remove a requirement that India help us prevent Iran from going nuclear. I don't know what the administration was thinking, telling the Congress that we can't ask for India's help on Iran's nuclear program.

I want to thank the gentleman from California (Mr. LANTOS) for fighting to ensure that at least an ongoing assessment of India's cooperation with U.S. and international efforts to curb Iran's nuclear ambitions be performed, both at the time that the formal nuclear cooperation agreement is submitted to Congress and every year thereafter. While the Gentleman and I may disagree on the underlying legislation, I appreciate his efforts, and those of Chairman HYDE, to try to address this issue and to try to mitigate some of the damage that this agreement may do to our nation's nuclear nonproliferation policies.

But the bottom line is that under the President's plan to fuel India's nuclear power reactors, we're going to free up their nuclear material for weapons. And just this summer, we learned that India's arch-rival Pakistan is building a huge new reactor to make nuclear bomb material.

There's a nuclear arms race on in South Asia, and the United States is about to become an accomplice to this arms race.

If we want the rest of the world to stop fueling the proliferation of new nuclear weapons, we had better stop throwing gasoline on the fire ourselves. The India Nuclear Deal is bad for U.S. security. It undermines U.S. nuclear nonproliferation efforts around the world, and it risks fueling an accelerated nuclear arms race in South Asia.

Madam Speaker, this is a watershed moment for the world. If the United States goes soft on nuclear weapons proliferation, the entire world will go soft. Countries which in good faith abstained from nuclear weapons development will have a green light to go ahead following the India-U.S. model. In my view, this is a prelude to catastrophe. I cannot imagine that the House will ever again confront a vote that is so central to our leadership, our standing, our moral authority on the issue of stopping the spread of nuclear weapons. I urge my colleagues to vote against this Conference Report.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of The U.S.-India Nuclear Cooperation Promotion Act. As Chairman HENRY HYDE said earlier in the year in the House Rules Committee, this is the single most important piece of legislation that has come through the International Relations Committee this year and we must do everything in our power to pass it today.

India, the world's largest democracy, and the United States, the world's oldest democracy, must come together and strengthen their friendship. After centuries of an unsteady relationship, there has been a dramatic improvement starting with the Clinton Administration and continuing today.

This bill tells India that we believe in them, and that we want to support them just like they have consistently supported us.

The Civilian Nuclear Initiative will deepen the U.S.-India Strategic Partnership. The initiative reflects U.S. trust in India as a global tactical partner and indicates our admiration for India's democratic traditions, her commitment to tolerance and her commitment to freedom.

I, as well as many of our colleagues, have had the great pleasure of traveling to the country of India on several different occasions. Any person who goes to India recognizes the crucial necessity of clean.

This legislation will provide production of clean energy and can potentially reduce further pollution on the environment through decreasing the dependency on fossil fuels. Civil nuclear cooperation is vital to the development of a clean and safe environment for our Indian friends.

As our distinguished colleague and incoming Chairman TOM LANTOS said in July and no doubt will repeat shortly, India is a nuclear nonproliferator. India has pledged to identify and separate her civil and military nuclear facilities and programs and place the civil portions under IAEA safeguards.

India, America's strongest ally in the Southeast Asia region, is on the verge of an energy crisis. India is the sixth largest energy consumer in the world, but in order to maintain their strong economic growth, India's energy consumption will need to increase substantially.

The facts are astounding, and civilian nuclear cooperation is the only way India's energy can remain secure.

I urge my colleagues to vote for the rule and the underlying bill.

Madam Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, in closing, I would like to urge Members' support of the rule, providing for the consideration of the conference report for this particular piece of legislation. It is a bipartisan bill. It was based in a bipartisan and bicameral fashion, which is a unique combination we have.

It is a nice, harmonious way to actually end this particular session of Congress on something that does move us forward when you focus in on what the bill is actually about, and the issues that are actually handled in this particular report.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule X, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the house is requested, bills of the House of the following titles:

H.R. 482. An act to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 997. An act to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1535. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

S. 1548. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

S. 2030. An act to make permanent the authorization for watershed restoration and enhancement agreements.

S. 2054. An act to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont.

S. 2150. An act to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 2373. An act to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value.

S. 2403. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. Con. Res. 123. Concurrent Resolution providing for correction to the enrollment of the bill H.R. 5946.

□ 1030

RELATING TO CONSIDERATION OF H.R. 6111, TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1099 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1099

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except one motion to amend, which shall be separately debatable for five minutes by the proponent and five minutes by an opponent.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 1099 provides for the disposition of the Senate amendment to H.R. 6111. It makes in order a motion by the chairman of the Committee on Ways and Means to concur in the Senate amendment with the amendment printed in the Rules Committee report accompanying this resolution. This resolution waives all points of order against the motion and it provides 1 hour of debate on the motion, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, it provides one motion to amend which shall be separately debatable for 5 minutes by the proponent and 5 minutes by an opponent.

Madam Speaker, I rise today in support of House Resolution 1099 and the underlying bill, H.R. 6111, which is entitled the Tax Relief and Health Care Act of 2006. Madam Speaker, I also rise today for what will likely be my last time managing a rule, at least perhaps until the 111th Congress. I would like to briefly take this opportunity to thank Speaker HASTERT for allowing me to serve on this prestigious Rules Committee and also I would like to thank Chairman DREIER for his stewardship of the committee in addition to the committee staff who have been there each and every step of the way to assist me and my staff. It has truly been an honor to serve with my colleagues on the Rules Committee and I feel blessed for having had this opportunity to work with all the members, Republicans and Democrats, of this great committee.

Madam Speaker, from the extension of expiring tax credits and the strengthening of health savings accounts, to the exploration of the Outer Continental Shelf and an increase in payments for physician services, this bill provides the Congress with an opportunity to debate and pass a vast array of good policy initiatives. I know there are some who do not agree with the legislative agenda in the closing days of the 109th Congress. Indeed, most on the other side of the aisle have opposed the majority agenda every step of the way, perhaps so they could use the soundbite that this is a do-nothing Congress. However, the Tax Relief and Health Care Act of 2006 is a crucial piece of legislation that must be passed for the sake of taxpayers and their families.

This bill demonstrates our commitment to returning more money to the taxpayers on top of creating more incentives for economic growth, innovation and entrepreneurship. Madam

Speaker, at the end of last year and at the close of this current year, many important tax provisions and incentives will expire, thereby forcing hardworking Americans and their families to shell out more of their hard-earned money to the Federal Government. This bill will extend these expiring provisions through 2007, and it demonstrates our commitment to the American taxpayer and our commitment to fostering entrepreneurship and economic growth.

Specifically, this bill provides teachers with an important and a well-deserved deduction for higher education expenses as well as a deduction for their out-of-pocket classroom expenditures on behalf of their pupils. Our teachers should not be punished by the Tax Code for investing in their students and improving the quality of education in the classroom.

Also, this bill strengthens our rural communities by extending a new markets tax credit to help foster new industries and diversify our local economies.

Additionally, the bill extends the State and local sales tax deduction. This is most important in those States which have no income tax to deduct, but they are burdened with very substantial sales tax levies.

Madam Speaker, this legislation also extends the research and development tax credit. Technological innovation is absolutely vital to America's continued economic growth and prosperity. Without investment in research and development, all innovation and growth would come to a screeching halt, with catastrophic effects on our economy as we continue the fight to try and compete globally. We must do everything that we can to help incentivize research and development so that we keep the United States a leader in business and technological innovation.

Additionally, this bill also extends the welfare-to-work tax credit and the work opportunity tax credit, creating more chances to put people to work and further reduce the Federal welfare rolls. Recognizing our need to reduce energy costs and maximize energy efficiency, this bill also extends various energy tax credits for energy efficient homes and businesses, for methanol and ethanol fuel, and for businesses that produce electricity from solar energy, fuel cells or microturbines.

Also, the underlying legislation provides for the exploration, the development and production activities for mineral resources in the OCS, Outer Continental Shelf. In February of 2006, the Department of Interior released a comprehensive inventory of OCS resources, estimating approximately 8.5 billion barrels of oil and 29.3 trillion cubic feet of natural gas.

Madam Speaker, the combination of energy-efficient tax incentives and increased domestic energy production are integral to reducing our dependence on foreign energy as well as finding new and cleaner ways to produce and use energy. I don't know whether the Iraqi Study Group included this as part of their 79 recommendations, but if they didn't, make this No. 80.

This bill also contains many important bipartisan health care provisions which represent the culmination of many hardworking hours spent by our committee chairs and our leadership on both sides of the aisle, in both chambers. The final product is one that communicates to the American people that Congress is dedicated to addressing the problems in our health care delivery system.

First and foremost, this legislation reverses the scheduled 5.1 percent cut to physician's reimbursements for services rendered to Medicare beneficiaries. In 1997, Congress established this sustainable growth rate formula in an attempt to control part B utilization in the Medicare program by reducing physician fees. Unfortunately, the formula is so inherently flawed and it is estimated that physician reimbursement in the Medicare program will continue to decrease into the foreseeable future. In fact, MedPAC, the Medicare Payment Advisory Committee, has reported that physician payments are expected to be cut by a total of 37 percent over the next 9 years under this SGR formula. With the reality of the impending retirement of the baby boomer generation, the already strained Medicare program will reach a crisis state. By reversing this scheduled cut for one year, 2007, this legislation takes a step in the right direction to protect access to quality health care for our seniors. To state it simply, as a result of these changes, primary care and other physician specialists will be there when our seniors need them.

Madam Speaker, this legislation also includes very important and helpful revisions to current law in regards to health savings accounts. These changes are just another example of the forward-thinking ideas that are needed to reform our health care system. This bill provides more flexibility to individuals by allowing them to roll over assets from flexible health spending accounts and health reimbursement arrangements into health savings accounts.

Health savings accounts are growing in popularity among employers and employees, and when these accounts are coupled with a high deductible catastrophic health plan, they serve as an all-encompassing insurance solution for individuals of all ages and at all stages of life.

America's Health Insurance Plans conducted a study earlier this year that showed that over 30 percent of individuals enrolled in HSAs were previously uninsured. It also showed that one-third of purchasers had incomes of $50,000 or less. This really debunks the naysayers' claim that this choice, this health savings account option, benefits only the wealthy. Nothing could be further from the truth, Madam Speaker.

By tearing through the red tape and allowing people to consolidate and transfer their accounts into the increasingly popular HSAs, more consumers will have access to these insurance plans, putting themselves in the driver's seat of their health care decisions. And when they have skin in the game, both figuratively and literally, they will choose the best and most effective choice from the health care menu.

Madam Speaker, the list goes on as to what this legislation does for health care in America. From ensuring doctors are reimbursed for using the latest treatment therapy for prostate cancer, to extending the therapy caps exception process for an additional year, the Tax Relief and Health Care Act of 2006 continues the much-needed reform of our health care system, and this Republican-led Congress spearheaded this over the last years.

With that, Madam Speaker, I will reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes and I yield myself such time as I may consume.

Madam Speaker, I am disappointed but not surprised that this is how we are ending the 109th Congress. Like I said yesterday, old habits die hard. Once again, we are here on the floor debating an omnibus bill, a smorgasbord, if you will, a bill which cobbles together several bills and other provisions that have absolutely nothing to do with each other.

This process is unfortunate. The Republican leadership is forcing a bill through this body today that includes tax extenders, Medicare payments, offshore drilling and an expansion of the D.C. school voucher program. It is a 279-page bill that is date-stamped yesterday at 1:39 p.m. I wonder how many people in this House, Madam Speaker, have actually had the time to read and research what is in this bill and how it will impact current policy.

☐ 1045

I would say to my colleagues, don't be surprised if in a week or two you pick up your local newspaper and that there is a story about other goodies that are hidden in this bill that we are about to consider today. Sadly, that is what we have come to expect from this Republican leadership.

There are at least four separate bills included in these 279 pages, each of which does a variety of things. First, the tax extenders bill. The tax extenders provisions include things like the R&D tax credit and Work Opportunity Act, just to name a couple. These tax extensions happen every year, are generally bipartisan and noncontroversial, and could and should be passed on their own and considered in the Senate under regular order.

Second, this bill includes Medicare payments to ensure our seniors are able to receive the health care that they have come to expect. The Republican leadership and the Republicans on the Ways and Means committee have known for an entire year about the need to address these Medicare payment issues. They just didn't care enough to act. They should have written a bill and brought it through the committee through regular order, but they just didn't seem to care enough to get it done.

Third, and most problematic, is the offshore drilling bill that has been inserted in this tax bill. This bill passed the House earlier this year but failed to get out of conference, so instead of the Republican House and the Republican Senate doing their job and sending us a conference report, we get instead a bill stuck in with tax extensions and Medicare payments that allows for offshore drilling in the Gulf of Mexico. This bill is as far from a solid, comprehensive energy strategy as we can get, Madam Speaker, and yet another bow to the interests of Big Oil. And that comes as no surprise. That is what the majority has been doing for the past 6 years.

So let's be clear. Opening up these areas of the Gulf of Mexico will have no significant impact on oil and gas prices but it will benefit the oil and gas industry. This is the same industry that used a royalty relief loophole to swindle the American taxpayers out of at least $7 billion in royalties. And it is the same industry that received $7.5 billion in tax breaks in the so-called energy bill, all courtesy of the Republican leadership in this Congress.

Fourth and finally, Madam Speaker, we know there is an expansion of the school voucher program for Washington, DC. Rather than advocate for more money to improve public schools, the Republican leadership has decided to divert funds to unaccountable religious and private schools. This is a highly controversial program that should not be stuffed in a catch-all bill as the Congress is trying to adjourn.

Madam Speaker, I support extending the noncontroversial tax credits and at long last fixing these Medicare reimbursement problems, but I cannot support efforts to open up offshore drilling in the Gulf of Mexico or expand the DC school voucher program. And I certainly cannot support the way the Republican leadership is forcing the House to consider this omnibus bill, under a closed rule, with no time for adequate review or amendment.

Madam Speaker, this is not the way the House of Representatives should be run. This is not the way we should legislate.

I urge my colleagues to vote "no" on the rule and vote "no" on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume. I would just say to my friend from Massachusetts as he bemoans the provision in the bill regarding the provisions that allow for expansion of offshore exploration of natural gas off of the gulf coast States, he is right.

In this body, we have tried to be more comprehensive. That is no reason to oppose what little bit of agreement that we could get from the Senate in regard to an attempt at a comprehensive energy provision. Because of parochial opposition, we were not able to do the same thing off the coast of Florida and California. I indeed and many on my side of the aisle were in favor of that and a more comprehensive, expanded opportunity for domestic production.

And another example I want to point out particularly for the gentleman from Massachusetts, there was a very interesting project off the coast of his State called Cape Wind that would have produced a tremendous amount of energy in the cleanest of clean ways, renewable energy, in that Cape Wind project, but it was parochial opposition from the Members of Congress and possibly the State legislature in the State of Massachusetts that did not permit that project to go forward.

So we have to deal with those. It is understandable, we can understand the opposition even though passage would be for the greater good of the entire country, but we do what we can do. There are very, very many energy provisions in this bill, a lot of tax credits to try to incentivize the use of cellulosity of products and biofuel to produce methanol and ethanol. And so I think we have a very good, comprehensive project here.

With that, Mr. Speaker, I will reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, just so I can correct the record, I should tell the gentleman from Georgia that the Cape Wind project has not been blocked. And, in fact, those of us in Massachusetts, in New England, understand the need for increased energy and right now are working with our Governor to try to find an adequate location for a new LNG facility.

So it is incorrect to say that that Cape Wind project has been blocked.

Our problem here is that the energy policy of this Republican leadership is like going to the dentist. It's drill, drill, drill, drill. Those of us who believe that we should be pursuing alternative, renewable, safe and clean sources of energy are frustrated that those on the other side are all talk and no action. We have an opportunity to end our dependence on foreign oil. We have an opportunity to create a whole new energy economy based on renewable energy sources, and we have not been given the help or the support from this Congress or from this President. So that is what we are frustrated about. And also the constant giveaways to the oil companies who have gourged and who have ripped off the American taxpayer. It is obscene that in the energy bill over $7 billion in tax subsidies and tax breaks have been given to the oil industry. We need to change our direction.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Massachusetts and also join in the remarks that he made.

I rise to express my strong opposition to the rule and my serious concerns about the substance of the bill we are about to consider. First off, we are considering complex pieces of legislation that affect a wide variety of U.S. policies and we are doing so after getting only a few short hours to read the actual bill text. I suppose we shouldn't have expected more from this Congress, but it is still reprehensible that the Republican leadership has chosen to throw so many bills together at the very end of the session without giving Members the opportunity for amendments.

I will say that on behalf of the doctors and patients in my district, I am glad to see that Congress is taking action to avert a drastic 5.1 percent cut in Medicare payments to physicians. It is a shame, however, that we have to wait until the end of the last week of this Congress in order to address a problem we saw coming from far away. What really needs to be done is a permanent fix that will avoid Congress from having to correct the Medicare reimbursement rate on an annual basis. If doctors face annual cuts, seniors may lose access to physician services, and that is why it is important to permanently fix the formula by which we pay physicians under Medicare.

On the other hand, I strongly oppose the offshore drilling language in this bill. It is inconceivable given what we know about our current energy problems and the looming threat of global warming that we are considering another proposal to do nothing more than drill, drill, and drill as the gentleman from Massachusetts said. I have said many times before, the United States consumes a quarter of the world's oil but contains only 3 percent of the world's known reserves. There is simply no way we can drill our way out of our dependence on foreign oil. What we need instead is a more comprehensive solution that focuses on increasing the efficiency of our cars, our homes and businesses and promotes the use of clean, renewable technology. We see more and more evidence every day that our dangerous addiction to fossil fuels is threatening our national security, causing volatile prices at the pump and exacerbating global warming. Instead, we are given the choice of more oil rigs in offshore waters which is little more than a sop to the oil and gas industries that have gotten so many favors already from this Congress. Apparently, the Republican leadership can't help giving them one more favor as they go out the door.

It is my sincere hope, Mr. Speaker, that next year we can start this process over and work in a bipartisan fashion on legislation to address all these issues. I hope Members realize that next year the new Democratic Congress will not resort to such tactics as the rule we are dealing with today and will choose to deal with important matters such as energy legislation and physician payment schedules in a timely and rational manner.

I strongly urge my colleagues to vote "no" on this ill-conceived rule.

Mr. GINGREY. Mr. Speaker, I yield to myself 30 seconds before yielding to the gentlewoman from North Carolina just in response to my good friend from New Jersey. What a welcome relief to hear him say that as they ascend to the majority in the 110th Congress that he is going to fix permanently this physician shortfall.

As I said in my opening remarks, we are estimated by MedPAC that over the next several years we are going to have a 37 percent decrease in physician payments to permanently fix, CBO and OMB estimates, a $150 to $200 billion cost over 10 years. So it will be interesting to see how our friends on the other side of the aisle pay for that, but I am glad that they are going to step forward to the challenge.

At this point I want to yield to my good friend from North Carolina (Ms. FOXX) for 2 minutes.

Ms. FOXX. Mr. Speaker, I thank my colleague from Georgia for yielding me this time.

As I was reading through the 279 pages of this bill last night, on page 148 I stumbled across division B, title I, section 111. It was here I found a provision that seemed rather obscure but turns out to be a part of the bill that is required to be there by the Senate minority leader for the bill to pass. This section contains a redesignation for a hospice satellite program, specifically Medicare provider number 29-1511. Apparently, this redesignation would allow the facility to exceed its reimbursement cap, which sounds an awful lot like an earmark to me. I understand this program is located in Nevada and the provision was advocated by the Senate minority leader, a constant and vocal critic of hiding earmarks. The public often wonders how these unusual things get funded by the government. The reason is because the language is written like this:

"Notwithstanding any other provision of law, for purposes of calculating the hospice aggregate payment cap for 2004, 2005, and 2006 and for a hospice program under section 1814(i)(2)(A) of the Social Security Act (42 U.S.C. 1395f(i)(2)(A)) for hospice care provided on or after November 1, 2003, and before December 27, 2005, Medicare provider number 29-1511 is deemed to be a multiple location of Medicare provider number 29-1500."

It is clear this agency has violated the rules for at least 3 years and the minority leader is bailing it out with an earmark, those horrible things that the minority party has taken such objection to in the past few months. However, now that they have used the subject to win a majority, they continue to use the practice. We are castigated for not passing budgets and other bills, but one reason has been the minority leaders often demand earmarks. Furthermore, they demand that their fingerprints not be on those earmarks.

I think it is important that we point out the double standard practiced by the minority leadership.

□ 1100

Mr. McGOVERN. Mr. Speaker, the gentlewoman from North Carolina has made the case more eloquently than I could possibly make the case about the need to have a more open process and the need to follow regular order. If she objects to earmarks and certain provisions in the bill, she should have the opportunity to be able to introduce amendments to strike some of these provisions. If we followed a regular process that had some integrity in this Congress, then I think all of us here could be confident that the final product on some of these pieces of legislation are things that we can be proud of.

Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say that there is a kinship with many of my colleagues about the necessity of regular order. In the best of all worlds, we would have had a number of days to debate many of the very pithy and challenging issues that are in this particular rule that now will, ultimately, if this rule pass, will bring up any number of issues that require our thoughtful deliberation.

But I would say that we are in the waning hours of the 109th Congress, and we look forward to a new day when the light of day will shine on issues dealing with conservation, dealing with the right relationship between patient and physician and the payment of their services and, yes, when we address the question of tax relief for people who really, really need it.

I want to rebut Lou Dobbs' attack on the middle class and say that we stand for working Americans. And so I believe that there is a great need for some of the aspects of this legislation. We need the college tuition deduction extension. We need the State sales tax exemption for States who do not have State income tax, but the burden of taxation falls unfairly on those who are least able to pay it because they pay a high sales tax. We need the welfare-to-work tax credit, and we certainly need the tax that relieves teachers who pay their own money for books and supplies for children in inner-city and rural schools. I know it firsthand because my daughter, as a teacher, had to go in, because she desired to do it, and take her resources so her class could have an enthusiastic and challenging way of learning. These are vital aspects of what needs to be done.

And then, who has not heard from their doctor who wants to do what is right in rural and urban areas who cannot get the complete respect, if you will, of CMS by the cuts in their Medicare payments every single year. We need this stability, this fund, that will help bring about stability in the payments to physicians.

My friends, not only are we losing medical students in medical schools, meaning that the numbers are declining, doctors are giving up the ship, and they are doing it because we have not been fair to them.

And now, of course, I am from Texas, and I believe in conservation. I had hoped that when we were talking about energy legislation, the President would open the door on conservation here in the United States. But let me tell you what this sharing of revenue is all about. It is not a giveaway. It is not a throwaway. I recognize that when we talk about the energy industry, we are certainly talking about those that cannot win a popularity contest. But we have got to address the question of coastal restoration. This is a key element to protecting the coastal line, not for the coastal States but for America.

Do you want to see the ticking clock on what we have now expended for those folk in Louisiana who are still in need? My visit to Louisiana tells me that they are still in troubling times. People can't go home. Homes are not restored. But we are spending billions and billions of dollars for the most catastrophic evacuation and tragedy that we have seen most in the history of the United States.

The coastal lines have deteriorated. The wetlands have deteriorated. And what this revenue sharing will do, in the exploration of the Outer Continental Shelf, it will provide it revenue to protect the coastal line.

My understanding is that our friends from Florida, at least those who have engaged in this discussion, believe that there is sufficient protection for them as well. We did not ignore the concerns of coastal States. But it is imperative that, one, we engage in conservation, but we also engage in safe, environmentally safe exploration of natural gas.

We are going to dispute this. We are going to disagree. We are going to castigate. We are going to suggest that we are falling victim to those who want to explore. We are going to be called the, if you will, explorer and giveaway on this particular bill.

I would have preferred a more thorough, ongoing debate on this question. But I believe this is the right way to go right now. We have got to provide the resources for the restoration of those coastal areas. We have got to provide an environmentally safe way of exploration. We have got to have some domestic production. And LNG, or the natural gas production that is going on and has the ability of being done in the Outer Continental Shelf is vital for the aspect of conservation and energy independence of the United States of America. I ask my colleagues to support this rule and the underlying bill.

Mr. Speaker, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill and the process with which this bill has arrived on the House floor, I nevertheless support it as a step in the right direction of America achieving energy independence. I think many of us in the House would agree that the issues central to this bill, the future of energy exploration. off of our gulf coastlines, deserves more time for deliberation, debate, and a process for amendment. Some of these amendments which were incorporated into H.R. 4671 include my amendments which supported minority-serving universities and minority-owned businesses. These very important provisions were designed to ensure that sectors of our Nation and economy which are often overlooked, namely, minority-serving institutions and minority-owned business, were given an opportunity to benefit from and compete for the opportunities afforded in this bill.

Nevertheless, I still support H.R. 6111 because it is a step in the right direction, a step towards energy independence, and a step away from being eternally beholden to foreign sources of oil. Moreover, this step includes an integral revenue sharing formula which ensures that 37.5 percent of the revenue from new areas of production and new leases go towards gulf producing States. Furthermore, 20 percent of the revenue allocated to gulf producing States must be allocated to the State's coastal subdivisions to be used for the purposes of: coastal protection, conservation, coastal restoration, hurricane protection, protecting coastal wetlands, and mitigating damage to fish and wildlife. In addition, 12.5 percent of the revenue will be allocated to the Land and Water Conservation Fund, which ensures that the environmental impact of offshore drilling will be monitored, managed, and regulated to ensure that our coasts are protected.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. Although energy is the lifeblood of America's economic security, this growing and dangerous dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one-third of America's trade deficit. Through this bill, America could improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, I support the efforts that this bill makes to recognize State stakeholders and incorporate their interests in revenue sharing.

According to the U.S. Minerals Management Service, MMS, America's deep seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas—the U.S. consumes 23 TCF per year—and 86 billion barrels of oil—the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion—and countless American jobs—overseas every year for energy we can create at home.

In some cases, the U.S. is facing much-higher energy prices than other countries. Natural gas, for example, is as much as ten times more expensive in the United States than it is in foreign nations. This fact alone has led to the loss of hundreds of thousands of high-paying American jobs, as natural gas-dependent factories are forced to close their doors and move overseas in search of more affordable energy. The outsourcing of American jobs is an issue of central importance to me and my constituents, and I believe this bill is a step in the right direction of bringing jobs back to hard-working Americans.

Regarding the physician payment adjustment portion of this bill, beginning January 1, 2007, payments to physicians who treat Medicare patients will be cut 5.0 percent. Over the next 9 years, Medicare's trustees are projecting a total of 40 percent in Medicare payment cuts to physicians. If the January 1 cut is imposed, the average physician payment rate, accounting for increases in the cost of running a practice, will be less in 2007 than it was in 2001. This bill will eliminate that cut for at least 1 year. We certainly need to do more.

The Medicare sustainable growth rate, SGR, formula, used in establishing payment rates under the physician fee schedule under the Medicare program, resulted in significant payment cuts to physicians and health care professionals in 2002. These cuts were for doctors only, not for hospitals or other medical facilities.

The Medicare SGR formula would have resulted in payment cuts to physicians and health care professionals in 2003, 2004, 2005, and 2006 had Congress not intervened.

According to the Medicare Payment Advisory Commission, MedPAC, and the board of trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

MedPAC is very well respected and a recognized authority on Medicare and healthcare issues. It does not support the impending payment cuts and is concerned that such consecutive annual payment cuts would threaten access to physician services over time, particularly primary care services.

MedPAC has raised concerns over current payment policies that may discourage medical students and residents from becoming primary care physicians because many Medicare beneficiaries rely on primary care providers for important health care management.

According to a 2006 American Medical Association survey, if payment cuts to physicians under the Medicare program go into effect: Half of physicians plan to decrease the number of new Medicare patients they accept; half of physicians plan to defer the purchase of information technology; 1 in 3 physicians who treat patients living in rural communities will discontinue rural outreach services; and almost half—43 percent—of physicians will decrease the number of new TRICARE patients they accept.

The annual actions by Congress that have overridden the Medicare SGR formula have only resulted in instability and unpredictability for physicians, health care professionals, seniors, and individuals with disabilities. It does not solve the long-term systemic problem of rising costs.

Stable, positive updates under the Medicare physician fee schedule that accurately reflect medical practice cost increases are vital for encouraging and economically supporting physicians' ability to make the significant financial investment required for health information technology and participation in quality improvement programs.

A stable payment system for physicians is critical to preserve Medicare beneficiaries' access to high-quality health care.

We cannot in good conscience establish barriers for doctors and health care professionals to surmount in order to continue to provide access to high-quality Medicare services for all Medicare beneficiaries. Congress must halt the impending January 1 cuts and develop an alternative payment system that accurately reflects the costs of providing care to Medicare beneficiaries.

The biggest single flaw is that this payment schedule rubric recently announced by CMS has no connection to the actual cost of providing patient care. Starving doctor's practices will not decrease healthcare prices, or change unethical behavior. It will drive doctors out of business who are desperately needed to provide care to our elderly.

In conclusion, I urge my colleagues to support H.R. 6111 as a step in the right direction towards securing energy independence and ensuring that Gulf Coast States share in the revenue from new areas of production while protecting our environment.

Mr. GINGREY. Mr. Speaker, I yield myself 1½ minutes.

I thank the gentlewoman from Texas. She started her discussion by saying that this bill has kind of been rushed through in the dark of night and there hasn't been an opportunity to study the details of the bill. But as a hard-working Member of this body, the gentlewoman from Texas clearly has had sufficient time to look at all those provisions, that litany of provisions, those line items that she went through and endorsed wholeheartedly because of the compassion that she has got in regard to the education of our children and public schools, the provisions in there that help to continue to rebuild the Gulf Coast States, one of which of course is her great State of Texas, and what that expanded ability to obtain natural gas in the Gulf of Mexico, what that means to the State of Texas and Louisiana, Alabama and Mississippi. So, while she was decrying that the bill was rushed through and she doesn't understand it, I am glad to know that she fully understands it and endorses it. And I guess if she had more time she would have gone on and listed some other provisions that she is in favor of, and I thank her for that.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, it is outrageous what this Congress is about to do. This Congress is voting on a sorely needed adjustment to reimbursement rates for physicians that is very important to my home State, Florida, and the entire country.

But as part of that, the Congress is also being forced to vote on opening up 8 million acres in the Gulf of Mexico to drilling, which threatens the environment and the economy in the State of Florida. There has not been a single hearing in the U.S. House of Representatives, in the State of Florida, anywhere in the country, on the implications to the environment, the economy, the Florida beaches, not just a State treasure, a national treasure, opening this area up for drilling.

And what's at stake? What's at stake is this drilling is going to occur in a part of the Gulf of Mexico where the currents, the tides, the wind and the slew of hurricanes that we know all plague this part of the country could bring disaster to Florida in the event of a spill.

Now, reasonable people will disagree on the probability of a spill. But we should at least have an open and honest debate as to those facts and the serious implications to the State of Florida if there is a spill, because there has been evidence I have put in this RECORD from public hearings in Florida, from experts, that if there is a spill out in the Gulf of Mexico, this current could easily bring this oil spill into the west coast of Florida, my home, the Florida Keys, a national treasure, even to the east coast of Florida.

And why are we doing this? For 60 days of oil for the country and 97 days of natural gas one State, the State of Florida, is being put at risk, also, at a time where there are over 4,000 leases currently in effect for the oil and gas industry that are not being tapped.

As a matter of fact, 80 percent of the known oil and gas reserves on the Outer Continental Shelf are already available for lease exploration and drilling. And yet, on the last day of this Congress, this Congress forces the American people, the United States Congress, who want relief for physicians and their patients, to be forced to open the Gulf of Mexico up to 8 million acres of drilling.

Now, what should happen instead? This rule should be defeated. This Congress should come back next year and have a comprehensive energy bill.

Should Florida support drilling in the Gulf of Mexico? Of course we should. We should be part of the national solution, but only after an open and honest debate to make sure that Florida's environment and our economy is protected, to make sure that drilling is part of a comprehensive bill that includes stronger, smarter fuel efficiency standards for cars and trucks, emphasis on renewables and alternative fuel. That is the responsible approach, not just for the State of Florida, but for the country.

So I would urge defeat of this rule, and let's go back and take up this issue in a fair way, not just for the State of Florida, but for the entire country.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute in response to the gentleman from Florida.

I'm sure the gentleman from Florida had a number of occasions over the last year to give that speech throughout the State of Florida, and I appreciate his position on this issue.

But I want to point out to him that of the Gulf Coast States, those four States of Alabama, Mississippi, Texas, Louisiana, we have seven Republican Senators, and that we have three Republican Governors, three out of four. Seven out of eight.

But when this bill was debated in the Senate, the vote was 71-25, and I remind the gentleman from Florida that there are only 55 Republican Senators in the other body. I can only say that Governor Blanco and Senator LANDRIEU must be awfully persuasive. This was a strong bipartisan support in the Senate, and I would guess it will have strong bipartisan support, including these provisions in regard to gas exploration in the Gulf of Mexico. It doesn't involve Florida or California.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the gentleman from Massachusetts has already pointed out to the gentleman from Georgia that we in Massachusetts and all the rest of the States that aren't involved in this raid on the Federal treasury, are interested in putting together a real comprehensive energy policy for our country. But we have been excluded from this debate, over the 6 years of the Bush/Cheney secret energy task force, of any considerations for environmental consumer conservation-related issues. And this final bill, which comes out here on the floor, is the exclamation point on the Bush Republican energy policy.

In this bill, believe it or not, and it is staggering, we are going to allow, as the gentleman from Florida just pointed out, massive new drilling for oil and gas on Federal lands. Now, the States of Texas, Louisiana, Alabama and Mississippi will derive $170 billion. That is right; $170 billion worth of revenues from this drilling.

Now, the risk runs to Florida. We have a huge Federal deficit, which we are constantly lectured about from the White House and from the Republican side. But this will drain another $170 billion. The other 46 States in the Union, if they vote for this bill, they deserve to be lectured to on deficit reduction. But if you come from one of these four States, this is the proudest moment you will ever have in your tenure here in the House of Representatives. If you can convince 46 States to give you $170 billion as part of this Outer Continental Shelf drilling, you will never have an achievement bigger than this. If you are one of the other 46 States, you should hang your head in shame.

And, by the way, this Congress has already appropriated $80 billion to help the States which have been affected by Hurricane Katrina.

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We will vote for more, if necessary, to help the States affected by Hurricane Katrina, $80 billion already. But don't come to us and tell us that we should shift the whole formula for who receives benefits from drilling on Federal lands and give it over to four States.

Now, to the credit of the Rules Committee, and I thank the gentleman from Massachusetts and the other Democratic Members of the Rules Committee, and I also thank the leadership from the Republican side, they have actually put in order, as part of this bill, an amendment which will be voted upon here out on the House floor.

That amendment is one that has already passed the House back in May. It passed overwhelmingly: 252 of us voted for it. That amendment calls for the renegotiation of the leases that were let back in the 1990s that actually, believe it or not, do not require royalties to be paid for by ExxonMobil or other oil and gas companies. When the price of a barrel of oil goes to $50, $60, $70 a barrel, they don't even have to pay royalties to the American people for drilling on public lands. It is all windfall profits.

The amendment which we will have out here to vote upon later today will require a renegotiation of all of those contracts so that the Federal taxpayer gets the benefit of the royalties and drilling on public lands when they go above $30 and $40 and $50 and $60 and $70 a barrel, and they at least will reclaim $10 or $20 billion worth of revenues that are strictly going into the pockets of the oil and gas companies right now.

Right now, those oil and gas companies are tipping the American taxpayer upside down, shaking money out of their pockets, and putting it into the pockets of their own shareholders. That money should be used to reduce the Federal deficit, to pay for Medicare, for Medicaid, for educational programs.

I thank the Rules Committee for putting that amendment in order. I urge the Members of Congress to support that amendment.

By the way, one other bonus benefit to the Members out here, that amendment also gives a 1-year extension on relief from the alternate minimum tax. It is a good amendment. I thank the gentleman for making that possible.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

My able staff has just presented me with some fairly interesting statistics. I just said in my previous remarks that the vote on the Senate side was 71–25. Included in the 71 "yea" vote for this exploration off the gulf coast were 17 Democrats. The interesting thing about this is one of those is the incoming majority leader of the Senate, HARRY REID of Nevada, and Senator CLINTON from New York, a Senator of some prominence in a neighboring State to Massachusetts, and last, but not least, Senator NELSON from the great State of Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me close for our side here, once again reiterating that this is a lousy process, and that it is really unfortunate that the Republican leadership has decided to meld together provisions, some of which have broad bipartisan support, with a provision on this offshore drilling that is extremely controversial, that some of us believe will do great damage to the environment, and as my colleague from Florida has pointed out, poses potential risks for the State of Florida. This is not the way this should be done.

We should have a more open process. We should have regular order. We should have hearings. We should have committee markups. We should do this the right way. Unfortunately, a pattern has developed under this Republican leadership where process and rules haven't mattered, and that is, indeed, unfortunate. We need to do better, not just for the sake of this institution, but we need to do better for the American people.

I hope that in the next Congress that we will set a new standard, one that we can all be proud of, Democrats and Republicans together.

Having said that, Mr. Speaker, let me also take this opportunity to say that notwithstanding the fact that I think this is a lousy process, I have great respect for the gentleman from Georgia, who is departing from the Rules Committee. It has been a privilege to serve with him. I have enjoyed debating with him and listening to his perspective. There is not very much we agree on, but having said that, we have, I think, had a good relationship, a collegial relationship, and a respectful relationship. The committee will not be the same without his voice and without his insight, so I want to thank him.

Mr. Speaker, I again urge people to vote "no" on the rule and on the final bill because of the way it has been messed up.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I want to thank my good friend JIM McGOVERN for those kind remarks. The feeling is indeed mutual. I certainly have enjoyed serving with him and all the members of the Rules Committee on both sides of the aisle, and I thank him for his kind remarks.

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1099.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, in closing, I rise again in support of this rule and in recognition of the importance of the underlying bill. I do want to take this opportunity in closing to recognize the hard work and efforts of Chairman THOMAS and Chairman BARTON, as well as their respective committees, for the final product that we have before us today.

Also, Mr. Speaker, I want to recognize and thank Chairman THOMAS for his decades of service to this House and the people of his district, as well as Americans all across this Nation.

BILL THOMAS, a brilliant professor from Bakersfield, has truly been a leader across the board, and his expertise and devotion of 28 years of service across this country will truly be missed.

Mr. Speaker, the Tax Relief and Health Care Act of 2006 is a very important piece of legislation that positively impacts each and every American by fostering economic growth, driving innovation, increasing our energy supply, and improving the quality of health care in this country. As the 109th Congress draws to a close, and the minority prepares to become the majority, I believe that we must work together to produce legislation like this that recognizes the fact that when the government gets out of the way, Americans can do what they do best, and that is what is best for America.

I want to encourage all of my colleagues to support this rule and support the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, as amended.

The Clerk read as follows

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits, Health Care, and Information Technology Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

Sec. 101. Agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—HEALTH MATTERS

Sec. 201. Additional mental health providers.
Sec. 202. Pay comparability for the Chief Nursing Officer, Office of Nursing Services.
Sec. 203. Improvement and expansion of mental health services.
Sec. 204. Disclosure of medical records.
Sec. 205. Expansion of telehealth services.
Sec. 206. Strategic plan for long-term care.
Sec. 207. Blind rehabilitation outpatient specialists.
Sec. 208. Extension of certain compliance reports.
Sec. 209. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.
Sec. 210. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.
Sec. 211. Modifications to State home authorities.
Sec. 212. Office of Rural Health.
Sec. 213. Outreach program to veterans in rural areas.
Sec. 214. Pilot program on improvement of caregiver assistance services.
Sec. 215. Expansion of outreach activities of Vet Centers.
Sec. 216. Clarification and enhancement of bereavement counseling.
Sec. 217. Funding for Vet Center program.

TITLE III—EDUCATION MATTERS

Sec. 301. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.
Sec. 302. Restoration of lost entitlement for individuals who discontinue a program of education because of being ordered to full-time National Guard duty.
Sec. 303. Exception for institutions offering Government-sponsored nonaccredited courses to requirement of refunding unused tuition.
Sec. 304. Extension of work-study allowance.
Sec. 305. Deadline and extension of requirement for report on educational assistance program.
Sec. 306. Report on improvement in administration of educational assistance benefits.
Sec. 307. Technical amendments relating to education laws.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

Sec. 401. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.
Sec. 402. Provision of Government markers for marked graves of veterans at private cemeteries.
Sec. 403. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.
Sec. 404. Removal of remains of Russell Wayne Wagner from Arlington National Cemetery.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

Sec. 501. Residential cooperative housing units.
Sec. 502. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.
Sec. 503. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

Sec. 601. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.
Sec. 602. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.
Sec. 603. Performance incentive awards for employment service offices.
Sec. 604. Demonstration project on credentialing and licensure of veterans.
Sec. 605. Department of Labor implementation of regulations for priority of service.

TITLE VII—HOMELESS VETERANS ASSISTANCE

Sec. 701. Reaffirmation of national goal to end homelessness among veterans.
Sec. 702. Sense of Congress on the response of the Federal Government to the needs of homeless veterans.
Sec. 703. Authority to make grants for comprehensive service programs for homeless veterans.
Sec. 704. Extension of treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 705. Extension of authority for transfer of properties obtained through foreclosure of home mortgages.
Sec. 706. Extension of funding for grant program for homeless veterans with special needs.
Sec. 707. Extension of funding for homeless veteran service provider technical assistance program.
Sec. 708. Additional element in annual report on assistance to homeless veterans.
Sec. 709. Advisory Committee on Homeless Veterans.
Sec. 710. Rental assistance vouchers for Veterans Affairs supported housing program.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

Sec. 801. Authorization of fiscal year 2006 major medical facility projects.
Sec. 802. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.
Sec. 803. Authorization of fiscal year 2007 major medical facility projects.
Sec. 804. Authorization of advance planning and design for a major medical facility, Charleston, South Carolina.
Sec. 805. Authorization of fiscal year 2006 major medical facility leases.
Sec. 806. Authorization of fiscal year 2007 major medical facility leases.
Sec. 807. Authorization of appropriations.

Subtitle B—Facilities Administration

Sec. 811. Director of Construction and Facilities Management.
Sec. 812. Increase in threshold for major medical facility projects.
Sec. 813. Land conveyance, city of Fort Thomas, Kentucky.

Subtitle C—Reports on Medical Facility Improvements

Sec. 821. Report on option for medical facility improvements in San Juan, Puerto Rico.
Sec. 822. Business plans for enhanced access to outpatient care in certain rural areas.
Sec. 823. Report on option for construction of Department of Veterans Affairs Medical Center in Okaloosa County, Florida.

TITLE IX—INFORMATION SECURITY MATTERS

Sec. 901. Short title.
Sec. 902. Department of Veterans Affairs information security programs and requirements.
Sec. 903. Information security education assistance programs.

TITLE X—OTHER MATTERS

Sec. 1001. Notice to congressional veterans committees of certain transfers of funds.
Sec. 1002. Clarification of correctional facilities covered by certain provisions of law.
Sec. 1003. Extension of authority for health care for participation in DOD chemical and biological warfare testing.
Sec. 1004. Technical and clerical amendments.

Sec. 1005. Codification of cost-of-living adjustment provided in Public Law 109–361.
Sec. 1006. Coordination of provisions with Veterans Programs Extension Act of 2006.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

SEC. 101. AGENT OR ATTORNEY REPRESENTATION IN VETERANS BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 is amended—

(A) by inserting "RECOGNITION.—(1)" after "(a)";

(B) by striking "The Secretary may recognize" and inserting "Except as provided in paragraph (4), the Secretary may recognize";

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraphs:

"(2) The Secretary shall prescribe in regulations (consistent with the Model Rules of Professional Conduct of the American Bar Association) qualifications and standards of conduct for individuals recognized under this section, including a requirement that, as a condition of being so recognized, an individual must—

"(A) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims;

"(B) have such level of experience or specialized training as the Secretary shall specify; and

"(C) certify to the Secretary that the individual has satisfied any qualifications and standards prescribed by the Secretary under this section.

"(3) The Secretary shall prescribe in regulations requirements that each agent or attorney recognized under this section provide annually to the Secretary information about any court, bar, or Federal or State agency to which such agent or attorney is admitted to practice or otherwise authorized to appear, any relevant identification number or numbers, and a certification by such agent or attorney that such agent or attorney is in good standing in every jurisdiction where the agent or attorney is admitted to practice or otherwise authorized to appear.

"(4) The Secretary may not recognize an individual as an agent or attorney under paragraph (1) if such individual has been suspended or disbarred by any court, bar, or Federal or State agency to which the individual was previously admitted to practice and has not been subsequently reinstated.

"(5) The Secretary may prescribe in regulations reasonable restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department. A fee that does not exceed 20 percent of the past due amount of benefits awarded on a claim shall be presumed to be reasonable.

"(6)(A) The Secretary may charge and collect an assessment from an individual recognized as an agent or attorney under this section in any case in which the Secretary pays to the agent or attorney, from past-due benefits owed to a claimant represented by the agent or attorney, an amount as a fee in accordance with a fee arrangement between the claimant and the agent or attorney.

"(B) The amount of an assessment under subparagraph (A) shall be equal to five percent of the amount of the fee required to be paid to the agent or attorney, except that the amount of such an assessment may not exceed $100.

"(C) The Secretary may collect an assessment under subparagraph (A) by offsetting the amount of the fee otherwise required to be paid to the agent or attorney from the past-due benefits owed to the claimant represented by the agent or attorney.

"(D) An agent or attorney who is charged an assessment under subparagraph (A) may not, directly or indirectly, request, receive, or obtain reimbursement for such assessment from the claimant represented by the agent or attorney.

"(E) Amounts collected under this paragraph shall be deposited in the account available for administrative expenses for veterans' benefits programs. Amounts so deposited shall be merged with amounts in such account and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts otherwise in such account.".

(2) SUSPENSION OF RECOGNIZED REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(3) SUSPENSION OF INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(B) by adding at the end the following new subsection:

"(b) SUSPENSION.—An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 is amended—

(1) by inserting "SUSPENSION OF AGENTS AND ATTORNEYS.—" after "(b)";

(2) in paragraph (4), by striking "or" at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) has presented to the Secretary a frivolous claim, issue, or argument, involving conduct inconsistent with ethical standards for the practice of law;

"(7) has been suspended or disbarred by any court or bar to which such agent or attorney was previously admitted to practice, or has been disqualified from participating in or appearing before any Federal agency, and has not been subsequently reinstated;

"(8) has charged excessive or unreasonable fees, as determined by the Secretary in accordance with subsection (c)(3)(A); or

"(9) has failed to comply with any other condition specified in regulations prescribed by the Secretary for purposes of this subsection.".

(c) MODIFICATION OF DATE FOR COMMENCEMENT OF SERVICES SUBJECT TO FEES.—

(1) MODIFICATION.—Effective as provided in subsection (h), paragraph (1) of subsection (c) of such section is amended—

(A) by striking "the Board of Veterans' Appeals first makes a final decision in" and inserting "a notice of disagreement is filed with respect to";

(B) by striking the second sentence; and

(C) in the third sentence, by inserting "fees charged, allowed, or paid for" before "services provided".

(2) REPORT.—Not later than 42 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report that sets forth an assessment of the effects of allowing agents and attorneys recognized under section 5904 of title 38, United States Code, to charge a fee to a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department of Veterans Affairs after a notice of disagreement has been filed. Such report shall include the recommendations of the Secretary with respect to agent and attorney representation.

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Effective as provided in subsection (h), paragraph (2) of subsection (c) of such section is amended—

(1) by striking "after the Board first makes a final decision in the case" and inserting "after a notice of disagreement is filed with respect to the case";

(2) by striking "with the Board at such time as may be specified by the Board" and inserting "with the Secretary pursuant to regulations prescribed by the Secretary"; and

(3) by striking the second and third sentences.

(e) ATTORNEY FEES.—Subsection (c) of such section is further amended—

(1) in paragraph (1), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Secretary may, upon the Secretary's own motion or at the request of the claimant, review a fee agreement filed pursuant to paragraph (2) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

"(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.

"(C) If the Secretary under subsection (b) suspends or excludes from further practice before the Department any agent or attorney who collects or receives a fee in excess of the amount authorized under this section, the suspension shall continue until the agent or attorney makes full restitution to each claimant from whom the agent or attorney collected or received an excessive fee. If the agent or attorney makes such restitution, the Secretary may reinstate such agent or attorney under such rules as the Secretary may prescribe.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) by inserting "PAYMENT OF FEES OUT OF PAST-DUE BENEFITS.—" after "(d)";

(2) by inserting "agent or" before "attorney" each place it appears;

(3) in paragraph (1), by striking "of this subsection" after "paragraph (2)";

(4) in paragraph (2)(B), by striking "of this paragraph" after "subparagraph (A)"; and

(5) in paragraph (3)—

(A) by striking "attorneys' fee" and inserting "fee to an agent or attorney"; and

(B) by striking "of this subsection" after "paragraph (1)".

(g) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 is amended by striking "(1)" and all that follows through "(2)".

(h) EFFECTIVE DATE.—The amendments made by subsections (c)(1) and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to services of agents and attorneys that are provided with respect to cases in which notices of disagreement are filed on or after that date.

(i) LIMITATION ON COLLECTION OF FEE ASSESSMENT.—No assessments on fees may be collected under paragraph (6) of section 5904(a) of title 38, United States Code (as added by subsection (a)(1)(D) of this section), until the date on which the Secretary of Veterans Affairs prescribes the regulations required by the amendments made by this section.

TITLE II—HEALTH MATTERS

SEC. 201. ADDITIONAL MENTAL HEALTH PROVIDERS.

(a) APPOINTMENTS.—Section 7401(3) is amended by inserting after "social workers," the following: "marriage and family therapists, licensed professional mental health counselors,".

(b) QUALIFICATIONS.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs:

"(10) MARRIAGE AND FAMILY THERAPIST.—To be eligible to be appointed to a marriage and family therapist position, a person must—

"(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.

"(11) LICENSED PROFESSIONAL MENTAL HEALTH COUNSELOR.—To be eligible to be appointed to a licensed professional mental health counselor position, a person must—

"(A) hold a master's degree in mental health counseling, or a related field, from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice mental health counseling.".

(c) REPORT ON MARRIAGE AND FAMILY THERAPY WORKLOAD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provision of treatment for post-traumatic stress disorder by marriage and family therapists employed by the Department of Veterans Affairs.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder.

(B) The resources available and needed to support the projected workload described in subparagraph (A).

(C) An assessment by the Under Secretary for Health of the effectiveness of treatment for post-traumatic stress disorder that is provided by marriage and family therapists.

(D) Recommendations, if any, for improvements in the provision of such treatment by such therapists.

SEC. 202. PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking "subchapter III and in" and inserting "subsection (e), subchapter III, and"; and

(2) by adding at the end the following new subsection:

"(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and shall be paid at a rate determined by the Secretary, not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5.".

SEC. 203. IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that each community-based outpatient clinic of the Department of Veterans Affairs has the capacity to provide, or monitor the provision of, mental health services to enrolled veterans who, as determined by the Secretary, are in need of such services.

(2) SETTINGS.—In carrying out paragraph (1), the Secretary shall ensure that mental health services are provided through—

(A) a community-based outpatient clinic of the Department by an employee of the Department;

(B) referral to another facility of the Department;

(C) contract with an appropriate mental health professional in the community; or

(D) telemental health services.

(b) CLINICAL TRAINING AND PROTOCOLS.—

(1) COLLABORATION.—The National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs shall collaborate with the Secretary of Defense—

(A) to enhance the clinical skills of military clinicians on matters relating to post-traumatic stress disorder through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(B) to promote pre-deployment resilience and post-deployment readjustment among members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2007 $2,000,000 to carry out this subsection.

(c) MENTAL HEALTH OUTREACH.—The Secretary of Veterans Affairs shall—

(1) develop additional educational materials on post-traumatic stress disorder; and

(2) undertake additional efforts to educate veterans about post-traumatic stress disorder.

(d) REVIEW OF PTSD CLINICAL GUIDELINES.—The Secretary of Veterans Affairs shall—

(1) review the clinical guidelines of the Department of Veterans Affairs on post-traumatic stress disorder and all appropriate protocols related to post-traumatic stress disorder;

(2) revise such guidelines and protocols as the Secretary considers appropriate to ensure that clinicians are able to effectively distinguish between diagnoses with similar symptoms that may manifest as post-traumatic stress disorder, including traumatic brain injury; and

(3) develop performance measures for the treatment of post-traumatic stress disorder among veterans.

SEC. 204. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end the following new subsection:

"(k)(1)(A) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name and address of any individual described in subparagraph (C) to an entity described in subparagraph (B) in order to facilitate the determination by such entity whether the individual is, or after death will be, a suitable organ, tissue, or eye donor if—

"(i) the individual is near death (as determined by the Secretary) or is deceased; and

"(ii) the disclosure is permitted under regulations promulgated pursuant to section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

"(B) An entity described in this subparagraph is—

"(i) an organ procurement organization, including eye and tissue banks; or

"(ii) an entity that the Secretary has determined—

"(I) is substantially similar in function, professionalism, and reliability to an organ procurement organization; and

"(II) should be treated for purposes of this subsection in the same manner as an organ procurement organization.

"(C) An individual described in this subparagraph is—

"(i) a veteran; or

"(ii) a dependent of veteran.

"(2) In this subsection, the term 'organ procurement organization' has the meaning given the term 'qualified organ procurement organization' in section 371(b) of the Public Health Service Act (42 U.S.C. 273(b)).".

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

"(E) To an entity described in paragraph (1)(B) of section 5701(k) of this title, but only to the extent authorized by such section.".

(c) DEADLINE FOR PRESCRIBING REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations under subsection (k) of section 5701 of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 205. EXPANSION OF TELEHEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through telehealth linkages with facilities of the Veterans Health Administration.

(b) PLAN.—Not later than July 1, 2007, the Secretary shall submit to the Committee on

Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement in subsection (a). The plan shall specify which facilities of the Readjustment Counseling Service will have the capabilities described in subsection (a) as of the end of each of fiscal years 2007, 2008, and 2009.

SEC. 206. STRATEGIC PLAN FOR LONG-TERM CARE.

(a) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish a strategic plan for the provision of long-term care by the Department of Veterans Affairs.

(b) POLICIES AND STRATEGIES.—The plan published under subsection (a) shall contain policies and strategies for—

(1) the delivery of care in domiciliaries, residential treatment facilities, and nursing homes and for seriously mentally ill veterans;

(2) maximizing the use of State veterans homes;

(3) locating domiciliary units as close to patient populations as feasible; and

(4) identifying freestanding nursing homes as an acceptable care model.

(c) DATA.—The plan published under subsection (a) shall include data on—

(1) the provision of care of catastrophically disabled veterans; and

(2) the geographic distribution of catastrophically disabled veterans.

(d) NONINSTITUTIONAL LONG-TERM CARE OPTIONS.—The plan published under subsection (a) shall address the spectrum of noninstitutional long-term care options, including each of the following:

(1) Respite care.

(2) Home-based primary care.

(3) Geriatric evaluation.

(4) Adult day health care.

(5) Skilled home health care.

(6) Community residential care.

(e) ADDITIONAL MATTERS TO BE INCLUDED.—The plan published under subsection (a) shall provide—

(1) cost and quality comparison analyses of all the different levels of long-term care for veterans;

(2) detailed information about geographic distribution of services and gaps in care; and

(3) specific plans for working with Medicare, Medicaid, and private insurance companies to expand the availability of such care.

SEC. 207. BLIND REHABILITATION OUTPATIENT SPECIALISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as "Specialists"), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

(4) Specialists provide—

(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

(C) pre-admission screening and follow-up care for blind rehabilitation centers.

(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

(b) ESTABLISHMENT OF ADDITIONAL SPECIALIST POSITIONS.—Not later than 30 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

(c) SELECTION OF FACILITIES.—In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall—

(1) give priority to facilities with large numbers of enrolled legally blind veterans;

(2) ensure that each facility does not have such a position; and

(3) ensure that each facility is in need of the services of a Specialist.

(d) COORDINATION.—The Secretary shall coordinate the provision of blind rehabilitation services for veterans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section $3,500,000 for each of fiscal years 2007 through 2012.

SEC. 208. EXTENSION OF CERTAIN COMPLIANCE REPORTS.

(a) MANAGEMENT OF HEALTH CARE.—Section 1706(b)(5)(A) is amended by striking "2004" and inserting "2008".

(b) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by striking "2004" and inserting "2008".

SEC. 209. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new sections:

"§ 7329. Parkinson's Disease research, education, and clinical centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

"(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities centers at the locations designated pursuant to paragraph (1).

"(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without centers established under subsection (a) in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health-care system of the Department.

"(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

"(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease and other movement disorders.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) Priority of Funding.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

"(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) Award Competitions.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

"§ 7330. Multiple sclerosis centers of excellence

"(a) Establishment of Centers.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

"(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1).

"(b) Criteria for Designation of Facilities.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) Requirements for Designation.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of autoimmune diseases affecting the central nervous system, including multiple sclerosis.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health-care system of the Department.

"(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

"(d) Peer Review Panel.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e). Priority of Funding.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

'"(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) Award Competitions.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

"7329. Parkinson's Disease research, education, and clinical centers.
"7330. Multiple sclerosis centers of excellence.".

(b) Effective Date.—Sections 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 210. REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS.

(a) Under Secretary for Health.—

(1) In general.—Section 305 is amended by striking subsection (c).

(2) Conforming amendment.—Subsection (d) of such section is redesignated as subsection (c).

(b) Under Secretary for Benefits.—

(1) In general.—Section 306 is amended by striking subsection (c).

(2) Conforming amendment.—Subsection (d) of such section is redesignated as subsection (c).

SEC. 211. MODIFICATIONS TO STATE HOME AUTHORITIES.

(a) Nursing Home Care and Prescription Medications in State Homes for Veterans With Service-Connected Disabilities.—

(1) Nursing home care.—Subchapter V of chapter 17 is amended by adding at the end the following new section:

"§ 1745. Nursing home care and medications for veterans with service-connected disabilities

"(a)(1) The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2), in any case in which such care is provided to any veteran as follows:

"(A) Any veteran in need of such care for a service-connected disability.

"(B) Any veteran who—

"(i) has a service-connected disability rated at 70 percent or more; and

"(ii) is in need of such care.

"(2) The rate determined under this paragraph with respect to a State home is the lesser of—

"(A) the applicable or prevailing rate payable in the geographic area in which the State home is located, as determined by the Secretary, for nursing home care furnished in a non-Department nursing home (as that term is defined in section 1720(e)(2) of this title); or

"(B) a rate not to exceed the daily cost of care, as determined by the Secretary, following a report to the Secretary by the director of the State home.

"(3) Payment by the Secretary under paragraph (1) to a State home for nursing home care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.".

(2) PROVISION OF PRESCRIPTION MEDICINES.—Such section, as so added, is further amended by adding at the end the following new subsection:

"(b) The Secretary shall furnish such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of illness or injury to any veteran as follows:

"(1) Any veteran who—

"(A) is not being provided nursing home care for which payment is payable under subsection (a); and

"(B) is in need of such drugs and medicines for a service-connected disability.

"(2) Any veteran who—

"(A) has a service-connected disability rated at 50 percent or more;

"(B) is not being provided nursing home care for which payment is payable under subsection (a); and

"(C) is in need of such drugs and medicines.".

(3) CONFORMING AMENDMENTS.—

(A) CRITERIA FOR PAYMENT.—Section 1741(a)(1) is amended by striking "The" and inserting "Except as provided in section 1745 of this title, the".

(B) ELIGIBILITY FOR NURSING HOME CARE.—Section 1710(a)(4) is amended—

(i) by striking "and" before "the requirement in section 1710B of this title"; and

(ii) by inserting ", and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes" after "a program of extended care services".

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1744 the following new item:

"1745. Nursing home care and medications for veterans with service-connected disabilities.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 90 days after the date of the enactment of this Act.

(b) IDENTIFICATION OF VETERANS IN STATE HOMES.—Such chapter is further amended—

(1) in section 1745, as added by subsection (a)(1) of this section, by adding at the end the following new subsection:

"(c) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section."; and

(2) in section 1741, by adding at the end the following new subsection:

"(f) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.".

(c) AUTHORITY TO TREAT CERTAIN HEALTH FACILITIES AS STATE HOMES.—

(1) AUTHORITY.—Subchapter III of chapter 81 is amended by adding at the end the following new section:

"§ 8138. Treatment of certain health facilities as State homes

"(a) The Secretary may treat a health facility (or certain beds in a health facility) as a State home for purposes of subchapter V of chapter 17 of this title if the following requirements are met:

"(1) The facility (or certain beds in such facility) meets the standards for the provision of nursing home care that are applicable to State homes, as prescribed by the Secretary under section 8134(b) of this title, and such other standards relating to the facility (or certain beds in such facility) as the Secretary may require.

"(2) The facility (or certain beds in such facility) is licensed or certified by the appropriate State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting State home facilities.

"(3) The State demonstrates in an application to the Secretary that, but for the treatment of a facility (or certain beds in such facility), as a State home under this subsection, a substantial number of veterans residing in the geographic area in which the facility is located who require nursing home care will not have access to such care.

"(4) The Secretary determines that the treatment of the facility (or certain beds in such facility) as a State home best meets the needs of veterans for nursing home care in the geographic area in which the facility is located.

"(5) The Secretary approves the application submitted by the State with respect to the facility (or certain beds in such facility).

"(b) The Secretary may not treat a health facility (or certain beds in a health facility) as a State home under subsection (a) if the Secretary determines that such treatment would increase the number of beds allocated to the State in excess of the limit on the number of beds provided for by regulations prescribed under section 8134(a) of this title.

"(c) The number of beds occupied by veterans in a health facility for which payment may be made under subchapter V of chapter 17 of this title by reason of subsection (a) shall not exceed—

"(1) 100 beds in the aggregate for all States; and

"(2) in the case of any State, the difference between—

"(A) the number of veterans authorized to be in beds in State homes in such State under regulations prescribed under section 8134(a) of this title; and

"(B) the number of veterans actually in beds in State homes (other than facilities or certain beds treated as State homes under subsection (a)) in such State under regulations prescribed under such section.

"(d) The number of beds in a health facility in a State that has been treated as a State home under subsection (a) shall be taken into account in determining the unmet need for beds for State homes for the State under section 8134(d)(1) of this title.

"(e) The Secretary may not treat any new health facilities (or any new certain beds in a health facility) as a State home under subsection (a) after September 30, 2009.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8137 the following new item:

"8138. Treatment of certain health facilities as State homes.".

SEC. 212. OFFICE OF RURAL HEALTH.

(a) IN GENERAL.—

(1) ESTABLISHMENT AND FUNCTIONS.—Chapter 73 is amended by inserting after section 7307 the following new section:

"§ 7308. Office of Rural Health

"(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as the 'Office of Rural Health' (in this section referred to as the 'Office').

"(b) HEAD.—The Director of the Office of Rural Health shall be the head of the Office. The Director of the Office of Rural Health shall be appointed by the Under Secretary of Health from among individuals qualified to perform the duties of the position.

"(c) FUNCTIONS.—The functions of the Office are as follows:

"(1) In cooperation with the medical, rehabilitation, health services, and cooperative studies research programs in the Office of Policy and the Office of Research and Development of the Veterans Health Administration, to assist the Under Secretary for Health in conducting, coordinating, promoting, and disseminating research into issues affecting veterans living in rural areas.

"(2) To work with all personnel and offices of the Department of Veterans Affairs to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for veterans who reside in rural areas of the United States.

"(3) To designate in each Veterans Integrated Service Network (VISN) an individual who shall consult on and coordinate the discharge in such Network of programs and activities of the Office for veterans who reside in rural areas of the United States.

"(4) To perform such other functions and duties as the Secretary or the Under Secretary for Health considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7307 the following new item:

"7308. Office of Rural Health.".

(b) ASSESSMENT OF FEE-BASIS HEALTH-CARE PROGRAM.—The Director of the Office of Rural Health shall conduct an assessment of the effects of the implementation of the fee-basis health-care program of the Veterans Health Administration on the delivery of health-care services to veterans who reside in rural areas of the United States. The assessment shall be conducted in consultation with the individuals designated under subsection (c)(3) of section 7308 of title 38, United States Code, as added by subsection (a). In conducting the assessment, the Director shall—

(1) identify various mechanisms for expanding the program in order to enhance and improve health-care services for such veterans and determine the feasibility and advisability of implementing such mechanisms; and

(2) for each mechanism determined under paragraph (1) to be feasible and advisable to implement, make recommendations to the Under Secretary for Health on the implementation of such mechanism.

(c) Plan to Improve Access and Quality of Care.—Not later than September 30, 2007, the Director of the Office of Rural Health shall develop a plan to improve the access and quality of care for enrolled veterans in rural areas. The plan shall include—

(1) measures for meeting the long term care needs of rural veterans; and

(2) measures for meeting the mental health needs of veterans residing in rural areas.

(d) Report on Community-Based Outpatient Clinics and Access Points Identified in CARES May 2004 Decision Document.— Not later than March 30, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that—

(1) identifies each of the community based outpatient clinics and access points identified in the May 2004 Decision Document of Capital Asset Realignment for Enhanced Services (CARES) that have been opened; and

(2) identifies each of the clinics and access points identified in such report that would be opened in fiscal year 2007 or 2008 if funding were available for such purpose.

SEC. 213. OUTREACH PROGRAM TO VETERANS IN RURAL AREAS.

(a) Program.—The Secretary of Veterans Affairs shall conduct an extensive outreach program to identify and provide information to veterans who served in the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities in order to enroll those veterans in the health-care system of the Department of Veterans Affairs during the period when they are eligible for such enrollment.

(b) Features of Program.—In carrying out the program under subsection (a), the Secretary shall seek to work at the local level with employers, State agencies, community health centers located in rural areas, rural health clinics, and critical access hospitals located in rural areas, and units of the National Guard and other reserve components based in rural areas, in order to increase the awareness of veterans and their families of the availability of health care provided by the Secretary and the means by which those veterans can achieve access to the health-care services provided by the Department of Veterans Affairs.

SEC. 214. PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES.

(a) In General.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services.

(b) Duration of Pilot Program.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) Caregiver Assistance Services.—For purposes of this section, the term "caregiver assistance services" means services of the Department of Veterans Affairs that assist caregivers of veterans. Such services including the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 2007 and 2008 to carry out the pilot program authorized by this section.

(e) Allocation of Funds to Facilities.—The Secretary shall allocate funds appropriated pursuant to the authorization of appropriations in subsection (d) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate, based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(f) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include—

(1) a description and assessment of the activities carried out under the pilot program;

(2) information on the allocation of funds to facilities of the Department under subsection (e); and

(3) a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services.

SEC. 215. EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS.

(a) Additional Outreach Workers.—The Secretary of Veterans Affairs shall employ not fewer than 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(b) Construction With Current Outreach Program.—The veterans employed under subsection (a) are in addition to any veterans employed by the Secretary for the purpose described in that subsection under the February 2004 program of the Department of Veterans Affairs to provide outreach described in that subsection.

(c) Assignment to Vet Centers.—The Secretary may assign any veteran employed under subsection (a) to any center for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code, that the Secretary considers appropriate in order to meet the purpose described in that subsection.

(d) Inapplicability and Termination of Limitation on Duration of Employment.—Any limitation on the duration of employment of veterans under the program described in subsection (b) is hereby terminated and shall not apply to veterans employed under such program or under this section.

(e) Employment Status.—Veterans employed under subsection (a) shall be employed in career conditional status, which is the employment status in which veterans are employed under the program described in subsection (b).

SEC. 216. CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING.

(a) Clarification of Members of Immediate Family Eligible for Counseling.—Subsection (b) of section 1783 is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.".

(b) Provision of Counseling Through Vet Centers.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Provision of Counseling Through Vet Centers.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.".

SEC. 217. FUNDING FOR VET CENTER PROGRAM.

There are authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007 $180,000,000 for the provision of readjustment counseling and related mental health services through centers under section 1712A of title 38, United States Code.

TITLE III—EDUCATION MATTERS

SEC. 301. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) Expansion of Eligibility.—Section 3501(a)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking "means—" and inserting "means any of the following:";

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after "a person who" the following: ", as a result of qualifying service";

(B) by striking the comma at the end of clause (i) and inserting "; or";

(C) by striking ", or" at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: "sustained during a period of qualifying service.";

(5) in subparagraph (C)—

(A) by inserting "or child" after "the spouse"; and

(B) by striking ", or" at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: "sustained during a period of qualifying service"; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

"(E) The spouse or child of a person who—

"(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

"(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

"(iii) is likely to be discharged or released from such service for such disability."; and

(8) by striking "arising out of" and all that follows through the end.

(b) Conforming Amendments to Chapter 35.—Chapter 35 is amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

"(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.".

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking "Each eligible person" and inserting the following: "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,";

(ii) by striking "a period" and inserting "an aggregate period"; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking "the provisions of section 3501(a)(1)(A)(iii) or" and inserting "section"; and

(II) by striking "or" at the end;

(ii) in paragraph (3)—

(I) by striking "section 3501(a)(1)(D)" and inserting "subparagraph (D) or (E) of section 3501(a)(1)"; and

(II) by inserting "or" after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,"; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)" and inserting "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title"; and

(ii) in paragraph (6), by striking "the provisions of section 3501(a)(1)(A)(iii)" and inserting "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after "section 3501(a)(1) of this title" the following: "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title"; and

(II) by striking "or 3501(a)(1)(D)(ii) of this title" and inserting "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title";

(ii) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service."; and

(iii) in paragraph (2)—

(I) by striking "or (D) of this title" and inserting "(D), or (E) of this title"; and

(II) by inserting "whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title)";

(C) in subsection (d), by striking "veteran" and inserting "person"; and

(D) in subsection (e)—

(i) by inserting "based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title";

(ii) by inserting "so" after "the spouse was"; and

(iii) by striking "by the Secretary" and all that follows through "occurs".

(4) Section 3540 is amended by striking "(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)" and inserting "(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)".

(5) Section 3563 is amended by striking "each eligible person defined in section 3501(a)(1)(A) of this title" and inserting "each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title".

(c) Other Conforming Amendments.—Such title is further amended as follows:

(1) Section 3686(a)(1) is amended by striking "or (D)" and inserting "(D), or (E)".

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking "section 3501(a)(1)" and all that follows through the end and inserting the following: "subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title."; and

(B) in subparagraph (C)—

(i) by striking "such veteran's death" and inserting "the death of the person from whom such eligibility is derived"; and

(ii) by striking "such veteran's service-connected total disability permanent in nature" and inserting "the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived".

(d) Effective Date.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 302. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) Restoration of Entitlement.—Section 3511(a)(2)(B)(i) is amended by inserting after "title 10" the following: "or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

SEC. 303. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) is amended by striking "prior to completion" and all that follows and inserting the following: "before completion and—

"(A) in the case of an institution (other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B)), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; or

"(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.".

SEC. 304. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) is amended by striking "December 27, 2006" each place it appears and inserting "June 30, 2007".

SEC. 305. DEADLINE AND EXTENSION OF REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) Deadline.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) Extension of Requirement.—Subsection (d) of section 3036 of title 38, United States Code, is amended by striking "January 1, 2005" and inserting "January 1, 2011".

SEC. 306. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits, including benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code. Such report shall propose methods to streamline the processes and procedures of administering such benefits.

SEC. 307. TECHNICAL AMENDMENTS RELATING TO EDUCATION LAWS.

Section 3485 is amended—

(1) in subsection (a)(4)(E), by inserting "or 1607" after "chapter 1606";

(2) in subsection (b), by striking "chapter 106" and inserting "chapter 1606 or 1607"; and

(3) in subsection (e)(1)—

(A) by striking "services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section" and inserting "a qualifying work-study activity described in subsection (a)(4)"; and

(B) by striking "chapter 106" and inserting "chapter 1606 or 1607".

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

SEC. 401. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.

(a) Provision of Memorial Headstones or Markers.—Subsection (b) of section 2306 is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An eligible dependent child of a veteran."; and

(2) by adding at the end the following new paragraph:

"(5) For purposes of this section, the term 'eligible dependent child' means a child—

"(A) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

"(B) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.".

(b) ADDITION OF MEMORIAL INSCRIPTION TO HEADSTONE OR MARKER OF VETERAN.—Subsection (f) of such section is amended by inserting "or eligible dependent child" after "surviving spouse" both places it appears.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

SEC. 402. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) EXTENSION OF AUTHORITY.—Paragraph (3) of subsection (d) of section 2306 is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) PROVISION OF HEADSTONE OR MARKER.—

(1) IN GENERAL.—Such subsection is further amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking "Government marker" and inserting "Government headstone or marker"; and

(ii) in the second sentence, by inserting "headstone or" before "marker" each place it appears; and

(B) in paragraph (2), by inserting "headstone or" before "marker".

(2) CONFORMING AMENDMENT.—Subsection (g)(3) of such section is amended by inserting "headstone or" before "marker".

(c) PLACEMENT OF HEADSTONE OR MARKER.—The second sentence of subsection (d)(1) of such section, as amended by subsection (b)(1)(A)(ii), is further amended by inserting before the period the following: ", or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located".

(d) DELIVERY OF HEADSTONE OR MARKER.—Subsection (d)(2) of such section, as amended by subsection (b)(1)(B), is further amended by inserting before the period the following: "or to a receiving agent for delivery to the cemetery".

(e) REPEAL OF OBSOLETE REPORT REQUIREMENT.—Subsection (d) of such section is further amended by striking paragraph (4).

(f) SCOPE OF HEADSTONES AND MARKERS FURNISHED.—Subsection (d) of such section is further amended by inserting after paragraph (3) the following new paragraph (4):

"(4) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.".

SEC. 403. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

"(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

"(3) For purposes of this subsection:

"(A) The term 'tribal organization' has the meaning given that term in section 3765(4) of this title.

"(B) The term 'trust land' has the meaning given that term in section 3765(1) of this title.".

SEC. 404. REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY.

(a) REMOVAL OF REMAINS.—The Secretary of the Army shall remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of the Army shall—

(1) notify the next-of-kin of record for Russell Wayne Wagner of the impending removal of his remains; and

(2) upon removal, relinquish the remains to the next-of-kin of record for Russell Wayne Wagner or, if the next-of-kin of record for Russell Wayne Wagner is unavailable, arrange for an appropriate disposition of the remains.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

SEC. 501. RESIDENTIAL COOPERATIVE HOUSING UNITS.

(a) HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Subsection (a) of section 3710 is amended by inserting after paragraph (11) the following new paragraph:

"(12) With respect to a loan guaranteed after the date of the enactment of this paragraph and before the date that is five years after that date, to purchase stock or membership in a cooperative housing corporation for the purpose of entitling the veteran to occupy for dwelling purposes a single family residential unit in a development, project, or structure owned or leased by such corporation, in accordance with subsection (h).".

(b) CONDITIONS OF HOUSING BENEFITS FOR COOPERATIVE HOUSING UNITS.—Such section is further amended by adding at the end the following new subsection:

"(h)(1) A loan may not be guaranteed under subsection (a)(12) unless—

"(A) the development, project, or structure of the cooperative housing corporation complies with such criteria as the Secretary prescribes in regulations; and

"(B) the dwelling unit that the purchase of stock or membership in the development, project, or structure of the cooperative housing corporation entitles the purchaser to occupy is a single family residential unit.

"(2) In this subsection, the term 'cooperative housing corporation' has the meaning given such term in section 216(b)(1) of the Internal Revenue Code of 1986.

"(3) When applying the term 'value of the property' to a loan guaranteed under subsection (a)(12), such term means the appraised value of the stock or membership entitling the purchaser to the permanent occupancy of the dwelling unit in the development, project, or structure of the cooperative housing corporation.".

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.

(a) GOALS.—

(1) IN GENERAL.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

"§ 8127. Small business concerns owned and controlled by veterans: contracting goals and preferences

"(a) CONTRACTING GOALS.—(1) In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

"(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

"(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

"(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

"(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

"(4) The Secretary shall establish a review mechanism to ensure that, in the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

"(b) USE OF NONCOMPETITIVE PROCEDURES FOR CERTAIN SMALL CONTRACTS.—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

"(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

"(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

"(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed $5,000,000; and

"(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

"(d) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

"(e) Eligibility of Small Business Concerns.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

"(f) Database of Veteran-Owned Businesses.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

"(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

"(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

"(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

"(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

"(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

"(5) The Secretary shall make the database available to all Federal departments and agencies and shall notify each such department and agency of the availability of the database.

"(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

"(g) Enforcement Penalties for Misrepresentation.—Any business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a reasonable period of time, as determined by the Secretary.

"(h) Treatment of Businesses After Death of Veteran-Owner.—(1) Subject to paragraph (3), if the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

"(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

"(A) The date on which the surviving spouse remarries.

"(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

"(C) The date that is ten years after the date of the veteran's death.

"(3) Paragraph (1) only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

"(i) Priority for Contracting Preferences.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

"(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

"(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by paragraph (1).

"(3) Contracts awarded pursuant to—

"(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

"(B) section 31 of such Act (15 U.S.C. 657a).

"(4) Contracts awarded pursuant to any other small business contracting preference.

"(j) Annual Reports.—Not later than December 31 each year, the Secretary shall submit to Congress a report on small business contracting during the fiscal year ending in such year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

"(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

"(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

"(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal year that were awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

"(k) Definitions.—In this section:

"(1) The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

"(2) The term 'small business concern owned and controlled by veterans' means a small business concern—

"(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

"(ii) the management and daily business operations of which are controlled by one or more veterans; or

"(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.".

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

"8127. Small business concerns owned and controlled by veterans: contracting goals and preferences.".

(b) Transition Rule.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section).

(c) Comptroller General Study and Report.—

(1) Study required.—During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) Information to congress on study.—On or before January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall brief Congress on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) Report.—Not later than 180 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) Effective Date.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 503. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) Priority for Veteran-Owned Small Businesses.—

(1) In general.—Subchapter II of chapter 81, as amended by section 502 of this Act, is further amended by adding at the end the following new section:

"§8128. Small business concerns owned and controlled by veterans: contracting priority

"(a) Contracting Priority.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

"(b) Definition.—For purposes of this section, the term 'small business concern owned and controlled by veterans' means a small business concern that is included in the small business database maintained by the Secretary under section 8127(f) of this title.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter, as so amended, is further amended by inserting after the item relating to section 8127 the following new item:

"8128. Small business concerns owned and controlled by veterans: contracting priority.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

SEC. 601. TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.

(a) Training Required.—Section 4102A(c) is amended by adding at the end the following new paragraph:

"(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so assigned.

"(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.

"(C) The Secretary may establish such reasonable exceptions to the completion of training otherwise required under subparagraph (A) as the Secretary considers appropriate.".

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

"(iii) For each employee of the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

"(I) the date on which the employee is so assigned; and

"(II) whether the employee has satisfactorily completed such training by the National Veterans' Employment and Training Services Institute as the Secretary requires for purposes of paragraph (8).".

(c) APPLICABILITY.—Paragraph (8) of section 4102A(c) of title 38, United States Code, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after January 1, 2006.

SEC. 602. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A is amended by adding at the end the following new subsection:

"(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.".

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.".

(c) EFFECTIVE DATE.—Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 603. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 is amended—

(1) in subsection (a)(1)(B), by inserting "and employment service offices" after "recognize eligible employees"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "is" and inserting "in the case of such an award made to an eligible employee, shall be"; and

(ii) by striking the period at the end and inserting the following: "; and"; and

(C) by adding at the end the following new paragraph:

"(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.".

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of such section is amended to read as follows: "ADMINISTRATION AND USE OF AWARDS.—".

SEC. 604. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

"§ 4114. Credentialing and licensure of veterans: demonstration project

"(a) DEMONSTRATION PROJECT AUTHORIZED.—The Assistant Secretary for Veterans' Employment and Training may carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

"(b) IDENTIFICATION OF MILITARY OCCUPATIONAL SPECIALTIES AND ASSOCIATED CREDENTIALS AND LICENSES.—(1) The Assistant Secretary shall select not less than 10 military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

"(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

"(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

"(c) ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

"(d) TASK FORCE.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

"(e) CONSULTATION.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

"(f) CONTRACT AUTHORITY.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

"(g) PERIOD OF PROJECT.—The period during which the Assistant Secretary may carry out the demonstration project under this section shall be the period beginning on the date that is 60 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006 and ending on September 30, 2009.

"(h) FUNDING.—The Assistant Secretary may carry out the demonstration project under this section utilizing unobligated funds that are appropriated in accordance with the authorization set forth in section 4106 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4114. Credentialing and licensure of veterans: demonstration project.".

(b) MEMBERSHIP OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.—Section 4110(c)(1)(A) is amended—

(1) by striking "Six" and inserting "Seven"; and

(2) by adding at the end the following new clause:

"(vii) The National Governors Association.".

SEC. 605. DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATIONS FOR PRIORITY OF SERVICE.

Not later than two years after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.

TITLE VII—HOMELESS VETERANS ASSISTANCE

SEC. 701. REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) REAFFIRMATION.—Congress reaffirms the national goal to end chronic homelessness among veterans within a decade of the enactment of the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903).

(b) REAFFIRMATION OF ENCOURAGEMENT OF COOPERATIVE EFFORTS.—Congress reaffirms its encouragement, as specified in the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107–95; 115 Stat. 903), that all departments and agencies of the Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals, work cooperatively to end chronic homelessness among veterans.

SEC. 702. SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS.

It is the sense of Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among the homeless population;

(2) while many effective programs assist homeless veterans to become, once again, productive and self-sufficient members of their communities and society, all the essential services, assistance, and support that homeless veterans require are not currently provided;

(3) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(4) Federal efforts to assist homeless veterans should include prevention of homelessness;

(5) Federal efforts regarding homeless veterans should be particularly vigorous where women veterans have minor children in their care;

(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Labor, and the Department of Housing and Urban Development, should cooperate more fully to address the problem of homelessness among veterans; and

(7) the programs reauthorized by this title provide important housing and services to homeless veterans.

SEC. 703. AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) PERMANENT AUTHORITY.—Section 2011(a) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking "(1)"; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(b) AUTHORIZATION OF APPROPRIATIONS.—The text of section 2013 is amended to read as follows: "There is authorized to be appropriated to carry out this subchapter $130,000,000 for fiscal year 2007 and each fiscal year thereafter.".

SEC. 704. EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) EXTENSION OF AUTHORITY FOR GENERAL TREATMENT.—Section 2031(b) is amended by striking "December 31, 2006" and inserting "December 31, 2011".

(b) EXTENSION OF AUTHORITY FOR ADDITIONAL SERVICES.—Section 2033(d) is amended by striking "December 31, 2006" and inserting "December 31, 2011".

SEC. 705. EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES.

Section 2041(c) is amended by striking "December 31, 2008" and inserting "December 31, 2011".

SEC. 706. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) is amended—

(1) by striking "Medical Care" and inserting "Medical Services"; and

(2) by striking "fiscal years 2003, 2004, and 2005" and inserting "fiscal years 2007 through 2011".

SEC. 707. EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM.

Subsection (b) of section 2064 is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2007 through 2012 to carry out the program under this section.".

SEC. 708. ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 2065(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Information on the efforts of the Secretary to coordinate the delivery of housing and services to homeless veterans with other Federal departments and agencies, including—

"(A) the Department of Defense;

"(B) the Department of Health and Human Services;

"(C) the Department of Housing and Urban Development;

"(D) the Department of Justice;

"(E) the Department of Labor;

"(F) the Interagency Council on Homelessness;

"(G) the Social Security Administration; and

"(H) any other Federal department or agency with which the Secretary coordinates the delivery of housing and services to homeless veterans.".

SEC. 709. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) ADDITIONAL EX OFFICIO MEMBERS.—Subsection (a)(3) of section 2066 is amended by adding at the end the following new subparagraphs:

"(E) The Executive Director of the Interagency Council on Homelessness (or a representative of the Executive Director).

"(F) The Under Secretary for Health (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).

"(G) The Under Secretary for Benefits (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).".

(b) EXTENSION.—Subsection (d) of such section is amended by striking "December 31, 2006" and inserting "December 30, 2011".

SEC. 710. RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)) is amended to read as follows:

"(B) AMOUNT.—The amount specified in this subparagraph is—

"(i) for fiscal year 2007, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

"(ii) for fiscal year 2008, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

"(iii) for fiscal year 2009, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection;

"(iv) for fiscal year 2010, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection; and

"(v) for fiscal year 2011, the amount necessary to provide 2,500 vouchers for rental assistance under this subsection.".

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

SEC. 801. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $300,000,000. The Secretary is authorized to carry out the project in or near New Orleans as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) REPORT ON REPLACEMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DENVER, COLORADO.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 802. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections, Buildings 500 and 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 803. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed $38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed $25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed $56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed $32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed $69,053,000.

SEC. 804. AUTHORIZATION OF ADVANCE PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, and plan for the operation of, a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $36,800,000.

(c) LIMITATION ON NAMING.—A joint-use medical facility referred to in subsection (a) may not be named by the Secretary of Veterans Affairs or any other entity after any living Member or former Member of the Senate or House of Representatives.

SEC. 805. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 806. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $708,000,000 for the projects authorized in section 801(a).

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects whose authorization is extended by section 802.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $221,766,000 for the projects authorized in section 803.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADVANCE PLANNING AND DESIGN FOR MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account, $36,800,000 for the advance planning and design authorized in section 804.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 805.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 806.

(f) LIMITATION.—The projects authorized in sections 801(a) and 802 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Subtitle B—Facilities Administration

SEC. 811. DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 is amended by inserting after section 312 the following new section:

"§312A. Director of Construction and Facilities Management

"(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

"(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

"(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

"(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

"(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

"(1) holds an undergraduate or master's degree in architectural design or engineering; and

"(2) has substantive professional experience in the area of construction project management.

"(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

"(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

"(B) perform such other functions as the Secretary shall prescribe.

"(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

“(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

“(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

“(C) Management of the short-term and long-term leasing of real property by the Department.

“(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

“(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

“312A. Director of Construction and Facilities Management.”.

SEC. 812. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

Section 8104(a)(3)(A) is amended by striking “$7,000,000” and inserting “$10,000,000”.

SEC. 813. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the “Medical Facilities” account or the “Construction, Minor Projects” account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

Subtitle C—Reports on Medical Facility Improvements

SEC. 821. REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall not affect current contracts at the current site, and the report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 822. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 823. REPORT ON OPTION FOR CONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

(a) FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall be prepared in conjunction with the Secretary of Defense and the Secretary of the Air Force.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

TITLE IX—INFORMATION SECURITY MATTERS

SEC. 901. SHORT TITLE.

This title may be cited as the “Department of Veterans Affairs Information Security Enhancement Act of 2006”.

SEC. 902. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.

(a) INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.—Chapter 57 is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—INFORMATION SECURITY

“§ 5721. Purpose

“The purpose of the Information Security Program is to establish a program to provide security for Department information and information systems commensurate to the risk of harm, and to communicate the responsibilities of the Secretary, Under Secretaries, Assistant Secretaries, other key officials, Assistant Secretary for Information and Technology, Associate Deputy Assistant Secretary for Cyber and Information Security, and Inspector General of the Department of Veterans Affairs as outlined in the provisions of subchapter III of chapter 35 of title 44 (also known as the 'Federal Information Security Management Act of 2002', which was enacted as part of the E-Government Act of 2002 (Public Law 107–347)).

"§ 5722. Policy

"(a) IN GENERAL.—The security of Department information and information systems is vital to the success of the mission of the Department. To that end, the Secretary shall establish and maintain a comprehensive Department-wide information security program to provide for the development and maintenance of cost-effective security controls needed to protect Department information, in any media or format, and Department information systems.

"(b) ELEMENTS.—The Secretary shall ensure that the Department information security program includes the following elements:

"(1) Periodic assessments of the risk and magnitude of harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the Department.

"(2) Policies and procedures that—

"(A) are based on risk assessments;

"(B) cost-effectively reduce security risks to an acceptable level; and

"(C) ensure that information security is addressed throughout the life cycle of each Department information system.

"(3) Selection and effective implementation of minimum, mandatory technical, operational, and management security controls, or other compensating countermeasures, to protect the confidentiality, integrity, and availability of each Department system and its information.

"(4) Subordinate plans for providing adequate security for networks, facilities, systems, or groups of information systems, as appropriate.

"(5) Annual security awareness training for all Department employees, contractors, and all other users of VA sensitive data and Department information systems that identifies the information security risks associated with the activities of such employees, contractors, and users and the responsibilities of such employees, contractors, and users to comply with Department policies and procedures designed to reduce such risks.

"(6) Periodic testing and evaluation of the effectiveness of security controls based on risk, including triennial certification testing of all management, operational, and technical controls, and annual testing of a subset of those controls for each Department system.

"(7) A process for planning, developing, implementing, evaluating, and documenting remedial actions to address deficiencies in information security policies, procedures, and practices.

"(8) Procedures for detecting, immediately reporting, and responding to security incidents, including mitigating risks before substantial damage is done as well as notifying and consulting with the US-Computer Emergency Readiness Team of the Department of Homeland Security, law enforcement agencies, the Inspector General of the Department, and other offices as appropriate.

"(9) Plans and procedures to ensure continuity of operations for Department systems.

"(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary shall comply with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements promulgated by the National Institute of Standards and Technology and the Office of Management and Budget that define Department information system mandates.

"§ 5723. Responsibilities

"(a) SECRETARY OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Secretary is responsible for the following:

"(1) Ensuring that the Department adopts a Department-wide information security program and otherwise complies with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(2) Ensuring that information security protections are commensurate with the risk and magnitude of the potential harm to Department information and information systems resulting from unauthorized access, use, disclosure, disruption, modification, or destruction.

"(3) Ensuring that information security management processes are integrated with Department strategic and operational planning processes.

"(4) Ensuring that the Under Secretaries, Assistant Secretaries, and other key officials of the Department provide adequate security for the information and information systems under their control.

"(5) Ensuring enforcement and compliance with the requirements imposed on the Department under the provisions of subchapter III of chapter 35 of title 44.

"(6) Ensuring that the Department has trained program and staff office personnel sufficient to assist in complying with all the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(7) Ensuring that the Assistant Secretary for Information and Technology, in coordination with the Under Secretaries, Assistant Secretaries, and other key officials of the Department report to Congress, the Office of Management and Budget, and other entities as required by law and Executive Branch direction on the effectiveness of the Department information security program, including remedial actions.

"(8) Notifying officials other than officials of the Department of data breaches when required under this subchapter.

"(9) Ensuring that the Assistant Secretary for Information and Technology has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the Department relating to subchapter III of chapter 35 of title 44, including the management of all related mission applications, information resources, personnel, and infrastructure.

"(10) Submitting to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, not later than March 1 each year, a report on the compliance of the Department with subchapter III of chapter 35 of title 44, with the information in such report displayed in the aggregate and separately for each Administration, office, and facility of the Department.

"(11) Taking appropriate action to ensure that the budget for any fiscal year, as submitted by the President to Congress under section 1105 of title 31, sets forth separately the amounts required in the budget for such fiscal year for compliance by the Department with Federal law and regulations governing information security, including this subchapter and subchapter III of chapter 35 of title 44.

"(12) Providing notice to the Director of the Office of Management and Budget, the Inspector General of the Department, and such other Federal agencies as the Secretary considers appropriate of a presumptive data breach of which notice is provided the Secretary under subsection (b)(16) if, in the opinion of the Assistant Secretary for Information and Technology, the breach involves the information of twenty or more individuals.

"(b) ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.—The Assistant Secretary for Information and Technology, as the Chief Information Officer of the Department, is responsible for the following:

"(1) Establishing, maintaining, and monitoring Department-wide information security policies, procedures, control techniques, training, and inspection requirements as elements of the Department information security program.

"(2) Issuing policies and handbooks to provide direction for implementing the elements of the information security program to all Department organizations.

"(3) Approving all policies and procedures that are related to information security for those areas of responsibility that are currently under the management and the oversight of other Department organizations.

"(4) Ordering and enforcing Department-wide compliance with and execution of any information security policy.

"(5) Establishing minimum mandatory technical, operational, and management information security control requirements for each Department system, consistent with risk, the processes identified in standards of the National Institute of Standards and Technology, and the responsibilities of the Assistant Secretary to operate and maintain all Department systems currently creating, processing, collecting, or disseminating data on behalf of Department information owners.

"(6) Establishing standards for access to Department information systems by organizations and individual employees, and to deny access as appropriate.

"(7) Directing that any incidents of failure to comply with established information security policies be immediately reported to the Assistant Secretary.

"(8) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department for appropriate administrative or disciplinary action.

"(9) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department along with taking action to correct the failure or violation.

"(10) Requiring any key official of the Department who is so notified to report to the Assistant Secretary with respect to an action to be taken in response to any compliance failure or policy violation reported by the Assistant Secretary.

"(11) Ensuring that the Chief Information Officers and Information Security Officers of the Department comply with all cyber security directives and mandates, and ensuring that these staff members have all necessary authority and means to direct full compliance with such directives and mandates relating to the acquisition, operation, maintenance, or use of information technology resources from all facility staff.

"(12) Establishing the VA National Rules of Behavior for appropriate use and protection of the information which is used to support Department missions and functions.

"(13) Establishing and providing supervision over an effective incident reporting system.

"(14) Submitting to the Secretary, at least once every quarter, a report on any deficiency in the compliance with subchapter III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

"(15) Reporting immediately to the Secretary on any significant deficiency in the compliance described by paragraph (14).

"(16) Providing immediate notice to the Secretary of any presumptive data breach.

"(c) Associate Deputy Assistant Secretary for Cyber and Information Security.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Associate Deputy Assistant Secretary for Cyber and Information Security, as the Senior Information Security Officer of the Department, is responsible for carrying out the responsibilities of the Assistant Secretary for Information and Technology under the provisions of subchapter III of chapter 35 of title 44, as set forth in subsection (b).

"(d) Department Information Owners.—In accordance with the criteria of the Centralized IT Management System, Department information owners are responsible for the following:

"(1) Providing assistance to the Assistant Secretary for Information and Technology regarding the security requirements and appropriate level of security controls for the information system or systems where sensitive personal information is currently created, collected, processed, disseminated, or subject to disposal.

"(2) Determining who has access to the system or systems containing sensitive personal information, including types of privileges and access rights.

"(3) Ensuring the VA National Rules of Behavior is signed on an annual basis and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions.

"(4) Assisting the Assistant Secretary for Information and Technology in the identification and assessment of the common security controls for systems where their information resides.

"(5) Providing assistance to Administration and staff office personnel involved in the development of new systems regarding the appropriate level of security controls for their information.

"(e) Other Key Officials.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Under Secretaries, Assistant Secretaries, and other key officials of the Department are responsible for the following:

"(1) Implementing the policies, procedures, practices, and other countermeasures identified in the Department information security program that comprise activities that are under their day-to-day operational control or supervision.

"(2) Periodically testing and evaluating information security controls that comprise activities that are under their day-to-day operational control or supervision to ensure effective implementation.

"(3) Providing a plan of action and milestones to the Assistant Secretary for Information and Technology on at least a quarterly basis detailing the status of actions being taken to correct any security compliance failure or policy violation.

"(4) Complying with the provisions of subchapter III of chapter 35 of title 44 and other related information security laws and requirements in accordance with orders of the Assistant Secretary for Information and Technology to execute the appropriate security controls commensurate to responding to a security bulletin of the Security Operations Center of the Department, with such orders to supersede and take priority over all operational tasks and assignments and be complied with immediately.

"(5) Ensuring that—

"(A) all employees within their organizations take immediate action to comply with orders from the Assistant Secretary for Information and Technology to—

"(i) mitigate the impact of any potential security vulnerability;

"(ii) respond to a security incident; or

"(iii) implement the provisions of a bulletin or alert of the Security Operations Center; and

"(B) organizational managers have all necessary authority and means to direct full compliance with such orders from the Assistant Secretary.

"(6) Ensuring the VA National Rules of Behavior is signed and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions on an annual basis.

"(f) Users of Department Information and Information Systems.—Users of Department information and information systems are responsible for the following:

"(1) Complying with all Department information security program policies, procedures, and practices.

"(2) Attending security awareness training on at least an annual basis.

"(3) Reporting all security incidents immediately to the Information Security Officer of the system or facility and to their immediate supervisor.

"(4) Complying with orders from the Assistant Secretary for Information and Technology directing specific activities when a security incident occurs.

"(5) Signing an acknowledgment that they have read, understand, and agree to abide by the VA National Rules of Behavior on an annual basis.

"(g) Inspector General of Department of Veterans Affairs.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Inspector General of the Department is responsible for the following:

"(1) Conducting an annual audit of the Department information security program.

"(2) Submitting an independent annual report to the Office of Management and Budget on the status of Department information security program, based on the results of the annual audit.

"(3) Conducting investigations of complaints and referrals of violations as considered appropriate by the Inspector General.

"§ 5724. Provision of credit protection and other services

"(a) Independent Risk Analysis.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity or the Office of Inspector General of the Department conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

"(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive personal information involved in a data breach, the Secretary shall provide credit protection services in accordance with the regulations prescribed by the Secretary under this section.

"(b) Regulations.—Not later than 180 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, the Secretary shall prescribe interim regulations for the provision of the following in accordance with subsection (a)(2):

"(1) Notification.

"(2) Data mining.

"(3) Fraud alerts.

"(4) Data breach analysis.

"(5) Credit monitoring.

"(6) Identity theft insurance.

"(7) Credit protection services.

"(c) Report.—(1) For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any services provided pursuant to subsection (b).

"(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense, the Secretary shall submit the report required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"§ 5725. Contracts for data processing or maintenance

"(a) Contract Requirements.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

"(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

"(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

"(b) Liquidated Damages.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

"(c) Provision of Credit Protection Services.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services pursuant to section 5724(b) of this title.

"§ 5726. Reports and notice to Congress on data breaches

"(a) Quarterly Reports.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

"(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report—

"(A) the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach; and

"(B) the status of any remedial or corrective action with respect to the data breach.

"(b) Notification of Significant Data Breaches.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense that the Secretary determines is significant under paragraph (1), the Secretary shall provide the notice required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(3) Notice under paragraphs (1) and (2) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

"§ 5727. Definitions

"In this subchapter:

"(1) Availability.—The term 'availability' means ensuring timely and reliable access to and use of information.

"(2) Confidentiality.—The term 'confidentiality' means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.

"(3) Control techniques.—The term 'control techniques' means methods for guiding and controlling the operations of information systems to ensure adherence to the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(4) Data breach.—The term 'data breach' means the loss, theft, or other unauthorized access, other than those incidental to the scope of employment, to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

"(5) Data breach analysis.—The term 'data breach analysis' means the process used to determine if a data breach has resulted in the misuse of sensitive personal information.

"(6) Fraud resolution systems.—The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

"(7) Identity theft.—The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

"(8) Identity theft insurance.—The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with efforts to correct and ameliorate the effects and results of identity theft of the insured individual.

"(9) Information owner.—The term 'information owner' means an agency official with statutory or operational authority for specified information and responsibility for establishing the criteria for its creation, collection, processing, dissemination, or disposal, which responsibilities may extend to interconnected systems or groups of interconnected systems.

"(10) Information resources.—The term 'information resources' means information in any medium or form and its related resources, such as personnel, equipment, funds, and information technology.

"(11) Information security.—The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability.

"(12) Information security requirements.—The term 'information security requirements' means information security requirements promulgated in accordance with law, or directed by the Secretary of Commerce, the National Institute of Standards and Technology, and the Office of Management and Budget, and, as to national security systems, the President.

"(13) Information system.—The term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, whether automated or manual.

"(14) Integrity.—The term 'integrity' means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.

"(15) National security system.—The term 'national security system' means an information system that is protected at all times by policies and procedures established for the processing, maintenance, use, sharing, dissemination or disposition of information that has been specifically authorized under criteria established by statute or Executive Order to be kept classified in the interest of national defense or foreign policy.

"(16) Plan of action and milestones.—The term 'plan of action and milestones', means a plan used as a basis for the quarterly reporting requirements of the Office of Management and Budget that includes the following information:

"(A) A description of the security weakness.

"(B) The identity of the office or organization responsible for resolving the weakness.

"(C) An estimate of resources required to resolve the weakness by fiscal year.

"(D) The scheduled completion date.

"(E) Key milestones with estimated completion dates.

"(F) Any changes to the original key milestone date.

"(G) The source that identified the weakness.

"(H) The status of efforts to correct the weakness.

"(17) Principal credit reporting agency.—The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

"(18) Security incident.—The term 'security incident' means an event that has, or could have, resulted in loss or damage to Department assets, or sensitive information, or an action that breaches Department security procedures.

"(19) Sensitive personal information.—The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including the following:

"(A) Education, financial transactions, medical history, and criminal or employment history.

"(B) Information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records.

"(20) Subordinate plan.—The term 'subordinate plan', also referred to as a 'system security plan', means a subordinate plan defines the security controls that are either planned or implemented for networks, facilities, systems, or groups of systems, as appropriate, within a specific accreditation boundary.

"(21) Training.—The term 'training' means a learning experience in which an individual is taught to execute a specific information security procedure or understand the information security common body of knowledge.

"(22) VA national rules of behavior.—The term 'VA National Rules of Behavior' means a set of Department rules that describes the responsibilities and expected behavior of personnel with regard to information system usage.

"(23) VA sensitive data.—The term 'VA sensitive data' means all Department data, on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information and includes information whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission, proprietary information, and records about individuals requiring protection under applicable confidentiality provisions.

"§ 5728. Authorization of appropriations

"There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 57 is amended by adding at the end the following:

"SUBCHAPTER III—INFORMATION SECURITY

"5721. Purpose.
"5722. Policy.
"5723. Responsibilities.

"5724. Provision of credit protection and other services.
"5725. Contracts for data processing or maintenance.
"5726. Reports and notice to Congress on data breaches.
"5727. Definitions.
"5728. Authorization of appropriations.".

(c) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 903. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAMS.

(a) PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Title 38 is amended by inserting after chapter 78 the following new chapter:

"CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

"Sec.
"7901. Programs; purpose.
"7902. Scholarship program.
"7903. Education debt reduction program.
"7904. Preferences in awarding financial assistance.
"7905. Requirement of honorable discharge for veterans receiving assistance.
"7906. Regulations.
"7907. Termination.

"§ 7901. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary may carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"§ 7902. Scholarship program.

"(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary may establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

"(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

"(B) who enters into an agreement with the Secretary as described in subsection (b).

"(2)(A) Except as provided in subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

"(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

"(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

"(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

"(A) the tuition and fees of the individual; and

"(B) $1,500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

"(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

"(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

"(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in circumstances authorized by the Secretary.

"(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

"(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

"(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

"(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

"(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

"(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

"§ 7903. Education debt reduction program

"(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

"(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

"(1) has completed a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

"(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

"(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

"(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

"(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

“(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

“(2) The Secretary shall make such a payment—

“(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

“(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

“(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

“(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

“(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

“(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

“(1) tuition expenses; and

“(2) all other reasonable educational expenses, including fees, books, and laboratory expenses.

“§ 7904. Preferences in awarding financial assistance

“In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

“(1) Veterans with service-connected disabilities.

“(2) Veterans.

“(3) Persons described in section 4215(a)(1)(B) of this title.

“(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

“(5) Citizens of the United States.

“§ 7905. Requirement of honorable discharge for veterans receiving assistance

“No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

“§ 7906. Regulations

“The Secretary shall prescribe regulations for the administration of this chapter.

“§ 7907. Termination

“The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.”.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, and of part V of title 38, are each amended by inserting after the item relating to chapter 78 the following new item:

“79. Information Security Education Assistance Program .... 7901”.

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), may only apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

TITLE X—OTHER MATTERS

SEC. 1001. NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS.

To the extent that the Secretary of Veterans Affairs is required or directed, under any provision of law, to provide written notice to any committee of Congress other than the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the transfer of appropriations from one account to any other account, the Secretary shall also transmit such notice to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 1002. CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW.

(a) PAYMENT OF PENSION DURING CONFINEMENT IN PENAL INSTITUTIONS.—Section 1505(a) is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

(b) ALLOWANCES FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—Section 3108(g)(1) is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

(c) EDUCATIONAL ASSISTANCE BENEFITS FOR POST-VIETNAM ERA VETERANS.—Section 3231(d)(1) is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

(d) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCES FOR VETERANS GENERALLY.—Section 3482(g)(1) is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

(e) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR SURVIVORS AND DEPENDENTS.—Section 3532(e) is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

(f) LIMITATION ON PAYMENT OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.—Section 5313 is amended by striking “or local penal institution” each place it appears and inserting “local, or other penal institution or correctional facility”.

(g) LIMITATION ON PAYMENT OF CLOTHING ALLOWANCE.—Section 5313A is amended by striking “or local penal institution” and inserting “local, or other penal institution or correctional facility”.

SEC. 1003. EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e)(3)(D) is amended by striking “December 31, 2005” and inserting “December 31, 2007”.

SEC. 1004. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting “of 1938” after “Act”.

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking “Robert B.” and inserting “Robert T.”.

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking “under this chapter” and inserting “established under section 3722 of this title”.

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking “into the strategic” and all that follows through “and Results Act of 1993” and inserting “into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31”.

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking “effective October 1, 2003,”; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking “shall be implemented no later than October 1, 2003, and”; and

(ii) in the third sentence, by striking “, following implementation of the schedule,”.

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking “Robert B.” and inserting “Robert T.”.

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking “101(25)(d)” and inserting “101(25)(D)”; and

(2) by striking “3011(a)(1)(A)(ii)(II)” and inserting “3011(a)(1)(A)(ii)(III)”.

SEC. 1005. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 is amended—

(1) in subsection (a), by striking “$112” and inserting “$115”;

(2) in subsection (b), by striking “$218” and inserting “$225”;

(3) in subsection (c), by striking “$337” and inserting “$348”;

(4) in subsection (d), by striking “$485” and inserting “$501”;

(5) in subsection (e), by striking “$690” and inserting “$712”;

(6) in subsection (f), by striking “$873” and inserting “$901”;

(7) in subsection (g), by striking “$1,099” and inserting “$1,135”;

(8) in subsection (h), by striking “$1,277” and inserting “$1,319”;

(9) in subsection (i), by striking “$1,436” and inserting “$1,483”;

(10) in subsection (j), by striking “$2,393” and inserting “$2,471”;

(11) in subsection (k)—

(A) by striking “$87” both places it appears and inserting “$89”; and

(B) by striking “$2,977” and “$4,176” and inserting “$3,075” and “$4,313”, respectively;

(12) in subsection (l), by striking “$2,977” and inserting “$3,075”;

(13) in subsection (m), by striking “$3,284” and inserting “$3,392”;

(14) in subsection (n), by striking “$3,737” and inserting “$3,860”;

(15) in subsections (o) and (p), by striking “$4,176” each place it appears and inserting “$4,313”;

(16) in subsection (r)—

(A) in paragraph (1), by striking “$1,792” and inserting “$1,851”; and

(B) in paragraph (2), by striking "2,669" and inserting "$2,757"; and

(17) in subsection (s), by striking "$2,678" and inserting "$2,766".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) is amended—

(1) in subparagraph (A), by striking "$135" and inserting "$139";

(2) in subparagraph (B), by striking "$233" and "$68" and inserting "$240" and "$70", respectively;

(3) in subparagraph (C), by striking "$91" and "$68" and inserting "$94" and "$70", respectively;

(4) in subparagraph (D), by striking "$109" and inserting "$112";

(5) in subparagraph (E), by striking "$257" and inserting "$265"; and

(6) in subparagraph (F), by striking "$215" and inserting "$222".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking "$641" and inserting "$662".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 is amended—

(A) in paragraph (1), by striking "$1,033" and inserting "$1,067"; and

(B) in paragraph (2), by striking "$221" and inserting "$228".

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,067	W–4	$1,276
E–2	$1,067	O–1	$1,128
E–3	$1,067	O–2	$1,165
E–4	$1,067	O–3	$1,246
E–5	$1,067	O–4	$1,319
E–6	$1,067	O–5	$1,452
E–7	$1,104	O–6	$1,637
E–8	$1,165	O–7	$1,768
E–9	$1,215[1]	O–8	$1,941
W–1	$1,128	O–9	$2,076
W–2	$1,172	O–10	[2]$2,276
W–3	$1,207		

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking "$257" and inserting "$265";

(B) in subsection (c), by striking "$257" and inserting "$265"; and

(C) in subsection (d), by striking "$122" and inserting "$126".

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) is amended—

(A) in paragraph (1), by striking "$438" and inserting "$452";

(B) in paragraph (2), by striking "$629" and inserting "$649";

(C) in paragraph (3), by striking "$819" and inserting "$846"; and

(D) in paragraph (4), by striking "$819" and "$157" and inserting "$846" and "$162", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 is amended—

(A) in subsection (a), by striking "$257" and inserting "$265";

(B) in subsection (b), by striking "$438" and inserting "$452"; and

(C) in subsection (c), by striking "$218" and inserting "$225".

SEC. 1006. COORDINATION OF PROVISIONS WITH VETERANS PROGRAMS EXTENSION ACT OF 2006.

(a) EARLIER ENACTMENT OF THIS ACT.—If this Act is enacted before the Veterans Programs Extension Act of 2006 is enacted into law, the Veterans Programs Extension Act of 2006, and the amendments made by that Act, shall not take effect.

(b) EARLIER ENACTMENT OF VETERANS PROGRAMS EXTENSION ACT OF 2006.—If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006, then as of the date of the enactment of this Act, the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under title I of the amended bill, veterans making claims would be able to hire an attorney or an agent after a notice of disagreement referred to as an NOD, with a VA benefits decision having been filed. In the spirit of compromise, we worked with our Senate counterparts to craft this provision in such a way as to provide veterans with the opportunity to retain representation while protecting them from unscrupulous attorneys, while at the same time with great hope, not adding to the burden on VA's already overwhelmed claims system.

Title II of the compromise language increases support of servicemembers returning from the war on terror by improving VA's outreach and increasing the number of clinicians treating post-traumatic stress disorder, referred to as PTSD, and improving their training.

The funds will also expand telehealth initiatives that are invaluable to rural veterans and expand the number of community-based outpatient clinics able to treat mental illnesses. The title further authorizes spending for collaboration and PTSD diagnosis and treatment between the VA and the Department of Defense. Families contending with the loss of a loved one will also benefit from bereavement counseling authorized under this bill.

Mr. Speaker, veterans undergoing blind rehabilitation treatment for Parkinson's disease and multiple sclerosis, and those trying to break the cycle of homelessness, will also see increased support under this legislation. The bill authorizes $2 billion for blind rehabilitation specialists and increases the number of facilities where these specialists will be located. It also authorizes the VA to designate six Parkinson's Disease Research, Education and Clinical Centers of Excellence and at least two multiple sclerosis centers of excellence.

The compromise legislation also strengthens VA's homeless grant and per diem programs. The provisions in title III would also make modifications to veterans education programs.

Mr. Speaker, I have been fortunate to meet some of these spouses of our severely wounded veterans, and I must say there is no one more deserving than these spouses who care for their wounded, America's heroes and their husbands on a daily basis.

Therefore, section 3 of the compromise contains a provision to authorize the VA to provide these education benefits under chapter 35 of title 38 of U.S.C. to these spouses' independent children of these severely injured servicemembers prior to the members' discharge, these servicemembers who in the opinion of the VA will most likely be discharged with permanent and total service-connected disabilities.

Rather than wait the 2- or 3-year time period, let us permit the spouses then to obtain their educational benefits so they can gain an education. When the husband or wife receives his or her discharge, they are then able to care for the family. Given the long convalescence many of these severely injured servicemembers experience while being on active duty, this provision, I think, makes a great deal of sense in how we support our families.

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This is not a new benefit. The current law requires severely injured servicemembers to already be discharged for a condition qualifying for a chapter 35 benefit. We merely authorize the VA to pay these benefits sooner to those who would qualify following a member's discharge.

Mr. Speaker, under title III of the amended bill, it would also clarify the VA's pro rata refund policy for nonaccredited education institutions. We extend the authorization for work-study positions located at the VA cemeteries, State veterans homes and State approving agencies through June 30, 2007. We would require the VA to report on methods to improve and streamline the administrative processes and procedures of education programs in chapters 30 through 36 of title 38 of the United States Code and restore lost entitlement for certain chapter 35 education beneficiaries forced to discontinue a course of education due to being called to full-time National Guard duty.

Mr. Speaker, title IV, section 402, contains a provision that would extend for 1 year the VA Secretary's authority to provide the family of a veteran interred in a private cemetery with a government marker or any headstone. Congress had previously given the Secretary a 5-year authority effective for deaths that had occurred as of September 11, 2001. However, this authority expires on December 31 of this year.

Section 403 of the compromise agreement would allow tribal governments to participate in the VA's State Cemeteries Grants Program. This program dates back to 1978 and complements the department's National Cemetery System.

Title V of the compromise language improves the status of veteran and disabled veterans small businesses when competing for contracts at the Department of Veterans Affairs. There would be a reasonable expectation, Mr. Speaker, that all of the Federal Government's agencies in the Department of Veterans Affairs would be a leader in achieving the President's goal for annual procurement from at least 3 percent of the disabled veteran-owned businesses. Sadly, our most recent data from fiscal year 2005 indicates that the VA did barely over half of what the President directed and the public law required.

Mr. Speaker, the compromise agreement would also require the VA Secretary to establish annual contracting goals for small businesses owned and controlled by veterans and service-disabled veterans. The goal of the service-disabled veterans would not be less than 3 percent of these contracts. The veteran and disabled veteran-owned small businesses would be given priority in VA contracting as well as priority among other set-aside groups eligible for preferential treatment under the Small Business Act.

Title VI of this compromise bill contains provisions affecting the Department of Labor's Veterans Employment and Training Service. The compromise agreement would also clarify the part-time employment of DVOPS and LVERs, which is half-time employment, and require that DVOPS and LVERs hired after the date of enactment successfully complete training by the National Veterans Training Institute within 3 years of appointment.

Finally, title VI of the compromise would establish a 3-year demonstration program to identify not less than 10 military occupational specialties that would lead to State licensing and authorize the use of any unobligated funds for the project through fiscal year 2009.

Title VII provisions of the legislation strengthen support for homeless veterans, increasing authorization for housing, per diem payments and other specialized services. It also creates a VA Office of Rural Health and dramatically improves outreach for rural veterans.

State veterans homes will now be reimbursed by VA for the cost of care provided to veterans with 70 percent or higher service-connected conditions. Further, veterans in these homes with service-connected conditions rated at least 50 percent would receive their medications free of charge. In order to increase access to long-term care, VA would conduct a pilot program that makes non-VA facilities, such as community hospitals, eligible for State veterans home per diem payments.

Mr. Speaker, title VIII of the compromise language authorizes $36.8 million for advanced planning of a collaboration project between the Ralph H. Johnson VA Medical Center in Charleston, S.C. and the adjacent Medical University of South Carolina, referred to as MUSC.

The project is likely to ensure that veterans in the low country of South Carolina receive the highest quality and state-of-the-art facilities. It would replace the aging infrastructure of the VA facilities and combine this with the MUSC facilities which are adjacent. Connecting these facilities, not just the sharing of clinicians, which is now the case, is the way to go.

There is very expensive and advanced medical equipment, lab and ancillary services. That is the goal of this collaboration. Both VA and the Medical University will remain committed to preserving VA's unique identity and commitment to veterans priorities. The enhanced collaboration envisioned in Charleston is innovative and will serve as a national model as its design and operation benefiting from the best minds in the public and private sectors will afford South Carolina veterans higher quality, more efficient care and truly state-of-the-art facilities.

This is a big deal, Mr. Speaker. It is a big deal because this idea is going to be leveraged also into Louisiana.

We are authorizing over $600 million for repair and replacement of flood and hurricane-damaged facilities in New Orleans and along the gulf coast of Mississippi.

The bill authorizes $98 million for the replacement of the VA Medical Center in Denver and directs the Secretary of Veterans Affairs to explore the viability of public-private partnerships as he moves forward in Denver.

Twenty-two other major construction projects in 15 States are authorized in this bill, which also approves continued leasing of eight medical facilities and requires the VA to explore options for construction of a new facility in San Juan, Puerto Rico.

Mr. Speaker, on May 3, 2006, an incident of a VA employee's stolen laptop computer potentially put at risk the personal data of 25.6 million veterans and 2.2 million Active Duty, Guard and Reservists. This was the largest information security breach to have occurred in government and it is the second largest such security breach in the Nation's history.

Title IX of the compromise bill would protect our veterans and servicemembers from the misuse of their sensitive personal information. The bill directs the VA to provide breach notification to individuals, reports to Congress, broad alerts, data breach analysis and credit monitoring services, and identify theft insurance.

Title IX, what we do is direct the Secretary to issue implementing regulations within 180 days of enactment of this bill.

Finally, Mr. Speaker, title X of the compromise language makes technical and clarifying amendments to title 38.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to particularly thank the gentlelady for yielding. We have a bit of a time crunch, and I appreciate her graciousness.

Mr. Speaker, I would like to thank Chairman BUYER, Ranking Member EVANS and acting Ranking Member FILNER for moving forward on this bill. This legislation will provide our veterans with a number of important benefits, and I am absolutely delighted to be able to be here and speak in favor of it.

I want to particularly mention a provision in this legislation that will permit Native American tribal organizations to apply for VA State cemetery grants. This will allow tribes such as the Paiutes in Nevada to build or expand cemeteries on their reservations so that Native American veterans can be laid to rest near their families in veterans cemeteries.

In addition, with this bill, veterans will have the choice as to whether to have attorney representation in the VA claims process. While some veterans may choose to hire a lawyer, veteran service organizations will continue to maintain their traditional role in the VA claims process.

I am pleased that this legislation includes a number of safeguards. For example, veterans will only be able to hire an attorney after they actually disagree with the VA decision. This provision is from similar legislation that Lane Evans and I introduced earlier. This legislation is about giving veterans a choice. Now our Nation's heroes will simply have the option of hiring an attorney if they choose to.

I am delighted that this bill includes four lease authorizations on leases that will soon expire in Las Vegas, and perhaps most important and most sought after is a $406 million authorization for a new VA medical center in Las Vegas on which we broke ground this past October. This complex will include a hospital, an outpatient clinic and a nursing home. My veterans desperately need this facility as Las Vegas has the fastest growing veterans population in the United States, but does not have a VA medical center or hospital or clinic.

This authorization is crucial, crucial, to veterans in Southern Nevada. I am pleased that we have been able to reach an agreement on these provisions during a time of war and when we are seeing new veterans returning home from Iraq and Afghanistan. We must provide our veterans with the benefits and care they deserve, they have earned, and that they are entitled to.

I fully support this legislation, and I urge its support.

Mr. BUYER. Mr. Speaker, will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from Indiana.

Mr. BUYER. Ms. BERKLEY, I want to thank you. I want to thank you for your tenacity, for your commitment to your veterans that you serve, not only in your district, but across the country. I have enjoyed working with you on your project in Las Vegas. I enjoyed my visits with you when I was out there.

One of the challenges which we face is the growth of population that you have in Las Vegas, which is like none other in the country. I know that Ms. BROWN believes that Orlando is growing the fastest, but Las Vegas, it is beyond comprehension how you are able to stay ahead of it.

So whatever we plan today, what I have learned about working with you, what we planned 2 years ago is already obsolete today. This is an ongoing issue that I want to work with the gentlelady with, and I compliment your effort and leadership.

Ms. BERKLEY. Mr. Speaker, reclaiming my time, while I don't want to turn Congress into a mutual admiration society, let me thank the chairman for helping make this compromise a reality. I know that he must have been working very late into the night last night. This is important stuff. We both know it. We all know it. I am very glad we were able to bring this to the floor. Thank you very much for your sensitivity to my veterans needs. I don't think Las Vegas will soon forget your visit to our fair city.

Mr. Speaker, once again, I thank Congresswoman BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentlelady. Having visited her area, I understand the fast growth that she is experiencing with VA and her veterans. So I strongly support a new facility in her area, and will talk in a few minutes about the needs of the veterans in Central Florida for over 25 years.

Mr. Speaker, I rise in support of the Veterans Benefit Health Care and Information Technology Act of 2006. This bill, as its title suggests, authorizes new benefits and health care programs for veterans. The bill authorizes needed construction of VA medical facilities and leases for VA clinics across the Nation. The bill also addresses significant vulnerabilities in VA's information technology security.

I am proud that working with the gentleman from Indiana, Mr. BUYER, the chairman of our committee, and our colleagues in the Senate, Chairman CRAIG and Ranking Member AKAKA, we have been able to draft a solid veterans bill before we recess.

Mental health: I have been a firm advocate that we must do more to help veterans with mental health concerns and their families. The legislation we consider today has many important mental health provisions which will expand VA capacities to address the mental health concerns of veterans.

One example, the bill authorizes the VA to have marriage and family therapists and the other mental health professionals. Today we are sending a clear signal that we want to help the families of veterans with post-traumatic stress disorder stay strong, stay resilient and stay together.

This bill requires the VA to ensure that each community-based outreach clinic has the capacity to provide mental health services. This bill requires the VA to increase the number of vet centers able to use telemedicine to provide counseling for veterans. This is especially important for veterans living in rural areas. This bill requires VA to increase the outreach service of vet centers.

Passing this legislation is an important first step, but we must be vigilant to be sure that VA implements the law as we intended them.

Long-term care: In just a few years, VA estimates that there will be 1.3 million veterans who will be 85 years old and older. Because of their age, these men and women will most likely need long-term nursing care or other assistance. This bill requires VA to develop and publish a comprehensive plan for the long-term care of veterans.

Since 1888, State veterans homes have played an important role to provide care for our Nation's disabled veterans. This bill enhances this important Federal and State partnership by ensuring that medication is provided at no cost to veterans with a 50 percent or more service-connected disability. This bill also increases veterans reimbursement for the cost of care for veterans with significant service-connected disabilities.

Rural care: We all have heard of the frustration and challenges rural veterans face in trying to access medical care from the VA. This legislation helps focus VA efforts on addressing the needs of veterans in rural areas. The bill establishes a VA Office of Rural Health Care and requires the director of the new office to develop a plan to improve rural veterans access to VA care.

Outreach to recent veterans. This bill also requires the VA to conduct an extensive outreach program to veterans who served in Iraq and Afghanistan and have returned home to rural communities.

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This provision is proactive and presses VA to reach out to veterans and build on the strengths of our small towns and communities.

Construction. This omnibus measure also authorizes VA major facility construction projects and leases. It has been some time now since Congress acted to address the health care infrastructure of the Department of Veterans Affairs.

At this time, I want to mention the facility in Orlando, which has been in the pipeline and gone through the process for over 25 years, and that is one reason why I am extremely pleased that we are bringing this bill up today. The veterans in our area that have come from all over the country can no longer wait for a facility, and I am very pleased that the facility in Orlando and the facility not just in Orlando but in Florida and all over the country, including New Orleans whose facility was destroyed, and other places will get the authorization that it needs to move forward.

While I am proud that we are moving forward on important veterans legislation, I remain deeply frustrated and concerned that it still appears that we are still ending this congressional session leaving veterans without a funding bill. Even with a continuing resolution, we are undermining VA's health care system and shortchanging veterans. At the medical center level, a delay in the fiscal year 2007 funding translates into delays in hiring nurses and other hospital staff. It means staff work longer hours and are stretched thin. It means quality of care is put at risk. It means longer waiting lines for veterans.

This failure to pass a budget is a clear illustration of the need for mandatory or assured funding of VA health care, and I firmly support it. In the next Congress, we need to look seriously at alternate ways to assure adequate funding for veterans health care.

Needed action. This bill is a good bill, but even this hefty omnibus bill leaves some of our work incomplete.

I believe that we owe it to our newest veterans to modernize the GI bill, especially including meaningful benefits for the Guard and Reserve.

We must increase VA's capacity to meet the rehabilitation and long-term care needs of veterans with traumatic brain injuries.

We must continue to monitor and strengthen VA's capacity to help veterans with post-traumatic stress disorder and other mental health concerns.

As we work to address the emerging issues of veterans returning from Iraq and Afghanistan, we must also continue to press VA to meet the health care needs of veterans exposed to Agent Orange and veterans struggling with a range of Gulf War illnesses.

Today's bill permanently authorizes VA's homeless grant and per diem program, which I think is very important because I know that we have all looked in our area and seen the homelessness. We know that one-third of those homeless are veterans, and so this bill helps homeless grants and per diem programs. This is a good program. We must help it grow to address more than a fraction of the homeless veterans on the streets. This is really unacceptable.

We need to work together in the next Congress to acknowledge where there are problems in the VA system and fix them.

Finally, I want to thank all of the VA staff on both the Republican and Democratic side for their dedication and hard work, and I know they have worked into the night for the last two nights to serve our Nation's veterans. I personally appreciate the work that they have done, and I appreciate the work that the leadership has done. I think it is a good bill. It is a good start, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. BROWN), the subcommittee chairman on health.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me begin by thanking our esteemed chairman Mr. BUYER for all his hard work this Congress. Under his leadership, this committee has fought to do what is right for veterans, and I am proud to serve on this committee and even more proud to call him my friend.

I also want to thank our ranking member, Mr. EVANS, and acting ranking member, Mr. FILNER, and my ranking colleague Mr. MICHAUD for all of their efforts. I have a great deal of respect for the bipartisan commitment to our Nation's veterans this committee holds and look forward to continuing our work together next year.

Likewise, Chairman CRAIG and Ranking Member AKAKA of our sister committee in the Senate have also made enormous contributions to the bill before the House today, and I appreciate their support for moving this compromise agreement before this Congress adjourns.

All of us have had the opportunity to spend time with some of the men and women who have been injured as a result of their service to this Nation. There are few more important ways we could demonstrate our appreciation for their sacrifice than to set in place authorizations that will help improve the quality and access to health care services these folks will require. I believe we have accomplished that in this bill.

The legislation we are now considering incorporates substantial measures contained in a number of House and Senate bills addressing veterans health care benefits. As the Health Subcommittee chairman, I am especially pleased that this bill supports new and innovative collaborative partnerships between VA and medical universities and Federal, State and local health entities and the private sector to improve the quality of care delivered to those who have faithfully served this country. The chairman believes, as I do, that local health care economies can and should be leveraged whenever possible to enhance VA health care delivery and keep pace with 21st-century technology.

Collaboration is becoming increasingly essential in delivering health care across the Nation. So long as we remain true to the distinct identity of the VA, and so long as we ensure the continued quality associated with VA care, VA collaboration on joint ventures with its extensive medical university affiliations and the Department of Defense could be mutually advantageous for all organizations.

In the package before us today, we have a number of exciting possible collaboration projects, including one that is certainly dear to me, and that is the authorization of the advanced planning and design for what might someday be a joint hospital complex between the VA and the Medical University of South Carolina. Likewise, the bill also authorizes co-location of a new VA medical center with the Louisiana State University in New Orleans, a project that is incredibly important considering the devastation that was visited on the area by Hurricane Katrina.

As I have stated, I believe the collaborative projects are critically important in terms of fully leveraging available local resources, and I am hopeful that the diligent and bipartisan work of the committee in this area will continue in the new Congress.

In addition to the construction-related provisions of this bill, I would like to briefly mention a few of the important health measures this bill includes:

Improves VA's ability to respond to the mental health needs of our veterans, including increasing mental health care funding, expanding mental health services at all VA facilities and increasing the number of clinical care providers dedicated to the treatment of PTSD;

Establishes an Office of Rural Health and improves outreach programs to increase access to care for veterans in rural areas;

Requires the Secretary of the VA to establish a strategic plan for long-term care; and

Extends and improves programs for homeless veterans, including grants for community care providers and VA treatment and rehabilitation services for homeless veterans who are mentally ill.

Whether it is improved access to vet centers for newly returning veterans, the improved access to telehealth services, or the codification of the Parkinson's disease and MS centers, this bill is important. It is not only important because of the authorizations it contains but because it represents our commitment to those who have served. I am committed to doing what is right on their behalf, and I know my colleagues on the committee feel the same.

So I would urge the rest of my friends in this body to support this bill, and in doing so, send a strong signal to our servicemembers letting them know that we support them, not only when they are in harm's way but upon their return as well.

Again, I urge my colleagues to join me in supporting this legislation.

Mr. BUYER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Arkansas (Mr. BOOZMAN), subcommittee chairman.

Mr. BOOZMAN. Mr. Speaker, I certainly want to congratulate Mr. BUYER and thank him and thank the staff on both sides, the chairman, Ranking Member EVANS, Acting Ranking Member FILNER, and again all of the staff for your hard work in getting this bill together. It is a very, very good bill.

The bill before the House makes improvements in nearly every major area of veterans programs. I am especially proud of the provisions that originally passed the House in H.R. 3082. That bill, and now S. 3421, contains significant changes to how the Department of Veterans Affairs and the Department of Labor's Veterans Employment and Training Service meet the small business and employment needs of America's veterans.

Mr. Speaker, the Federal Government has fallen woefully short in meeting the disabled veteran-owned small business contracting goals set forth in Public Law 106-50 and Presidential Executive Order 13360. Since the law and directive took effect, only one major Federal agency has met the 3 percent goal for disabled veteran-owned small businesses. This is certainly a very, very poor record. This bill provides the Department of Veterans Affairs with the tools and requisite authorities to not only meet the goal but to exceed the goal.

The bill also makes several important improvements in the delivery of employment services to veterans. As a result, State workforce agency employees funded by the Veterans Employment and Training Service will be better trained in their duties. The Secretary of Labor will have additional authority to hold States accountable for job placement results. The bill also makes it easier for servicemembers transitioning to civilian life by authorizing a pilot program to break down barriers to qualifying for State licenses based on military training, education, and experience.

Mr. Speaker, again, this is an excellent bill. I want to again thank you for all of the hard work on both sides for the effort that was done and very much support the passage of this bill.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), my classmate.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on this extremely important issue and many others.

I rise in strong support of this bill. We need to support our veterans when they are in harm's way; and when they return home, we have to give them the support for their health care and for their lives that they deserve.

I am very pleased that the Veterans Administration is continuing to support the 23rd Street Veterans Hospital in Manhattan in my district, which is rated as one of the best veterans hospitals in this country, a center of excellence in six different categories.

Under this bill, that hospital and other veterans hospitals and outreach centers will have additional support for mental health. Regrettably, many of our veterans from Iraq and Afghanistan, and our veterans even from the Vietnam and the Gulf wars, are suffering from post-traumatic stress. Many of them have this challenge, and this bill addresses it and puts support there for our returning men and women.

I am extremely pleased that one of the first bills that I ever introduced in this Congress, H.R. 4537, the Veterans Housing Fairness Act, is part of this bill. A home is a home whether you live in a condominium or in a traditional house or a mobile home or a townhouse. Yet, currently, VA loans cannot be used to purchase cooperative residential units.

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This bill corrects this and allows veterans, whether they live vertically in co-ops or horizontally in homes or in mobile homes, it allows them to use this loan to purchase their home. A home is a home for a veteran, no matter where they are. This will help many returning veterans and veterans that currently live in New York City. And I thank my colleagues for their support, particularly Senator SCHUMER in the Senate and of course Chairman BUYER and Ranking Member FILNER for their hard work on this. Let me tell you that it is so important, what we are doing today. This includes many important provisions, and I thank them.

As the cochair of the Parkinson's caucus, I am very pleased that the bill includes six Parkinson's Disease research education centers. Regrettably, many of our returning veterans are suffering from Parkinson's similar symptoms, and this will help us to research this, help our veterans and others suffering from Parkinson's.

It is a thoughtful bill, it is inclusive, and I am particularly pleased that it is one of the first bills that I introduced; a home is a home whether it is a co-op or a mobile home, and our veterans will be able to use their VA loans to purchase the appropriate housing for them in the areas that they live.

I thank all of my colleagues for their hard work on this. My colleague, CORRINE BROWN, we came to Congress together. I thank you very much. I thank as well SHELLEY BERKLEY.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I would like to thank my colleagues from the committee from both sides of the aisle for their bipartisanship in the crafting and supporting of a substantive and forward-thinking bill. It enhances veterans health care and benefits both through stronger veterans programs and through fundamental organizational reforms and innovation.

I would also like to thank the chairman of the House Armed Services Committee and Ranking Member IKE SKELTON. Mr. SKELTON, if you please, extend to your staff, they worked through the night with us, because there are certain things in our bill that mentioned DOD and they were wonderful to work with. So please extend our appreciation for their work.

I would also like to thank the leadership of Chairman HENRY BROWN and Ranking Member MIKE MICHAUD for their good work on the Health Subcommittee; Chairman JEFF MILLER and Berkley on their leadership on benefits; Chairman JOHN BOOZMAN and his leadership, along with Ms. HERSETH on economic opportunity; Chairman Michael Bilirakis and Mr. STRICKLAND on ONI.

I would also like to extend an appreciation to Ranking Member LANE EVANS and that of the acting Ranking Member, Mr. FILNER. I also extend deep appreciation to Senator LARRY CRAIG and Ranking Member AKAKA of the Senate Veterans Affairs Committee whose vision and collaborative spirit do veterans justice.

Without the around-the-clock efforts by our dedicated staff both in the House and the Senate, I would not be standing here today, nor would our veterans and their families be the beneficiaries of a better VA system tomorrow.

I also want to thank Senator LINDSEY GRAHAM and former Senator Ernest Hollings and Dr. Ray Greenberg of MUSE, who recognized the value of the "Charleston model" that will now be hopefully leveraged across the country to bring state-of-the-art medicine to veterans.

I also want to thank Senator RICHARD BURR from North Carolina for his leadership and care to provide for America's homeless veterans.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on S. 3421.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I seek recognition to express my support for the House amendment to S. 3421, the Veterans Benefits, Health Care, and Information Technology Act of 2006. This bill contains more than 60 provisions that will improve the lives and well-being of servicemembers, veterans, and other Department of Veterans Affairs (VA) beneficiaries. I would like to address a few of the provisions contained in the compromise agreement.

Section 101 of the House amendment would permit veterans and other claimants seeking benefits from VA to have the choice of hiring and paying an attorney to represent them before the agency once a notice of disagreement has been filed. Current law prohibits an attorney from receiving a fee for representing a claimant until the Board of Veterans' Appeals renders its first decision on the claim. Unfortunately, the claims process has become very complex and can be very overwhelming to some claimants. This provision would give veterans the option of hiring an attorney earlier in the process if they believe they need assistance with their claim. Unlike some who have opposed this policy change, I believe veterans are competent to make their own decision as to whether they want to hire an attorney to assist them with their claim. This section is similar to a bill I introduced earlier this year, H.R. 5549, the Veterans' Choice of Representation Act of 2006.

Section 401 of the House amendment would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided by VA. Currently, VA may provide a memorial headstone or marker for a veteran, spouse, or surviving spouse when remains are unavailable. However, if a spouse and child die at the same time and in the same manner and their remains are unavailable, a veteran cannot receive a memorial headstone honoring the child. The provision would correct this inconsistency and is identical to a provision what was passed by the House in July 2006.

Section 402 of the House amendment would extend, until December 31, 2007, the Secretary's authority to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery and who died on or after September 11, 2001. Under current law the Secretary's authority expires on December 31, 2006. This provision was also passed by the House in July of this year.

Section 403 of the House amendment would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. Under current law, tribal organizations are not eligible for state cemetery grants. This provision was passed by the House in July 2006.

Section 404 of the House amendment would direct the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. Mr. Wagner was a convicted murderer who died in prison but slipped through a crack in the law and was inurned at Arlington National Cemetery. Congress amended the law to tighten eligibility standards earlier this year and this provision would restore the sanctity of Arlington by removing his remains from this hallowed ground. I support this provision, which is similar to section 3 of H.R. 4352, a bill I introduced in November 2005.

I would like to mention one final provision that is of interest to me. Section 823 of the House amendment would require the VA, in consultation with the Secretaries of Defense and Air Force, to submit to the Committees on Veterans' Affairs and Armed Services of the Senate and House of Representatives a report on the options for the construction of a new medical facility in Okaloosa County, Florida. The report would be due 180 days after the date of enactment of this bill. This report is an important step forward in determining the best way to address the VA health care needs of veterans and servicemembers in and around Okaloosa County.

In closing, it has been an honor to serve with the dedicated members of the Veterans' Affairs Committee and to chair the Subcommittee on Disability Assistance and Memorial Affairs during the 109th Congress. I look forward to continuing to work with my colleagues on both sides of the aisle in the 110th Congress to continue to build on the good works we have done this Congress.

The bill before us today represents the culmination of thousands of hours of work and a great amount of energy expended by members and staff of the House and Senate Veterans' Affairs Committees and the provisions of this bill will benefit veterans and other VA beneficiaries.

I urge my colleagues to support the House amendment to S. 3421.

Mr. LANGEVIN. Mr. Speaker, today we are debating S. 3421, a bill that would authorize major Veterans Affairs medical facility projects and also overhaul VA information technology.

A goal of this bill is also to provide more resources for mental health services to veterans. It is one of our most important obligations to help those troops returning from combat to readjust to society, particularly those suffering from mental health issues, such as Post-Traumatic Stress Disorder (PTSD). Research has already demonstrated that military service in Iraq and Afghanistan, like service in past combat zones, is having an adverse effect on the mental health of our men and women in uniform.

We have certainly improved the mental health services offered to our troops. However, I am concerned about a recent Government Accountability Office report which found that not only did the VA not spend all of its money allocated for mental health services, but they also lacked proper oversight of how the funding was spent. Furthermore, there have been media reports that the mental health services in place for servicemembers returning from Iraq and Afghanistan have been overwhelmed and unable to accommodate those seeking help in a timely fashion. It has also been reported that the stigma surrounding the admission of having mental health issues still exists. Sadly, many servicemembers are afraid to admit to symptoms related to PTSD while still in the service, since it may jeopardize their military career.

Mr. Speaker, we cannot cut corners on this issue, and we certainly cannot ignore the veterans and servicemembers who will be left behind if they do not get the help they need. Our patriotic and reassuring words are not enough, especially when we are dealing with men and women with real mental health issues. We must ensure that our veterans and servicemembers are provided with the access to specialized mental health care they deserve. We need to legislate better oversight, both to ensure the funding is allocated appropriately, and also to make sure the programs are working properly and addressing all concerns.

I am ready to deal with this difficult issue in the next Congress because we owe it to the brave men and women who have served our nation with courage and integrity. We need to show them the same.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the Senate bill, S. 3421, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Education Assistance Program, to otherwise improve veterans benefits, memorial affairs, and healthcare programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.".

A motion to reconsider was laid on the table.

IRAQ RECONSTRUCTION ACCOUNTABILITY ACT OF 2006

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4046) to extend oversight and accountability related to United States reconstruction funds and the efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

The Clerk read as follows:

S. 4046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq Reconstruction Accountability Act of 2006".

SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

"(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

"(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

"(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. I yield myself such time as I may consume.

Mr. Speaker, this is an extension of oversight and accountability related to

United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of Special Inspector General for Iraq Reconstruction. Mr. Speaker, let me just say to my colleagues that to some degree this is what I categorize, in my humble experience as a Representative and a Member of this body, as one of those thin-air issues. This was an issue which was created out of thin air by a press corps which I guess was under a direction to come up with some issues immediately before the last election.

This goes to the expiration of the Inspector General for the reconstruction money being spent in Iraq. And the initial formulation was that after 80 percent of that reconstruction money had been spent, that the time for the Inspector General before he handed it off, handed off his duties back to the Department of Defense Inspector General who oversees such funds also, would extend 10 months after 80 percent of that money had been spent.

Now, as we were putting the defense bill together, and you had a story that came out of one of the Nation's newspapers, I think it was the New York Times, that said that somehow somebody had inserted a provision in this defense bill that they said, that at the last minute and in the dark of night, that would somehow cut off the Inspector General and his oversight responsibilities.

And let me just say, Mr. Speaker, that is not the case, and I have now learned why we have signature sheets on each provision of the defense bill as it is put together where you have a sign-off by the Democrats and Republicans on each and every provision.

In August, a month before we finished the defense bill, hardly the last minute, we inserted what I call a handoff provision, and it simply said, instead of saying 10 months after 80 percent is spent, and since in November we had spent already about 75 percent, we almost hit the threshold, we figured that that meant that 10 months after that was around October 31 of next year. So we put a date certain, that is, October 31, in the bill as the handoff date from the Inspector General, the Special Inspector General, to the Department of Defense IG. So we wanted to have a date certain.

At that time, and this was done in a very ministerial fashion, representatives from the Democrat side and the Republican side in the conference for the other body and for ourselves, four signatures, count them, four, were attendant to this particular provision. So it wasn't done in the dark of night and it wasn't done at the last minute; it was done in the total open after careful review by all parties, and it simply gave us a date certain for the time that we thought was about the time that would be 10 months after 80 percent of the funds were spent.

Now, after a flurry in the press, we got a Member from the other body who said, "I knew nothing about this." We highly suggest that that Member read the bill as it was being put together. She said, "My staff may have known but I didn't." Perhaps the staff of that particular Member and she should communicate so that she knows what they are signing. But this is a very ministerial thing. There was no motivation to try to extend or try to cut off the IG; it was simply assigning a date certain for the handoff from the Special IG to the DOD IG.

Now, you may ask, well, in that case, why are you supporting this? Well, I am supporting it for a couple reasons. One, I don't care if we extend the Inspector General, the Special Inspector General, although I will object if we end up keeping that team in place after all the money has been spent and there is nothing for them to do, although that may give rise to another New York Times story. But I think it is fine; if they want to have another date certain and if they want to include additional reconstruction money, which this provision does, that is additional 2006 money that goes to reconstruction, that is fine also. So Mr. Speaker, this is one of those thin-air issues that needs to be put to rest.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 4046, the Iraq Reconstruction Accountability Act, which was introduced in the Senate by Senator COLLINS and is the companion measure to my bill, the bill I introduced, H.R. 6341, which is pending here in the House.

I can honestly say that if we pass this bill today, and I believe we will, it will be a good day for the American taxpayer. This bill is vital to ensure that the good work of the Special Inspector General for Iraq will continue as long as we remain in Iraq. It should not be a partisan issue, and I am glad to see this bill come to the floor today with bipartisan support.

In particular, I want to thank DUNCAN HUNTER, who has ably led the Armed Services Committee for the past 4 years, and who will serve as my ranking member in the next Congress. I look forward to working with him during the next Congress.

Mr. Speaker, during our conference with the Senate on the defense authorization bill this year, Chairman HUNTER agreed to expand the jurisdiction of the Special Inspector General for Reconstruction in Iraq to include reconstruction funds approved by Congress in 2006, at the same time the conference decided to change the date upon which the SIGIR would be terminated from a date dependent upon when the money was all spent to a date certain, October 1, 2007.

Although I disagree with that decision, it was done in an open and fair manner during the regular course of the conference discussions, and I want to recognize the fact that Chairman HUNTER always approached this issue in an upfront and honorable way.

Furthermore, although Chairman HUNTER continues to believe that the October 1 termination date is appropriate, he raises no objection to the consideration of the Skelton-Collins bill. For that, I wish to thank the gentleman.

The Special Inspector General for Iraq Reconstruction has been given a unique mandate by Congress, a mandate to review our rebuilding activities in Iraq. Billions of taxpayer dollars have been committed to this effort, often using abbreviated contracting procedures, and these activities are being carried out in an environment uniquely challenging not only for contractors but for the auditors attempting to oversee them.

The SIGIR has done a remarkable job in providing constructive and aggressive oversight of these activities, and that group estimates that its oversight and audit activities have resulted in savings as well as potential benefits of some $405 million. I am confident that those savings will only increase as a result of the bill we consider here today, Mr. Speaker.

I would point out that this bill passed the Senate with strong bipartisan support under unanimous consent, without any amendment, and my original bill here in the House just a few weeks ago has some 58 cosponsors, including a number of well-respected Republicans, including several senior leaders on defense issues.

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In addition, incoming Defense Secretary Bob Gates testified to the Senate that he truly believes that the special inspector general for Iraq reconstruction should be extended, and the Iraq Study Group as well include the extension in its recommendations. We would be wise to heed the counsel of both Secretary-designee Gates as well as the Baker-Hamilton group.

Mr. Speaker, I ask my colleagues to support this bill. Vote for accountability; vote for good government. I can assure you it is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

I want to thank my great colleague from Missouri for his wonderful service to the Armed Services Committee and the people of this country. He will be ascending to the post of chairman in just a couple of weeks or so, and we look forward to working together with him. In fact, that may be a congratulatory phone call coming in right now, IKE. Let me just say, he has been a great colleague.

Mr. Speaker, we have a number of other colleagues who are leaving, and I know we have a very limited time and Members have been coming down in the limited amount of time we have and talking about their departing colleagues.

I just want to mention that Mr. WELDON is also leaving as serving this country well. Probably no one has been a greater champion of missile defense than Mr. WELDON. And Mr. HEFLEY, our great readiness chairman, is leaving also. As is Mr. GIBBONS. Also Mr. ROB SIMMONS of Connecticut, who did such a marvelous job of working undersea warfare; and Mr. RYUN who represents that great Fort Riley, Kansas district and whose heart is with our military folks so strongly, is also leaving. Other members are leaving also from the committee. I want to thank them for the great work that they have done for our country and also for this committee.

Also, I watched a Special Order being given the other night about a giant in this House of Representatives, HENRY HYDE, the great HENRY HYDE of Illinois who led this body in major debates in the Cold War, helping to bring down the Berlin Wall and win that war. In the struggle in Central America between the Soviet Empire and the United States which was resolved in favor of freedom, and in the arms control debates that erupted on a regular basis over the last 25 years or so, HENRY HYDE has been a giant in this body. I heard several Democrat Members giving great statements about HENRY HYDE. I just want to add my statements and appreciate for his wonderful leadership.

I want to say to my good colleague from Missouri, we have a very bipartisan committee, the Armed Services Committee, and I look forward to working with him to continue to do the most important thing that we are charged to do under our Constitution, and that is to protect this country. In doing that, we raise and equip the Army and Navy and Marine Corps and the Coast Guard. It has been a wonderful job being chairman of the committee, and I look forward to working as a partner with the gentleman from Missouri in continuing this work for our Nation.

Thank you, Mr. Speaker, for letting us get a little bit off subject. I am sure that the inspector general team will be relieved to know that they are not going to be terminated on October 31 of next year, but that they will have license to continue to work for an extended period of time beyond that. I thank the gentleman for his contribution.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank Mr. SKELTON and Mr. Chairman.

Mr. Speaker, I rise in support of this legislation to continue the work of the special inspector general for Iraq reconstruction. Our Nation is committing substantial taxpayer funds to reconstruction in Iraq. The most recent report of the special inspector general states that over $18 billion has been obligated as of the end of September. Further funds have been appropriated to continue reconstruction and assistance to Iraqi security forces in the current fiscal year.

We know that the situation in Iraq is difficult and there is a vigorous national debate about how to best proceed. The security environment is extremely dangerous. Iraq's government institutions are not working well, and the economy is struggling. For as long as we continue to expend our resources there, it is important that we, including the Congress, Department of State, and Department of Defense, get the best oversight and accounting that we can of how these resources are being applied. This not only provides accountability for us; it also helps us demonstrate to Iraq's government ministries what we believe to be necessary practices of good government and accountability.

I am very encouraged that Dr. Bob Gates, the incoming Secretary of Defense, endorsed continuing the work of the special inspector general. And further, that recommendation No. 69 of the Iraq Study Group specifically calls for sustaining the special inspector general.

I urge my colleagues to vote for this bill to ensure that this important oversight and accountability function continues for as long as we are committing significant resources to Iraq's reconstruction.

There is no doubt that there is very significant problems of corruption and criminality in Iraq. It is regrettable that we have to say that, but I think this inspector general has done an outstanding job and we should overwhelmingly pass this bill and indicate our support for this legislation.

Mr. SKELTON. Mr. Speaker, the gentleman from California was kind enough to mention the fact that we look forward to next year, and I look forward to working with him as ranking member. And I appreciate his many, many courtesies to me during his tenure as chairman, and our friendship shall continue. Thank you for that.

We are going to be losing, as Chairman HUNTER mentioned, several people from our Committee on Armed Services. I wish to make special mention of Congressman LANE EVANS who has been a leader in veterans affairs, the ranking member of that committee, and we will miss him sorely. He has made a great contribution for a good number of years, and I wish to publicly thank Congressman EVANS for his efforts, undying efforts through the years.

CYNTHIA MCKINNEY will be leaving. CURT WELDON will be leaving; he spoke yesterday in the committee. JOEL HEFLEY, that marvelous gentleman from Colorado who has worked with me in particular on military construction efforts that have been so successful for the State of Missouri, and I should mention that his tireless efforts through the years in that arena were very, very good. Dr. JOE SCHWARZ will be leaving. There are others. Chairman HUNTER mentioned them by name. These folks that I mentioned made a great contribution, and I wish to acknowledge them at this time.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, JOE SCHWARZ did a wonderful job on our committee, bringing a great intelligence background to the committee. It was wonderful value added to the many hearings and conferences and debates and considerations. We appreciate him as well. I thank the gentleman for bringing his name up.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from North Carolina.

Mr. HAYES. Mr. Speaker, let me add my thanks and congratulations to those that you have added, and to also add literally as we speak, General John Vines, the commanding general of the 18th Airborne Corps, a wonderful American, a patriot, a great warrior, a veteran of Iraq, and one of our most valued assets. The change of command ceremony and retirement is today, and I wanted to add his name to that list of distinguished folks.

Mr. REYES. Mr. Speaker, I rise today to express my strong support for the Iraq Reconstruction Accountability Act. While I am pleased that we will have the opportunity to vote on this matter, it is important to note that we are not expanding accountability but are in fact correcting a mistake.

Earlier this year, language was included in the National Defense Authorization Act to terminate funding and authority for the Office of the Special Investigator General for Iraq Reconstruction. This organization is critical to ensuring that taxpayers dollars are being used wisely, and the office has already uncovered millions of dollars lost to waste and fraud.

Besides protecting the integrity of the Iraq reconstruction program and providing accountability to the American taxpayers, the Office of the Investigator General, is also helping the Iraqi government fight a culture of corruption. Corruption is a scourge on the Iraqi society that threatens its stability. It not only drains needed funds from the fledgling government, but funds skimmed from government coffers may also finance criminal and insurgent operations.

I urge my colleagues to support this measure to maintain accountability for the American people and the Iraqi people.

Mr. ORTIZ. Mr. Speaker, this bill on the floor today represents the way we hope to proceed with our colleagues in the new Congress: bipartisan cooperation on matters important to the American people.

Democrats on the House Armed Services Committee moved quickly to ensure the lame duck Congress repealed some of the mistakes made in the just-passed Defense authorization bill.

Today we begin by reinstating the remarkably candid and useful office of the Special Inspector General for Iraq Reconstruction.

Democrats are talking to our colleagues and incoming leaders, and with the current leaders of Congress, attempting to take care of some of the most important things that have been ignored by Congress during this decade.

In the instance of trying to keep the Special Inspector General for Iraq Reconstruction, we wanted to act quickly in the lame duck, so that one tiny component of the transparency we actually already have does not go away.

In the coming Congress we will be holding hearings to get a better understanding of what is actually going on in the field.

Transparency and accountability will be the watchwords of the day.

In order for this Congress to get the confidence of the American people, we must be painfully honest about everything that is going on . . . and let the chips fall where they may.

The only thing worse than wasting the taxpayer's money, is hiding that fact.

I thank Mr. SKELTON for his leadership with Chairman HUNTER.

Mr. SHAYS. Mr. Speaker, I am grateful we are considering this legislation to extend the date for termination of the Office of the Special Inspector General for Iraq Reconstruction, SIGIR. This office provides a hugely important function as a watchdog for fraud, waste, and abuse of funds intended for Iraq reconstruction programs.

The American taxpayer deserves vigorous and continuous oversight of how funds are being spent in Iraq. It is also important to the Iraqi people, for whom the American Government provided a generous package of development and reconstruction funds that have not always been spent wisely.

I have made 15 trips to Iraq and have seen firsthand the essential work done by this office. Congress clearly made a mistake in passing the fiscal year 2007 Defense Authorization Act allowing the SIGIR office to close prematurely.

This legislation will correct that mistake and also wisely require SIGIR to prepare a final forensic audit on all funds appropriated to the Iraq Relief and Reconstruction Fund, IRRF.

As chairman of the Government Reform Subcommittee on National Security, Emerging Threats and International Relations, and working under the leadership of Committee Chairman TOM DAVIS, I have held several oversight hearings on contracting in Iraq.

We've investigated the failure to establish realistic requirements and to define contract terms and conditions, limited competition and insufficient agency oversight. Reports provided to us by SIGIR were invaluable.

We all recognize that the security situation in Iraq makes reconstruction especially difficult and dangerous. But the Government has a responsibility to the taxpayer to do all that it can to ensure that dollars are spent wisely and well.

We have a special responsibility to our soldiers and marines in Iraq. One of the most important reasons Congress appropriated money for Iraq reconstruction was to support our troops by showing the Iraqi people we wanted to help them build a new Iraq, and reduce the risk that an insurgency would develop and grow. We know the insurgency exists and sectarian violence has flared, but the importance of the projects funded through the IRFF has not diminished in the slightest.

Finally, I believe a strong watchdog office like SIGIR will help us to learn lessons about the realities of contracting in a post-conflict environment.

I am grateful my colleagues in the Senate, SUSAN COLLINS and JOSEPH LIEBERMAN, offered this legislation. I also thank Mr. SKELTON who offered this legislation in the House and recognized the need to continue SIGIR's mission.

Mr. CASTLE. Mr. Speaker, I rise in support of S. 4046, the "Iraq Reconstruction Accountability Act." As our brave men and women in Iraq risk their lives to stabilize the region and rebuild the nation's infrastructure, it is absolutely crucial that the Special Inspector General for Iraq Reconstruction remain in place to ensure proper oversight of this important funding.

To date, we have appropriated over $34 billion for reconstruction efforts in Iraq—ranging from projects such as roads and electric power, to training and equipping Iraqi security forces and providing school books and vaccinations for children. While there is no doubt that this funding is crucial to the reconstruction efforts, I have serious concerns about the adequacy of contract management practices at the Department of Defense and I have introduced legislation to begin reforming some of these wasteful programs.

The Inspector General for Iraq plays a critical role, performing audits and investigations that provide Congress with the tools to more closely examine charges of misconduct and ensure effective and efficient use of taxpayer funds. Spending missteps and management weaknesses damage this government's ability to provide our soldiers with the resources that keep us safe. This week, as we review the recommendations of the Iraq Study Group, I also urge my colleagues to pass this important legislation to ensure accountability in our military spending system.

Mr. SKELTON. Mr. Speaker, it appears that I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the Senate bill, S. 4046.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 1101, by the yeas and nays;

H. Res. 1099, by the yeas and nays;

motion to suspend the rules on H. Res. 1088, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1101, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 355, nays 55, not voting 22, as follows:

[Roll No. 529]

YEAS—355

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen

Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—55

Baird
Baldwin
Becerra
Berry
Brady (PA)
Capps
Cleaver
Conyers
Costello
DeLauro
Dingell
Doggett
Farr
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Hooley
Kanjorski
Kennedy (RI)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Markey
Marshall
Matsui
McKinney
Miller, George
Moore (WI)
Nadler
Obey
Olver
Owens
Pastor
Payne
Rothman
Sanchez, Loretta
Schwartz (PA)
Slaughter
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Udall (CO)
Udall (NM)
Velázquez
Waters
Waxman
Woolsey
Wu

NOT VOTING—22

Baker
Blumenauer
Burton (IN)
Case
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Hastings (WA)
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

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Mr. DOGGETT changed his vote from "yea" to "nay."

Messrs. MARCHANT, MURPHY, WEINER, MILLER of North Carolina, BARROW and Ms. MILLENDER-McDONALD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 529, Waiving all points of order against the conference report to accompany H.R. 5682 and against its consideration, had I been present, I would have voted "yes."

RELATING TO CONSIDERATION OF H.R. 6111, TAX RELIEF AND HEALTH CARE ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1099, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 164, not voting 21, as follows:

[Roll No. 530]

YEAS—247

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thomas
Thornberry
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—164

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Fitzpatrick (PA)
Frank (MA)
Gerlach
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Israel
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)

Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Woolsey
Wynn

NOT VOTING—21

Baker
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Istook
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

☐ 1312

Mr. LEVIN, Ms. VELÁZQUEZ and Mr. ISRAEL changed their vote from "yea" to "nay."

Mr. MARKEY and Mr. ROSS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 530, relating to consideration of the bill H.R. 6111 to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, had I been present, I would have voted "yes."

CONGRATULATING MR. AND MRS. HENRY HYDE

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, I would like to announce to the House that HENRY HYDE has made a major decision in his life.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. PENCE. On behalf of an extraordinary career, but what we know will be an extraordinary future, I am pleased to announce HENRY HYDE's recent marriage on the day after Thanksgiving. We wish you all the best, our friend, for many, many years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING SUPPORT FOR LEBANON'S DEMOCRATIC INSTITUTIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1088.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1088, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 531]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Baker
Berman
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Istook
Kolbe
Miller (MI)
Napolitano
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

☐ 1324

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese Parliamentarian and Industry Minister Pierre Amine Gemayel.".

A motion to reconsider was laid on the table.

Stated for:

Mrs. MILLER of Michigan. Mr. Speaker, on rollcall No. 531, my vote was not recorded though I did attempt to vote by electronic device. I wish for the RECORD to reflect that I was present and attempted to vote "yea."

Mr. NORWOOD. Mr. Speaker, on rollcall No. 531, expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel, had I been present, I would have voted "yes."

TAX RELIEF AND HEALTH CARE ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1099, I call up from the Speaker's table the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment

On page 3, line 17, strike "on or".

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1099, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. THOMAS:

Mr. THOMAS moves to concur in the Senate amendment with an amendment.

The text of the House amendment to the Senate amendment is as follows:

House amendment to Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief and Health Care Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS, AND OTHER TAX PROVISIONS

Sec. 100. Reference.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.
Sec. 105. Work opportunity tax credit and welfare-to-work credit.
Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 107. Extension and modification of qualified zone academy bonds.
Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
Sec. 110. Tax incentives for investment in the District of Columbia.
Sec. 111. Indian employment tax credit.
Sec. 112. Accelerated depreciation for business property on Indian reservations.
Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 114. Cover over of tax on distilled spirits.
Sec. 115. Parity in application of certain limits to mental health benefits.
Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
Sec. 117. Availability of medical savings accounts.
Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 119. American Samoa economic development credit.
Sec. 120. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
Sec. 121. Authority for undercover operations.
Sec. 122. Disclosures of certain tax return information.
Sec. 123. Special rule for elections under expired provisions.

TITLE II—ENERGY TAX PROVISIONS

Sec. 201. Credit for electricity produced from certain renewable resources.
Sec. 202. Credit to holders of clean renewable energy bonds.
Sec. 203. Performance standards for sulfur dioxide removal in advanced coal-based generation technology units designed to use subbituminous coal.
Sec. 204. Deduction for energy efficient commercial buildings.
Sec. 205. Credit for new energy efficient homes.
Sec. 206. Credit for residential energy efficient property.
Sec. 207. Energy credit.
Sec. 208. Special rule for qualified methanol or ethanol fuel.
Sec. 209. Special depreciation allowance for cellulosic biomass ethanol plant property.
Sec. 210. Expenditures permitted from the Leaking Underground Storage Tank Trust Fund.
Sec. 211. Treatment of coke and coke gas.

TITLE III—HEALTH SAVINGS ACCOUNTS

Sec. 301. Short title.
Sec. 302. FSA and HRA terminations to fund HSAs.
Sec. 303. Repeal of annual deductible limitation on HSA contributions.
Sec. 304. Modification of cost-of-living adjustment.
Sec. 305. Contribution limitation not reduced for part-year coverage.
Sec. 306. Exception to requirement for employers to make comparable health savings account contributions.
Sec. 307. One-time distribution from individual retirement plans to fund HSAs.

TITLE IV—OTHER PROVISIONS

Sec. 401. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 402. Credit for prior year minimum tax liability made refundable after period of years.
Sec. 403. Returns required in connection with certain options.
Sec. 404. Partial expensing for advanced mine safety equipment.
Sec. 405. Mine rescue team training tax credit.
Sec. 406. Whistleblower reforms.
Sec. 407. Frivolous tax submissions.
Sec. 408. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
Sec. 409. Clarification of taxation of certain settlement funds made permanent.
Sec. 410. Modification of active business definition under section 355 made permanent.
Sec. 411. Revision of State veterans limit made permanent.
Sec. 412. Capital gains treatment for certain self-created musical works made permanent.
Sec. 413. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
Sec. 414. Modification of special arbitrage rule for certain funds made permanent.
Sec. 415. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
Sec. 416. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
Sec. 417. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 418. Sale of property by judicial officers.
Sec. 419. Premiums for mortgage insurance.
Sec. 420. Modification of refunds for kerosene used in aviation.
Sec. 421. Regional income tax agencies treated as States for purposes of confidentiality and disclosure requirements.
Sec. 422. Designation of wines by semi-generic names.
Sec. 423. Modification of railroad track maintenance credit.
Sec. 424. Modification of excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 425. Loans to qualified continuing care facilities made permanent.
Sec. 426. Technical corrections.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

Sec. 1. Short title of division.

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

Sec. 101. Physician payment and quality improvement.
Sec. 102. Extension of floor on Medicare work geographic adjustment.

Sec. 103. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 106. Hospital Medicare reports and clarifications.
Sec. 107. Payment for brachytherapy.
Sec. 108. Payment process under the competitive acquisition program (CAP).
Sec. 109. Quality reporting for hospital outpatient services and ambulatory surgical center services.
Sec. 110. Reporting of anemia quality indicators for Medicare part B cancer anti-anemia drugs.
Sec. 111. Clarification of hospice satellite designation.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

Sec. 201. Extension of exceptions process for Medicare therapy caps.
Sec. 202. Payment for administration of part D vaccines.
Sec. 203. OIG study of never events.
Sec. 204. Medicare medical home demonstration project.
Sec. 205. Medicare DRA technical corrections.
Sec. 206. Limited continuous open enrollment of original medicare fee-for-service enrollees into Medicare Advantage non-prescription drug plans.

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

Sec. 301. Offsetting adjustment in Medicare Advantage Stabilization Fund.
Sec. 302. Extension and expansion of recovery audit contractor program under the Medicare Integrity Program.
Sec. 303. Funding for the Health Care Fraud and Abuse Control Account.
Sec. 304. Implementation funding.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

Sec. 401. Extension of Transitional Medical Assistance (TMA) and abstinence education program.
Sec. 402. Grants for research on vaccine against Valley Fever.
Sec. 403. Change in threshold for Medicaid indirect hold harmless provision of broad-based health care taxes.
Sec. 404. DSH allotments for fiscal year 2007 for Tennessee and Hawaii.
Sec. 405. Certain Medicaid DRA technical corrections.

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Offshore oil and gas leasing in 181 Area and 181 south Area of Gulf of Mexico.
Sec. 104. Moratorium on oil and gas leasing in certain areas of Gulf of Mexico.
Sec. 105. Disposition of qualified outer Continental Shelf revenues from 181 Area, 181 south Area, and 2002-2007 planning areas of Gulf of Mexico.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 200. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 201. Abandoned Mine Reclamation Fund and purposes.
Sec. 202. Reclamation fee.
Sec. 203. Objectives of Fund.
Sec. 204. Reclamation of rural land.
Sec. 205. Liens.
Sec. 206. Certification.
Sec. 207. Remining incentives.
Sec. 208. Extension of limitation on application of prohibition on issuance of permit.
Sec. 209. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 211. Certain related persons and successors in interest relieved of liability if premiums prepaid.
Sec. 212. Transfers to funds; premium relief.
Sec. 213. Other provisions.

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

Sec. 301. Authorization of appropriations.
Sec. 302. Short title.
Sec. 303. Definitions.

Subtitle A—Land Disposal

Sec. 311. Conveyance of White Pine County, Nevada, land.
Sec. 312. Disposition of proceeds.

Subtitle B—Wilderness Areas

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Additions to National Wilderness Preservation System.
Sec. 324. Administration.
Sec. 325. Adjacent management.
Sec. 326. Military overflights.
Sec. 327. Native American cultural and religious uses.
Sec. 328. Release of wilderness study areas.
Sec. 329. Wildlife management.
Sec. 330. Wildfire, insect, and disease management.
Sec. 331. Climatological data collection.

Subtitle C—Transfers of Administrative Jurisdiction

Sec. 341. Transfer to the United States Fish and Wildlife Service.
Sec. 342. Transfer to the Bureau of Land Management.
Sec. 343. Transfer to the Forest Service.
Sec. 344. Availability of map and legal descriptions.

Subtitle D—Public Conveyances

Sec. 351. Conveyance to the State of Nevada.
Sec. 352. Conveyance to White Pine County, Nevada.

Subtitle E—Silver State Off-Highway Vehicle Trail

Sec. 355. Silver State off-highway vehicle trail.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

Sec. 361. Transfer of land to be held in trust for the Ely Shoshone Tribe.

Subtitle G—Eastern Nevada Landscape Restoration Project.

Sec. 371. Findings; purposes.
Sec. 372. Definitions.
Sec. 373. Restoration project.

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

Sec. 381. Findings.
Sec. 382. Availability of special account.

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

Sec. 391. Disposition of proceeds.

Subtitle J—All American Canal Projects

Sec. 395. All American Canal Lining Project.
Sec. 396. Regulated storage water facility.
Sec. 397. Application of law.

TITLE IV—OTHER PROVISIONS

Sec. 401. Tobacco personal use quantity exception to not apply to delivery sales.
Sec. 402. Ethanol Tariff Schedule.
Sec. 403. Withdrawal of certain Federal land and interests in certain Federal land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws.
Sec. 404. Continuing eligibility for certain students under District of Columbia School Choice Program.
Sec. 405. Study on Establishing Uniform National Database on Elder Abuse.
Sec. 406. Temporary duty reductions for certain cotton shirting fabric.
Sec. 407. Cotton Trust Fund.
Sec. 408. Tax court review of requests for equitable relief from joint and several liability.

DIVISION A—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS, AND OTHER TAX PROVISIONS

SEC. 100. REFERENCE.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking "2005" and inserting "2007".

(b) CONFORMING AMENDMENTS.—Section 222(b)(2)(B) is amended—

(1) by striking "a taxable year beginning in 2004 or 2005" and inserting "any taxable year beginning after 2003", and

(2) by striking "2004 AND 2005" in the heading and inserting "AFTER 2003".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.

(a) EXTENSION.—Section 45D(f)(1)(D) is amended by striking "and 2007" and inserting ", 2007, and 2008".

(b) REGULATIONS REGARDING NON-METROPOLITAN COUNTIES.—Section 45D(i) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5)(I) is amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) Extension.—

(1) In general.—Section 41(h)(1)(B) is amended by striking “2005” and inserting “2007”.

(2) Conforming amendment.—Section 45C(b)(1)(D) is amended by striking “2005” and inserting “2007”.

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) Increase in Rates of Alternative Incremental Credit.—

(1) In general.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking “2.65 percent” and inserting “3 percent”,

(B) by striking “3.2 percent” and inserting “4 percent”, and

(C) by striking “3.75 percent” and inserting “5 percent”.

(2) Effective date.—Except as provided in paragraph (3), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.

(3) Transition rule.—

(A) In general.—In the case of a specified transitional taxable year for which an election under section 41(c)(4) of the Internal Revenue Code of 1986 applies, the credit determined under section 41(a)(1) of such Code shall be equal to the sum of—

(i) the applicable 2006 percentage multiplied by the amount determined under section 41(c)(4)(A) of such Code (as in effect for taxable years ending on December 31, 2006), plus

(ii) the applicable 2007 percentage multiplied by the amount determined under section 41(c)(4)(A) of such Code (as in effect for taxable years ending on January 1, 2007).

(B) Definitions.—For purposes of subparagraph (A)—

(i) Specified transitional taxable year.—The term “specified transitional taxable year” means any taxable year which ends after December 31, 2006, and which includes such date.

(ii) Applicable 2006 percentage.—The term “applicable 2006 percentage” means the number of days in the specified transitional taxable year before January 1, 2007, divided by the number of days in such taxable year.

(iii) Applicable 2007 percentage.—The term “applicable 2007 percentage” means the number of days in the specified transitional taxable year after December 31, 2006, divided by the number of days in such taxable year.

(c) Alternative Simplified Credit for Qualified Research Expenses.—

(1) In general.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) Election of alternative simplified credit.—

“(A) In general.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

“(B) Special rule in case of no qualified research expenses in any of 3 preceding taxable years.—

“(i) Taxpayers to which subparagraph applies.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

“(ii) Credit rate.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

“(C) Election.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.”.

(2) Transition rule for deemed revocation of election of alternative incremental credit.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes January 1, 2007, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by this subsection) for such year.

(3) Effective date.—Except as provided in paragraph (4), the amendments made by this subsection shall apply to taxable years ending after December 31, 2006.

(4) Transition rule for noncalendar taxable years.—

(A) In general.—In the case of a specified transitional taxable year for which an election under section 41(c)(5) of the Internal Revenue Code of 1986 (as added by this subsection) applies, the credit determined under section 41(a)(1) of such Code shall be equal to the sum of—

(i) the applicable 2006 percentage multiplied by the amount determined under section 41(a)(1) of such Code (as in effect for taxable years ending on December 31, 2006), plus

(ii) the applicable 2007 percentage multiplied by the amount determined under section 41(c)(5) of such Code (as in effect for taxable years ending on January 1, 2007).

(B) Definitions and special rules.—For purposes of subparagraph (A)—

(i) Definitions.—Terms used in this paragraph which are also used in subsection (b)(3) shall have the respective meanings given such terms in such subsection.

(ii) Dual elections permitted.—Elections under paragraphs (4) and (5) of section 41(c) of such Code may both apply for the specified transitional taxable year.

(iii) Deferral of deemed election revocation.—Any election under section 41(c)(4) of the Internal Revenue Code of 1986 treated as revoked under paragraph (2) shall be treated as revoked for the taxable year after the specified transitional taxable year.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) In General.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking “2005” and inserting “2007”.

(b) Eligibility of Ex-Felons Determined Without Regard to Family Income.—Paragraph (4) of section 51(d) is amended by adding “and” at the end of subparagraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) Increase in Maximum Age for Eligibility of Food Stamp Recipients.—Clause (i) of section 51(d)(8)(A) is amended by striking “25” and inserting “40”.

(d) Extension of Paperwork Filing Deadline.—Section 51(d)(12)(A)(ii)(II) is amended by striking “21st day” and inserting “28th day”.

(e) Consolidation of Work Opportunity Credit With Welfare-to-Work Credit.—

(1) In general.—Paragraph (1) of section 51(d) is amended by striking “or” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, or”, and by adding at the end the following new subparagraph:

“(I) a long-term family assistance recipient.”.

(2) Long-term family assistance recipient.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

“(10) Long-term family assistance recipient.—The term ‘long-term family assistance recipient’ means any individual who is certified by the designated local agency—

“(A) as being a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

“(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

“(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

“(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

“(ii) as having a hiring date which is not more than 2 years after the date of such cessation.”.

(3) Increased credit for employment of long-term family assistance recipients.—Section 51 is amended by inserting after subsection (d) the following new subsection:

“(e) Credit for Second-Year Wages for Employment of Long-Term Family Assistance Recipients.—

“(1) In general.—With respect to the employment of a long-term family assistance recipient—

“(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

“(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

“(2) Qualified second-year wages.—For purposes of this subsection, the term ‘qualified second-year wages’ means qualified wages—

“(A) which are paid to a long-term family assistance recipient, and

“(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

“(3) Special rules for agricultural and railway labor.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

“(A) such subparagraph (A) shall be applied by substituting ‘$10,000’ for ‘$6,000’, and

“(B) such subparagraph (B) shall be applied by substituting ‘$833.33’ for ‘$500’.”.

(4) Repeal of separate welfare-to-work credit.—

(A) In general.—Section 51A is hereby repealed.

(B) CLERICAL AMENDMENT.—The table of sections for subpart F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi)(II) is amended by striking "2007" and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "and 2005" and inserting "2005, 2006, and 2007".

(b) SPECIAL RULES RELATING TO EXPENDITURES, ARBITRAGE, AND REPORTING.—

(1) IN GENERAL.—Section 1397E is amended—

(A) in subsection (d)(1), by striking "and" at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) the issue meets the requirements of subsections (f), (g), and (h).", and

(B) by redesignating subsections (f), (g), (h), and (i) as subsection (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsections:

"(f) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified zone academy bond, and

"(C) such purposes will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(h) REPORTING.—Issuers of qualified academy zone bonds shall submit reports similar to the reports required under section 149(e).".

(2) CONFORMING AMENDMENTS.—Sections 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended by striking "section 1397E(i)" and inserting "section 1397E(l)".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

(2) SPECIAL RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking "or 2005" and inserting "2005, 2006, or 2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) EXTENSION.—Subsection (h) of section 198 is amended by striking "2005" and inserting "2007".

(b) EXPANSION.—Section 198(d)(1) (defining hazardous substance) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any petroleum product (as defined in section 4612(a)(3)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2005" both places it appears and inserting "2007".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2005" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2006" each place it appears and inserting "2008".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2010" and inserting "2012", and

(ii) by striking "2010" in the heading thereof and inserting "2012".

(B) Section 1400B(g)(2) is amended by striking "2010" and inserting "2012".

(C) Section 1400F(d) is amended by striking "2010" and inserting "2012".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2005.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2006" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.

SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking "2005" and inserting "2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 168(j)(8) is amended by striking "2005" and inserting "2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking "2006" and inserting "2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) is amended by striking "2006" and inserting "2007".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2006" and inserting "2007".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking "2006"and inserting "2007".

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) EXTENSION OF COMPUTER TECHNOLOGY AND EQUIPMENT DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking "2005" and inserting "2007".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.—

(1) Scientific property used for research.—

(A) In general.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(B) Conforming amendment.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembly" after "construction".

(2) Computer technology and equipment for educational purposes.—

(A) In general.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(B) Conforming amendment.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembly" after "construction".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) are each amended by striking "2005" each place it appears in the text and headings and inserting "2007".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking "or 2004" each place it appears and inserting "2004, 2005, or 2006", and

(B) in the heading by striking "OR 2004" and inserting "2004, 2005, OR 2006".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, 2005, and 2006".

(c) Time for Filing Reports, Etc.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, or August 1, 2006, as the case may be, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 or calendar year 2006, as the case may be, shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 or 2006 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Section 613A(c)(6)(H) is amended by striking "2006" and inserting "2008".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) In General.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if such corporation—

(1) is an existing credit claimant with respect to American Samoa, and

(2) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006.

(b) Special Rules for Application of Section.—The following rules shall apply in applying section 30A of the Internal Revenue Code of 1986 for purposes of this section:

(1) Amount of credit.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

(2) Separate application.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section 30A of such Code (and so much of section 936 of such Code as relates to such section 30A) shall be applied separately with respect to American Samoa.

(3) Foreign tax credit allowed.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) Definitions.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

(d) Application of Section.—Notwithstanding section 30A(h) or section 936(j) of such Code, this section (and so much of section 30A and section 936 of such Code as relates to this section) shall apply to the first two taxable years of a corporation to which subsection (a) applies which begin after December 31, 2005, and before January 1, 2008.

SEC. 120. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

(a) In General.—Subsection (d) of section 1400N is amended by adding at the end the following new paragraph:

"(6) Extension for certain property.—

"(A) In general.—In the case of any specified Gulf Opportunity Zone extension property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

"(B) Specified gulf opportunity zone extension property.—For purposes of this paragraph, the term 'specified Gulf Opportunity Zone extension property' means property—

"(i) substantially all of the use of which is in one or more specified portions of the GO Zone, and

"(ii) which is—

"(I) nonresidential real property or residential rental property which is placed in service by the taxpayer on or before December 31, 2010, or

"(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2010, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.

"(C) Specified portions of the go zone.—For purposes of this paragraph, the term 'specified portions of the GO Zone' means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

"(D) Only pre-january 1, 2010, basis of real property eligible for additional allowance.—In the case of property which is qualified Gulf Opportunity Zone property solely by reason of subparagraph (B)(ii)(I), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2010.".

(b) Extension Not Applicable to Increased Section 179 Expensing.—Paragraph (2) of section 1400N(e) is amended by inserting "without regard to subsection (d)(6)" after "subsection (d)(2)".

(c) Effective Date.—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

SEC. 121. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 122. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) Disclosures to Facilitate Combined Employment Tax Reporting.—

(1) In general.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "2006" and inserting "2007".

(2) Effective date.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2006.

(b) Disclosures Relating to Terrorist Activities.—

(1) In general.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking "2006" and inserting "2007".

(2) Effective date.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2006.

(c) Disclosures Relating to Student Loans.—

(1) In general.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "2006" and inserting "2007".

(2) Effective date.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2006.

SEC. 123. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED PROVISIONS.

(a) Research Credit Elections.—In the case of any taxable year ending after December 31, 2005, and before the date of the enactment of this Act, any election under section 41(c)(4) or section 280C(c)(3)(C) of the Internal Revenue Code of 1986 shall be treated as having been timely made for such taxable year if such election is made not later than the later of April 15, 2007, or such time as the Secretary of the Treasury, or his designee, may specify. Such election shall be made in the manner prescribed by such Secretary or designee.

(b) Other Elections.—Except as otherwise provided by such Secretary or designee, a rule similar to the rule of subsection (a) shall apply with respect to elections under any other expired provision of the Internal Revenue Code of 1986 the applicability of which is extended by reason of the amendments made by this title.

TITLE II—ENERGY TAX PROVISIONS

SEC. 201. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Subsection (d) of section 45 is amended by striking "January 1, 2008" each place it appears and inserting "January 1, 2009".

SEC. 202. CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) In General.—Section 54 is amended—

(1) by striking "$800,000,000" in subsection (f)(1) and inserting "$1,200,000,000",

(2) by striking "$500,000,000" in subsection (f)(2) and inserting "$750,000,000", and

(3) by striking "December 31, 2007" in subsection (m) and inserting "December 31, 2008".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) shall apply to bonds issued after December 31, 2006.

(2) ALLOCATIONS.—The amendment made by subsection (a)(2) shall apply to allocations or reallocations after December 31, 2006.

SEC. 203. PERFORMANCE STANDARDS FOR SULFUR DIOXIDE REMOVAL IN ADVANCED COAL-BASED GENERATION TECHNOLOGY UNITS DESIGNED TO USE SUBBITUMINOUS COAL.

(a) IN GENERAL.—Paragraph (1) of section 48A(f) (relating to advanced coal-based generation technology) is amended by adding at the end the following new flush sentence:

"For purposes of the performance requirement specified for the removal of SO_2 in the table contained in subparagraph (B), the SO_2 removal design level in the case of a unit designed for the use of feedstock substantially all of which is subbituminous coal shall be 99 percent SO_2 removal or the achievement of an emission level of 0.04 pounds or less of SO_2 per million Btu, determined on a 30-day average.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take apply with respect to applications for certification under section 48A(d)(2) of the Internal Revenue Code of 1986 submitted after October 2, 2006.

SEC. 204. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

Subsection (h) of section 179D is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 205. CREDIT FOR NEW ENERGY EFFICIENT HOMES.

Subsection (g) of section 45L is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 206. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Subsection (g) of section 25D is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) CLARIFICATION OF TERM.—

(1) Subsections (a)(1), (b)(1)(A), and (e)(4)(A)(i) of section 25D are each amended by striking "qualified photovoltaic property expenditures" and inserting "qualified solar electric property expenditures".

(2) Section 25D(d)(2) is amended—

(A) by striking "qualified photovoltaic property expenditure" and inserting "qualified solar electric property expenditure", and

(B) in the heading by striking "QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE" and inserting "QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE".

SEC. 207. ENERGY CREDIT.

Section 48 is amended—

(1) by striking "January 1, 2008" both places it appears and inserting "January 1, 2009", and

(2) by striking "December 31, 2007" both places it appears and inserting "December 31, 2008".

SEC. 208. SPECIAL RULE FOR QUALIFIED METHANOL OR ETHANOL FUEL.

(a) EXTENSION.—Subparagraph (D) of section 4041(b)(2) is amended by striking "October 1, 2007" and inserting "January 1, 2009".

(b) APPLICABLE BLENDER RATE.—Section 4041(b)(2)(C)(ii) is amended by striking "2007" and inserting "2008".

(c) CLERICAL AMENDMENT.—The heading for section 4041(b)(2)(B) is amended to read as follows: "QUALIFIED METHANOL AND ETHANOL FUEL PRODUCED FROM COAL".

SEC. 209. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following:

"(l) SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified cellulosic biomass ethanol plant property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—The term 'qualified cellulosic biomass ethanol plant property' means property of a character subject to the allowance for depreciation—

"(A) which is used in the United States solely to produce cellulosic biomass ethanol,

"(B) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

"(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

"(D) which is placed in service by the taxpayer before January 1, 2013.

"(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term 'cellulosic biomass ethanol' means ethanol produced by enzymatic hydrolysis of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.

"(4) EXCEPTIONS.—

"(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

"(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

"(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

"(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

"(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

"(C) by substituting 'qualified cellulosic biomass ethanol plant property' for 'qualified property' in clause (iv) thereof.

"(6) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

"(7) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.

"(8) DENIAL OF DOUBLE BENEFIT.—Paragraph (1) shall not apply to any qualified cellulosic biomass ethanol plant property with respect to which an election has been made under section 179C (relating to election to expense certain refineries).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.

SEC. 210. EXPENDITURES PERMITTED FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 is amended—

(1) by striking "section 9003(h)" and inserting "sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c), 9010, 9011, 9012, and 9013", and

(2) by striking "Superfund Amendments and Reauthorization Act of 1986" and inserting "Public Law 109–168".

(b) CONFORMING AMENDMENTS.—Section 9014(2) of the Solid Waste Disposal Act is amended by striking "Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986" and inserting "Fund".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 211. TREATMENT OF COKE AND COKE GAS.

(a) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

"(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.".

(b) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting "(other than from petroleum based products)" after "coke or coke gas".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

TITLE III—HEALTH SAVINGS ACCOUNTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Health Opportunity Patient Empowerment Act of 2006".

SEC. 302. FSA AND HRA TERMINATIONS TO FUND HSAS.

(a) IN GENERAL.—Section 106 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(e) FSA AND HRA TERMINATIONS TO FUND HSAs.—

"(1) IN GENERAL.—A plan shall not fail to be treated as a health flexible spending arrangement or health reimbursement arrangement under this section or section 105 merely because such plan provides for a qualified HSA distribution.

"(2) QUALIFIED HSA DISTRIBUTION.—The term 'qualified HSA distribution' means a distribution from a health flexible spending arrangement or health reimbursement arrangement to the extent that such distribution—

"(A) does not exceed the lesser of the balance in such arrangement on September 21, 2006, or as of the date of such distribution, and

"(B) is contributed by the employer directly to the health savings account of the employee before January 1, 2012.

Such term shall not include more than 1 distribution with respect to any arrangement.

"(3) ADDITIONAL TAX FOR FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

"(A) In general.—If, at any time during the testing period, the employee is not an eligible individual, then the amount of the qualified HSA distribution—

"(i) shall be includible in the gross income of the employee for the taxable year in which occurs the first month in the testing period for which such employee is not an eligible individual, and

"(ii) the tax imposed by this chapter for such taxable year on the employee shall be increased by 10 percent of the amount which is so includible.

"(B) Exception for disability or death.—Clauses (i) and (ii) of subparagraph (A) shall not apply if the employee ceases to be an eligible individual by reason of the death of the employee or the employee becoming disabled (within the meaning of section 72(m)(7)).

"(4) Definitions and special rules.—For purposes of this subsection—

"(A) Testing period.—The term 'testing period' means the period beginning with the month in which the qualified HSA distribution is contributed to the health savings account and ending on the last day of the 12th month following such month.

"(B) Eligible individual.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

"(C) Treatment as rollover contribution.—A qualified HSA distribution shall be treated as a rollover contribution described in section 223(f)(5).

"(5) Tax treatment relating to distributions.—For purposes of this title—

"(A) In general.—A qualified HSA distribution shall be treated as a payment described in subsection (d).

"(B) Comparability excise tax.—

"(i) In general.—Except as provided in clause (ii), section 4980G shall not apply to qualified HSA distributions.

"(ii) Failure to offer to all employees.—In the case of a qualified HSA distribution to any employee, the failure to offer such distribution to any eligible individual covered under a high deductible health plan of the employer shall (notwithstanding section 4980G(d)) be treated for purposes of section 4980G as a failure to meet the requirements of section 4980G(b).".

(b) Certain FSA Coverage Disregarded Coverage.—Subparagraph (B) of section 223(c)(1) (relating to certain coverage disregarded) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by inserting after clause (ii) the following new clause:

"(iii) for taxable years beginning after December 31, 2006, coverage under a health flexible spending arrangement during any period immediately following the end of a plan year of such arrangement during which unused benefits or contributions remaining at the end of such plan year may be paid or reimbursed to plan participants for qualified benefit expenses incurred during such period if—

"(I) the balance in such arrangement at the end of such plan year is zero, or

"(II) the individual is making a qualified HSA distribution (as defined in section 106(e)) in an amount equal to the remaining balance in such arrangement as of the end of such plan year, in accordance with rules prescribed by the Secretary.".

(c) Application of Section.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to distributions on or after the date of the enactment of this Act.

(2) Subsection (b).—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 303. REPEAL OF ANNUAL DEDUCTIBLE LIMITATION ON HSA CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 223(b) (relating to monthly limitation) is amended—

(1) in subparagraph (A) by striking "the lesser of—" and all that follows and inserting "$2,250.", and

(2) in subparagraph (B) by striking "the lesser of—" and all that follows and inserting "$4,500.".

(b) Conforming Amendment.—Section 223(d)(1)(A)(ii)(I) is amended by striking "subsection (b)(2)(B)(ii)" and inserting "subsection (b)(2)(B)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 304. MODIFICATION OF COST-OF-LIVING ADJUSTMENT.

Paragraph (1) of section 223(g) (relating to cost-of-living adjustment) is amended by adding at the end the following new flush sentence:

"In the case of adjustments made for any taxable year beginning after 2007, section 1(f)(4) shall be applied for purposes of this paragraph by substituting 'March 31' for 'August 31', and the Secretary shall publish the adjusted amounts under subsections (b)(2) and (c)(2)(A) for taxable years beginning in any calendar year no later than June 1 of the preceding calendar year.".

SEC. 305. CONTRIBUTION LIMITATION NOT REDUCED FOR PART-YEAR COVERAGE.

(a) Increase in Limit for Individuals Becoming Eligible Individuals After Beginning of the Year.—Subsection (b) of section 223 (relating to limitations) is amended by adding at the end the following new paragraph:

"(8) Increase in limit for individuals becoming eligible individuals after the beginning of the year.—

"(A) In general.—For purposes of computing the limitation under paragraph (1) for any taxable year, an individual who is an eligible individual during the last month of such taxable year shall be treated—

"(i) as having been an eligible individual during each of the months in such taxable year, and

"(ii) as having been enrolled, during each of the months such individual is treated as an eligible individual solely by reason of clause (i), in the same high deductible health plan in which the individual was enrolled for the last month of such taxable year.

"(B) Failure to maintain high deductible health plan coverage.—

"(i) In general.—If, at any time during the testing period, the individual is not an eligible individual, then—

"(I) gross income of the individual for the taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual is increased by the aggregate amount of all contributions to the health savings account of the individual which could not have been made but for subparagraph (A), and

"(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount of such increase.

"(ii) Exception for disability or death.—Subclauses (I) and (II) of clause (i) shall not apply if the individual ceased to be an eligible individual by reason of the death of the individual or the individual becoming disabled (within the meaning of section 72(m)(7)).

"(iii) Testing period.—The term 'testing period' means the period beginning with the last month of the taxable year referred to in subparagraph (A) and ending on the last day of the 12th month following such month.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 306. EXCEPTION TO REQUIREMENT FOR EMPLOYERS TO MAKE COMPARABLE HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.

(a) In General.—Section 4980G (relating to failure of employer to make comparable health savings account contributions) is amended by adding at the end the following new subsection:

"(d) Exception.—For purposes of applying section 4980E to a contribution to a health savings account of an employee who is not a highly compensated employee (as defined in section 414(q)), highly compensated employees shall not be treated as comparable participating employees.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 307. ONE-TIME DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLANS TO FUND HSAS.

(a) In General.—Subsection (d) of section 408 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new paragraph:

"(9) Distribution for health savings account funding.—

"(A) In general.—In the case of an individual who is an eligible individual (as defined in section 223(c)) and who elects the application of this paragraph for a taxable year, gross income of the individual for the taxable year does not include a qualified HSA funding distribution to the extent such distribution is otherwise includible in gross income.

"(B) Qualified HSA funding distribution.—For purposes of this paragraph, the term 'qualified HSA funding distribution' means a distribution from an individual retirement plan (other than a plan described in subsection (k) or (p)) of the employee to the extent that such distribution is contributed to the health savings account of the individual in a direct trustee-to-trustee transfer.

"(C) Limitations.—

"(i) Maximum dollar limitation.—The amount excluded from gross income by subparagraph (A) shall not exceed the excess of—

"(I) the annual limitation under section 223(b) computed on the basis of the type of coverage under the high deductible health plan covering the individual at the time of the qualified HSA funding distribution, over

"(II) in the case of a distribution described in clause (ii)(II), the amount of the earlier qualified HSA funding distribution.

"(ii) One-time transfer.—

"(I) In general.—Except as provided in subclause (II), an individual may make an election under subparagraph (A) only for one qualified HSA funding distribution during the lifetime of the individual. Such an election, once made, shall be irrevocable.

"(II) Conversion from self-only to family coverage.—If a qualified HSA funding distribution is made during a month in a taxable year during which an individual has self-only coverage under a high deductible health plan as of the first day of the month, the individual may elect to make an additional qualified HSA funding distribution during a subsequent month in such taxable year during which the individual has family coverage under a high deductible health plan as of the first day of the subsequent month.

"(D) FAILURE TO MAINTAIN HIGH DEDUCTIBLE HEALTH PLAN COVERAGE.—

"(i) IN GENERAL.—If, at any time during the testing period, the individual is not an eligible individual, then the aggregate amount of all contributions to the health savings account of the individual made under subparagraph (A)—

"(I) shall be includible in the gross income of the individual for the taxable year in which occurs the first month in the testing period for which such individual is not an eligible individual, and

"(II) the tax imposed by this chapter for any taxable year on the individual shall be increased by 10 percent of the amount which is so includible.

"(ii) EXCEPTION FOR DISABILITY OR DEATH.—Subclauses (I) and (II) of clause (i) shall not apply if the individual ceased to be an eligible individual by reason of the death of the individual or the individual becoming disabled (within the meaning of section 72(m)(7)).

"(iii) TESTING PERIOD.—The term 'testing period' means the period beginning with the month in which the qualified HSA funding distribution is contributed to a health savings account and ending on the last day of the 12th month following such month.

"(E) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as otherwise includible in gross income for purposes of subparagraph (A), the aggregate amount distributed from an individual retirement plan shall be treated as includible in gross income to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts from all individual retirement plans were distributed. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(b) COORDINATION WITH LIMITATION ON CONTRIBUTIONS TO HSAS.—Section 223(b)(4) (relating to coordination with other contributions) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) the aggregate amount contributed to health savings accounts of such individual for such taxable year under section 408(d)(9) (and such amount shall not be allowed as a deduction under subsection (a)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—OTHER PROVISIONS

SEC. 401. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

"(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term 'United States' shall include the Commonwealth of Puerto Rico.

"(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W-2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

"(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 402. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

(a) IN GENERAL.—Section 53 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS.—

"(1) IN GENERAL.—If an individual has a long-term unused minimum tax credit for any taxable year beginning before January 1, 2013, the amount determined under subsection (c) for such taxable year shall not be less than the AMT refundable credit amount for such taxable year.

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount equal to the greater of—

"(i) the lesser of—

"(I) $5,000, or

"(II) the amount of long-term unused minimum tax credit for such taxable year, or

"(ii) 20 percent of the amount of such credit.

"(B) PHASEOUT OF AMT REFUNDABLE CREDIT AMOUNT.—

"(i) IN GENERAL.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).

"(ii) ADJUSTED GROSS INCOME.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(3) LONG-TERM UNUSED MINIMUM TAX CREDIT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'long-term unused minimum tax credit' means, with respect to any taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

"(B) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of subparagraph (A), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.

"(4) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as if it were allowed under subpart C.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking "and 34" and inserting "34, and 53(e)".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 53(e)" after "section 35".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) IN GENERAL.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

"shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary may by regulations prescribe.".

(b) STATEMENTS TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.".

(c) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) is amended by striking "or" at the end of clause (xvii), by striking "and" at the end of clause (xviii) and inserting "or", and by adding at the end the following new clause:

"(xix) section 6039(a) (relating to returns required with respect to certain options), and".

(2) Section 6724(d)(2)(B) is amended by striking "section 6039(a)" and inserting "section 6039(b)".

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking "Information" and inserting "Returns".

(4) The heading of subsection (a) of section 6039 is amended by striking "FURNISHING OF INFORMATION" and inserting "REQUIREMENT OF REPORTING".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

"SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

"(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

"(b) ELECTION.—

"(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

"(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

"(c) QUALIFIED ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified advanced mine safety equipment property' means any advanced mine safety equipment property for use in any underground mine located in the United States—

"(1) the original use of which commences with the taxpayer, and

"(2) which is placed in service by the taxpayer after the date of the enactment of this section.

"(d) ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'advanced mine safety equipment property' means any of the following:

"(1) Emergency communication technology or device which is used to allow a miner to maintain constant communication with an individual who is not in the mine.

"(2) Electronic identification and location device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

"(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

"(4) Pre-positioned supplies of oxygen which (in combination with self-rescue devices) can be used to provide each miner on a shift, in the event of an accident or other event which traps the miner in the mine or otherwise necessitates the use of such a self-rescue device, the ability to survive for at least 48 hours.

"(5) Comprehensive atmospheric monitoring system which monitors the levels of carbon monoxide, methane, and oxygen that are present in all areas of the mine and which can detect smoke in the case of a fire in a mine.

"(e) COORDINATION WITH SECTION 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.

"(f) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the mines of the taxpayer as the Secretary shall require.

"(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2008.".

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking "or" at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting ", or", and by inserting after subparagraph (K) the following new subparagraph:

"(L) expenditures for which a deduction is allowed under section 179E.".

(2) Section 312(k)(3)(B) is amended by striking "or 179D" each place it appears in the heading and text thereof and inserting "179D, or 179E".

(3) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting "179E," after "179D,".

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179D the following new item:

"Sec. 179E. Election to expense advanced mine safety equipment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

SEC. 405. MINE RESCUE TEAM TRAINING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the mine rescue team training credit determined under this section with respect to each qualified mine rescue team employee of an eligible employer for any taxable year is an amount equal to the lesser of—

"(1) 20 percent of the amount paid or incurred by the taxpayer during the taxable year with respect to the training program costs of such qualified mine rescue team employee (including wages of such employee while attending such program), or

"(2) $10,000.

"(b) QUALIFIED MINE RESCUE TEAM EMPLOYEE.—For purposes of this section, the term 'qualified mine rescue team employee' means with respect to any taxable year any full-time employee of the taxpayer who is—

"(1) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member as a result of completing, at a minimum, an initial 20-hour course of instruction as prescribed by the Mine Safety and Health Administration's Office of Educational Policy and Development, or

"(2) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member by virtue of receiving at least 40 hours of refresher training in such instruction.

"(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term 'eligible employer' means any taxpayer which employs individuals as miners in underground mines in the United States.

"(d) WAGES.—For purposes of this section, the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2008.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following new paragraph:

"(31) the mine rescue team training credit determined under section 45N(a).".

(c) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

"(e) MINE RESCUE TEAM TRAINING CREDIT.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45N(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45N. Mine rescue team training credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 406. WHISTLEBLOWER REFORMS.

(a) AWARDS TO WHISTLEBLOWERS.—

(1) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary",

(B) by striking "and" at the end of paragraph (1) and inserting "or",

(C) by striking "(other than interest)", and

(D) by adding at the end the following new subsection:

"(b) AWARDS TO WHISTLEBLOWERS.—

"(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

"(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

"(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

"(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

"(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

"(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

"(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

"(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $2,000,000.

"(6) Additional rules.—

"(A) No contract necessary.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

"(B) Representation.—Any individual described in paragraph (1) or (2) may be represented by counsel.

"(C) Submission of information.—No award may be made under this subsection based on information submitted to the Secretary unless such information is submitted under penalty of perjury.".

(2) Assignment to special trial judges.—

(A) In general.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking "and" at the end of paragraph (5), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

"(6) any proceeding under section 7623(b)(4), and".

(B) Conforming amendment.—Section 7443A(c) is amended by striking "or (5)" and inserting "(5), or (6)".

(3) Deduction allowed whether or not taxpayer itemizes.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

"(21) Attorneys fees relating to awards to whistleblowers.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.".

(b) Whistleblower Office.—

(1) In general.—Not later than the date which is 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance for the operation of a whistleblower program to be administered in the Internal Revenue Service by an office to be known as the "Whistleblower Office" which—

(A) shall at all times operate at the direction of the Commissioner of Internal Revenue and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner of Internal Revenue,

(B) shall analyze information received from any individual described in section 7623(b) of the Internal Revenue Code of 1986 and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office, and

(C) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual.

(2) Request for assistance.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

(c) Report by Secretary.—The Secretary of the Treasury shall each year conduct a study and report to Congress on the use of section 7623 of the Internal Revenue Code of 1986, including—

(1) an analysis of the use of such section during the preceding year and the results of such use, and

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

(d) Effective Date.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 407. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(f) Frivolous Submissions, etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 408. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE VACCINES.

(a) Meningococcal Vaccine.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(O) Any meningococcal vaccine.".

(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section 4132(a)(1), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(P) Any vaccine against the human papillomavirus.".

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 409. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 410. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3) are each amended by striking "and on or before December 31, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 411. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3) is amended by striking clause (iv).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 412. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b) is amended by striking "before January 1, 2011,".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 413. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) is amended by striking "10,000 (6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)" and inserting "6,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 414. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS MADE PERMANENT.

(a) IN GENERAL.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "and before August 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 415. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.

(a) IN GENERAL.—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL.—

"(1) IN GENERAL.—If the electing corporation elects (at such time and in such manner as the Secretary may require) to apply this subsection for any taxable year to any qualifying vessel which is used in qualified zone domestic trade during the taxable year—

"(A) solely for purposes of subsection (a)(4), such use shall be treated as use in United States foreign trade (and not as use in United States domestic trade), and

"(B) subsection (f) shall not apply with respect to such vessel for such taxable year.

"(2) EFFECT OF TEMPORARILY OPERATING VESSEL IN UNITED STATES DOMESTIC TRADE.—In the case of a qualifying vessel to which this subsection applies—

"(A) IN GENERAL.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

"(i) that it temporarily operates or has operated in the United States domestic trade (other than qualified zone domestic trade) a qualifying vessel which had been used in the United States foreign trade or qualified zone domestic trade, and

"(ii) its intention to resume operation of the vessel in the United States foreign trade or qualified zone domestic trade.

"(B) NOTICE.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation's tax return for the taxable year in which the temporary cessation begins.

"(C) PERIOD DISREGARD IN EFFECT.—The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

"(i) the electing corporation abandons its intention to resume operations of the vessel in the United States foreign trade or qualified zone domestic trade, or

"(ii) the electing corporation resumes operation of the vessel in the United States foreign trade or qualified zone domestic trade.

"(D) NO DISREGARD IF DOMESTIC TRADE USE EXCEEDS 30 DAYS.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

"(3) ALLOCATION OF INCOME AND DEDUCTIONS TO QUALIFYING SHIPPING ACTIVITIES.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.

"(4) QUALIFIED ZONE DOMESTIC TRADE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified zone domestic trade' means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

"(B) QUALIFIED ZONE.—The term 'qualified zone' means the Great Lakes Waterway and the St. Lawrence Seaway.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 416. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) IN GENERAL.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking "and" at the end of subparagraph (B), by adding "and" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008, financing of any residence for a veteran (as defined in section 101 of title 38, United States Code), if such veteran has not previously qualified for and received such financing by reason of this subparagraph,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 417. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking "duty" and all that follows and inserting "duty—

"(i) as a member of the uniformed services,

"(ii) as a member of the Foreign Service of the United States, or

"(iii) as an employee of the intelligence community.".

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

"(I) the Office of the Director of National Intelligence,

"(II) the Central Intelligence Agency,

"(III) the National Security Agency,

"(IV) the Defense Intelligence Agency,

"(V) the National Geospatial-Intelligence Agency,

"(VI) the National Reconnaissance Office,

"(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

"(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

"(IX) the Bureau of Intelligence and Research of the Department of State, or

"(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.".

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

"(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.".

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: "UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act and before January 1, 2011.

SEC. 418. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) In General.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", or a judicial officer," after "an officer or employee of the executive branch"; and

(B) in subparagraph (B), by inserting "judicial canon," after "any statute, regulation, rule,";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "judicial canon," after "any Federal conflict of interest statute, regulation, rule,"; and

(B) in subparagraph (B), by inserting after "the Director of the Office of Government Ethics," the following: "in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers,"; and

(3) in paragraph (5)(B), by inserting "judicial canon," after "any statute, regulation, rule,".

(b) Judicial Officer Defined.—Section 1043(b) is amended by adding at the end the following new paragraph:

"(6) Judicial officer.—The term 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.".

(c) Effective Date.—The amendments made by this section shall apply to sales after the date of enactment of this Act.

SEC. 419. PREMIUMS FOR MORTGAGE INSURANCE.

(a) In General.—Section 163(h)(3) (relating to qualified residence interest) is amended by adding at the end the following new subparagraph:

"(E) Mortgage insurance premiums treated as interest.—

"(i) In general.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this section as interest which is qualified residence interest.

"(ii) Phaseout.—The amount otherwise treated as interest under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).

"(iii) Limitation.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

"(iv) Termination.—Clause (i) shall not apply to amounts—

"(I) paid or accrued after December 31, 2007, or

"(II) properly allocable to any period after such date.".

(b) Definition and Special Rules.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

"(E) Qualified mortgage insurance.—The term 'qualified mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

"(F) Special rules for prepaid qualified mortgage insurance.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.".

(c) Information Returns Relating to Mortgage Insurance.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

"(h) Returns Relating to Mortgage Insurance Premiums.—

"(1) In general.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

"(2) Statement to be furnished to individuals with respect to whom information is required.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

"(3) Special rules.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (c) shall apply, and

"(B) the term 'mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).".

(d) Effective Date.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2006.

SEC. 420. MODIFICATION OF REFUNDS FOR KEROSENE USED IN AVIATION.

(a) In General.—Paragraph (4) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene) is amended to read as follows:

"(4) Refunds for kerosene used in aviation.—

"(A) Kerosene used in commercial aviation.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

"(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(ii) so much of the rate of tax specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be, as does not exceed 4.3 cents per gallon.

"(B) Kerosene used in noncommercial aviation.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—

"(i) any tax imposed by subsection (c) or (d)(2) of section 4041, and

"(ii) so much of the tax imposed by section 4081 as is attributable to—

"(I) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(II) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

"(C) Payments to ultimate, registered vendor.—

"(i) In general.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(I) is registered under section 4101, and

"(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

"(ii) Payments for kerosene used in noncommercial aviation.—The amount which would be paid under paragraph (1) with respect to any kerosene to which subparagraph (B) applies shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

"(I) is registered under section 4101, and

"(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(b) Conforming Amendments.—

(1) Section 6427(l) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(2) Section 4082(d)(2)(B) is amended by striking "section 6427(l)(6)(B)" and inserting "section 6427(l)(5)(B)".

(3) Section 6427(l)(4)(A) is amended—

(A) by striking "paragraph (4)(B), (5), or (6)" each place it appears and inserting "paragraph (4)(C) or (5)", and

(B) by striking "(l)(5), and (l)(6)" and inserting "(l)(4)(C)(ii), and (l)(5)".

(4) Section 6427(l)(1) is amended by striking "paragraph (4)(B)" and inserting "paragraph (4)(C)(i)".

(5) Section 9502(d) is amended—

(A) in paragraph (2), by striking "and (l)(5)", and

(B) in paragraph (3), by striking "or (5)".

(6) Section 9503(c)(7) is amended—

(A) by amending subparagraphs (A) and (B) to read as follows:

“(A) 4.3 cents per gallon of kerosene subject to section 6427(l)(4)(A) with respect to which a payment has been made by the Secretary under section 6427(l), and

“(B) 21.8 cents per gallon of kerosene subject to section 6427(l)(4)(B) with respect to which a payment has been made by the Secretary under section 6427(l).”, and

(B) in the matter following subparagraph (B), by striking “or (5)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) SPECIAL RULE FOR PENDING CLAIMS.—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(l)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(l)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) SPECIAL RULE FOR KEROSENE USED IN AVIATION ON A FARM FOR FARMING PURPOSES.—

(1) REFUNDS FOR PURCHASES AFTER DECEMBER 31, 2004, AND BEFORE OCTOBER 1, 2005.—The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(l)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.

(3) TIME FOR FILING CLAIMS.—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

(4) NO DOUBLE BENEFIT.—No amount shall be paid under paragraph (1) or section 6427(l) of the Internal Revenue Code of 1986 with respect to any kerosene described in paragraph (1) to the extent that such amount is in excess of the tax imposed on such kerosene under section 4041 or 4081 of such Code, as the case may be.

(5) APPLICABLE LAWS.—For purposes of this subsection, rules similar to the rules of section 6427(j) of the Internal Revenue Code of 1986 shall apply.

SEC. 421. REGIONAL INCOME TAX AGENCIES TREATED AS STATES FOR PURPOSES OF CONFIDENTIALITY AND DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Paragraph (5) of section 6103(b) is amended to read as follows:

“(5) STATE.—

“(A) IN GENERAL.—The term ‘State’ means—

“(i) any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands,

“(ii) for purposes of subsections (a)(2), (b)(4), (d)(1), (h)(4), and (p), any municipality—

“(I) with a population in excess of 250,000 (as determined under the most recent decennial United States census data available),

“(II) which imposes a tax on income or wages, and

“(III) with which the Secretary (in his sole discretion) has entered into an agreement regarding disclosure, and

“(iii) for purposes of subsections (a)(2), (b)(4), (d)(1), (h)(4), and (p), any governmental entity—

“(I) which is formed and operated by a qualified group of municipalities, and

“(II) with which the Secretary (in his sole discretion) has entered into an agreement regarding disclosure.

“(B) REGIONAL INCOME TAX AGENCIES.—For purposes of subparagraph (A)(iii)—

“(i) QUALIFIED GROUP OF MUNICIPALITIES.—The term ‘qualified group of municipalities’ means, with respect to any governmental entity, 2 or more municipalities—

“(I) each of which imposes a tax on income or wages,

“(II) each of which, under the authority of a State statute, administers the laws relating to the imposition of such taxes through such entity, and

“(III) which collectively have a population in excess of 250,000 (as determined under the most recent decennial United States census data available).

“(ii) REFERENCES TO STATE LAW, ETC.—For purposes of applying subparagraph (A)(iii) to the subsections referred to in such subparagraph, any reference in such subsections to State law, proceedings, or tax returns shall be treated as references to the law, proceedings, or tax returns, as the case may be, of the municipalities which form and operate the governmental entity referred to in such subparagraph.

“(iii) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a governmental entity referred to in subparagraph (A)(iii) unless such entity, to the satisfaction of the Secretary—

“(I) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of subsection (p)(4)) to protect the confidentiality of such returns or return information,

“(II) agrees to conduct an on-site review every 3 years (or a mid-point review in the case of contracts or agreements of less than 3 years in duration) of each contractor or other agent to determine compliance with such requirements,

“(III) submits the findings of the most recent review conducted under subclause (II) to the Secretary as part of the report required by subsection (p)(4)(E), and

“(IV) certifies to the Secretary for the most recent annual period that such contractor or other agent is in compliance with all such requirements.

The certification required by subclause (IV) shall include the name and address of each contractor and other agent, a description of the contract or agreement with such contractor or other agent, and the duration of such contract or agreement. The requirements of this clause shall not apply to disclosures pursuant to subsection (n) for purposes of Federal tax administration and a rule similar to the rule of subsection (p)(8)(B) shall apply for purposes of this clause.”.

(b) SPECIAL RULES FOR DISCLOSURE.—Subsection (d) of section 6103 is amended by adding at the end the following new paragraph:

“(6) LIMITATION ON DISCLOSURE REGARDING REGIONAL INCOME TAX AGENCIES TREATED AS STATES.—For purposes of paragraph (1), inspection by or disclosure to an entity described in subsection (b)(5)(A)(iii) shall be for the purpose of, and only to the extent necessary in, the administration of the laws of the member municipalities in such entity relating to the imposition of a tax on income or wages. Such entity may not redisclose any return or return information received pursuant to paragraph (1) to any such member municipality.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after December 31, 2006.

SEC. 422. DESIGNATION OF WINES BY SEMI-GENERIC NAMES.

(a) IN GENERAL.—Subsection (c) of section 5388 (relating to use of semi-generic designations) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR USE OF CERTAIN SEMI-GENERIC DESIGNATIONS.—

“(A) IN GENERAL.—In the case of any wine to which this paragraph applies—

“(i) paragraph (1) shall not apply,

“(ii) in the case of wine of the European Community, designations referred to in subparagraph (C)(i) may be used for such wine only if the requirement of subparagraph (B)(ii) is met, and

“(iii) in the case any other wine bearing a brand name, or brand name and fanciful name, semi-generic designations may be used for such wine only if the requirements of clauses (i), (ii), and (iii) of subparagraph (B) are met.

“(B) REQUIREMENTS.—

“(i) The requirement of this clause is met if there appears in direct conjunction with the semi-generic designation an appropriate appellation of origin disclosing the origin of the wine.

“(ii) The requirement of this clause is met if the wine conforms to the standard of identity, if any, for such wine contained in the regulations under this section or, if there is no such standard, to the trade understanding of such class or type.

“(iii) The requirement of this clause is met if the person, or its successor in interest, using the semi-generic designation held a Certificate of Label Approval or Certificate of Exemption from Label Approval issued by the Secretary for a wine label bearing such brand name, or brand name and fanciful name, before March 10, 2006, on which such semi-generic designation appeared.

“(C) WINES TO WHICH PARAGRAPH APPLIES.—

“(i) IN GENERAL.—Except as provided in clause (ii), this paragraph shall apply to any grape wine which is designated as Burgundy, Claret, Chablis, Champagne, Chianti, Malaga, Marsala, Madeira, Moselle, Port, Retsina, Rhine Wine or Hock, Sauterne, Haut Sauterne, Sherry, or Tokay.

“(ii) EXCEPTION.—This paragraph shall not apply to wine which—

“(I) contains less than 7 percent or more than 24 percent alcohol by volume,

“(II) is intended for sale outside the United States, or

"(III) does not bear a brand name.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine imported or bottled in the United States on or after the date of enactment of this Act.

SEC. 423. MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G(d) (defining qualified railroad track maintenance expenditures) is amended—

(1) by inserting "gross" after "means", and

(2) by inserting "(determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track)" after "Class II or Class III railroad".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 245(a) of the American Jobs Creation Act of 2004.

SEC. 424. MODIFICATION OF EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

"(c) TAXATION OF TRUSTS.—

"(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) EXCISE TAX.—

"(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust which has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 425. LOANS TO QUALIFIED CONTINUING CARE FACILITIES MADE PERMANENT.

(a) IN GENERAL.—Subsection (h) of section 7872 (relating to exception for loans to qualified continuing care facilities) is amended by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 209 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 426. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTION RELATING TO LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—

(1) IN GENERAL.—

(A) The first sentence of section 954(c)(6)(A) is amended by striking "which is not subpart F income" and inserting "which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States".

(B) Section 954(c)(6)(A) is amended by striking the last sentence and inserting the following: "The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) TECHNICAL CORRECTION REGARDING AUTHORITY TO EXERCISE REASONABLE CAUSE AND GOOD FAITH EXCEPTION.—

(1) IN GENERAL.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by inserting "or the Secretary's delegate" after "the Secretary of the Treasury".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

SEC. 1. SHORT TITLE OF DIVISION.

This division may be cited as the "Medicare Improvements and Extension Act of 2006".

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

SEC. 101. PHYSICIAN PAYMENT AND QUALITY IMPROVEMENT.

(a) ONE-YEAR INCREASE IN MEDICARE PHYSICIAN FEE SCHEDULE CONVERSION FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

"(7) CONVERSION FACTOR FOR 2007.—

"(A) IN GENERAL.—The conversion factor that would otherwise be applicable under this subsection for 2007 shall be the amount of such conversion factor divided by the product of—

"(i) 1 plus the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2007 (divided by 100); and

"(ii) 1 plus the Secretary's estimate of the update adjustment factor under paragraph (4)(B) for 2007.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2008.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2008 as if subparagraph (A) had never applied.".

(b) QUALITY REPORTING SYSTEM.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended by adding at the end the following new subsection:

"(k) QUALITY REPORTING SYSTEM.—

"(1) IN GENERAL.—The Secretary shall implement a system for the reporting by eligible professionals of data on quality measures specified under paragraph (2). Such data shall be submitted in a form and manner specified by the Secretary (by program instruction or otherwise), which may include submission of such data on claims under this part.

"(2) USE OF CONSENSUS-BASED QUALITY MEASURES.—

"(A) FOR 2007.—

"(i) IN GENERAL.—For purposes of applying this subsection for the reporting of data on quality measures for covered professional services furnished during the period beginning July 1, 2007, and ending December 31, 2007, the quality measures specified under this paragraph are the measures identified as 2007 physician quality measures under the Physician Voluntary Reporting Program as published on the public website of the Centers for Medicare & Medicaid Services as of the date of the enactment of this subsection, except as may be changed by the Secretary based on the results of a consensus-based process in January of 2007, if such change is published on such website by not later than April 1, 2007.

"(ii) SUBSEQUENT REFINEMENTS IN APPLICATION PERMITTED.—The Secretary may, from time to time (but not later than July 1, 2007), publish on such website (without notice or opportunity for public comment) modifications or refinements (such as code additions, corrections, or revisions) for the application of quality measures previously published under clause (i), but may not, under this clause, change the quality measures under the reporting system.

"(iii) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection for 2007.

"(B) FOR 2008.—

"(i) IN GENERAL.—For purposes of reporting data on quality measures for covered professional services furnished during 2008, the quality measures specified under this paragraph for covered professional services shall be measures that have been adopted or endorsed by a consensus organization (such as the National Quality Forum or AQA), that include measures that have been submitted by a physician specialty, and that the Secretary identifies as having used a consensus-based process for developing such measures. Such measures shall include structural measures, such as the use of electronic health records and electronic prescribing technology.

"(ii) PROPOSED SET OF MEASURES.—Not later than August 15, 2007, the Secretary shall publish in the Federal Register a proposed set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary in 2008. The Secretary shall provide for a period of public comment on such set of measures.

"(iii) FINAL SET OF MEASURES.—Not later than November 15, 2007, the Secretary shall publish in the Federal Register a final set of quality measures that the Secretary determines are described in clause (i) and would be appropriate for eligible professionals to use to submit data to the Secretary in 2008.

"(3) COVERED PROFESSIONAL SERVICES AND ELIGIBLE PROFESSIONALS DEFINED.—For purposes of this subsection:

"(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' means services for which payment is made under, or is based on, the fee schedule established under this section and which are furnished by an eligible professional.

"(B) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means any of the following:

"(i) A physician.

"(ii) A practitioner described in section 1842(b)(18)(C).

"(iii) A physical or occupational therapist or a qualified speech-language pathologist.

"(4) USE OF REGISTRY-BASED REPORTING.—As part of the publication of proposed and final quality measures for 2008 under clauses (ii) and (iii) of paragraph (2)(B), the Secretary shall address a mechanism whereby an eligible professional may provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database), as identified by the Secretary.

"(5) IDENTIFICATION UNITS.—For purposes of applying this subsection, the Secretary may identify eligible professionals through billing units, which may include the use of the Provider Identification Number, the unique physician identification number (described in section 1833(q)(1)), the taxpayer identification number, or the National Provider Identifier. For purposes of applying this subsection for 2007, the Secretary shall use the taxpayer identification number as the billing unit.

"(6) EDUCATION AND OUTREACH.—The Secretary shall provide for education and outreach to eligible professionals on the operation of this subsection.

"(7) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of the development and implementation of the reporting system under paragraph (1), including identification of quality measures under paragraph (2) and the application of paragraphs (4) and (5).

"(8) IMPLEMENTATION.—The Secretary shall carry out this subsection acting through the Administrator of the Centers for Medicare & Medicaid Services.".

(c) TRANSITIONAL BONUS INCENTIVE PAYMENTS FOR QUALITY REPORTING IN 2007.—

(1) IN GENERAL.—With respect to covered professional services furnished during a reporting period (as defined in paragraph (6)(C)) by an eligible professional, if—

(A) there are any quality measures that have been established under the physician reporting system that are applicable to any such services furnished by such professional for such period, and

(B) the eligible professional satisfactorily submits (as determined under paragraph (2)) to the Secretary data on such quality measures in accordance with such reporting system for such reporting period,

in addition to the amount otherwise paid under part B of title XVIII of the Social Security Act, subject to paragraph (3), there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6))) from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t) an amount equal to 1.5 percent of the Secretary's estimate (based on claims submitted not later than two months after the end of the reporting period) of the allowed charges under such part for all such covered professional services furnished during the reporting period.

(2) SATISFACTORY REPORTING DESCRIBED.—For purposes of paragraph (1), an eligible professional shall be treated as satisfactorily submitting data on quality measures for covered professional services for a reporting period if quality measures have been reported as follows:

(A) THREE OR FEWER QUALITY MEASURES APPLICABLE.—If there are no more than 3 quality measures that are provided under the physician reporting system and that are applicable to such services of such professional furnished during the period, each such quality measure has been reported under such system in at least 80 percent of the cases in which such measure is reportable under the system.

(B) FOUR OR MORE QUALITY MEASURES APPLICABLE.—If there are 4 or more quality measures that are provided under the physician reporting system and that are applicable to such services of such professional furnished during the period, at least 3 such quality measures have been reported under such system in at least 80 percent of the cases in which the respective measure is reportable under the system.

(3) PAYMENT LIMITATION.—

(A) IN GENERAL.—In no case shall the total payment made under this subsection to an eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6) of the Social Security Act) exceed the product of—

(i) the total number of quality measures for which data are submitted under the physician reporting system for covered professional services of such professional that are furnished during the reporting period; and

(ii) 300 percent of the average per measure payment amount specified in subparagraph (B).

(B) AVERAGE PER MEASURE PAYMENT AMOUNT SPECIFIED.—The average per measure payment amount specified in this subparagraph is an amount, estimated by the Secretary (based on claims submitted not later than two months after the end of the reporting period), equal to—

(i) the total of the amount of allowed charges under part B of title XVIII of the Social Security Act for all covered professional services furnished during the reporting period on claims for which quality measures are reported under the physician reporting system; divided by

(ii) the total number of quality measures for which data are reported under such system for covered professional services furnished during the reporting period.

(4) FORM OF PAYMENT.—The payment under this subsection shall be in the form of a single consolidated payment.

(5) APPLICATION.—

(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of section 1848(k) of the Social Security Act, as added by subsection (b), shall apply for purposes of this subsection in the same manner as they apply for purposes of such section.

(B) COORDINATION WITH OTHER BONUS PAYMENTS.—The provisions of this subsection shall not be taken into account in applying subsections (m) and (u) of section 1833 of the Social Security Act (42 U.S.C. 1395l) and any payment under such subsections shall not be taken into account in computing allowable charges under this subsection.

(C) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement by program instruction or otherwise this subsection.

(D) VALIDATION.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, for purposes of determining whether a measure is applicable to the covered professional services of an eligible professional under paragraph (2), the Secretary shall presume that if an eligible professional submits data for a measure, such measure is applicable to such professional.

(ii) METHOD.— The Secretary shall validate (by sampling or other means as the Secretary determines to be appropriate) whether measures applicable to covered professional services of an eligible professional have been reported.

(iii) DENIAL OF PAYMENT AUTHORITY.—If the Secretary determines that an eligible professional has not reported measures applicable to covered professional services of such professional, the Secretary shall not pay the bonus incentive payment.

(E) LIMITATIONS ON REVIEW.—

(i) IN GENERAL.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act or otherwise of—

(I) the determination of measures applicable to services furnished by eligible professionals under this subsection;

(II) the determination of satisfactory reporting under paragraph (2);

(III) the determination of the payment limitation under paragraph (3); and

(IV) the determination of the bonus incentive payment under this subsection.

(ii) TREATMENT OF DETERMINATIONS.—A determination under this subsection shall not be treated as a determination for purposes of section 1869 of the Social Security Act.

(6) DEFINITIONS.—For purposes of this subsection:

(A) ELIGIBLE PROFESSIONAL; COVERED PROFESSIONAL SERVICES.—The terms "eligible professional" and "covered professional services" have the meanings given such terms in section 1848(k)(3) of the Social Security Act, as added by subsection (b).

(B) PHYSICIAN REPORTING SYSTEM.—The term "physician reporting system" means the system established under section 1848(k) of the Social Security Act, as added by subsection (b).

(C) REPORTING PERIOD.—The term "reporting period" means the period beginning on July 1, 2007, and ending on December 31, 2007.

(D) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—Section 1848 of the Social Security Act, as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(l) PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

"(1) ESTABLISHMENT.—The Secretary shall establish under this subsection a Physician Assistance and Quality Initiative Fund (in this subsection referred to as the 'Fund') which shall be available to the Secretary for physician payment and quality improvement initiatives, which may include application of an adjustment to the update of the conversion factor under subsection (d).

"(2) FUNDING.—

"(A) AMOUNT AVAILABLE.—There shall be available to the Fund for expenditures an amount equal to $1,350,000,000.

"(B) TIMELY OBLIGATION OF ALL AVAILABLE FUNDS FOR SERVICES FURNISHED DURING 2008.—The Secretary shall provide for expenditures from the Fund in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount specified in subparagraph (A) for payment with respect to physicians' services furnished during 2008.

"(C) PAYMENT FROM TRUST FUND.—The amount specified in subparagraph (A) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"(D) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations in accordance with subparagraph (B) but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under subparagraph (A). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.

"(E) CONSTRUCTION.—In the case that expenditures from the Fund are applied to, or otherwise affect, a conversion factor under subsection (d) for a year, the conversion factor under such subsection shall be computed for a subsequent year as if such application or effect had never occurred.".

(e) IMPLEMENTATION.—For purposes of implementing the provisions of, and amendments made by, this section, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t), of $60,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2007, 2008, and 2009.

SEC. 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking "before January 1, 2007" and inserting "before January 1, 2008".

SEC. 103. UPDATE TO THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES.

(a) IN GENERAL.—Section 1881(b)(12)(G) of the Social Security Act (42 U.S.C. 1395rr(b)(12)(G)) is amended to read as follows:

"(G) The Secretary shall increase the amount of the composite rate component of the basic case-mix adjusted system under subparagraph (B) for dialysis services—

"(i) furnished on or after January 1, 2006, and before April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on December 31, 2005; and

"(ii) furnished on or after April 1, 2007, by 1.6 percent above the amount of such composite rate component for such services furnished on March 31, 2007.".

(b) GAO REPORT ON HOME DIALYSIS PAYMENT.—Not later than January 1, 2009, the Comptroller General of the United States shall submit to Congress a report on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. Such report shall also include recommendations for a payment methodology for payment under section 1881 of the Social Security Act (42 U.S.C. 1395rr) that measures, and is based on, the costs of providing such services and takes into account the case mix of patients.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by striking "and 2006" and inserting ", 2006, and 2007".

SEC. 105. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Effective as if included in the enactment of section 416 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), subsection (b) of such section is amended by striking "2-year period" and inserting "3-year period".

SEC. 106. HOSPITAL MEDICARE REPORTS AND CLARIFICATIONS.

(a) CORRECTION OF MID-YEAR RECLASSIFICATION EXPIRATION.—Notwithstanding any other provision of law, in the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which a reclassification of its wage index for purposes of such section would (but for this subsection) expire on March 31, 2007, such reclassification of such hospital shall be extended through September 30, 2007. The previous sentence shall not be effected in a budget-neutral manner.

(b) REVISION OF THE MEDICARE WAGE INDEX CLASSIFICATION SYSTEM.—

(1) MEDPAC REPORT.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission shall submit to Congress, by not later than June 30, 2007, a report on its study of the wage index classification system applied under Medicare prospective payment systems, including under section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)). Such report shall include any alternatives the Commission recommends to the method to compute the wage index under such section.

(B) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission, $2,000,000 for fiscal year 2007 to carry out this paragraph.

(2) PROPOSAL TO REVISE THE HOSPITAL WAGE INDEX CLASSIFICATION SYSTEM.— The Secretary of Health and Human Services, taking into account the recommendations described in the report under paragraph (1), shall include in the proposed rule published under section 1886(e)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(e)(5)(A)) for fiscal year 2009 one or more proposals to revise the wage index adjustment applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)) for purposes of the Medicare prospective payment system for inpatient hospital services. Such proposal (or proposals) shall consider each of the following:

(A) Problems associated with the definition of labor markets for purposes of such wage index adjustment.

(B) The modification or elimination of geographic reclassifications and other adjustments.

(C) The use of Bureau of Labor Statistics data, or other data or methodologies, to calculate relative wages for each geographic area involved.

(D) Minimizing variations in wage index adjustments between and within Metropolitan Statistical Areas and Statewide rural areas.

(E) The feasibility of applying all components of the proposal to other settings, including home health agencies and skilled nursing facilities.

(F) Methods to minimize the volatility of wage index adjustments, while maintaining the principle of budget neutrality in applying such adjustments.

(G) The effect that the implementation of the proposal would have on health care providers and on each region of the country.

(H) Methods for implementing the proposal, including methods to phase-in such implementation.

(I) Issues relating to occupational mix, such as staffing practices and any evidence on the effect on quality of care and patient safety and any recommendations for alternative calculations.

(c) ELIMINATION OF UNNECESSARY REPORT.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(4)(C), by striking clause (iv); and

(2) in subsection (e), by striking paragraph (3).

SEC. 107. PAYMENT FOR BRACHYTHERAPY.

(a) EXTENSION OF PAYMENT RULE.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)) is amended by striking "January 1, 2007" and inserting "January 1, 2008".

(b) ESTABLISHMENT OF SEPARATE PAYMENT GROUPS.—

(1) IN GENERAL.—Section 1833(t)(2)(H) of such Act (42 U.S.C. 1395l(t)(2)(H)) is amended by inserting "and for stranded and non-stranded devices furnished on or after July 1, 2007" before the period at the end.

(2) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the amendment made by paragraph (1) by program instruction or otherwise.

SEC. 108. PAYMENT PROCESS UNDER THE COMPETITIVE ACQUISITION PROGRAM (CAP).

(a) IN GENERAL.—Section 1847B(a)(3) of the Social Security Act (42 U.S.C. 1395w-3b(a)(3)) is amended—

(1) in subparagraph (A)(iii), by striking "and biologicals" and all that follows and inserting "and biologicals shall be made only to such contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary."; and

(2) by adding at the end the following new subparagraph:

"(D) POST-PAYMENT REVIEW PROCESS.—The Secretary shall establish (by program instruction or otherwise) a post-payment review process (which may include the use of statistical sampling) to assure that payment is made for a drug or biological under this section only if the drug or biological has been administered to a beneficiary. The Secretary shall recoup, offset, or collect any overpayments determined by the Secretary under such process.".

(b) CONSTRUCTION.—Nothing in this section shall be construed as—

(1) requiring the conduct of any additional competition under subsection (b)(1) of section 1847B of the Social Security Act (42 U.S.C. 1395w–3b); or

(2) requiring any additional process for elections by physicians under subsection (a)(1)(A)(ii) of such section or additional selection by a selecting physician of a contractor under subsection (a)(5) of such section.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payment for drugs and biologicals supplied under section 1847B of the Social Security Act (42 U.S.C. 1395w–3b)—

(1) on or after April 1, 2007; and

(2) on or after July 1, 2006, and before April 1, 2007, for claims that are unpaid as of April 1, 2007.

SEC. 109. QUALITY REPORTING FOR HOSPITAL OUTPATIENT SERVICES AND AMBULATORY SURGICAL CENTER SERVICES.

(a) OUTPATIENT HOSPITAL SERVICES.—

(1) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(A) in paragraph (3)(C)(iv), by inserting "subject to paragraph (17)," after "For purposes of this subparagraph,"; and

(B) by adding at the end the following new paragraph:

"(17) QUALITY REPORTING.—

"(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

"(i) IN GENERAL.—For purposes of paragraph (3)(C)(iv) for 2009 and each subsequent year, in the case of a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that does not submit, to the Secretary in accordance with this paragraph, data required to be submitted on measures selected under this paragraph with respect to such a year, the OPD fee schedule increase factor under paragraph (3)(C)(iv) for such year shall be reduced by 2.0 percentage points.

"(ii) NON-CUMULATIVE APPLICATION.—A reduction under this subparagraph shall apply only with respect to the year involved and the Secretary shall not take into account such reduction in computing the OPD fee schedule increase factor for a subsequent year.

"(B) FORM AND MANNER OF SUBMISSION.—Each subsection (d) hospital shall submit data on measures selected under this paragraph to the Secretary in a form and manner, and at a time, specified by the Secretary for purposes of this paragraph.

"(C) DEVELOPMENT OF OUTPATIENT MEASURES.—

"(i) IN GENERAL.—The Secretary shall develop measures that the Secretary determines to be appropriate for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings and that reflect consensus among affected parties and, to the extent feasible and practicable, shall include measures set forth by one or more national consensus building entities.

"(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the Secretary from selecting measures that are the same as (or a subset of) the measures for which data are required to be submitted under section 1886(b)(3)(B)(viii).

"(D) REPLACEMENT OF MEASURES.—For purposes of this paragraph, the Secretary may replace any measures or indicators in appropriate cases, such as where all hospitals are effectively in compliance or the measures or indicators have been subsequently shown not to represent the best clinical practice.

"(E) AVAILABILITY OF DATA.—The Secretary shall establish procedures for making data submitted under this paragraph available to the public. Such procedures shall ensure that a hospital has the opportunity to review the data that are to be made public with respect to the hospital prior to such data being made public. The Secretary shall report quality measures of process, structure, outcome, patients' perspectives on care, efficiency, and costs of care that relate to services furnished in outpatient settings in hospitals on the Internet website of the Centers for Medicare & Medicaid Services.".

(2) CONFORMING AMENDMENT.—Section 1886(b)(3)(B)(viii)(III) of such Act (42 U.S.C. 1395ww(b)(3)(B)(viii)(III)) is amended by inserting "(including medication errors)" after "quality of care".

(b) APPLICATION TO AMBULATORY SURGICAL CENTERS.—Section 1833(i) of such Act (42 U.S.C. 1935l(i)) is amended—

(1) in paragraph (2)(D), by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) The Secretary may implement such system in a manner so as to provide for a reduction in any annual update for failure to report on quality measures in accordance with paragraph (7)."; and

(2) by adding at the end the following new paragraph:

"(7)(A) For purposes of paragraph (2)(D)(iv), the Secretary may provide, in the case of an ambulatory surgical center that does not submit, to the Secretary in accordance with this paragraph, data required to be submitted on measures selected under this paragraph with respect to a year, any annual increase provided under the system established under paragraph (2)(D) for such year shall be reduced by 2.0 percentage points. A reduction under this subparagraph shall apply only with respect to the year involved and the Secretary shall not take into account such reduction in computing any annual increase factor for a subsequent year.

"(B) Except as the Secretary may otherwise provide, the provisions of subparagraphs (B), (C), (D), and (E) of paragraph (17) of section 1833(t) shall apply with respect to services of ambulatory surgical centers under this paragraph in a similar manner to the manner in which they apply under such paragraph and, for purposes of this subparagraph, any reference to a hospital, outpatient setting, or outpatient hospital services is deemed a reference to an ambulatory surgical center, the setting of such a center, or services of such a center, respectively.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payment for services furnished on or after January 1, 2009.

SEC. 110. REPORTING OF ANEMIA QUALITY INDICATORS FOR MEDICARE PART B CANCER ANTI-ANEMIA DRUGS.

(a) IN GENERAL.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u) Each request for payment, or bill submitted, for a drug furnished to an individual for the treatment of anemia in connection with the treatment of cancer shall include (in a form and manner specified by the Secretary) information on the hemoglobin or hematocrit levels for the individual.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after January 1, 2008. The Secretary of Health and Human Services shall address the implementation of such amendment in the rulemaking process under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for payment for physicians' services for 2008, consistent with the previous sentence.

SEC. 111. CLARIFICATION OF HOSPICE SATELLITE DESIGNATION.

Notwithstanding any other provision of law, for purposes of calculating the hospice aggregate payment cap for 2004, 2005, and 2006 for a hospice program under section 1814(i)(2)(A) of the Social Security Act (42 U.S.C. 1395f(i)(2)(A)) for hospice care provided on or after November 1, 2003, and before December 27, 2005, Medicare provider number 29–1511 is deemed to be a multiple location of Medicare provider number 29–1500.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

SEC. 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "2006" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2007,".

SEC. 202. PAYMENT FOR ADMINISTRATION OF PART D VACCINES.

(a) TRANSITION FOR 2007.—Notwithstanding any other provision of law, in the case of a vaccine that is a covered part D drug under section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)) and that is administered during 2007, the administration of such vaccine shall be paid under part B of title XVIII of such Act as if it were the administration of a vaccine described in section 1861(s)(10)(B) of such Act (42 U.S.C. 1395w(s)(10)(B)).

(b) ADMINISTRATION INCLUDED IN COVERAGE OF COVERED PART D DRUGS BEGINNING IN 2008.—Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended, in the matter following subparagraph (B), by inserting "(and, for vaccines administered on or after January 1, 2008, its administration)" after "Public Health Service Act".

SEC. 203. OIG STUDY OF NEVER EVENTS.

(a) STUDY.—

(1) IN GENERAL.—The Inspector General in the Department of Health and Human Services shall conduct a study on—

(A) incidences of never events for Medicare beneficiaries, including types of such events and payments by any party for such events;

(B) the extent to which the Medicare program paid, denied payment, or recouped payment for services furnished in connection with such events and the extent to which beneficiaries paid for such services; and

(C) the administrative processes of the Centers for Medicare & Medicaid Services to detect such events and to deny or recoup payments for services furnished in connection with such an event.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Inspector General—

(A) shall audit a representative sample of claims and medical records of Medicare beneficiaries to identify never events and any payment (or recoupment) for services furnished in connection with such events;

(B) may request access to such claims and records from any Medicare contractor; and

(C) shall not release individually identifiable information or facility-specific information.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Inspector General shall submit a report to Congress on the study conducted under this section. Such report shall include recommendations for such legislation and administrative action, such as a noncoverage policy or denial of payments, as the Inspector General determines appropriate, including—

(1) recommendations on processes to identify never events and to deny or recoup payments for services furnished in connection with such events; and

(2) a recommendation on a potential process (or processes) for public disclosure of never events which—

(A) will ensure protection of patient privacy; and

(B) will permit the use of the disclosed information for a root cause analysis to inform the public and the medical community about safety issues involved.

(c) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Inspector General of the Department of Health and Human Services $3,000,000 to carry out this section, to be available until January 1, 2010.

(d) NEVER EVENTS DEFINED.—For purposes of this section, the term "never event" means an event that is listed and endorsed as a serious reportable event by the National Quality Forum as of November 16, 2006.

SEC. 204. MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish under title XVIII of the Social Security Act a medical home demonstration project (in this section referred to as the "project") to redesign the health care delivery system to provide targeted, accessible, continuous and coordinated, family-centered care to high-need populations and under which—

(1) care management fees are paid to persons performing services as personal physicians; and

(2) incentive payments are paid to physicians participating in practices that provide services as a medical home under subsection (d).

For purposes of this subsection, the term "high-need population" means individuals with multiple chronic illnesses that require regular medical monitoring, advising, or treatment.

(b) DETAILS.—

(1) DURATION; SCOPE.—The project shall operate during a period of three years and shall include urban, rural, and underserved areas in a total of no more than 8 States.

(2) ENCOURAGING PARTICIPATION OF SMALL PHYSICIAN PRACTICES.—The project shall be designed to include the participation of physicians in practices with fewer than three full-time equivalent physicians, as well as physicians in larger practices particularly in rural and underserved areas.

(c) PERSONAL PHYSICIAN DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "personal physician" means a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)) who—

(A) meets the requirements described in paragraph (2); and

(B) performs the services described in paragraph (3).

Nothing in this paragraph shall be construed as preventing such a physician from being a specialist or subspecialist for an individual requiring ongoing care for a specific chronic condition or multiple chronic conditions (such as severe asthma, complex diabetes, cardiovascular disease, rheumatologic disorder) or for an individual with a prolonged illness.

(2) REQUIREMENTS.—The requirements described in this paragraph for a personal physician are as follows:

(A) The physician is a board certified physician who provides first contact and continuous care for individuals under the physician's care.

(B) The physician has the staff and resources to manage the comprehensive and coordinated health care of each such individual.

(3) SERVICES PERFORMED.—A personal physician shall perform or provide for the performance of at least the following services:

(A) Advocates for and provides ongoing support, oversight, and guidance to implement a plan of care that provides an integrated, coherent, cross-discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to the patient involved and other appropriate medical personnel or agencies (such as home health agencies).

(B) Uses evidence-based medicine and clinical decision support tools to guide decisionmaking at the point-of-care based on patient-specific factors.

(C) Uses health information technology, that may include remote monitoring and patient registries, to monitor and track the health status of patients and to provide patients with enhanced and convenient access to health care services.

(D) Encourages patients to engage in the management of their own health through education and support systems.

(d) MEDICAL HOME DEFINED.—For purposes of this section, the term "medical home" means a physician practice that—

(1) is in charge of targeting beneficiaries for participation in the project; and

(2) is responsible for—

(A) providing safe and secure technology to promote patient access to personal health information;

(B) developing a health assessment tool for the individuals targeted; and

(C) providing training programs for personnel involved in the coordination of care.

(e) PAYMENT MECHANISMS.—

(1) PERSONAL PHYSICIAN CARE MANAGEMENT FEE.—Under the project, the Secretary shall provide for payment under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) of a care management fee to personal physicians providing care management under the project. Under such section and using the relative value scale update committee (RUC) process under such section, the Secretary shall develop a care management fee code for such payments and a value for such code.

(2) MEDICAL HOME SHARING IN SAVINGS.—The Secretary shall provide for payment under the project of a medical home based on the payment methodology applied to physician group practices under section 1866A of the Social Security Act (42 U.S.C. 1395cc-1). Under such methodology, 80 percent of the reductions in expenditures under title XVIII of the Social Security Act resulting from participation of individuals that are attributable to the medical home (as reduced by the total care managements fees paid to the medical home under the project) shall be paid to the medical home. The amount of such reductions in expenditures shall be determined by using assumptions with respect to reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions.

(3) SOURCE.—Payments paid under the project shall be made from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(f) EVALUATIONS AND REPORTS.—

(1) ANNUAL INTERIM EVALUATIONS AND REPORTS.—For each year of the project, the Secretary shall provide for an evaluation of the project and shall submit to Congress, by a date specified by the Secretary, a report on the project and on the evaluation of the project for each such year.

(2) FINAL, EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the project and shall submit to Congress, not later than one year after completion of the project, a report on the project and on the evaluation of the project.

SEC. 205. MEDICARE DRA TECHNICAL CORRECTIONS.

(a) PACE CLARIFICATION.—Paragraph (7) of section 5302(c) of the Deficit Reduction Act of 2005 (42 U.S.C. 1395eee note) is amended to read as follows:

"(7) APPROPRIATION.—

"(A) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary $10,000,000 to carry out this subsection for the period of fiscal years 2006 through 2010.

"(B) AVAILABILITY.—Funds appropriated under subparagraph (A) shall remain available for obligation through fiscal year 2010.".

(b) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) CORRECTION OF MARGIN (SECTION 5001).—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 5001(a) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended by moving clause (viii) (including subclauses (I) through (VII) of such clause) 6 ems to the left.

(2) REFERENCE CORRECTION (SECTION 5114).—Section 5114(a)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), in the matter preceding subparagraph (A), is amended by striking "1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))" and inserting "1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171).

SEC. 206. LIMITED CONTINUOUS OPEN ENROLLMENT OF ORIGINAL MEDICARE FEE-FOR-SERVICE ENROLLEES INTO MEDICARE ADVANTAGE NON-PRESCRIPTION DRUG PLANS.

(a) IN GENERAL.—Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w-21(e)(2)) is amended by adding at the end the following new subparagraph:

"(E) LIMITED CONTINUOUS OPEN ENROLLMENT OF ORIGINAL FEE-FOR-SERVICE ENROLLEES IN MEDICARE ADVANTAGE NON-PRESCRIPTION DRUG PLANS.—

"(i) IN GENERAL.—On any date during 2007 or 2008 on which a Medicare Advantage eligible individual is an unenrolled fee-for-service individual (as defined in clause (ii)), the individual may elect under subsection (a)(1) to enroll in a Medicare Advantage plan that is not an MA–PD plan.

"(ii) UNENROLLED FEE-FOR-SERVICE INDIVIDUAL DEFINED.—In this subparagraph, the term 'unenrolled fee-for-service individual' means, with respect to a date, a Medicare Advantage eligible individual who—

"(I) is receiving benefits under this title through enrollment in the original medicare fee-for-service program under parts A and B;

"(II) is not enrolled in an MA plan on such date; and

"(III) as of such date is not otherwise eligible to elect to enroll in an MA plan.

"(iii) LIMITATION OF ONE CHANGE DURING YEAR.—An individual may exercise the right under clause (i) only once during the year.

"(iv) NO EFFECT ON COVERAGE UNDER A PRESCRIPTION DRUG PLAN.—Nothing in this subparagraph shall be construed as permitting an individual exercising the right under clause (i)—

"(I) who is enrolled in a prescription drug plan under part D, to disenroll from such plan or to enroll in a different prescription drug plan; or

"(II) who is not enrolled in a prescription drug plan, to enroll in such a plan.".

(b) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (E)".

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

SEC. 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)(A)(i)) is amended by striking "2007," and "$10,000,000,000" and inserting "2012," and "$3,500,000,000", respectively.

SEC. 302. EXTENSION AND EXPANSION OF RECOVERY AUDIT CONTRACTOR PROGRAM UNDER THE MEDICARE INTEGRITY PROGRAM.

(a) IN GENERAL.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

"(h) USE OF RECOVERY AUDIT CONTRACTORS.—

"(1) IN GENERAL.—Under the Program, the Secretary shall enter into contracts with recovery audit contractors in accordance with this subsection for the purpose of identifying underpayments and overpayments and recouping overpayments under this title with respect to all services for which payment is made under part A or B. Under the contracts—

"(A) payment shall be made to such a contractor only from amounts recovered;

"(B) from such amounts recovered, payment—

"(i) shall be made on a contingent basis for collecting overpayments; and

"(ii) may be made in such amounts as the Secretary may specify for identifying underpayments; and

"(C) the Secretary shall retain a portion of the amounts recovered which shall be available to the program management account of the Centers for Medicare & Medicaid Services for purposes of activities conducted under the recovery audit program under this subsection.

"(2) DISPOSITION OF REMAINING RECOVERIES.—The amounts recovered under such contracts that are not paid to the contractor under paragraph (1) or retained by the Secretary under paragraph (1)(C) shall be applied to reduce expenditures under parts A and B.

"(3) NATIONWIDE COVERAGE.—The Secretary shall enter into contracts under paragraph (1) in a manner so as to provide for activities in all States under such a contract by not later than January 1, 2010.

"(4) AUDIT AND RECOVERY PERIODS.—Each such contract shall provide that audit and recovery activities may be conducted during a fiscal year with respect to payments made under part A or B—

"(A) during such fiscal year; and

"(B) retrospectively (for a period of not more than 4 fiscal years prior to such fiscal year).

"(5) WAIVER.—The Secretary shall waive such provisions of this title as may be necessary to provide for payment of recovery audit contractors under this subsection in accordance with paragraph (1).

"(6) QUALIFICATIONS OF CONTRACTORS.—

"(A) IN GENERAL.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor unless the contractor has staff that has the appropriate clinical knowledge of, and experience with, the payment rules and regulations under this title or the contractor has, or will contract with, another entity that has such knowledgeable and experienced staff.

"(B) INELIGIBILITY OF CERTAIN CONTRACTORS.—The Secretary may not enter into a contract under paragraph (1) with a recovery audit contractor to the extent the contractor is a fiscal intermediary under section 1816, a carrier under section 1842, or a medicare administrative contractor under section 1874A.

"(C) PREFERENCE FOR ENTITIES WITH DEMONSTRATED PROFICIENCY.—In awarding contracts to recovery audit contractors under paragraph (1), the Secretary shall give preference to those risk entities that the Secretary determines have demonstrated more than 3 years direct management experience and a proficiency for cost control or recovery audits with private insurers, health care providers, health plans, under the Medicaid program under title XIX, or under this title.

"(7) CONSTRUCTION RELATING TO CONDUCT OF INVESTIGATION OF FRAUD.—A recovery of an overpayment to a individual or entity by a recovery audit contractor under this subsection shall not be construed to prohibit the Secretary or the Attorney General from investigating and prosecuting, if appropriate, allegations of fraud or abuse arising from such overpayment.

"(8) ANNUAL REPORT.—The Secretary shall annually submit to Congress a report on the use of recovery audit contractors under this subsection. Each such report shall include information on the performance of such contractors in identifying underpayments and overpayments and recouping overpayments, including an evaluation of the comparative performance of such contractors and savings to the program under this title.".

(b) ACCESS TO COORDINATION OF BENEFITS CONTRACTOR DATABASE.—The Secretary of Health and Human Services shall provide for access by recovery audit contractors conducting audit and recovery activities under section 1893(h) of the Social Security Act, as added by subsection (a), to the database of the Coordination of Benefits Contractor of the Centers for Medicare & Medicaid Services with respect to the audit and recovery periods described in paragraph (4) of such section 1893(h).

(c) CONFORMING AMENDMENTS TO CURRENT DEMONSTRATION PROJECT.—Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2256) is amended—

(1) in subsection (b)(2), by striking "last for not longer than 3 years". and inserting "continue until contracts are entered into under section 1893(h) of the Social Security Act"; and

(2) by striking subsection (f).

SEC. 303. FUNDING FOR THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.

(a) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—

(1) IN GENERAL.—Section 1817(k)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) is amended—

(A) in the matter preceding subclause (I), by inserting "until expended" after "without further appropriation";

(B) in subclause (II), by striking "and" at the end;

(C) in subclause (III)—

(i) by striking "for each fiscal year after fiscal year 2003" and inserting "for each of fiscal years 2004, 2005, and 2006"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following new subclauses:

"(IV) for each of fiscal years 2007, 2008, 2009, and 2010, the limit under this clause for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

"(V) for each fiscal year after fiscal year 2010, the limit under this clause for fiscal year 2010.".

(2) OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Section 1817(k)(3)(A)(ii) of such Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is amended—

(A) in subclause (VI), by striking "and" at the end;

(B) in subclause (VII)—

(i) by striking "for each fiscal year after fiscal year 2002" and inserting "for each of fiscal years 2003, 2004, 2005, and 2006"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

"(VIII) for fiscal year 2007, not less than $160,000,000, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year;

"(IX) for each of fiscal years 2008, 2009, and 2010, not less than the amount required under this clause for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

"(X) for each fiscal year after fiscal year 2010, not less than the amount required under this clause for fiscal year 2010.".

(b) FEDERAL BUREAU OF INVESTIGATION.—Section 1817(k)(3)(B) of the Social Security Act (42 U.S.C. 1395i(k)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting "until expended" after "without further appropriation";

(2) in clause (vi), by striking "and" at the end;

(3) in clause (vii)—

(A) by striking "for each fiscal year after fiscal year 2002" and inserting "for each of fiscal years 2003, 2004, 2005, and 2006"; and

(B) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new clauses:

"(viii) for each of fiscal years 2007, 2008, 2009, and 2010, the amount to be appropriated under this subparagraph for the preceding fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year; and

"(ix) for each fiscal year after fiscal year 2010, the amount to be appropriated under this subparagraph for fiscal year 2010.".

SEC. 304. IMPLEMENTATION FUNDING.

For purposes of implementing the provisions of, and amendments made by, this title and titles I and II of this division, other than section 203, the Secretary of Health and Human Services shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of $45,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2007 and 2008.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

SEC. 401. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Activities authorized by sections 510 and 1925 of the Social Security Act shall continue through June 30, 2007, in the manner authorized for fiscal year 2006, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2007 at the level provided for such activities through the third quarter of fiscal year 2006.

SEC. 402. GRANTS FOR RESEARCH ON VACCINE AGAINST VALLEY FEVER.

(a) IN GENERAL.—In supporting research on the development of vaccines against human diseases, the Secretary of Health and Human Services shall make grants for the purpose of conducting research toward the development of a vaccine against coccidioidomycosis (commonly known as Valley Fever).

(b) SUNSET.—No grant may be made under subsection (a) on or after October 1, 2012. The preceding sentence does not have any legal effect on payments under grants for which amounts appropriated under subsection (c) were obligated prior to such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $40,000,000 for the period of fiscal years 2007 through 2012.

SEC. 403. CHANGE IN THRESHOLD FOR MEDICAID INDIRECT HOLD HARMLESS PROVISION OF BROAD-BASED HEALTH CARE TAXES.

Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following:

"(ii) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(i) of section 433.68(f) of title 42, Code of Federal Regulations, as in effect on November 1, 2006, except that for portions of fiscal years beginning on or after January 1, 2008, and before October 1, 2011, '5.5 percent' shall be substituted for '6 percent' each place it appears.".

SEC. 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR TENNESSEE AND HAWAII.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended to read as follows:

"(6) ALLOTMENT ADJUSTMENTS FOR FISCAL YEAR 2007.—

"(A) TENNESSEE.—

"(i) IN GENERAL.—Only with respect to fiscal year 2007, the DSH allotment for Tennessee for such fiscal year, notwithstanding the table set forth in paragraph (2) or the terms of the TennCare Demonstration Project in effect for the State, shall be the greater of—

"(I) the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for the demonstration year ending in 2006 that is reflected in the budget neutrality provision of the TennCare Demonstration Project; and

"(II) $280,000,000.

"(ii) LIMITATION ON AMOUNT OF PAYMENT ADJUSTMENTS ELIGIBLE FOR FEDERAL FINANCIAL PARTICIPATION.—Payment under section 1903(a) shall not be made to Tennessee with respect to the aggregate amount of any payment adjustments made under this section for hospitals in the State for fiscal year 2007 that is in excess of 30 percent of the DSH allotment for the State for such fiscal year determined pursuant to clause (i).

"(iii) STATE PLAN AMENDMENT.—The Secretary shall permit Tennessee to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals. For purposes of demonstrating budget neutrality under the TennCare Demonstration Project, payment adjustments made pursuant to a State plan amendment approved in accordance with this subparagraph shall be considered expenditures under such project.

"(iv) OFFSET OF FEDERAL SHARE OF PAYMENT ADJUSTMENTS FOR FISCAL YEAR 2007 AGAINST ESSENTIAL ACCESS HOSPITAL SUPPLEMENTAL POOL PAYMENTS UNDER THE TENNCARE DEMONSTRATION PROJECT.—

"(I) The total amount of Essential Access Hospital supplemental pool payments that may be made under the TennCare Demonstration Project for fiscal year 2007 shall be reduced on a dollar for dollar basis by the amount of any payments made under section 1903(a) to Tennessee with respect to payment adjustments made under this section for hospitals in the State for such fiscal year.

"(II) The sum of the total amount of payments made under section 1903(a) to Tennessee with respect to payment adjustments made under this section for hospitals in the State for fiscal year 2007 and the total amount of Essential Access Hospital supplemental pool payments made under the TennCare Demonstration Project for such fiscal year shall not exceed the State's DSH allotment for such fiscal year established under clause (i).

"(B) HAWAII.—

"(i) IN GENERAL.—Only with respect to fiscal year 2007, the DSH allotment for Hawaii for such fiscal year, notwithstanding the table set forth in paragraph (2), shall be $10,000,000.

"(ii). STATE PLAN AMENDMENT.—The Secretary shall permit Hawaii to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals.".

SEC. 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS RELATING TO STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING (SECTIONS 6041 THROUGH 6043).—

(1) CLARIFICATION OF CONTINUED APPLICATION OF REGULAR COST SHARING RULES FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—Section 1916A of the Social Security Act, as inserted by section 6041(a) of the Deficit Reduction Act of 2005 and amended by sections 6042 and 6043 of such Act, is amended—

(A) in subsection (a)(1)—

(i) by inserting "but subject to paragraph (2)," after "1902(a)(10)(B),"; and

(ii) by inserting "and non-emergency services furnished in a hospital emergency department for which cost sharing may be imposed under subsection (e)" after "(c)";

(B) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(C) in subsection (a), by inserting after paragraph (1) the following:

"(2) EXEMPTION FOR INDIVIDUALS WITH FAMILY INCOME NOT EXCEEDING 100 PERCENT OF THE POVERTY LINE.—

"(A) IN GENERAL.—Paragraph (1) and subsection (d) shall not apply, and sections 1916 and 1902(a)(10)(B) shall continue to apply, in the case of an individual whose family income does not exceed 100 percent of the poverty line applicable to a family of the size involved.

"(B) LIMIT ON AGGREGATE COST SHARING.—To the extent cost sharing under subsection (c) and (e) or under section 1916 is imposed against individuals described in subparagraph (A), the limitation under subsection (b)(1)(B)(ii) on the total aggregate amount of cost sharing shall apply to such cost sharing for all individuals in a family described in subparagraph (A) in the same manner as such limitations apply to cost sharing and families described in subsection (b)(1)(B)(ii).";

(D) in subsections (c)(2)(C) and (e)(2)(C), by inserting "under subsection (a)(2)(B) or" after "cap on cost sharing applied"; and

(E) in subsection (e)(2)(A), by inserting "who is not described in subparagraph (B)" after "subsection (b)(1)".

(2) CLARIFICATION OF TREATMENT OF NON-PREFERRED DRUG AND NON-EMERGENCY COST-SHARING.—Such section is further amended—

(A) in subsections (b)(1) and (b)(2), by striking ", subject to subsections (c)(2) and (e)(2)(A)";

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by striking "least (or less) costly effective" and inserting "most (or more) cost effective";

(C) in subsection (c)(1)(B), by striking "otherwise be imposed under" and inserting "be imposed under subsection (a) due to the application of";

(D) in subsection (c)(2)(B), by striking "otherwise not subject to cost sharing due to the application of subsection (b)(3)(B)" and inserting "not subject to cost sharing under subsection (a) due to the application of paragraph (1)(B)";

(E) in subsection (e)(2)(A)—

(i) by amending the heading to read as follows: "INDIVIDUALS WITH FAMILY INCOME BETWEEN 100 AND 150 PERCENT OF THE POVERTY LINE.—"; and

(ii) by striking "under subsection (b)(1)" and inserting "under subsection (b)(1)(B)(ii)";

(F) in subsection (e)(2)(B), by striking "who is otherwise not subject to cost sharing under subsection (b)(3)" and inserting "described in subsection (a)(2)(A) or who is not subject to cost sharing under subsection (b)(3)(B) with respect to non-emergency services described in paragraph (1)" and

(G) in subsection (e)(2)(C), by inserting "or section 1916" after "subsection (a)".

(3) CLARIFICATION OF COST SHARING RULES APPLICABLE TO DISABLED CHILDREN PROVIDED MEDICAL ASSISTANCE UNDER THE ELIGIBILITY CATEGORY ADDED BY THE FAMILY OPPORTUNITY ACT.—Such section is further amended—

(A) in subsection (a)(1), in the second sentence, by striking "section 1916(g)" and inserting "subsection (g) or (i) of section 1916"; and

(B) in subsection (b)(3)—

(i) in subparagraph (A), by adding at the end the following:

"(vi) Disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc)."; and

(ii) in subparagraph (B), by adding at the end the following:

"(ix) Services furnished to disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).".

(4) CORRECTION OF IV–B REFERENCES.—Such section is further amended in subsection (b)(3)—

(A) in subparagraph (A)(i), by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care"; and

(B) in subparagraph (B)(i), by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(5) NON-EMERGENCY SERVICES.—Section 1916A(e)(4)(A) of the Social Security Act, as added by section 6043(a) of the Deficit Reduction Act of 2005, is amended by striking "the physician determines".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by sections 6041(a) of the Deficit Reduction Act of 2005, except that insofar as such amendments are to, or relate to, subsection (c) or (e) of section 1916A of the Social Security Act, such amendments shall take effect as if included in the amendments made by section 6042 or 6043, respectively, of the Deficit Reduction Act of 2005.

(b) CLARIFYING TREATMENT OF CERTAIN ANNUITIES (SECTION 6012).—

(1) IN GENERAL.—Section 1917(c)(1)(F)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(F)(i)), as added by section 6012(b) of the Deficit Reduction Act of 2005, is amended by striking "annuitant" and inserting "institutionalized individual".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 6012 of the Deficit Reduction Act of 2005.

(c) ADDITIONAL MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) DOCUMENTATION (SECTION 6036).—

(A) IN GENERAL.—Effective as if included in the amendment made by section 6036(a)(2) of the Deficit Reduction Act of 2005, section 1903(x) of the Social Security Act (42 U.S.C. 1396b(x)), as inserted by such section 6036(a)(2), is amended—

(i) in paragraph (1), by striking "(i)(23)" and inserting "(i)(22)";

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "alien" and inserting "individual declaring to be a citizen or national of the United States";

(II) by striking subparagraph (B) and inserting the following:

"(B) and is receiving—

"(i) disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)); or

"(ii) supplemental security income benefits under title XVI;";

(III) in subparagraph (C)—

(aa) by striking "other"; and

(bb) by striking "had" and inserting "has";

(IV) by redesignating subparagraph (C) as subparagraph (D); and

(V) by inserting after subparagraph (B) the following new subparagraph:

"(C) and with respect to whom—

"(i) child welfare services are made available under part B of title IV on the basis of being a child in foster care; or

"(ii) adoption or foster care assistance is made available under part E of title IV; or"; and

(iii) in paragraph (3)(C)(iii), by striking "I-97" and inserting "I-197".

(B) ASSURANCE OF STATE FOSTER CARE AGENCY VERIFICATION OF CITIZENSHIP OR LEGAL STATUS.—

(i) STATE PLAN AMENDMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(I) in paragraph (25), by striking "and" at the end;

(II) in paragraph (26)(C), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(27) provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child.".

(ii) INCLUSION IN REVIEWS OF CHILD AND FAMILY SERVICES PROGRAMS.—Section 1123A(b)(2) of the Social Security Act (42 U.S.C. 1320a-2a(b)(2)) is amended by inserting "(which shall include determining whether the State program is in conformity with the requirement of section 471(a)(27))" after "review".

(iii) EFFECTIVE DATE.—The amendments made by this subparagraph shall take effect on the date that is 6 months after the date of the enactment of this Act.

(2) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(A) Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171), the following sections of such Act are amended as follows:

(i) Section 5114(a)(2) is amended by striking "section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F))" and inserting "section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6))".

(ii) Section 6003(b)(2) is amended, by striking "subsection (k)" and inserting "subsection (k)(1)".

(iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking "section 6035(e)" and inserting "section 6034(e)".

(iv) Section 6034(b) is amended by striking "section 6033(a)" and inserting "section 6032(a)".

(v) Section 6036 is amended—

(I) in subsection (b), by striking "section 1903(z)" and inserting "section 1903(x)"; and

(II) in subsection (c), by striking "(i)(23)" and inserting "(i)(22)".

(B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)(i)(II)) is amended by striking "clause (v)" and inserting "subparagraph (B)(v)".

DIVISION C—OTHER PROVISIONS

TITLE I—GULF OF MEXICO ENERGY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Gulf of Mexico Energy Security Act of 2006".

SEC. 102. DEFINITIONS.

In this title:

(1) 181 AREA.—The term "181 Area" means the area identified in map 15, page 58, of the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service, available in the Office of the Director of the Minerals Management Service, excluding the area offered in OCS Lease Sale 181, held on December 5, 2001.

(2) 181 SOUTH AREA.—The term "181 South Area" means any area—

(A) located—

(i) south of the 181 Area;

(ii) west of the Military Mission Line; and

(iii) in the Central Planning Area;

(B) excluded from the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002, dated August 1996, of the Minerals Management Service; and

(C) included in the areas considered for oil and gas leasing, as identified in map 8, page 37 of the document entitled "Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007-2012", dated February 2006.

(3) BONUS OR ROYALTY CREDIT.—The term "bonus or royalty credit" means a legal instrument or other written documentation, or an entry in an account managed by the Secretary, that may be used in lieu of any other monetary payment for—

(A) a bonus bid for a lease on the outer Continental Shelf; or

(B) a royalty due on oil or gas production from any lease located on the outer Continental Shelf.

(4) CENTRAL PLANNING AREA.—The term "Central Planning Area" means the Central Gulf of Mexico Planning Area of the outer Continental Shelf, as designated in the document entitled "Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007-2012", dated February 2006.

(5) EASTERN PLANNING AREA.—The term "Eastern Planning Area" means the Eastern Gulf of Mexico Planning Area of the outer Continental Shelf, as designated in the document entitled "Draft Proposed Program Outer Continental Shelf Oil and Gas Leasing Program 2007-2012", dated February 2006.

(6) 2002–2007 PLANNING AREA.—The term "2002–2007 planning area" means any area—

(A) located in—

(i) the Eastern Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service;

(ii) the Central Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; or

(iii) the Western Planning Area, as designated in the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program 2002–2007, dated April 2002, of the Minerals Management Service; and

(B) not located in—

(i) an area in which no funds may be expended to conduct offshore preleasing, leasing, and related activities under sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as in effect on August 2, 2005);

(ii) an area withdrawn from leasing under the "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition", from 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

(iii) the 181 Area or 181 South Area.

(7) GULF PRODUCING STATE.—The term "Gulf producing State" means each of the States of Alabama, Louisiana, Mississippi, and Texas.

(8) MILITARY MISSION LINE.—The term "Military Mission Line" means the north-south line at 86°41′ W. longitude.

(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term "qualified outer Continental Shelf revenues" means—

(i) in the case of each of fiscal years 2007 through 2016, all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for—

(I) areas in the 181 Area located in the Eastern Planning Area; and

(II) the 181 South Area; and

(ii) in the case of fiscal year 2017 and each fiscal year thereafter, all rentals, royalties, bonus bids, and other sums due and payable to the United States received on or after October 1, 2016, from leases entered into on or after the date of enactment of this Act for—

(I) the 181 Area;

(II) the 181 South Area; and

(III) the 2002–2007 planning area.

(B) EXCLUSIONS.—The term "qualified outer Continental Shelf revenues" does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(10) COASTAL POLITICAL SUBDIVISION.—The term "coastal political subdivision" means a political subdivision of a Gulf producing State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the Gulf producing State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. OFFSHORE OIL AND GAS LEASING IN 181 AREA AND 181 SOUTH AREA OF GULF OF MEXICO.

(a) 181 AREA LEASE SALE.—Except as provided in section 104, the Secretary shall offer the 181 Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) 181 SOUTH AREA LEASE SALE.—The Secretary shall offer the 181 South Area for oil and gas leasing pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) as soon as practicable after the date of enactment of this Act.

(c) LEASING PROGRAM.—The 181 Area and 181 South Area shall be offered for lease under this section notwithstanding the omission of the 181 Area or the 181 South Area from any outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(d) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 522) is amended by inserting "(other than the 181 South Area (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006))" after "lands located outside Sale 181".

SEC. 104. MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity—

(1) any area east of the Military Mission Line in the Gulf of Mexico;

(2) any area in the Eastern Planning Area that is within 125 miles of the coastline of the State of Florida; or

(3) any area in the Central Planning Area that is—

(A) within—

(i) the 181 Area; and

(ii) 100 miles of the coastline of the State of Florida; or

(B)(i) outside the 181 Area;

(ii) east of the western edge of the Pensacola Official Protraction Diagram (UTM X coordinate 1,393,920 (NAD 27 feet)); and

(iii) within 100 miles of the coastline of the State of Florida.

(b) MILITARY MISSION LINE.—Notwithstanding subsection (a), the United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

(c) EXCHANGE OF CERTAIN LEASES.—

(1) IN GENERAL.—The Secretary shall permit any person that, as of the date of enactment of this Act, has entered into an oil or gas lease with the Secretary in any area described in paragraph (2) or (3) of subsection (a) to exchange the lease for a bonus or royalty credit that may only be used in the Gulf of Mexico.

(2) VALUATION OF EXISTING LEASE.—The amount of the bonus or royalty credit for a lease to be exchanged shall be equal to—

(A) the amount of the bonus bid; and

(B) any rental paid for the lease as of the date the lessee notifies the Secretary of the decision to exchange the lease.

(3) REVENUE DISTRIBUTION.—No bonus or royalty credit may be used under this subsection in lieu of any payment due under, or to acquire any interest in, a lease subject to the revenue distribution provisions of section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(4) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations that shall provide a process for—

(A) notification to the Secretary of a decision to exchange an eligible lease;

(B) issuance of bonus or royalty credits in exchange for relinquishment of the existing lease;

(C) transfer of the bonus or royalty credit to any other person; and

(D) determining the proper allocation of bonus or royalty credits to each lease interest owner.

SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002–2007 PLANNING AREAS OF GULF OF MEXICO.

(a) IN GENERAL.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5).

(b) ALLOCATION AMONG GULF PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(1) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016.—

(A) IN GENERAL.—Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter—

(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf pro

Producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and

(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002–2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION.—The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(C) HISTORICAL LEASE SITES.—

(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002–2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT.—Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

(c) TIMING.—The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) AUTHORIZED USES.—

(1) IN GENERAL.—Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section.

(2) LIMITATION.—Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) ADMINISTRATION.—Amounts made available under subsection (a)(2) shall—

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under—

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); or

(C) any other provision of law.

(f) LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(1) IN GENERAL.—Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed $500,000,000 for each of fiscal years 2016 through 2055.

(2) EXPENDITURES.—For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) PRO RATA REDUCTIONS.—If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)—

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

TITLE II—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 200. SHORT TITLE.

This title may be cited as the "Surface Mining Control and Reclamation Act Amendments of 2006".

Subtitle A—Mining Control and Reclamation

SEC. 201. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2) and (6); and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

"(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

"(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

"(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

"(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).";

(3) in subsection (e)—

(A) in the second sentence, by striking "the needs of such fund" and inserting "achieving the purposes of the transfers under section 402(h)"; and

(B) in the third sentence, by inserting before the period the following: "for the purpose of the transfers under section 402(h)"; and

(4) by adding at the end the following:

"(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

"(2) AMOUNTS.—

"(A) FOR FISCAL YEARS 2008 THROUGH 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

"(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

"(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

"(B) FISCAL YEARS 2023 AND THEREAFTER.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

"(3) DISTRIBUTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

"(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section 411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

"(ii) the amounts allocated under section 402(g)(8).

"(B) EXCLUSION.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

"(4) AVAILABILITY.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

"(5) ADDITION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

"(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

"(i) 50 percent in fiscal year 2008.

"(ii) 50 percent in fiscal year 2009.

"(iii) 75 percent in fiscal year 2010.

"(iv) 75 percent in fiscal year 2011.".

(b) CONFORMING AMENDMENT.—Section 712(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1302(b)) is amended by striking "section 401(c)(11)" and inserting "section 401(c)(9)".

SEC. 202. RECLAMATION FEE.

(a) AMOUNTS.—

(1) FISCAL YEARS 2008–2012.—Effective October 1, 2007, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(A) by striking "35" and inserting "31.5";

(B) by striking "15" and inserting "13.5"; and

(C) by striking "10 cents" and inserting "9 cents".

(2) FISCAL YEARS 2013–2021.—Effective October 1, 2012, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as amended by paragraph (1)) is amended—

(A) by striking "31.5" and inserting "28";

(B) by striking "13.5" and inserting "12"; and

(C) by striking "9 cents" and inserting "8 cents".

(b) DURATION.—Effective September 30, 2007, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 484)) is amended by striking "September 30, 2007" and all that follows through the end of the sentence and inserting "September 30, 2021.".

(c) ALLOCATION OF FUNDS.—Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (1)(D)—

(A) by inserting "(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)" after "this paragraph"; and

(B) by striking "in any area under paragraph (2), (3), (4), or (5)" and inserting "under paragraph (5)";

(2) by striking paragraph (2) and inserting:

"(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).";

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "paragraphs (2) and" and inserting "paragraph";

(B) in subparagraph (A), by striking "401(c)(11)" and inserting "401(c)(9)"; and

(C) by adding at the end the following:

"(E) For the purpose of paragraph (8).";

(4) in paragraph (5)—

(A) by inserting "(A)" after "(5)";

(B) in the first sentence, by striking "40" and inserting "60";

(C) in the last sentence, by striking "Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)" and inserting "Funds made available under paragraph (3) or (4)"; and

(D) by adding at the end the following:

"(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A)."; and

(5) by striking paragraphs (6) through (8) and inserting the following:

"(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

"(B) In this paragraph, the term 'qualified hydrologic unit' means a hydrologic unit—

"(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

"(ii) that contains land and water that are—

"(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

"(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

"(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

"(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than $3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

"(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.".

(d) TRANSFERS OF INTEREST EARNED BY ABANDONED MINE RECLAMATION FUND.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

"(h) TRANSFERS OF INTEREST EARNED BY FUND.—

"(1) IN GENERAL.—

"(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to transfer to the Combined Benefit Fund such amounts as are estimated by the trustees of such fund to offset the amount of any deficit in net assets in the Combined Benefit Fund as of October 1, 2006, and to make the transfer described in paragraph (2)(A).

"(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

"(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

"(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

"(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

"(I) required premiums; and

"(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

"(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

"(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

"(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

"(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

"(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

"(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

"(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in subparagraph (B) (referred to in this subparagraph and subparagraph (D) as 'the Plan'), in an amount equal to the excess (if any) of—

"(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over

"(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

"(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

"(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

"(4) ADDITIONAL AMOUNTS.—

"(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

"(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

"(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

"(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

"(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

"(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

"(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

"(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

"(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

"(5) LIMITATIONS.—

"(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

"(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

"(i) IN GENERAL.—

"(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

"(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

"(ii) INITIAL CONTRIBUTIONS.—

"(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

"(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

"(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

"(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

"(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

"(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

"(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

"(i) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

"(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the 'Combined Fund'), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

"(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

"(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

"(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

"(I) the amount described in subparagraph (A); minus

"(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

"(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

"(C) To the Combined Fund, $9,000,000 on October 1, 2007, $9,000,000 on October 1, 2008, and $9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

"(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

"(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

"(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

"(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

"(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

"(3) LIMITATIONS.—

"(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed $490,000,000.

"(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

"(i) each transfer for the fiscal year is a percentage of the amount described;

"(ii) the amount is determined without regard to subsection (h)(5)(A); and

"(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

"(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.".

SEC. 203. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(1) the protection" and inserting the following:

"(1)(A) the protection;";

(ii) in subparagraph (A) (as designated by clause (i)), by striking "general welfare,"; and

(iii) by adding at the end the following:

"(B) the restoration of land and water resources and the environment that—

"(i) have been degraded by the adverse effects of coal mining practices; and

"(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);";

(B) in paragraph (2)—

(i) by striking "(2) the protection" and inserting the following:

"(2)(A) the protection";

(ii) in subparagraph (A) (as designated by clause (i), by striking "health, safety, and general welfare" and inserting "health and safety"; and

(iii) by adding at the end the following:

"(B) the restoration of land and water resources and the environment that—

"(i) have been degraded by the adverse effects of coal mining practices; and

"(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and";

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "WATER SUPPLY RESTORATION.—"; and

(B) in paragraph (1), by striking "up to 30 percent of the"; and

(3) in the second sentence of subsection (c), by inserting ", subject to the approval of the Secretary," after "amendments".

SEC. 204. RECLAMATION OF RURAL LAND.

(a) ADMINISTRATION.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking "Soil Conservation Service" and inserting "Natural Resources Conservation Service".

(b) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT RURAL LAND RECLAMATION.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

"(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.''.

SEC. 205. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking ''who owned the surface prior to May 2, 1977, and''.

SEC. 206. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before the first sentence; and

(B) by adding at the end the following:

''(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 403(c) all reclamation projects relating to the priorities described in section 403(a) for eligible land and water pursuant to section 404 in the State or tribe have been completed.

''(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment.''; and

(2) by adding at the end the following:

''(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

''(1) IN GENERAL.—

''(A) PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(ii) CONVERSION AS EQUIVALENT PAYMENTS.—Amounts allocated under subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established in section 402(g)(5) in amounts equivalent to payments made to States or Indian tribes under this paragraph.

''(B) AMOUNT DUE.—In this paragraph, the term 'amount due' means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

''(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

''(D) USE OF FUNDS.—

''(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

''(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 403.

''(2) SUBSEQUENT STATE AND INDIAN TRIBE SHARE FOR CERTIFIED STATES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(B) CERTIFIED STATE OR INDIAN TRIBE DEFINED.—In this paragraph the term 'certified State or Indian tribe' means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

''(3) MANNER OF PAYMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and concurrently with payments to States under that section.

''(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

''(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

''(4) REALLOCATION.—

''(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

''(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).''.

SEC. 207. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

''SEC. 415. REMINING INCENTIVES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

''(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

''(c) INCENTIVES.—

''(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

''(A) a rebate or waiver of the reclamation fees required under section 402(a); and

''(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

''(2) LIMITATIONS.—

''(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

''(i) remove or reprocess abandoned coal mine waste; or

''(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

''(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.''.

SEC. 208. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.

SEC. 209. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

''(j) TRIBAL REGULATORY AUTHORITY.—

''(1) TRIBAL REGULATORY PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

''(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a 'State' in this Act shall be considered to be a reference to a 'tribe'.

''(2) CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

''(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

''(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes of section 520 and paragraph (4).

''(4) JUDICIAL REVIEW.—

''(A) CIVIL ACTIONS.—

''(i) IN GENERAL.—After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

''(ii) SCOPE OF REVIEW.—

''(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

''(II) FINDINGS OF FACT.—The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

''(B) CRIMINAL ACTIONS.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

''(i) the United States District Court for the District of Columbia; or

''(ii) the United States district court in which the criminal activity is alleged to have occurred.

''(5) GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

"(6) Report.—Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.".

(b) Conforming Amendment.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking ", except" and all that follows through "section 503".

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 211. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) Combined Benefit Fund.—Section 9704 of the Internal Revenue Code of 1986 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

"(j) Prepayment of Premium Liability.—

"(1) In general.—If—

"(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

"(i) any assigned operator to which this subsection applies, or

"(ii) any related person to any assigned operator described in clause (i), and

"(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person,

then such common parent (and no other person) shall be liable for such premium.

"(2) Assigned operators to which subsection applies.—

"(A) In general.—This subsection shall apply to any assigned operator if—

"(i) the assigned operator (or a related person to the assigned operator)—

"(I) made contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

"(II) is not a 1988 agreement operator,

"(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

"(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

"(B) Controlled group of corporations.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

"(C) Coordination with repeal of assignments.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

"(D) Controlled group.—For purposes of this subsection, the term 'controlled group of corporations' has the meaning given such term by section 52(a).

"(3) Requirements.—A payment meets the requirements of this paragraph if—

"(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the operator's or related person's enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

"(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

"(i) the date of the actuarial valuation applicable to the report; and

"(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary's knowledge, the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

"(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

"(4) Use of prepayment.—The Combined Fund shall—

"(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

"(B) credit such account with such payment (and any earnings thereon), and

"(C) use all amounts in such account exclusively to pay premiums that would (but for this subsection) be required to be paid by the assigned operator.

Upon termination of the obligations for the premium liability of any assigned operator or related person for which such account is maintained, all funds remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (1)(B).".

(b) Individual Employer Plans.—Section 9711(c) of the Internal Revenue Code of 1986 (relating to joint and several liability) is amended to read as follows:

"(c) Joint and Several Liability of Related Persons.—

"(1) In general.—Except as provided in paragraph (2), each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

"(2) Liability limited if security provided.—If—

"(A) security meeting the requirements of paragraph (3) is provided by or on behalf of—

"(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

"(ii) any related person to any last signatory operator described in clause (i), and

"(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person,

then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

"(3) Security.—Security meets the requirements of this paragraph if—

"(A) the security—

"(i) is in the form of a bond, letter of credit, or cash escrow,

"(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

"(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator's liability during the prior 3 calendar years;

"(B) the security is in addition to any other security required under any other provision of this title; and

"(C) the security remains in place for 5 years.

"(4) Refunds of security.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

"(A) the termination of the obligations of the last signatory operator under this section, or

"(B) the end of the 5-year period described in paragraph (4)(C).".

(c) 1992 UMWA Benefit Plan.—Section 9712(d)(4) of the Internal Revenue Code of 1986 (relating to joint and several liability) is amended by adding at the end the following new sentence: "The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.".

(d) Successor in Interest.—Section 9701(c) of the Internal Revenue Code of 1986 (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

"(8) Successor in interest.—

"(A) Safe harbor.—The term 'successor in interest' shall not include any person who—

"(i) is an unrelated person to an eligible seller described in subparagraph (C); and

"(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm's-length sale.

"(B) Unrelated person.—The term 'unrelated person' means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

"(C) Eligible seller.—For purposes of this paragraph, the term 'eligible seller' means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 212. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) of the Internal Revenue Code of 1986 (relating to transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking "section 402(h)" and inserting "subsections (h) and (i) of section 402";

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are specifically provided in the Acts described in paragraph (1)."; and

(C) by striking "FROM ABANDONED MINE RECLAMATION FUND" in the heading thereof.

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) of such Code (establishing unassigned beneficiaries premium) is amended to read as follows:

"(d) UNASSIGNED BENEFICIARIES PREMIUM.—

"(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

"(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

"(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

"(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232)), then the unassigned beneficiaries premium for any assigned operator shall be equal to the operator's applicable percentage of the amount required to be so transferred which was not so transferred.".

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) of such Code (relating to premium accounts; adjustments) is amended by inserting "and amounts transferred under section 9705(b)" after "premiums received".

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) of such Code is amended by adding at the end the following new sentence: "Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph."

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) of such Code (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

"(C) In the case of plan years beginning on or after October 1, 2007, the total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).".

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 of the Internal Revenue Code of 1986 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

"(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

"(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

"(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

"(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

"(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.

"(3) LIABILITY OF PERSONS DURING THREE FISCAL YEARS BEGINNING ON AND AFTER OCTOBER 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

"(A) For the fiscal year beginning on October 1, 2007, 55 percent.

"(B) For the fiscal year beginning on October 1, 2008, 40 percent.

"(C) For the fiscal year beginning on October 1, 2009, 15 percent.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA BENEFIT AND OTHER PLANS.—

(1) TRANSFERS TO PLANS.—Section 9712(a) of the Internal Revenue Code of 1986 (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

"(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

"(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

"(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

"(4) SPECIAL RULE FOR 1993 PLAN.—

"(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under subsections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

"(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).".

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) of such Code (relating to guarantee of benefits) is amended to read as follows:

"(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

"(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA benefit plan.

"(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

"(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator's share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.".

(B) CONFORMING AMENDMENTS.—Section 9712(d) of such Code is amended—

(i) in paragraph (2)(B), by striking "prefunding" and inserting "backstop", and

(ii) in paragraph (3), by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 213. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) of the Internal Revenue Code of 1986 (relating to board of trustees of the Combined Fund) is amended to read as follows:

"(b) BOARD OF TRUSTEES.—

"(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

"(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

"(B) 2 individuals designated by the United Mine Workers of America; and

"(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

"(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

"(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.".

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) FAILURES TO PAY.—

"(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

"(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.".

(2) CIVIL ENFORCEMENT.—Section 9721 of such Code is amended to read as follows:

"SEC. 9721. CIVIL ENFORCEMENT..

"The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

"(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

"(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).".

TITLE III—WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 302. SHORT TITLE.

This title may be cited as the "White Pine County Conservation, Recreation, and Development Act of 2006".

SEC. 303. DEFINITIONS.

In this title:

(1) COUNTY.—The term "County" means White Pine County, Nevada.

(2) SECRETARY.—The term "Secretary" means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture; and

(B) with respect to other Federal land, the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

Subtitle A—Land Disposal

SEC. 311. CONVEYANCE OF WHITE PINE COUNTY, NEVADA, LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary, in cooperation with the County, in accordance with that Act, this subtitle, and other applicable law and subject to valid existing rights, shall, at such time as the parcels of Federal land become available for disposal, conduct sales of the parcels of Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) consist of not more than 45,000 acres of Bureau of Land Management land in the County that—

(1) is not segregated or withdrawn on or after the date of enactment of this Act, unless the land is withdrawn in accordance with subsection (h); and

(2) is identified for disposal by the Bureau of Land Management through—

(A) the Ely Resource Management Plan; or

(B) a subsequent amendment to the management plan that is undertaken with full public involvement.

(c) AVAILABILITY.—The map and any legal descriptions of the Federal land conveyed under this section shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Office of the Nevada State Director of the Bureau of Land Management; and

(3) the Ely Field Office of the Bureau of Land Management.

(d) JOINT SELECTION REQUIRED.—The Secretary and the County shall jointly select which parcels of Federal land described in subsection (b) to offer for sale under subsection (a).

(e) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under subsection (a), the County shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) County and city zoning ordinances; and

(2) any master plan for the area approved by the County.

(f) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1713);

(2) unless otherwise determined by the Secretary, through a competitive bidding process; and

(3) for not less than fair market value.

(g) RECREATION AND PUBLIC PURPOSES ACT CONVEYANCES.—

(1) IN GENERAL.—Not later than 30 days before land is offered for sale under subsection (a), the State or County may elect to obtain any of the land for local public purposes in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(2) RETENTION.—Pursuant to an election made under paragraph (1), the Secretary shall retain the elected land for conveyance to the State or County in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(h) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land described in subsection (b) is withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) EXCEPTION.—Paragraph (1)(A) shall not apply to sales made consistent with this section or an election by the County or the State to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act")(43 U.S.C. 869 et seq.).

(i) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of the signing of the record of decision authorizing the implementation of the Ely Resource Management Plan and annually thereafter until the Federal land described in subsection (b) is disposed of or the County requests a postponement under paragraph (2), the Secretary shall offer for sale the Federal land described in subsection (b).

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY COUNTY FOR POSTPONEMENT OR EXCLUSION.—At the request of the County, the Secretary shall postpone or exclude from the sale all or a portion of the land described in subsection (b).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the County, a postponement under subparagraph (A) shall not be indefinite.

SEC. 312. DISPOSITION OF PROCEEDS.

Of the proceeds from the sale of Federal land described in section 11(b)—

(1) 5 percent shall be paid directly to the State for use in the general education program of the State;

(2) 10 percent shall be paid to the County for use for fire protection, law enforcement, education, public safety, housing, social services, transportation, and planning; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the "White Pine County Special Account" (referred to in this subtitle as the "special account"), and shall be available without further appropriation to the Secretary until expended for—

(A) the reimbursement of costs incurred by the Nevada State office and the Ely Field Office of the Bureau of Land Management for preparing for the sale of Federal land described in section _11(b), including the costs of surveys and appraisals and compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) the inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the County;

(C) the reimbursement of costs incurred by the Department of the Interior for preparing and carrying out the transfers of land to be held in trust by the United States under section 61;

(D) conducting a study of routes for the Silver State Off-Highway Vehicle Trail as required by section 55(a);

(E) developing and implementing the Silver State Off-Highway Vehicle Trail management plan described in section _55(c);

(F) wilderness protection and processing wilderness designations, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated;

(G) if the Secretary determines necessary, developing and implementing conservation plans for endangered or at risk species in the County; and

(H) carrying out a study to assess non-motorized recreation opportunities on Federal land in the County.

Subtitle B—Wilderness Areas

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Pam White Wilderness Act of 2006".

SEC. 322. FINDINGS.

Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state; and

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality.

SEC. 323. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) Additions.—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Mt. Moriah Wilderness Addition.—Certain Federal land managed by the Forest Service and the Bureau of Land Management, comprising approximately 11,261 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, is incorporated in, and shall be managed as part of, the Mt. Moriah Wilderness, as designated by section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(2) Mount Grafton Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 78,754 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "Mount Grafton Wilderness".

(3) South Egan Range Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 67,214 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "South Egan Range Wilderness".

(4) Highland Ridge Wilderness.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 68,627 acres, as generally depicted on the map entitled "Southern White Pine County" and dated November 29, 2006, which shall be known as the "Highland Ridge Wilderness".

(5) Government Peak Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,313 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "Government Peak Wilderness".

(6) Currant Mountain Wilderness Addition.—Certain Federal land managed by the Forest Service, comprising approximately 10,697 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, is incorporated in, and shall be managed as part of, the "Currant Mountain Wilderness", as designated by section 2(4) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195).

(7) Red Mountain Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 20,490 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Red Mountain Wilderness".

(8) Bald Mountain Wilderness.—Certain Federal land managed by the Bureau of Land Management and the Forest Service, comprising approximately 22,366 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Bald Mountain Wilderness".

(9) White Pine Range Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 40,013 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "White Pine Range Wilderness".

(10) Shellback Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 36,143 acres, as generally depicted on the map entitled "Western White Pine County" and dated November 29, 2006, which shall be known as the "Shellback Wilderness".

(11) High Schells Wilderness.—Certain Federal land managed by the Forest Service, comprising approximately 121,497 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "High Schells Wilderness".

(12) Becky Peak Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,119 acres, as generally depicted on the map entitled "Northern White Pine County" and dated November 29, 2006, which shall be known as the "Becky Peak Wilderness".

(13) Goshute Canyon Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 42,544 acres, as generally depicted on the map entitled "Northern White Pine County" and dated November 29, 2006, which shall be known as the "Goshute Canyon Wilderness".

(14) Bristlecone Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,095 acres, as generally depicted on the map entitled "Eastern White Pine County" and dated November 29, 2006, which shall be known as the "Bristlecone Wilderness".

(b) Boundary.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) Map and Legal Description.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) Effect.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) Availability.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the National Park Service.

(d) Withdrawal.—Subject to valid existing rights, the wilderness areas designated by subsection (a) are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(e) Mt. Moriah Wilderness Boundary Adjustment.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note; Public Law 101–195) is adjusted to include only the land identified as the "Mount Moriah Wilderness Area" and "Mount Moriah Additions" on the map entitled "Eastern White Pine County" and dated November 29, 2006.

SEC. 324. ADMINISTRATION.

(a) Management.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

(b) Livestock.—Within the wilderness areas designated under this subtitle that are administered by the Bureau of Land Management and the Forest Service, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) Incorporation of Acquired Land and Interests.—Any land or interest in land within the boundaries of an area designated as wilderness by this subtitle that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) Water Rights.—

(1) Findings.—Congress finds that—

(A) the land designated as wilderness by this subtitle is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this subtitle is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this subtitle, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) Purpose.—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this subtitle by means other than a federally reserved water right.

(3) Statutory construction.—Nothing in this subtitle—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this subtitle;

(B) shall affect any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this subtitle.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—In this paragraph, the term "water resource facility"—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this title, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area that is wholly or partially within the County.

SEC. 325. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State by this subtitle to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 326. MILITARY OVERFLIGHTS.

Nothing in this subtitle restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

SEC. 327. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this subtitle shall be construed to diminish—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 328. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land has been adequately studied for wilderness designation in any portion of the wilderness study areas or instant study areas—

(1) not designated as wilderness by section __23(a), excluding the portion of the Goshute Canyon Wilderness Study Area located outside of the County; and

(2) depicted as released on the maps entitled—

(A) "Eastern White Pine County" and dated November 29, 2006;

(B) "Northern White Pine County" and dated November 29, 2006;

(C) "Southern White Pine County" and dated November 29, 2006; and

(D) "Western White Pine County" and dated November 29, 2006.

(b) RELEASE.—

(1) IN GENERAL.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with—

(i) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(ii) cooperative conservation agreements in existence on the date of enactment of this Act; and

(C) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) EXCEPTION.—The requirements described in paragraph (1) shall not apply to the portion of the Goshute Canyon Wilderness Study Area located outside of the County.

SEC. 329. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this subtitle.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct such management activities as are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle if those activities are conducted—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those tasks with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this subtitle if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this subtitle.

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State (including a designee of the State) may conduct wildlife management activities in the wilderness areas designated by this subtitle—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State, entitled "Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9," and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws and regulations.

(2) REFERENCES.—

(A) CLARK COUNTY.—For purposes of this subsection, any references to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be references to White Pine County, Nevada.

(B) BUREAU OF LAND MANAGEMENT.—For purposes of this subsection, any references to the Bureau of Land Management in the cooperative agreement described in paragraph (1)(A) shall also be considered to be references to the Forest Service.

SEC. 330. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures as may be necessary in the control of fire, insects, and diseases, including coordination with a State or local agency, as the Secretary deems appropriate.

SEC. 331. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this subtitle, nothing in this subtitle precludes the installation and maintenance of the collection devices within the wilderness areas.

Subtitle C—Transfers of Administrative Jurisdiction

SEC. 341. TRANSFER TO THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Ruby Lake National Wildlife Refuge.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is approximately 645 acres of land administered by the Bureau of Land Management and identified on the map entitled "Ruby Lake Land Transfer" and dated July 10, 2006, as "Lands to be transferred to the Fish and Wildlife Service".

SEC. 342. TRANSFER TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Forest Service to the Bureau of Land Management.

(b) Description of Land.—The parcels of land referred to in subsection (a) are—

(1) the land administered by the Forest Service and identified on the map entitled "Southern White Pine County" and dated November 29, 2006, as "Withdrawal Area";

(2) the land administered by the Forest Service and identified on the map entitled "Southern White Pine County" and dated November 29, 2006, as "Highland Ridge Wilderness"; and

(3) all other Federal land administered by the Forest Service that is located adjacent to the Highland Ridge Wilderness.

(c) Continuation of Cooperative Agreements.—Any existing Forest Service cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Bureau of Land Management unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

(d) Withdrawal.—Subject to valid existing rights, all Federal land within the Withdrawal Area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral laws, geothermal leasing laws, and mineral materials laws.

(e) Motorized and Mechanical Vehicles.—Use of motorized and mechanical vehicles in the withdrawal area designated by this subtitle shall be permitted only on roads and trails designated for their use, unless the use of those vehicles is needed—

(1) for administrative purposes; or

(2) to respond to an emergency.

SEC. 343. TRANSFER TO THE FOREST SERVICE.

(a) In General.—Subject to subsection (c), administrative jurisdiction over the parcels of land described in subsection (b) is transferred from the Bureau of Land Management to the Forest Service.

(b) Description of Land.—The parcels of land referred to in subsection (a) are the approximately 5,799 acres of land administered by the Bureau of Land Management and identified on the map entitled "Western White Pine County", dated November 29, 2006, as the BLM Public Land Transfer to the US Forest Service.

(c) Continuation of Cooperative Agreements.—Any existing Bureau of Land Management cooperative agreement or permit in effect on the date of enactment of this Act relating to a parcel of land to which administrative jurisdiction is transferred by subsection (a) shall be continued by the Forest Service unless there is reasonable cause to terminate the agreement or permit, as determined by the Secretary.

SEC. 344. AVAILABILITY OF MAP AND LEGAL DESCRIPTIONS.

The maps of the land transferred by this subtitle shall be on file and available for public inspection in the appropriate offices of—

(1) the Bureau of Land Management;

(2) the Forest Service;

(3) the National Park Service; and

(4) the United States Fish and Wildlife Service.

Subtitle D—Public Conveyances

SEC. 351. CONVEYANCE TO THE STATE OF NEVADA.

(a) Conveyance.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the State, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b) if the State and the County enter into a written agreement supporting the conveyance.

(b) Description of Land.—The parcels of land referred to in subsection (a) are—

(1) the approximately 6,281 acres of Bureau of Land Management land identified as "Steptoe Valley Wildlife Management Area Expansion Proposal" on the map entitled "Ely, Nevada Area" and dated November 29, 2006;

(2) the approximately 658 acres of Bureau of Land Management land identified as "Ward Charcoal Ovens Expansion" on the map entitled "Ely, Nevada Area" and dated November 29, 2006; and

(3) the approximately 2,960 acres of Forest Service identified as "Cave Lake State Park Expansion" on the map entitled "Ely, Nevada Area" and dated November 29, 2006.

(c) Costs.—Any costs relating to a conveyance under subsection (a), including costs for surveys and other administrative costs, shall be paid by the State.

(d) Use of Land.—

(1) In general.—Any parcel of land conveyed to the State under subsection (a) shall be used only for—

(A) the conservation of wildlife or natural resources; or

(B) a public park.

(2) Facilities.—Any facility on a parcel of land conveyed under subsection (a) shall be constructed and managed in a manner consistent with the uses described in paragraph (1).

(e) Reversion.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

SEC. 352. CONVEYANCE TO WHITE PINE COUNTY, NEVADA.

(a) In General.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(b) Description of Land.—The parcels of land referred to in subsection (a) are—

(1) the approximately 1,551 acres of land identified on the map entitled "Ely, Nevada Area", dated November 29, 2006, as the Airport Expansion; and

(2) the approximately 202 acres of land identified on the map entitled "Ely, Nevada Area", dated November 29, 2006, as the Industrial Park Expansion.

(c) Authorized Uses.—

(1) Airport expansion.—The parcel of land described in subsection (b)(1) shall be used by the County to expand the Ely Airport.

(2) Industrial park expansion.—The parcel of land described in subsection (b)(2) shall be used by the County to expand the White Pine County Industrial Park.

(3) Use of certain land for nonresidential development.—

(A) In general.—After conveyance to the County of the land described in subsection (b), the County may sell, lease, or otherwise convey any portion of the land conveyed for purposes of nonresidential development relating to the authorized uses described in paragraphs (1) and (2).

(B) Method of sale.—The sale, lease, or conveyance of land under subparagraph (A) shall be—

(i) through a competitive bidding process; and

(ii) for not less than fair market value.

(C) Disposition of proceeds.—The gross proceeds from the sale, lease, or conveyance of land under subparagraph (A) shall be distributed in accordance with section 12.

(d) Reversion.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the use described for the parcel in paragraph (1), (2), or (3) of subsection (c), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

Subtitle E—Silver State Off-Highway Vehicle Trail

SEC. 355. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.

(a) Study.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a study of routes (with emphasis on roads and trails in existence on the date of enactment of this Act) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the Silver State Off-Highway Vehicle Trail (referred to in this section as the "Trail").

(2) Preferred route.—Based on the study conducted under paragraph (1), the Secretary, in consultation with the State, the County, and any interested persons, shall identify the preferred route for the Trail.

(b) Designation of Trail.—

(1) In general.—Subject to paragraph (2), not later than 90 days after the date on which the study is completed under subsection (a), the Secretary shall designate the Trail.

(2) Limitations.—The Secretary shall designate the Trail only if the Secretary—

(A) determines that the route of the Trail would not have significant negative impacts on wildlife, natural or cultural resources, or traditional uses; and

(B) ensures that the Trail designation—

(i) is an effort to extend the Silver State Off-Highway Vehicle Trail designated under section 401(b) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (16 U.S.C. 1244 note; Public Law 108–424); and

(ii) is limited to—

(I) 1 route that generally runs in a north-south direction; and

(II) 1 potential spur running west.

(c) Management.—

(1) In general.—The Secretary shall manage the Trail in a manner that—

(A) is consistent with any motorized and mechanized uses of the Trail that are authorized on the date of enactment of this Act under applicable Federal and State laws (including regulations);

(B) ensures the safety of the individuals who use the Trail; and

(C) does not damage sensitive wildlife habitat, natural, or cultural resources.

(2) Management plan.—

(A) In general.—Not later than 2 years after the date of designation of the Trail, the Secretary, in consultation with the State, the County, and any other interested persons, shall complete a management plan for the Trail.

(B) Components.—The management plan shall—

(i) describe the appropriate uses and management of the Trail;

(ii) authorize the use of motorized and mechanized vehicles on the Trail; and

(iii) describe actions carried out to periodically evaluate and manage the appropriate levels of use and location of the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail.

(3) MONITORING AND EVALUATION.—

(A) ANNUAL ASSESSMENT.—The Secretary shall annually assess—

(i) the effects of the use of off-highway vehicles on the Trail to minimize environmental impacts and prevent damage to cultural resources from the use of the Trail; and

(ii) in consultation with the Nevada Department of Wildlife, the effects of the Trail on wildlife and wildlife habitat to minimize environmental impacts from the use of the Trail.

(B) CLOSURE.—The Secretary, in consultation with the State and the County and subject to subparagraph (C), may temporarily close or permanently reroute a portion of the Trail if the Secretary determines that—

(i) the Trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the Trail threatens public safety;

(iii) closure of the Trail is necessary to repair damage to the Trail; or

(iv) closure of the Trail is necessary to repair resource damage.

(C) REROUTING.—Any portion of the Trail that is temporarily closed may be permanently rerouted along existing roads and trails on public land open to motorized use if the Secretary determines that rerouting the portion of the Trail would not significantly increase or decrease the length of the Trail.

(D) NOTICE.—The Secretary shall provide information to the public with respect to any routes on the Trail that are closed under subparagraph (B), including through the provision of appropriate signage along the Trail.

(4) NOTICE OF OPEN ROUTES.—The Secretary shall ensure that visitors to the Trail have access to adequate notice relating to the routes on the Trail that are open through—

(A) the provision of appropriate signage along the Trail; and

(B) the distribution of maps, safety education materials, and any other information that the Secretary determines to be appropriate.

(d) NO EFFECT ON NON-FEDERAL LAND AND INTERESTS IN LAND.—Nothing in this section affects the ownership or management of, or other rights relating to, non-Federal land or interests in non-Federal land.

Subtitle F—Transfer of Land to Be Held in Trust for the Ely Shoshone Tribe.

SEC. 361. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE ELY SHOSHONE TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit of the Ely Shoshone Tribe (referred to in this section as the "Tribe"); and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of parcels 1, 2, 3, and 4, totaling the approximately 3,526 acres of land that are identified on—

(1) the Ely, Nevada Area map dated November 29, 2006; and

(2) the Eastern White Pine County map dated November 29, 2006, as the "Ely Shoshone Expansion".

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Bureau of Land Management shall complete a survey of the boundary lines to establish the boundaries of the trust land.

(d) CONDITIONS.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be—

(A) considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)); and

(B) used for gaming.

(2) TRUST LAND FOR CEREMONIAL USE.—With respect to the use of the land identified on the map as "Ely Shoshone Expansion" and marked as "3", the Tribe—

(A) shall limit the use of the surface of the land to traditional and customary uses and stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the surface of the land, including commercial development or gaming.

(3) THINNING; LANDSCAPE RESTORATION.—With respect to land taken into trust under subsection (a), the Forest Service and the Bureau of Land Management may, in consultation and coordination with the Tribe, carry out any thinning and other landscape restoration work on the trust land that is beneficial to the Tribe and the Forest Service or the Bureau of Land Management.

Subtitle G—Eastern Nevada Landscape Restoration Project.

SEC. 371. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is an increasing threat of wildfire in the Great Basin;

(2) those wildfires—

(A) endanger homes and communities;

(B) damage or destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(3) forest land and rangeland in the Great Basin are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires) that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth; and

(4) additional scientific information is needed in the Great Basin for—

(A) the design, implementation, and adaptation of landscape-scale restoration treatments; and

(B) the improvement of wildfire management technology and practices.

(b) PURPOSES.—The purposes of this subtitle are to—

(1) support the Great Basin Restoration Initiative through the implementation of the Eastern Nevada Landscape Restoration Project; and

(2) ensure resilient and healthy ecosystems in the Great Basin by restoring native plant communities and natural mosaics on the landscape that function within the parameters of natural fire regimes.

SEC. 372. DEFINITIONS.

In this subtitle:

(1) INITIATIVE.—The term "Initiative" means the Great Basin Restoration Initiative.

(2) PROJECT.—The term "Project" means the Eastern Nevada Landscape Restoration Project authorized under section 73(a).

(3) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 373. RESTORATION PROJECT.

(a) IN GENERAL.—In accordance with all applicable Federal laws, the Secretaries shall carry out the Eastern Nevada Landscape Restoration Project to—

(1) implement the Initiative; and

(2) restore native rangelands and native woodland (including riparian and aspen communities) in White Pine and Lincoln Counties in the State.

(b) GRANTS; COOPERATIVE AGREEMENT.—In carrying out the Project—

(1) the Secretaries may make grants to the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities for the study and restoration of rangeland and other land in the Great Basin—

(A) to assist in—

(i) reducing hazardous fuels; and

(ii) restoring native rangeland and woodland; and

(B) for other related purposes; and

(2) notwithstanding sections 6301 through 6308, of title 31, United States Code, the Director of the Bureau of Land Management and the Chief of the Forest Service may enter into an agreement with the Eastern Nevada Landscape Coalition, the Great Basin Institute, and other entities to provide for the conduct of scientific analyses, hazardous fuels and mechanical treatments, and related work.

(c) RESEARCH FACILITY.—The Secretaries may conduct a feasibility study on the potential establishment of an interagency science center, including a research facility and experimental rangeland in the eastern portion of the State.

(d) FUNDING.—Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 118 Stat. 2414) is amended—

(1) by redesignating clause (viii) as clause (ix); and

(2) by inserting after clause (vii) the following:

"(viii) to carry out the Eastern Nevada Landscape Restoration Project in White Pine County, Nevada and Lincoln County, Nevada; and".

Subtitle H—Amendments to the Southern Nevada Public Land Management Act of 1998

SEC. 381. FINDINGS.

Section 2(a)(3) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343) is amended by inserting "the Sloan Canyon National Conservation Area," before "and the Spring Mountains".

SEC. 382. AVAILABILITY OF SPECIAL ACCOUNT.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "may be expended" and inserting "shall be expended";

(ii) in clause (ii)—

(I) by inserting ", the Great Basin National Park," after "the Red Rock Canyon National Conservation Area";

(II) by inserting "and the Forest Service" after "the Bureau of Land Management"; and

(III) by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(iii) in clause (iii), by inserting "and implementation" before "of a multispecies habitat";

(iv) in clause (iv), by striking "Clark and Lincoln Counties," and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph (4)),";

(v) in clause (v), by striking "Clark and Lincoln Counties" and inserting "Clark, Lincoln, and White Pine Counties";

(vi) in clause (vii)—

(I) by striking "for development" and inserting "development"; and

(II) by striking "and" at the end;

(vii) by redesignating clauses (viii) and (ix) (as amended by section _73(d)) as clauses (x) and (xi), respectively; and

(viii) by inserting after clause (vii) the following:

"(viii) reimbursement of any costs incurred by the Bureau of Land Management to clear debris from and protect land that is—

"(I) located in the disposal boundary described in subsection (a); and

"(II) reserved for affordable housing;

"(ix) development and implementation of comprehensive, cost-effective, multijurisdictional hazardous fuels reduction and wildfire prevention plans (including sustainable biomass and biofuels energy development and production activities) for the Lake Tahoe Basin (to be developed in conjunction with the Tahoe Regional Planning Agency), the Carson Range in Douglas and Washoe Counties and Carson City in the State, and the Spring Mountains in the State, that are—

"(I) subject to approval by the Secretary; and

"(II) not more than 10 years in duration;"; and

(B) by inserting after subparagraph (C) the following:

"(D) TRANSFER REQUIREMENT.—Subject to such terms and conditions as the Secretary may prescribe, and notwithstanding any other provision of law—

"(i) for amounts that have been authorized for expenditure under subparagraph (A)(iv) but not transferred as of the date of enactment of this subparagraph, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount authorized for the expenditure; and

"(ii) for expenditures authorized under subparagraph (A)(iv) that are approved by the Secretary, the Secretary shall, not later than 60 days after a request for funds from the applicable unit of local government or regional governmental entity, transfer to the applicable unit of local government or regional governmental entity the amount approved for expenditure."; and

(2) by adding at the end the following:

"(4) LIMITATION FOR WASHOE COUNTY.—Until December 31, 2011, Washoe County shall be eligible to nominate for expenditure amounts to acquire land (not to exceed 250 acres) and develop 1 regional park and natural area.".

Subtitle I—Amendments to the Lincoln County Conservation, Recreation, and Development Act of 2004

SEC. 391. DISPOSITION OF PROCEEDS.

Section 103(b)(2) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2405) is amended by inserting "education, planning," after "social services,".

Subtitle J—All American Canal Projects

SEC. 396. ALL AMERICAN CANAL LINING PROJECT.

(a) DUTIES OF THE SECRETARY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, carry out the All American Canal Lining Project identified—

(1) as the preferred alternative in the record of decision for that project, dated July 29, 1994; and

(2) in the allocation agreement allocating water from the All American Canal Lining Project, entered into as of October 10, 2003.

(b) DUTIES OF COMMISSIONER OF RECLAMATION.—

(1) IN GENERAL.—Subject to paragraph (2), if a State conducts a review or study of the implications of the All American Canal Lining Project as carried out under subsection (a), upon request from the Governor of the State, the Commissioner of Reclamation shall cooperate with the State, to the extent practicable, in carrying out the review or study.

(2) RESTRICTION OF DELAY.—A review or study conducted by a State under paragraph (1) shall not delay the carrying out by the Secretary of the All American Canal Lining Project.

SEC. 396. REGULATED STORAGE WATER FACILITY.

(a) CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITY.—Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary shall, without delay, pursuant to the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), as amended, design and provide for the construction, operation, and maintenance of a regulated water storage facility (including all incidental works that are reasonably necessary to operate the storage facility) to provide additional storage capacity to reduce nonstorable flows on the Colorado River below Parker Dam.

(b) LOCATION OF FACILITY.—The storage facility (including all incidental works) described in subsection (a) shall be located at or near the All American Canal.

SEC. 397. APPLICATION OF LAW.

The Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219) is the exclusive authority for identifying, considering, analyzing, or addressing impacts occurring outside the boundary of the United States of works constructed, acquired, or used within the territorial limits of the United States.

TITLE IV—OTHER PROVISIONS

SEC. 401. TOBACCO PERSONAL USE QUANTITY EXCEPTION TO NOT APPLY TO DELIVERY SALES.

(a) DEFINITIONS.—Section 801 of the Tariff Act of 1930 (19 U.S.C. 1681) is amended by adding at the end the following:

"(3) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or a smokeless tobacco product to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the delivered cigarettes or smokeless tobacco product.".

(b) INAPPLICABILITY OF EXEMPTIONS FROM REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES AND SMOKELESS TOBACCO PRODUCTS.—Section 802(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1681a(b)(1)) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any cigarettes or smokeless tobacco products sold in connection with a delivery sale.".

(c) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—Section 802 of the Tariff Act of 1930 (19 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(d) STATE ACCESS TO CUSTOMS CERTIFICATIONS.—A State, through its Attorney General, shall be entitled to obtain copies of any certification required under subsection (c) directly—

"(1) upon request to the agency of the United States responsible for collecting such certification; or

"(2) upon request to the importer, manufacturer, or authorized official of such importer or manufacturer.".

(d) ENFORCEMENT PROVISIONS.—Section 803(b) of the Tariff Act of 1930 (19 U.S.C. 1681b(b)) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", or to any State in which such tobacco product, cigarette papers, or tube is found"; and

(2) in the second sentence, by inserting ", or to any State," after "the United States".

(e) INCLUSION OF SMOKELESS TOBACCO.—

(1) Sections 802 and 803(a) of the Tariff Act of 1930 (19 U.S.C. 1681a and 1681b(a)) (other than the last sentence of section 802(b)(1), as added by subsection (b) of this section) are further amended by inserting "or smokeless tobacco products" after "cigarettes" each place it appears.

(2) Section 802 of such Act is further amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(ii) in paragraph (2), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(iii) in paragraph (3), by inserting "or section 3(d) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be" after "section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))";

(B) in subsection (b)—

(i) in the heading of paragraph (1), by inserting "OR SMOKELESS TOBACCO PRODUCTS" after "CIGARETTES"; and

(ii) in the heading of paragraphs (2) and (3), by inserting "OR SMOKELESS TOBACCO PRODUCTS" after "CIGARETTES"; and

(C) in subsection (c)—

(i) in the heading, by inserting "OR SMOKELESS TOBACCO PRODUCT" after "CIGARETTE";

(ii) in paragraph (1), by inserting "or section 4 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4403), as the case may be" after "section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a)";

(iii) in paragraph (2)(A), by inserting "or section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as the case may be," after "section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333)"; and

(iv) in paragraph (2)(B), by inserting "or section 3(d) of the Comprehensive Smokeless

Tobacco Health Education Act of 1986 (15 U.S.C. 4402(d)), as the case may be" after "section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c))".

(3) Section 803(b) of such Act, as amended by subsection (d)(1) of this section, is further amended by inserting ", or any smokeless tobacco product," after "or tube" the first place it appears.

(4)(A) The heading of title VIII of such Act is amended by inserting "**AND SMOKELESS TOBACCO PRODUCTS**" after "**CIGARETTES**".

(B) The heading of section 802 of such Act is amended by inserting "AND SMOKELESS TOBACCO PRODUCTS" after "CIGARETTES".

(f) APPLICATION OF CIVIL PENALTIES TO RELANDINGS OF TOBACCO PRODUCTS SOLD IN A DELIVERY SALE.—

(1) IN GENERAL.—Section 5761 of the Internal Revenue Code of 1986 (relating to civil penalties) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) PERSONAL USE QUANTITIES.—

"(1) IN GENERAL.—No quantity of tobacco products other than the quantity referred to in paragraph (2) may be relanded or received as a personal use quantity.

"(2) EXCEPTION FOR PERSONAL USE QUANTITY.—Subsection (c) and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under subsection (c).

"(3) SPECIAL RULE FOR DELIVERY SALES.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any tobacco product sold in connection with a delivery sale.

"(B) DELIVERY SALE.—For purposes of subparagraph (A), the term 'delivery sale' means any sale of a tobacco product to a consumer if—

"(i) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made, or

"(ii) the tobacco product is delivered by use of a common carrier, private delivery service, or the mail, or the seller is not in the physical presence of the buyer when the buyer obtains personal possession of the tobacco product.".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 5761 of such Code is amended by striking the last two sentences.

(B) Paragraph (1) of section 5754(c) of such Code is amended by striking "section 5761(c)" and inserting "section 5761(d)".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 402. ETHANOL TARIFF SCHEDULE.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "10/1/2007" each place it appears and inserting "1/1/2009".

SEC. 403. WITHDRAWAL OF CERTAIN FEDERAL LAND AND INTERESTS IN CERTAIN FEDERAL LAND FROM LOCATION, ENTRY, AND PATENT UNDER THE MINING LAWS AND DISPOSITION UNDER THE MINERAL AND GEOTHERMAL LEASING LAWS.

(a) DEFINITIONS.—In this section:

(1) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the Bureau of Land Management land and any federally-owned minerals located south of the Blackfeet Indian Reservation and east of the Lewis and Clark National Forest to the eastern edge of R. 8 W., beginning in T. 29 N. down to and including T. 19 N. and all of T. 18 N., R. 7 W.

(2) ELIGIBLE FEDERAL LAND.—The term "eligible Federal land" means the Bureau of Land Management land and the Forest Service land, as generally depicted on the map.

(3) FOREST SERVICE LAND.—The term "Forest Service land" means—

(A) the Forest Service land and any federally-owned minerals located in the Rocky Mountain Division of the Lewis and Clark National Forest, including the approximately 356,111 acres of land made unavailable for leasing by the August 28, 1997, Record of Decision for the Lewis and Clark National Forest Oil and Gas Leasing Environmental Impact Statement and that is located from T. 31 N. to T. 16 N. and R. 13 W. to R. 7 W.; and

(B) the Forest Service land and any federally-owned minerals located within the Badger Two Medicine area of the Flathead National Forest, including—

(i) the land located in T. 29 N. from the western edge of R. 16 W. to the eastern edge of R. 13 W.; and

(ii) the land located in T. 28 N., Rs. 13 and 14 W.

(4) MAP.—The term "map" means the map entitled "Rocky Mountain Front Mineral Withdrawal Area" and dated December 31, 2006.

(b) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the eligible Federal land (including any interest in the eligible Federal land) is withdrawn from—

(A) all forms of location, entry, and patent under the mining laws; and

(B) disposition under all laws relating to mineral and geothermal leasing.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the Office of the Chief of the Forest Service.

(c) TAX INCENTIVE FOR SALE OF EXISTING MINERAL AND GEOTHERMAL RIGHTS TO TAX-EXEMPT ENTITIES.—

(1) EXCLUSION.—For purposes of the Internal Revenue Code of 1986, gross income shall not include 25 percent of the qualifying gain from a conservation sale of a qualifying mineral or geothermal interest.

(2) QUALIFYING GAIN.—For purposes of this subsection, the term "qualifying gain" means any gain which would be recognized as long-term capital gain under such Code.

(3) CONSERVATION SALE.—For purposes of this subsection, the term "conservation sale" means a sale which meets the following requirements:

(A) TRANSFEREE IS AN ELIGIBLE ENTITY.—The transferee of the qualifying mineral or geothermal interest is an eligible entity.

(B) QUALIFYING LETTER OF INTENT REQUIRED.—At the time of the sale, such transferee provides the taxpayer with a qualifying letter of intent.

(C) NONAPPLICATION TO CERTAIN SALES.—The sale is not made pursuant to an order of condemnation or eminent domain.

(4) QUALIFYING MINERAL OR GEOTHERMAL INTEREST.—For purposes of this subsection—

(A) IN GENERAL.—The term "qualifying mineral or geothermal interest" means an interest in any mineral or geothermal deposit located on eligible Federal land which constitutes a taxpayer's entire interest in such deposit.

(B) ENTIRE INTEREST.—For purposes of subparagraph (A)—

(i) an interest in any mineral or geothermal deposit is not a taxpayer's entire interest if such interest in such mineral or geothermal deposit was divided in order to avoid the requirements of such subparagraph or section 170(f)(3)(A) of such Code, and

(ii) a taxpayer's entire interest in such deposit does not fail to satisfy such subparagraph solely because the taxpayer has retained an interest in other deposits, even if the other deposits are contiguous with such certain deposit and were acquired by the taxpayer along with such certain deposit in a single conveyance.

(5) OTHER DEFINITIONS.—For purposes of this subsection—

(A) ELIGIBLE ENTITY.—The term "eligible entity" means—

(i) a governmental unit referred to in section 170(c)(1) of such Code, or an agency or department thereof operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code, or

(ii) an entity which is—

(I) described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B) of such Code, and

(II) organized and at all times operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of such Code.

(B) QUALIFYING LETTER OF INTENT.—The term "qualifying letter of intent" means a written letter of intent which includes the following statement: "The transferee's intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, that the transferee's use of the deposits so acquired will be consistent with section 170(h)(5) of such Code, and that the use of the deposits will continue to be consistent with such section, even if ownership or possession of such deposits is subsequently transferred to another person.".

(6) TAX ON SUBSEQUENT TRANSFERS.—

(A) IN GENERAL.—A tax is hereby imposed on any subsequent transfer by an eligible entity of ownership or possession, whether by sale, exchange, or lease, of an interest acquired directly or indirectly in—

(i) a conservation sale described in paragraph (1), or

(ii) a transfer described in clause (i), (ii), or (iii) of subparagraph (D).

(B) AMOUNT OF TAX.—The amount of tax imposed by subparagraph (A) on any transfer shall be equal to the sum of—

(i) 20 percent of the fair market value (determined at the time of the transfer) of the interest the ownership or possession of which is transferred, plus

(ii) the product of—

(I) the highest rate of tax specified in section 11 of such Code, times

(II) any gain or income realized by the transferor as a result of the transfer.

(C) LIABILITY.—The tax imposed by subparagraph (A) shall be paid by the transferor.

(D) RELIEF FROM LIABILITY.—The person (otherwise liable for any tax imposed by subparagraph (A)) shall be relieved of liability for the tax imposed by subparagraph (A) with respect to any transfer if—

(i) the transferee is an eligible entity which provides such person, at the time of transfer, a qualifying letter of intent,

(ii) in any case where the transferee is not an eligible entity, it is established to the satisfaction of the Secretary of the Treasury, that the transfer of ownership or possession, as the case may be, will be consistent with section 170(h)(5) of such Code, and the transferee provides such person, at the time of transfer, a qualifying letter of intent, or

(iii) tax has previously been paid under this paragraph as a result of a prior transfer of ownership or possession of the same interest.

(E) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F of such Code, the taxes imposed by this paragraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.

(7) REPORTING.—The Secretary of the Treasury may require such reporting as may be necessary or appropriate to further the purpose under this subsection that any conservation use be in perpetuity.

(d) EFFECTIVE DATES.—

(1) MORATORIUM.—Subsection (b) shall take effect on the date of the enactment of this Act.

(2) TAX INCENTIVE.—Subsection (c) shall apply to sales occurring on or after the date of the enactment of this Act.

SEC. 404. CONTINUING ELIGIBILITY FOR CERTAIN STUDENTS UNDER DISTRICT OF COLUMBIA SCHOOL CHOICE PROGRAM.

(a) IN GENERAL.—Section 307(a)(4) of the DC School Choice Incentive Act of 2003 (sec. 38—1851.06(a)(4), D.C. Official Code) is amended by striking "200 percent" and inserting the following: "200 percent (or, in the case of an eligible student whose first year of participation in the program is an academic year ending in June 2005 or June 2006 and whose second or succeeding year is an academic year ending on or before June 2009, 300 percent)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the DC School Choice Incentive Act of 2003.

SEC. 405. STUDY ON ESTABLISHING UNIFORM NATIONAL DATABASE ON ELDER ABUSE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall conduct a study on establishing a uniform national database on elder abuse.

(2) ISSUES STUDIED.—The study conducted under paragraph (1) may consider the following:

(A) Current methodologies used for collecting data on elder abuse, including a determination of the shortcomings, strengths, and commonalities of existing data collection efforts and reporting forms, and how a uniform national database would capitalize on such efforts.

(B) The process by which uniform national standards for reporting on elder abuse could be implemented, including the identification and involvement of necessary stakeholders, financial resources needed, timelines, and the treatment of existing standards with respect to elder abuse.

(C) Potential conflicts in Federal, State, and local laws, and enforcement and jurisdictional issues that could occur as a result of the creation of a uniform national database on elder abuse.

(D) The scope, purpose, and variability of existing definitions used by Federal, State, and local agencies with respect to elder abuse.

(3) DURATION.—The study conducted under paragraph (1) shall be conducted for a period not to exceed 2 years.

(b) REPORT.—Not later than 180 days after the completion of the study conducted under subsection (a)(1), the Secretary of Health and Human Services shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives containing the findings of the study, together with recommendations on how to implement a uniform national database on elder abuse.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, $500,000 for each of fiscal years 2007 and 2008.

SEC. 406. TEMPORARY DUTY REDUCTIONS FOR CERTAIN COTTON SHIRTING FABRIC.

(a) CERTAIN COTTON SHIRTING FABRICS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

131	9902.52.08	Woven fabrics of cotton, of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.09	Woven fabrics of cotton, of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.10	Woven fabrics of cotton, of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.11	Woven fabrics of cotton, of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.12	Woven fabrics of cotton, of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.13	Woven fabrics of cotton, of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.14	Woven fabrics of cotton, of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
	9902.52.15	Woven fabrics of cotton, of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.16	Woven fabrics of cotton, of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.17	Woven fabrics of cotton, of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.18	Woven fabrics of cotton, of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.19	Woven fabrics of cotton, of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, other than fabrics provided for in headings 9902.52.20 through 9902.52.31, certified by the importer to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Notes 18 and 19 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.20	Woven fabrics of cotton of a type described in subheading 5208.21, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.21	Woven fabrics of cotton of a type described in subheading 5208.22, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.22	Woven fabrics of cotton of a type described in subheading 5208.29, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.23	Woven fabrics of cotton of a type described in subheading 5208.31, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.24	Woven fabrics of cotton of a type described in subheading 5208.32, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.25	Woven fabrics of cotton of a type described in subheading 5208.39, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.26	Woven fabrics of cotton of a type described in subheading 5208.41, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.27	Woven fabrics of cotton of a type described in subheading 5208.42, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.28	Woven fabrics of cotton of a type described in subheading 5208.49, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.29	Woven fabrics of cotton of a type described in subheading 5208.51, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009
9902.52.30	Woven fabrics of cotton of a type described in subheading 5208.52, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

9902.52.31	Woven fabrics of cotton of a type described in subheading 5208.59, of average yarn number exceeding 135 metric, certified by the importer to be wholly of pima cotton grown in the United States and to be suitable for use in men's and boys' shirts, the foregoing imported by or for the benefit of a manufacturer of men's and boys' shirts under the terms of U.S. Note 18 of this subchapter.	Free	No change	No change	On or before 12/31/2009

(2) DEFINITIONS AND LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

"18. For purposes of headings 9902.52.08 through 9902.52.31, the term 'manufacturer' means a person or entity that cuts and sews men's and boys' shirts in the United States.

"19. The aggregate quantity of fabrics entered under headings 9902.52.08 through 9902.52.19 from January 1 to December 31 of each year, inclusive, by or on behalf of each manufacturer of men's and boys' shirts shall be limited to 85 percent of the total square meter equivalents of all imported woven fabrics of cotton containing 85 percent or more by weight of cotton used by such manufacturer in cutting and sewing men's and boys' cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.".

(b) DETERMINATION OF TARIFF-RATE QUOTAS.—

(1) AUTHORITY TO ISSUE LICENSES AND LICENSE USE.—In order to implement the limitation on the quantity of cotton woven fabrics that may be entered under headings 9902.52.08 through 9902.52.19 of the Harmonized Tariff Schedule of the United States, as required by U.S. Note 19 to subchapter II of chapter 99 of such Schedule, the Secretary of Commerce shall issue licenses to eligible manufacturers under such headings 9902.52.08 through 9902.52.19, specifying the restrictions under each such license on the quantity of cotton woven fabrics that may be entered each year by or on behalf of the manufacturer. A licensee may assign the authority (in whole or in part) under the license to import fabric under headings 9902.52.08 through 9902.52.19 of such Schedule.

(2) LICENSES UNDER U.S. NOTE 19.—For purposes of U.S. Note 19 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, the Secretary of Commerce shall issue a license to a manufacturer within 60 days after the manufacturer files with the Secretary of Commerce an application containing a notarized affidavit from an officer of the manufacturer that the manufacturer is eligible to receive a license and stating the quantity of imported woven fabrics of cotton containing 85 percent or more by weight of cotton purchased during calendar year 2000 for use in the cutting and sewing men's and boys' shirts in the United States.

(3) AFFIDAVITS.—For purposes of an affidavit described in this subsection, the date of purchase shall be—

(A) the invoice date if the manufacturer is not the importer of record; and

(B) the date of entry if the manufacturer is the importer of record.

SEC. 407. COTTON TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Pima Cotton Trust Fund" (in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under subsection (b).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Beginning October 1, 2006, the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary of the Treasury to be equivalent to the amounts received in the general fund that are attributable to duties received since January 1, 1994, on articles under subheadings 5208.21.60, 5208.22.80, 5208.29.80, 5208.31.80, 5208.32.50, 5208.39.80, 5208.41.80, 5208.42.50, 5208.49.80, 5208.51.80, 5208.52.50, and 5208.59.80 of the Harmonized Tariff Schedule of the United States, subject to the limitation in paragraph (2).

(2) LIMITATION.—The Secretary may not transfer more than $16,000,000 to the Trust Fund in any fiscal year, and may not transfer any amount beginning on or after October 1, 2008.

(c) DISTRIBUTION OF FUNDS.—From amounts in the Trust Fund, the Commissioner of the Bureau of Customs and Border Protection shall make the following payments annually beginning in fiscal year 2007:

(1) 25 percent of the amounts in the Trust Fund shall be paid annually to a nationally recognized association established for the promotion of pima cotton grown in the United States for the use in textile and apparel goods.

(2) 25 percent of the amounts in the Trust Fund shall be paid annually to yarn spinners of pima cotton grown in the United States, and shall be allocated to each spinner in an amount that bears the same ratio as—

(A) the spinner's production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton grown in the United States in single and plied form during the period January 1, 1998 through December 31, 2003 (as evidenced by an affidavit provided by the spinner) bears to—

(B) the production of the yarns described in subparagraph (A) during the period January 1, 1998 through December 31, 2003 for all spinners who qualify under this paragraph.

(3) 50 percent of the amounts in the Trust Fund shall be paid annually to those manufacturers who cut and sew cotton shirts in the United States who certify that they used imported cotton fabric during the period January 1, 1998, through July 1, 2003, and shall be allocated to each such manufacturer in an amount that bears the same ratio as—

(A) the dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2002 (as evidenced by an affidavit from the manufacturer that meets the requirements of subsection (d)) used in the manufacturing of men's and boys' cotton shirts, bears to—

(B) the dollar value (excluding duty, shipping, and related costs) of the fabric described in subparagraph (A) purchased during calendar year 2002 by all manufacturers who qualify under this paragraph.

(d) AFFIDAVIT OF SHIRTING MANUFACTURERS.—The affidavit required by subsection (c)(3)(A) is a notarized affidavit provided by an officer of the manufacturer of men's and boys' shirts concerned that affirms—

(1) that the manufacturer used imported cotton fabric during the period January 1, 1998, through July 1, 2003, to cut and sew men's and boys' woven cotton shirts in the United States;

(2) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased during calendar year 2002;

(3) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and

(4) that the fabric was suitable for use in the manufacturing of men's and boys' cotton shirts.

(e) DATE OF PURCHASE.—For purposes of the affidavit under subsection (d), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

(f) AFFIDAVIT OF YARN SPINNERS.—The affidavit required by subsection (c)(2)(A) is a notarized affidavit provided by an officer of the producer of ring spun yarns that affirms—

(1) that the producer used pima cotton grown in the United States during the period January 1, 2002, through December 31, 2002, to produce ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during 2002;

(2) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002; and

(3) that the producer maintains supporting documentation showing the quantity of such yarns produced, and evidencing the yarns as ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2002.

(g) NO APPEAL.—Any amount paid by the Commissioner of the Bureau of Customs and Border Protection under this section shall be final and not subject to appeal or protest.

SEC. 408. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE RELIEF FROM JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting ", or in the case of an individual who requests equitable relief under subsection (f)" after "who elects to have subsection (b) or (c) apply".

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of such Code is amended by inserting "or request is made" after "election is filed".

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting "or requesting equitable relief under subsection (f)" after "making an election under subsection (b) or (c)", and

(B) by inserting "or request" after "to which such election".

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting "or to which the request under subsection (f) relates" after "to which the election under subsection (b) or (c) relates".

(4) Section 6015(e)(4) of such Code is amended by inserting "or the request for equitable relief under subsection (f)" after "the election under subsection (b) or (c)".

(5) Section 6015(e)(5) of such Code is amended by inserting "or who requests equitable relief under subsection (f)" after "who elects the application of subsection (b) or (c)".

(6) Section 6015(g)(2) of such Code is amended by inserting "or of any request for equitable relief under subsection (f)" after "any election under subsection (b) or (c)".

(7) Section 6015(h)(2) of such Code is amended by inserting "or a request for equitable relief made under subsection (f)" after "with respect to an election made under subsection (b) or (c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to liability for taxes arising or remaining unpaid on or after the date of the enactment of this Act.

Amend the title to read as follows: "An Act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes."

The SPEAKER pro tempore. Pursuant to House Resolution 1099, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to make sure that Members understand what we are doing, and, quite frankly, why we are doing it today rather than yesterday, is that we are considering H.R. 6111. H.R. 6111 is a bill that passed the House on suspension by voice vote on December 5. It then passed the Senate by unanimous consent with an amendment yesterday, December 7.

We are doing this as the House of Representatives to assist the Senate under its rules to facilitate the handling of the amendment we are now discussing, and we are doing this because given the Senate rules, they would require a 2-day layover, two cloture votes and a number of other procedures. By doing this this way, we will save them a day and a cloture vote. Once again, the courtesy and kindness of the House is assisting the Senate in accomplishing the work of the Congress.

So, if you will please understand, the gentleman from New York and I will lead a discussion on the amendment to H.R. 6111. In fact, the amendment is as though the entire text of H.R. 4608, the Tax Relief and Health Care Act of 2006, is before us. In addition to that, there are several other provisions that accompany the Tax and Health Care Relief Act.

So, notwithstanding the merits of H.R. 6111, the discussion will be on the so-called tax extenders bill; the energy extenders bill; Medicare, the so-called doctors fix; the health care provisions; certain wilderness designations; some tariff procedures and other items which will in fact be the subject of the debate we are about to be engaged in.

Mr. Speaker, I reserve the balance of my time.

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Mr. RANGEL. Mr. Speaker, I ask unanimous consent to yield 15 minutes to the gentleman from Massachusetts (Mr. MARKEY), who is in opposition to the bill before us.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control that time.

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I concur, Mr. Speaker, with the observations of the chairman as to the content of this bill. Naturally, this is the last day of the 109th Congress, and I do hope that the new majority would at least learn how not to legislate. Most of the Members have no clue as to what is in this bill. This is a late hour. There is certainly far more good in it than bad.

I wish we had seen fit to have been able to get the New York Liberty Bond 9/11 relief converted to a transportation infrastructure, which was stripped from this bill that passed the House before.

There are other things in this bill, and I assume those people who are asking for time will be discussing them.

Mr. Speaker, as of now, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Perhaps again it is necessary to underscore the fact that the procedure we are going through is not the choice of the House. The current minority leader, to be the majority leader, and I know I am violating the rules when I say the gentleman from Nevada, personally called and asked that we engage in this procedure to assist the Senate. I do hope the gentleman from New York, when he assumes his majority rule, will see fit to accommodate even Members of the other party in making sure that the people's work is done in the most reasonable fashion possible.

So, yes, it seems a little bit complicated, but it is in large part because both the Democratic and the Republican leadership of the Senate asked for our assistance in doing it this way.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Ways and Means Committee.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California, and I would be remiss if I did not take a portion of this time to thank him for his stewardship and his time as chairman of the Ways and Means Committee.

While we are in a period where we move to complete the 109th Congress and we look ahead, it is worth noting that what has passed is prologue, and indeed, as we have just come through a campaign where the cry has been for bipartisanship, for consensus, I commend one of the procedures, or one of the provisions, that is included in this legislative vehicle of extenders for tax considerations, and that is, the extension of the solar and fuel cell investment tax credits.

Why do we offer this? Well, because there is support for alternative forms of energy and, in particular solar power, from all America. Eighty-two percent of Republicans, 77 percent of Democrats, 87 of Independents say we need to find alternative forms of energy.

Mr. Speaker, for over a decade, I have been honored to represent the people of Arizona, more specifically, the eponymously nicknamed Valley of the Sun. But from Maine to Montana, from Arizona to Alaska to Alabama, across the country we need to utilize alternative forms of energy such as solar energy, such as fuel cell technology, and this provision does so.

We extend it for an additional year. Were it up to me, I would like to see it for a full decade, but as we know, as my good friend, the late John Rhodes, our former House Republican leader, used to say, "Politics is the art of the possible."

Today with this legislation, though some are troubled by process, we have a chance to produce results. I ask you to join us in passing this legislation and extending solar and fuel cell investment tax credits.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this bill contains a provision which really is unrelated completely to the tax extenders. There are indeed tax credits and other things, very good; but what they have decided to do is attach a rider to this bill, and that rider is a special sweetheart deal that changes the entire formula for the collection of royalties, that is, taxes, for the American people for oil and gas which is drilled for on public lands.

Because of this change in formula, $170 billion is going to be transferred from the pockets of the American taxpayer of 46 States and sent to four States. In the course of the debate this afternoon within the hour, we will be considering an amendment, an amendment which will say that if any oil companies want to drill for the oil in the gulf that is going to be permitted under this new bill, that these companies must renegotiate the old leases which they received back in the 1990s, which, believe it or not, makes it possible for them to escape paying royalties on oil and gas drilled for on public lands in the United States. Even if the price of oil goes to $40, $50, $60, $70, $80 a barrel, oil companies do not pay any more royalties.

Well, what our amendment will say is that they must renegotiate. The oil and gas industry must renegotiate with the Federal Government to return those windfall profits on the old leases before they are going to be allowed to drill for these new leases in the Gulf of Mexico. In that way, the taxpayers will reclaim $20 to $30 billion of revenues that can be used for health care, for education, to pay for the war in Iraq, to balance the Federal budget.

So I just want all the Members to know that that is the nature of the amendment which is going to come up within the hour. It is fair. If the oil companies are going to receive such a boon out of this bill, if the gulf States are going to receive such a boon out of this bill, as much as I object to it, the least that we should be able to say is that we reclaim those revenues, and as a bonus, Mr. RANGEL has inserted into the amendment, which I will be making, a provision which extends the AMT protection for 20 million Americans so their taxes do not go up next year, 2007.

So with two things, you reclaim 20 to $30 billion from oil companies and you protect all taxpayers from an increase in the AMT.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, so that people again understand the process, notwithstanding the fact we are dealing with what amounts to a tax bill, because of the unusual procedure of using H.R. 6111 as a vehicle, asked for by the bipartisan leadership of the Senate and provided by us as a courtesy, there would be no motion to recommit available to the minority. This is a substantive amendment which is functioning as a substitute for the motion to recommit.

It has been indicated to me directly by that bipartisan leadership and those individuals I mentioned that if what was to be a motion to recommit and which will now be a substantive amendment passes, in their opinion, this bill will not be able to move through the Senate.

It may surprise the gentleman from Massachusetts to know that I agree with virtually everything he said and would like to add additional items in terms of the OCS provision. In fact, an Outer Continental Shelf measure passed the House. The measure that is currently carried in this amendment is totally isomorphic, exactly the same as the Outer Continental Shelf legislation that passed the Senate, that the Senator from New York, Mrs. CLINTON, that the Senator from Nevada, Mr. REID, and others supported 71–25. Need I say, this is an additional courtesy that the House is providing.

If, in fact, Mr. MARKEY's amendment passes, everything we will be talking about for the rest of the time on this amendment will be moot.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. WELLER), an extremely valued member of the Ways and Means Committee.

Mr. WELLER. Mr. Speaker, I thank the chairman for his leadership in the last 6 years in the House Ways and Means Committee. It has been a privilege to serve with you and under your leadership.

I rise in support of this legislation, which is known as the extender legislation, extending tax provisions which expired this past year, all tax provisions that have an economic impact on investment decisions affecting the economy in my district and the economy of our Nation.

I am pleased that we are extending the work opportunity tax credit. I am pleased we are extending the welfare-to-work tax credit. I am pleased that we are combining these two to make them much more efficient. When Ronald Reagan created the welfare-to-work tax credit back in the early 1980s, his goal was pretty simple: let us give those who are on the welfare rolls an opportunity to get a job and incentivize private employers to do that, and it has worked. In the district I represent, an estimated 700 workers today have jobs because of the work opportunity tax credit.

Most are pleased that this legislation extends and expands the brownfields tax incentive. I represent an oil industrial area. They have brownfields, old industrial parks. We want to recycle them. We want to reclaim them. We want to revitalize the neighborhoods they are located in. The brownfields tax incentive provides that incentive for private investors to purchase it, help recover their costs in environmental cleanup.

Also in this legislation we expand it. Forty percent of brownfields have petroleum contamination. If you are driving through a community and you see that old abandoned gas station that has been there for decades and you wonder why somebody has not bought it, that is because there is petroleum contamination. This tax incentive will help clean that up and revitalize that strategic corner in your community.

Also, I want to commend this House and this committee on moving forward on extending the energy-efficient homes tax incentive. When you often think about it, 20 percent of the energy we consume in America is consumed in our residences, in our homes, and people when they put a little extra money in their home, they want to make their bathroom nicer or they want a nicer, fancier kitchen, they do not always think about the need to conserve energy. The energy-efficient homes tax incentive encourages home builders, those building new construction, new homes to make them better insulated, better windows, better doors and ceilings and reducing energy costs.

I would note that both brownfields provisions and the energy-efficient residential tax incentive are both important environmental initiatives as well. We often talk about jobs being created, but when you reduce energy consumption, when you clean up and revitalize old industrial parks and, frankly, when you give those on welfare an opportunity to work, we all win.

So I encourage bipartisan support for this legislation, urge an "aye" vote.

Mr. RANGEL. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a senior respected member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, I thank Mr. RANGEL.

All due respect to the energies and labors of the chairman of the committee, this is another example of how not to legislate. I favor the extenders bill. Almost everyone else in this place does. Mr. RANGEL has been talking about extenders extensively.

An extenders bill could pass this House and could pass the Senate today on its own, just like this. Why is that not happening? It is not just because the gentleman from Arizona says politics is the art of the possible. It is also because it should be the art of the rational and the art of the appropriate, and this package is not appropriate.

Mr. MARKEY has spoken so eloquently about the Continental Shelf legislation, and now we are threatened that if his amendment fails the whole bill fails, which I think is a statement of how not to legislate. We do not want to legislate by holding ourselves hostage. That is not the way to legislate.

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And also there will be some discussion about the health savings account. That proposal could not pass on its own, so essentially it is being packaged with the extenders bill because it is the only way to get it through here. We will do it differently next year; we will serve the people of this country more effectively, more openly. When there is a bill like the extenders bill that can rise on its own, it will do that.

The Senate says they need our cooperation. We will cooperate. It would be better to send the extenders bill on its own.

So all of us will have this choice, a package of good and bad, and each of us will have to make that decision, a decision we should not be forced to make.

Mr. MARKEY. I yield 3½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to thank my friend and colleague from Massachusetts for his initiative on this legislation, because what he is doing is making available to this House the opportunity to correct a very serious problem which has been existing now since 1995.

In 1995, this House and this Congress passed a law which essentially allows the oil companies to take oil and natural gas from the American people out of their public property without paying them the royalties that are owed to them. This ridiculous situation has been going on now for more than 10 years.

We have an amendment that is being offered to this bill which every Member of this House should vote for. If they have any respect for their obligations to the American people, every Member of this House should vote for this amendment, because what this amendment does is this, very simply: It says to the oil companies, if you want new leases so that you may increase your profits by taking a very valuable commodity from public property owned by the American people, if you want to be able to do that, you have to in order to get those new leases renegotiate the old leases that you have on public property so that you will pay back to the taxpayers of America the money that you owe them on this commodity, oil and natural gas.

It is a very simple and very reasonable thing to do. If we fail to do it, what will happen is this: According to the Department of the Interior, the taxpayers of America will lose as much as $60 billion which will go into the pockets of the oil companies who are already realizing record profits. The oil companies have more cash than they know what to do with. And what this Congress has been doing is allowing them to increase their profits by taking a product that is owned by the taxpayers of America, exploiting that situation, increasing their profits, and not paying back the percentage of royalties that is owed to the people of this country. So it is a very simple amendment, and there is absolutely no reason why it should not pass.

This House already passed an amendment just like this. Back in May, Mr. MARKEY and I offered an amendment to an Interior appropriations bill which would do precisely the same thing. That amendment was adopted by this House by a very substantial margin. The problem is the Interior appropriations bill went over to the other Chamber and since then nothing has happened with the bill, it has just laid there idly. And so the situation now continues to exist.

So what the majority here apparently wants to do is to say that even though the oil companies have leases on 80 percent of the land that is available, of the offshore land that is available, they want to increase that above and continue to take this product and continue to take this commodity from the American people without paying them back the money that is owed to them.

This has got to stop. It has been going on now for more than a decade. The people of this country continue to suffer. And that is one of the reasons why they made the decision on November 7 that they did, because they recognize the suffering that they have been exposed to as a result of the carelessness and exploitation that has been authorized by this Congress.

Pass this amendment, correct the mistake, give the American people the money that is owed to them, and do it in a just way.

Mr. THOMAS. Mr. Speaker, I appreciate people and their passion getting a bit carried away.

This bill was signed into law by the last Democratic President, Mr. Clinton. It was on your watch. To stand in the well and tell us what is in the amendment that is going to be offered in a short time, after being criticized that they have only had 2 days on the content of our amendment, is absolutely unbelievable.

We made this amendment in order because you didn't have the right to the motion to recommit. The Rules Committee out of courtesy asked you, could we have a copy of your amendment? You told the Rules Committee "No, you couldn't have a copy of the amendment."

Mr. MARKEY earlier described your amendment as having more than one item. Mr. HINCHEY talked about it being OCS. Mr. MARKEY said it was OCS and it was AMT and it may be something else.

What amazes me is that they can stand there with a straight face and criticize us because they only got the copy, the absolute legislative language, 2 days ago on our bill, and they have the audacity to go to the well and describe their amendment and what it is when they won't even give us a copy of it. Now, this is a preview of the coming majority in terms of their saying one thing and doing another. Buckle your seat belts. The piety and the arguments about how correct they are and how unfair it is was just said. This was done by this Congress, it was signed by President Clinton, and we have no idea what is in your amendment because you didn't even offer the courtesy of giving us the language of your amendment notwithstanding the fact that we gave you the privilege of offering an amendment. Now, that is what this is about. Okay?

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the committee.

Mr. HERGER. Mr. Speaker, I rise in strong support of the tax relief legislation before us today.

I would also like to make a note of thanks to Chairman BILL THOMAS. BILL is ending a prolific 6-year tenure as chairman of the Ways and Means Committee, during which he has been responsible for the passage of each pro-growth and pro-family tax measure since 2001. I would like to thank Chairman THOMAS and his staff for their work which has continued through the writing of today's legislation.

Among the expiring tax relief measures is an extension and modernization of the research and development tax credit. In my own home State of California, more than 6,600 firms perform R&D, helping to make California number one in reported research and development activity. In the face of an extremely competitive global marketplace, the R&D tax credit helps keep America first among other nations in new cutting-edge innovation.

Also included is a provision that helps bring equity to farmers and small businesses in rural areas such as my own home district in northern California. Agricultural aviators, who are exempt from fuel excise taxes, will now be able to claim tax refunds directly without having to rely on fuel suppliers to pass along this benefit. Even though this is a small change, it will help reduce fuel costs for ag aviators and spraying costs for farmers who employ ag aviators to plant and maintain their crops. Mr. Speaker, I urge passage of this bill.

Mr. RANGEL. Mr. Speaker, I am going to be very careful in the words that I select because I am not certain that the House physician's office is still open, and I just don't want to get overstressed over a parliamentary problem that we are having here. But it is very difficult to understand how the outgoing chairman could be so frustrated that the amendment is coming at this late hour, because we cannot really get an amendment together until we know what we are amending, and I assume that we didn't know that until sometime early this morning at a meeting that took place at a room which I don't know where it exists. So I think that this amendment that we do have deals with an issue that we never expected to be included in the extended bills. And under the parliamentary procedures that we have in this august House and this institution, Members, even if they are in the minority, have an opportunity at any time to raise it before the House. And we hope that we can extend this courtesy for the years that we have to come.

I would like to yield 2 minutes to the distinguished gentleman Mr. POMEROY from the sovereign State of North Dakota.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding and would amplify just for a moment on his point. You can't get your amendment set until you know what the underlying bill is. And with all the moving parts in the underlying bill, that simply was not possible.

But I believe that this election was about restoring more of a bipartisan tone to the functions of this Chamber. And in that context, I want to tell the departing chairman I wish him well as his service in this body comes to a conclusion. I wish all my Ways and Means colleagues, Republicans and Democrats alike, a very happy holiday season.

There are several portions of this bill that are important, and I applaud those who constructed this legislation for including these components. I am not speaking about the amendment which will be brought; that will be dealt with by other speakers. But there is a lot of good in this bill, and I don't want it lost in the discussion here.

I chair, along with GREG WALDEN, a bipartisan group, the Rural Health Care Coalition. We have advanced legislation to try to improve the unfairness of the Medicare system relative to rural hospitals. I am pleased that the bill includes provisions, including a continuation of the geographic classification issue, section 508, that was in the Medicare Modernization Act and addresses reasonable cost payment for lab tests in small rural hospitals and a number of other provisions found their way into this bill. They are important to us, and I speak in favor of them.

I also believe that it was absolutely essential we address this physician payment issue in this legislation. It should be underscored, I suppose, that this is just a very stop-gap fix and more will need to be done. There is some very important features in here on renewable energy as well. The plus-up of the clean renewable energy bonds with an additional $400 million to fund renewable energy projects, extremely important. A 1-year continuation of the wind production tax credit is, no question, going to allow more wind farms to be brought online, bringing this renewable energy source, clean renewable energy source, more into our power mix. And the extension of the ethanol tariff is also important, something to keep in mind as we consider it this afternoon.

Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006 as it provides for much needed relief for those physicians, hospitals and laboratories who serve North Dakota's 103,000 Medicare patients.

As you know, the Medicare Modernization Act made long overdue corrections to significant flaws in Medicare payment schemes that have made a tremendous difference to the hospitals, doctors and other providers in my State and throughout the rural America. Several of these provisions, which help to level the playing and simply keep hospitals and doctors offices open, have or are about to expire. However, access to health care services in rural areas continues to be in jeopardy due to physician shortages, low patient volume and geographic isolation. In my own State of North Dakota, over two-thirds of our counties are designated as Physician Scarcity Areas.

That is why Representative GREG WALDEN, myself and over 50 other bipartisan members of the Rural Health Care Coalition introduced H.R. 6030, the Health Care Access and Rural Equity Act, otherwise known as H–CARE. This commonsense legislation significantly improves health care quality and access in North Dakota and rural America while also increasing the viability of rural providers.

I am pleased to see that a number of the provisions Representative WALDEN and I authored for H–CARE are included in today's bill. From extending the Medicare Modernization Act, MMA, floor on the Medicare work geographic adjustment for physician services to continuing to provide reasonable cost payment for lab tests in small rural hospitals, H.R. 6111 helps to maintain important corrections in our current Medicare payment system. In addition, this bill extends a critical provision of the MMA that created greater wage parity between hospitals in my State of North Dakota.

These MMA rural health provisions have already made a tremendous difference in our State. For example, one hospital was able to use the funding to recruit four new physicians. Other hospitals used the funding to invest in capital infrastructure including much needed and costly ultrasound equipment and electronic health record systems. In addition, these hospitals were able to increase salaries anywhere from 4 to 8 percent.

While H.R. 6111 extends many critical rural health care provisions from the MMA and brings temporary relief for our Nations physician's, our work is not done. I think we would all agree that the physician payment system under Medicare is a flawed system that penalizes efficient care and rewards excessive care. I look forward to working with my colleagues in the 110th Congress in a bipartisan manner to improve our Medicare physician payment system and further advance the remaining components of H–CARE in order to improve access to quality, affordable health care in North Dakota and rural America.

This bill also contains important provisions for our growing renewable energy industry. Included in H.R. 6111, the Tax Relief and Health Care Act of 2006, are an extension and expansion of the Clean Renewable Energy Bond program, a 1-year extension of the Wind Production Tax Credit and over a year extension of the ethanol tariff that protects American ethanol producers from subsidized foreign ethanol.

Through this continued investment in renewable energy we not only build a sustainable industry for our State but we are helping make America more energy independent and more secure.

Clean Renewable Energy Bonds, which I helped develop as part of the 2005 Energy Bill, can now be offered for an additional year and have been authorized to release an additional $400 million of clean energy bonds. In North Dakota we have already seen the effects that Clean Renewable Energy Bonds can have. The city of Fargo will be using Clean Renewable Energy Bonds to finance a wind tower and a methane gas facility that will be used to reduce the city's energy costs. Great River Energy will also be using these energy bonds to finance the construction of a coal drying facility which will not only increase the efficiency of North Dakota lignite coal but also reduce emissions.

Clean Renewable Energy Bonds work by allowing a Federal tax credit to holders of bonds issued by public utilities and cooperatives to finance clean energy projects. Not-for-profit utilities can sell clean energy bonds to stakeholders, but instead of the utility or cooperative paying out interest to the bondholder, the Federal Government would give the bondholder a tax credit. These bonds provide what amounts to interest free loans for co-ops and public power systems to finance renewable energy projects.

This bill also extends the wind production tax credit to 2009. In 2015, wind energy generation is expected to reach 63 gigawatts with the tax credit in place compared to an estimated 9.3 gigawatts without. This represents a 650 percent increase in wind generation.

However, without stabilizing the tax credit, companies like DMI Industries in West Fargo and LM Glassfiber in Grand Forks are in constant limbo. DMI manufactures wind turbine towers and had furloughed over 100 employees in late 2003 after the expiration of the wind production tax credit. LM Glassfiber, which manufactures wind turbine blades, had previously idled all production due to the delay in extending the wind tax credit and was forced to furlough 60 to 70 employees.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

□ 1400

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for all of his leadership, and I congratulate the dean of our delegation, CHARLIE RANGEL, for working hard on this bill and restructuring of the bond issue for New York City, among other issues.

Why I am rising today, however, is the audit report that came out 2 days ago of the Department of the Interior. It was a scathing indictment of mismanagement and cronyism. In my years on the Committee on Government Reform, it is the worst report I have seen and it documents billions of dollars that are owed to the American people for oil and gas extracted from federally owned land, land owned by the American people. These revenues are not coming into the Treasury, but into the pockets of the oil industry.

I rise in support of the Markey-Hinchey amendment, which includes, among other things, a renegotiation of these leases to pay a fair price to the American public and to our country. It is long overdue. We should not tolerate this type of mismanagement. It showed that the number of audits have gone down, the number of auditors have come down. They have a paper compliance review board that has oversight which amounts to pushing paper around. It is not a watchdog, but a lap dog, for private industry as opposed to documentation of what is fairly owned to the American people and to our government.

Correcting this will literally bring 10 to $30 billion into the Treasury of the United States. It is the fair thing to do. It is the right thing to do. We should all follow and read this important report and vote to renegotiate the rip-off leases and have them pay a fair deal for what they are reaping for their own pockets.

Our constituents are paying record prices at the pump and for heating oil; yet the oil companies are not paying their fair due for their leases on American federally owned property. This is an important amendment, and I urge my colleagues to support it.

Mr. THOMAS. Mr. Speaker, I yield myself 5 seconds.

Mr. Speaker, this is the third Member on the other side of the aisle who spoke passionately about an amendment that apparently they have had time to write, circulate and read. We have not been presented with that amendment. Obviously, with some fervor, I indicated that I didn't think that probably was the fair thing to do. They now know how the majority feels, having given them the right to offer an amendment. My assumption is that continued refusal to provide us with a copy of the amendment is willful.

Mr. RANGEL. You may not have received the amendment, but you have received the best wishes from the Democrats on your 65th birthday, and we wish you well.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. THOMAS. That was 2 days ago. What are you doing for me lately?

Mr. RANGEL. We are saying goodbye.

Mr. Speaker, I would like to yield 2 minutes to an outstanding Member who has served this Congress and served the Ways and Means Committee with distinction. And as he goes to raise the level of intellect in the other body, I yield to him on this bill.

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL not just for yielding me this time, but for your friendship. I have enjoyed my years on the Ways and Means Committee. Mr. THOMAS, I wish you only the best. It has been an incredible experience to serve on the Ways and Means Committee.

It is interesting that the last bill that we will be considering, maybe not the last because we will have a trade bill later, but this bill causes me some trouble because of the manner in which provisions have been brought together. It seems to me that we should have had an opportunity to vote on many of these provisions separately.

Several provisions that have been incorporated in this bill I have voted against, and I would like an opportunity to do that again.

I am troubled because there are some very important provisions included in this legislation. As you know, we let expire many important tax provisions in the beginning of this year, and this bill will reinstate those provisions effective for 2006 and 2007.

I am particularly pleased that the research and development credit is extended and improved for 2007. I worked with Mr. WELLER from the other side of the aisle so we could make the research and development credit more available for businesses today. I am glad that is included.

I am glad that we have extended the deduction for higher education expenses. We need to bring down the cost for higher education for families in this country.

On the environmental front, I am very pleased we have extended the provisions for electricity-using renewable sources. That is certainly in our interest as a Nation on energy independence.

I am also pleased that on the Medicare side we have found a way to provide relief for physicians update for this year. I hope that we will be able in the next Congress to do that on a permanent basis, and I am pleased also that we have been able to extend therapy cap provisions so that the harsh impact will not be felt by Medicare beneficiaries.

Mr. Speaker, there are many provisions in this bill that are extremely important for us to enact before we adjourn sine die. I am pleased that the provisions that have come under the jurisdiction of the Ways and Means Committee are provisions that I think are important to be enacted, and I hope we will find a way to ensure that they are enacted before we adjourn sine die.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), an outstanding member of the committee.

Mr. BECERRA. Mr. Speaker, here we are on December 8 talking about legislation that we had discussed in prior months this year before this Congress was set to adjourn officially on September 30. We find today a circumstance where we have some very good provisions that are lumped together in this legislation.

We have provisions in this bill that would promote the cleanup of brownfields. Those are contaminated sites throughout this country that are lying empty because they are too contaminated to use and too expensive to clean up. We are going to promote the cleanup of those brownfields.

We are going to provide a better way to have environmental settlements occur so we have funds in place that will then be used to help pay for cleanup of environmental degradation.

We have the very important research and development tax credit which so much of American business needs to know about so they can make sound investments into the future about what to devote their next 10–20 years' worth of money into in terms of research and development.

We have the welfare-to-work tax credit to get folks on welfare back to work.

We have the extension of the American Jobs Creation Act for Puerto Rico manufacturing; but we have a lot of other things as well that don't belong here.

It is one of those circumstances where you are looking at a great baby that just took a bath and you are wondering how you can get rid of the bath water without getting rid of the baby. Unfortunately, it is a circumstance where many Members are probably going to wait until the time of the vote to decide if it is worth throwing away the bath water and not jeopardizing the baby.

I must say, it is good to know we are at December 8 with a vote having taken place in November, with the American public having told us enough is enough, we want a new direction and a new way of doing things. I hope come 2007 this Congress will behave itself in a way that makes the American people proud of what it has so we don't have circumstances where a lot of Members say there is some great stuff here, and a lot of bad stuff, too. At the end of the day, this will be a vote that no one will be too proud of, but hopefully will move us forward.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in reluctant opposition to this package of bills the Republican leadership has brought to the floor.

Included are many provisions that are worthy of support of this House. The bill extends important energy-efficiency tax credits, provisions so important to American families and businesses, which should be extended.

The bill also prevents what would have amounted to a 5.1 percent cut in Medicare physician reimbursements. That cut would be devastating, hindering physicians' ability to treat their patients.

But I must vote against this package because it includes the so-called Gulf of Mexico Energy Security Act. That act makes this bill fiscally irresponsible. According to estimates, the bill will drain $170 billion from the Federal Treasury over the next 60 years, creating a new entitlement immediately, giving away huge amounts of revenue from offshore drilling, mostly to only four Gulf Coast States. It is a great deal for those four States, and I understand why they would support it; but what I don't understand is why any colleagues from the other 46 States would agree to it.

The offshore waters of the gulf coast belong to all Americans, as do the Pacific and Atlanta Oceans, the Great Lakes, and public lands. This country has record deficits as far as the eye can see, and it is simply irresponsible to add billions more in new debt through legislation like this.

Mr. Speaker, in the new Democratically controlled Congress, we can and we should craft a sensible new energy policy, one that helps Louisiana and other States rebuild wetlands and restore their coasts, and one that makes America less dependent on fossil fuels. And one that doesn't bust the budget.

Sadly, this bill falls woefully short.

Mr. Speaker, I rise in reluctant opposition to this package of bills the Republican leadership has brought to the floor this evening.

This bill includes many provisions that are worthy of the House's support.

For example, the bill extends the Research and Development tax credit and important energy efficiency tax credits. These tax provisions are important to American families and businesses and should be extended.

The bill also prevents what would have amounted to a 5.1 percent cut in Medicare physician reimbursements. This cut would be devastating, hindering physicians' ability to treat their patients. And it would make it even harder for Medicare beneficiaries to have the best possible access to quality health care.

I have long been vocal in my support for reforming the flawed physician fee structure so I am pleased that this provision will become law. But it is a pity that the Republican leadership has waited until the last minute to enact this provision.

Mr. Speaker, I have faith that the incoming Democratic Majority will move quickly to address this and other Medicare payment problems, like the geographic practice cost index problem plaguing my district, in the 110th Congress next year. I know that I will be working hard to see these issues addressed.

We simply must revamp the Medicare physician payment structure to ensure our doctors are being paid appropriately and that our patients can be assured of readily available quality health care.

But Mr. Speaker, I must vote against this package because it includes S. 3711, the so-called Gulf of Mexico Energy Security Act.

There are several reasons that I oppose S. 3711.

First, it's bad energy policy. Our first steps in crafting a new energy policy should be to reduce demand and develop new alternative and renewable energy sources. We missed that opportunity in last year's misguided energy bill and sadly, this bill continues that mistake.

Second, this bill is fiscally irresponsible. According to estimates, the bill will drain $170 billion from the Federal treasury over the next 60 years. It creates a new entitlement immediately giving away huge amounts of revenue from offshore drilling, mostly to only four Gulf Coast States.

This is a great deal for these four States and I certainly understand why they support it. What I don't understand is why my colleagues from the other 46 States would agree to it. The offshore waters of the gulf coast belong to all Americans, as do the Pacific and Atlantic Oceans, the Great Lakes and other public lands.

Mr. Speaker, we have record deficits as far as the eye can see and it is simply irresponsible to add billions more in new debt through legislation like this.

Finally, this bill will damage our environment. It will bring the 25-year-old bipartisan moratorium against new drilling off America's coasts one step closer to an end. It threatens our coastal economies with the risk of pollution and oil spills.

Mr. Speaker, in the new Democratically controlled Congress we can—and should—craft a sensible new energy policy. One that helps Louisiana and other States rebuild wetlands and restore their coasts. One that makes America less dependent on dirty fossil fuels. And one that doesn't bust the budget.

Sadly this bill falls woefully short.

And that's why I urge my colleagues to support the Markey-Boehlert motion to recommit.

This motion would prevent the Interior Department from awarding leases to companies that are currently drilling in American waters without paying royalties. We need to bring the oil companies back to the negotiating table to close the royalty relief loophole.

And, Mr. Speaker, as one of the last acts of this Congress we need to pass a clean bill that extends these critical tax credits and fixes the flawed physician fee formula once and for all.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend from Massachusetts for providing the majority with the amendment.

Frankly, I was rather baffled why my friend from New York would yield half their time to the gentleman from Massachusetts since he has time under his own amendment. Having now seen the amendment, I find it interesting that it is an 11-page amendment, a portion of a page is on research credits, a portion of a page is on the alternative minimum tax. The Outer Continental Shelf portion of the 11-page bill, which has been the sole focus of my friends on the other side of the aisle, is six lines. Not six pages, six lines.

What in the world is in the rest of the 11-page bill: Eight pages address putting back into this, over the objections of the Democratic leader on the Senate side, the New York railroad bond provision. I now understand why Mr. MARKEY got his 15 minutes.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Health Subcommittee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this legislation because it adopts a number of extremely important tax provisions, expensing of brownfields remediation costs, mental health parity benefits, deduction of higher education expenses, the work opportunity tax credits, incentives for renewable and alternative sources of energy, and the R&D tax credit with its new forward-looking option; but it also helps to ensure that our senior citizens will be able to choose the physician of their choice by preventing the scheduled 5 percent cut in physician Medicare reimbursements.

In addition, it extends the 508 hospital payments and requires a study of how to reform the wage index system, laying the foundation for needed reform in that area.

The Medicare home demonstration project it adopts will reward small physician offices for managing patients with chronic or severe illness more holistically, both to reduce the cost of medical care and to improve the quality of the care those seniors receive.

But while I support this bill, I believe the 1-year doctor payment policy it adopts is deeply flawed and urge my colleagues to develop a more thoughtful and fair approach to reflecting the quality of physician performance in our Medicare payment system.

First, in any pay-for-performance system, clinical criteria for quality must emanate from the physician community. Bureaucrats must never be allowed to dictate medical practice.

Second, any pay-for-performance system must not penalize doctors who care for difficult, noncomplying patients, or patients for whom criteria has not been established.

Consequently, all doctors should receive some increase to recognize the increased cost of delivering care to our seniors, increased cost of malpractice insurance, health benefits for their employees and so on. And above that, a fair, balanced pay-for-performance system must be adopted.

I urge support of the bill.

□ 1415

Mr. RANGEL. Mr. Speaker, I would like to yield 1½ minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, I thank the gentleman from New York for yielding.

I appreciate the fact that today is a historic day for Louisiana. After 50 years of producing the energy for this country that power the plants, that power the cars, that provide the heating oil and the natural gas, we finally are going to come to a point in Louisiana where we are going to get something in return for the efforts that we have put forth. And during those 50 years, our wetlands have been damaged. Our estuaries are eroding.

The Nation, I hope, will understand after these storms, and it is regretful that we had to have these storms in order to get the attention, but the marshlands, the wetlands, the estuaries of South Louisiana, the State in its wisdom has made a constitutional amendment to dedicate the funds that come from the revenues, and this will be new revenues, this will not be money coming out of the budget of the country, and it will be dedicated to rebuilding America's wetlands. It is America's wetlands because it provides for America energy and seafood, approximately 30 percent of each to the men, women, and children of this country.

I encourage everyone to please vote for this bill. Some have said it is too much money, but long ago the Louisiana delegation for decades has been asking for help and have been like the tree falling in the woods, unheard. Now is the opportunity to not only do something for energy production for this country but to do something for America's wetlands, and I urge your support and vote.

Mr. THOMAS. Mr. Speaker, will the gentleman yield on my time?

Mr. MELANCON. Yes.

Mr. THOMAS. Mr. Speaker, I thank the gentleman because I do appreciate the remarks that he just made. And we probably had not planned on highlighting it, but as the gentleman from Louisiana well knows, another portion of the changes that we are making in this package is to take what was known as the Katrina GO Zone, a benefit, and, after the time has passed, focus the money on those counties that still remain devastated by a high percentage of destruction. Rather than simply having money go where it may not be necessary, a portion of this bill focuses the money where it is absolutely necessary. And as the gentleman from Louisiana well knows, there are still major areas of his State and other States that can easily be defined as devastated.

Mr. MELANCON. Thank you, sir.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Massachusetts for the time.

The special interest Republican Congress is at it again. Republican leaders are packaging three different bills together in one in order to force Members of Congress to pass controversial legislation together with popular legislation. And once again they have brought this complicated legislation to the House floor without providing an opportunity for meaningful debate and without allowing Members to review the text of the bill in advance.

Before the election they packaged tax credit extensions and an increase in the minimum wage together with an estate tax cut that benefits some of the richest people in the country. Now they are packaging tax credit extensions and an adjustment in Medicare payments to physicians together with a special interest giveaway to their friends in the oil industry. This special interest bill opens up 8 million acres of Florida gulf coast waters to offshore oil drilling.

The American people are sick and tired of these deceptive procedures. That is why we won the election.

Perhaps my friends on the opposite side of the aisle just want to provide one more favor to the oil industry before they lose control of Congress next month.

Mr. THOMAS. Mr. Speaker, it is my pleasure now to yield 2 minutes to a valued member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. First let me thank you, Chairman THOMAS, for your years of hard work to provide real tax relief for families.

Mr. Speaker, I know in Texas, in our region, our community, your leadership on restoring the State and local sales tax deduction, that saves our Texas families $1 billion a year that we do not have to send to Washington, that can stay in their pocketbooks, stay in our communities, creates jobs in our State. And I know that on behalf of seven States to whom that deduction is so important, you have saved us from a $5.5 billion tax increase, and we are grateful.

In Washington we spend too much time debating what bills mean to each other and not enough about what bills mean to real families. Being able to deduct that sales tax is a real help for families, especially those who are starting out in life. Sales taxes add up so quickly.

This bill helps families struggling to afford tuition for their college students. It helps teachers who have to go into their own pocketbook to pay for classroom supplies each year. I do not think they ought to ever have to do that, but when they do, at least let them write those expenses off.

It helps American companies who are trying to compete against the rest of world afford the type of research it takes to keep jobs here in America. This allows people who are trying to get their first job off of welfare a chance to get some job openings they might not otherwise help. It allows seniors, like my mom, to see a doctor whom she knows and a doctor who knows her, because it does an important fix on the Medicare.

And for States like Texas, with this new bill, we will get some revenues from leases off our shores that will help us rebuild our coastal wetlands and preserve our shores.

This is a classic piece of legislation that helps so many people in America.

And while you can talk a good game about tax relief for middle-class families, it is another thing to actually vote for it. I am proud to vote for this bill. This is going to help a lot of families.

I encourage your support.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, at this time I will place a letter in the RECORD which is a clarification sought by the gentleman from Georgia (Mr. PRICE) to me.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 8, 2006.
Representative J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We would like to clarify the intent of certain provisions in Tax Relief and Health Care Act of 2006, H.R. 6111.

The first clarification addresses Section 1848(k)(2) of the Social Security Act as proposed to be added by Section 101(b) of H.R. 6111. The language presents the issue of 'consensus-based quality measures' and any 'consensus organization'. The intent of this language is to ensure that physician groups (such as the Physician Consortium for Performance Improvement) are actively involved in defining the quality measures and determining the quality data to be reported under the program.

The second clarification is in regards to the bonus payments for physicians who volunteer to report on quality measures starting in July of 2007 as proposed in Section 101(c) of H.R. 6111. The intent of the bill is to ensure that the 1.5 percent bonus money to be paid to physicians who participate in the voluntary reporting program are paid on all Medicare claims submitted [during the reporting period] by those participating providers, with the recognition of monetary caps.

We appreciate your leadership and dedication to this piece of legislation and to the House of Representatives.

Yours Truly,

BILL THOMAS,
Member of Congress.
TOM PRICE,
Member of Congress.

Mr. Speaker, it is now my pleasure to yield 2½ minutes to a member of the committee who will no longer be a member of the committee but who had, in the time that she was with us, made enormous contributions, the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman not only for yielding but especially for his 6 years of incredible service as chairman and his other years of service on the Ways and Means Committee. I have not in my 16 years as a legislator seen anybody who is so capable of developing great policy which certainly has produced an incredible return for this country.

Following with that, this legislation carries a number of important tax provisions and extensions of some of those great policies that have really helped the economy to grow in this country. With today's announcement of an additional 132,000 new jobs created this month, this adds to the 5.7 million jobs that our pro-growth tax policies have created since the year 2003.

These provisions are also important to the economy in my home area, especially in western Pennsylvania, where we have seen our unemployment rate drop to about 5 percent over the last 3 years from upwards of 7-plus percent.

Part of what is continuing to help development and job growth in my area are some of the incentives to redevelop brownfields; brownfields, those abandoned industrial sites that are very difficult to find the capital to clean up.

We are extending the incentive to clean up brownfields. This is so hugely important to an area like mine where there are so many industrial sites that need to be redeveloped but also the expansion of that credit to areas that have some petroleum contamination, which will also help us clean up the smaller sites such as old abandoned gas stations. Extremely important to the communities I represent.

Also the green building incentives. These tax credits for the construction repairs for energy-efficient homes and commercial buildings are extremely important. My home area is home to development of such products. My area is home to a significant amount of design of green buildings and also development of such buildings. We have had a great spurt in that growth and are headquarters to the Green Building Alliance. That is certainly going to help our region.

But, finally, the issue of health care and health coverage is one that we have great strides in the last few years to improve for Americans. The other side can say what they want about HSAs, and I hear a lot of silliness in the characterization of HSAs from the other side of the aisle. There are more than 3.2 million enrollees in these health savings accounts, an alternative health coverage in this country. More than 30 percent of those individuals were previously uninsured. And I am going to restate that. More than 30 percent of people who put HSAs were previously uninsured. This alternative health coverage has provided so many opportunities for families who find it difficult to afford traditional health coverage. The changes that we include in this legislation will provide even more opportunity for more families to have very good flexible health coverage.

I urge my colleagues to support these changes. They are vitally important.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, at this time the Chair would recognize the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for 2 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I certainly want to thank Chairman THOMAS. He has been a great chairman and has worked with everybody on both sides of the aisle and is sorely going to be missed. I know he doesn't like people to say nice things about him because he does not want to be known as a nice guy, but he truly is.

Florida, like other States, does not have an income tax, and only recently have the residents again been able to deduct the sales taxes from their Federal income tax. That is called parity. It is parity with other States. This deduction was about to expire at the end of 2005.

In recent months I and many others from States that only have a sales tax have heard from many constituents who are concerned about whether or not they will be able to claim this deduction as they begin their taxes, due April 15. Thankfully this legislation before us today will extend this critical provision.

I know throughout the last several months I have probably been the biggest nag to Mr. THOMAS about this issue. I know all of my colleagues from States that only have sales tax also have been making their views known that this does need to be continued.

I certainly want to stress that it is common sense, and, again, it is just parity. And we do need this very much-needed tax benefit and it is good that we are able to deliver it just before the holidays.

I want to thank the chairman.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, our Nation is faced with an unprecedented challenge in global warming. Saving the planet will undoubtedly require us to drastically curtail our use of fossil fuels. The CDC recently said, "Climate change is perhaps the largest looming public health challenge we face."

There are solutions available now, like conservation; efficiency; development of alternative energy, wind, solar, geothermal, green hydrogen. Congress is going to need to facilitate the transition to clean energy in the future.

Instead, the response of this Congress is to open up 6 million acres of protected area in the Gulf of Mexico to drilling for oil and gas. In other words, with this bill the response is more of the same of yesterday's destructive energy portfolio.

Wake up, Congress. Step into the 21st century of sustainable energy. Save our natural resources. Protect our environment. Save our planet. Or we are going to have more toxic air pollution, more fouling of the waters of the United States on which entire industries like fishing and tourism depend; and more global warming, more monopoly control of our energy by oil companies, more price gouging by oil companies, more record profits to the oil companies. In fact, this bill deprives the Federal treasury of $170 billion, further deepening our deficit. The government is subsidizing the oil companies, who are gouging the public, taking huge profits, while exploiting natural resources which belong to the people.

□ 1430

Then the oil companies refuse to pay to the government the royalties, which is why the Markey amendment is so important. You have to look at what this bill is going to do in permitting the opening up of six million acres for drilling of oil and gas. It, in effect, creates a transfer of wealth from the people of the United States to the oil companies, a transfer of wealth in terms of destruction of the environment. We are subsidizing the oil company's destruction of the environment. A transfer of wealth in terms of diminishing the health of the people of the United States. With all the environmental pollution that causes people's help to be degraded, well, guess what? That is a subsidy that they pay to the oil companies, and the oil companies make a profit on that.

We are ruining our planet. We are ruining our Nation because of corporate control of our energy resources. It is time to stop this bill, which is called the Gulf of Mexico Energy Security Act, folded into a larger bill. We need to stand up for clean energy. We need to stand up for the future of America and stand up for our planet.

Mr. THOMAS. Mr. Speaker, the Chair appreciates the vigor of the gentleman from Ohio on 6 lines out of an 11-page amendment.

The Chair now recognizes the gentleman from Pennsylvania (Mr. PETERSON) for 1½ minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for his leadership and knowledge that he has brought to this committee. It will be missed.

The most important part of this bill was just discussed, the energy portion of this bill. This starts, for the first time, opening up some energy for America.

It is interesting, Mr. MARKEY has talked about $170 billion thievery of our resources; 12.5 percent, or $55 million will go into the land and water conservation fund, if we produce it; and $225 billion will go into the treasury, if we produce the energy.

America, for the last 5 years, has had the highest energy prices in the world. And our homeowners are paying more to heat their homes than Canada, South America, Europe.

Our small businesses are paying the highest energy prices in the world, and our corporations are leaving this country. Petrochemical is moving. The best jobs we have left. Why? They use huge amounts of energy.

Fertilizer. Fifty percent of the fertilizer industry has left in the last 2 years, and our farmers will be buying Russian fertilizer to grow corn to make ethanol. Does that make sense?

Energy is the linchpin of the future of America's economy and the working people of this country having jobs. And the reason oil companies make excessive profits, when you shorten the supply of energy, the price goes up. And Congress is the reason we don't have adequate energy in this country. And many that we have heard today are the main speakers. And when you shorten the supply, the price goes up. And the oil companies who already own the inventories all over the world, the cheapest place to produce energy is in other countries, but when you produce it here, you create wealth in America for Americans and make it affordable for businesses to stay here and grow.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I only have one speaker remaining.

Mr. THOMAS. Mr. Speaker, would you indicate the time remaining for each manager?

The SPEAKER pro tempore (Mr. FORBES). The gentleman from California has 3½ minutes. The gentleman from New York has 3 minutes, and the gentleman from Massachusetts has 2 minutes.

Mr. THOMAS. And would the Speaker indicate who has the right to close?

The SPEAKER pro tempore. The gentleman from California has the right to close.

Mr. THOMAS. Mr. Speaker, the chairman reserves the time.

Mr. RANGEL. I would just ask the chairman whether he is going to be the last speaker, then I can just use whatever time I have.

Mr. THOMAS. I would tell the gentleman that I have the chairman of the Energy and Commerce Committee and the chairman of the Ways and Means Committee.

Mr. RANGEL. Well, I reserve. I would just like to be able to close on my side.

Mr. THOMAS. Is the gentleman indicating that the gentleman from New York is the last speaker under his time control?

Mr. RANGEL. Yes.

Mr. THOMAS. I thank the gentleman.

Does the gentleman from Massachusetts indicate that he is the last speaker under his time? I thank the gentleman.

The Chair now recognizes the gentleman from Texas, the chairman of the Energy and Commerce Committee, Mr. BARTON, for 2 minutes.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Ways and Means Committee, and I thank my distinguished friends on the other side of the aisle for their strong leadership on these issues in this debate.

Mr. Speaker, I rise in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I want to especially thank full committee Chairman THOMAS, Subcommittee Chairman NANCY JOHNSON of the Ways and Means Subcommittee, and Subcommittee Chairman NATHAN DEAL of my Health Committee for their leadership on this legislation. It has been an honor to work with all of these folks over the years on the issues, and I am glad that we have some resolution that will help in the years to come.

The legislation before us would ensure continued beneficiary access to quality health issues. This legislation provides significant relief for payment cuts that would have gone into effect for physician services for 2007, and does promote appropriate quality care.

The Energy and Commerce Committee has held a number of hearings to examine how we pay physicians, what we need to think about when we talk about how to pay physicians tomorrow, and how we protect the taxpayer from being billed for unnecessary services. We have heard about flaws in the current physician payment system, and I think it needs to be structurally reformed. Unfortunately, the bill before us does not. We do not have the depth and scope to do that. But we at least hold our physicians harmless in terms of expected cuts that they would have taken otherwise. Hopefully, in the next Congress we can work a bipartisan basis to come up with a permanent solution to some of these physician payment issues.

It is important to fix the problems with physician payment once and for all. The legislation before us today does provide a stabilizing period for physicians. It fills the hole in payments for next year, provides a bonus for those physicians that would report data on quality measures. That is an important first step, in my opinion. It also helps ensure beneficiary access to quality health care.

I rise today in support of this bill. I hope that the House will pass it and send it to the Senate and that the Senate will also pass it.

Again, I want to thank Chairman THOMAS for his leadership. It will be a different Congress in the next Congress without him here in person, but he will always be with us in spirit, and I really, really support the many things that he has done to improve America during his tenure as chairman of the Ways and Means Committee.

Mr. BARTON of Texas. Mr. Speaker, I rise today in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I want to thank Chairmen THOMAS, JOHNSON, and DEAL for their leadership on this legislation. I want to specifically thank Chairmen THOMAS and JOHNSON for their leadership over the years on health care issues, particularly the issue of physician payment. It has been an honor to work with you on these issues.

This legislation will help ensure continued beneficiary access to quality health care. This legislation provides significant relief for payment cuts for physician services for 2007 and promotes appropriate, quality care. This year the Energy and Commerce Committee held a number of hearings to closely examine how we pay physicians, what we need to think about when we talk about how to pay physicians tomorrow, and how we protect the taxpayer from being billed for unnecessary services. We heard about the flaws in the current physician payment system that may contribute to overuse of physician services. We heard about the promise of a system that more fairly pays physicians for the necessary services they provide—those that reflect the best quality and efficient care that a physician can provide for any particular patient.

It is important to fix the problems with physician payment once and for all. I believe the legislation today provides an important stabilizing period for physicians. It fills the hole in payments for next year and provides a bonus for those physicians that report data on quality measures. It helps ensure beneficiary access to quality health care. It helps physicians work with us to develop a better payment system, one that provides the right incentives for care rather than the wrong incentives for overuse, and one that recognizes that there are savings accrued when chronic care is managed effectively.

I rise today in support of this bill. In addition to providing help in stabilizing physician payment, this bill extends many important payment provisions that affect access to health care, particularly in rural areas, such as therapy and dialysis services. I urge my colleagues to vote for this bill.

Mr. RANGEL. Mr. Speaker, as we close this debate, I agree it will be a different Congress, and I will sincerely miss the spirited debate from the distinguished gentleman from California who has served the committee and served the Congress and served this country so well. And I am just bothered that he is disturbed about the lateness of the amendment which comes to the floor, but, of course, you cannot amend anything until you get it, and this just came to the floor this morning.

Many of the issues and extenders in this bill are long overdue, and I certainly encourage people to support the bill. But the bill would be strengthened if indeed it excluded the provision that has been debated and will come up in the amendment as relates to the gulf opportunity zone property.

In addition to that, most of us would agree that if there is one provision in the Tax Code, a burden that Republicans, conservatives, Democrats, Republicans, can agree to that should be removed is the alternative minimum tax. Nobody ever intended for these 23 million people to be shoved into a tax bracket that they didn't deserve. And since it is not included in the extenders, for reasons which I don't know, it would seem to me that people would have an opportunity, in this amendment offered by the distinguished gentleman from Massachusetts, to do that and, at the same time, strip from the provision the offending provisions as relates to the Gulf States.

And lastly, those of you that were kind enough to support the city and State of New York during the trying 9/11 experience would know that at one time we had passed a provision that would allow us, under the New York liberty bond provisions, to provide a tax credit for the transportation infrastructure. I want to thank the chairman for trying so hard to see that that provision would be included in this bill. But, because of reasons and problems that we have had on the other side, that provision is omitted. However, it will be included in the amendment, and I am convinced that the base bill, coupled with the amendment, would be a better piece of legislation.

I know we have other issues on the floor, and this is not the time to say farewell to the chairman, but as it relates to at least this part of our debate, Mr. Speaker, I will yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

The amendment which we are about to consider does not prohibit drilling in any of this new land. The amendment we are about to debate does not prohibit drilling in any of the new land which is authorized to be drilled in. What the amendment says is this: is that the oil and gas companies that received leases over the last 10 years where they pay no royalties whatsoever, and that has been determined, as a result, deprived the American taxpayer of between 20 and $60 billion worth of royalties, which they are entitled to as taxpayers, will be renegotiated by the oil companies that want to drill in this new land in the Gulf of Mexico. That is all it does. So anyone who is listening to this, this amendment will not prohibit drilling here. All it says is that where these massive, tens of billions of dollars of windfall profits are falling into the pockets of oil and gas companies under these oil leases, that these oil and gas companies do not have the privilege of coming into these new leases. However, any other oil company, any other gas company, they can go right into this Gulf of Mexico area and drill.

So for Mr. PETERSON, or anyone else, it has nothing to do with it. The question for you, Mr. PETERSON, the question for the other Members is: Do you want to recollect these other royalties? Or if the price of oil goes to 30, 40, 50, 60, 70, $80 a barrel, do you want the oil and gas industry to pay any royalties at all? Because right now, they don't. So if you want all the revenues to go to them, nothing to go to the taxpayer, then, fine. Vote against the Markey amendment. But if you want to open up the lands in the gulf, let the oil industry come in, but to make sure that they pay on their old leases a fair share of the dues to live in this country, because it is a massive part of the revenues that we use to fund our defense, then you vote "yes" on the Markey amendment.

Mr. THOMAS. Mr. Speaker, I want to refocus our Members. We are not on the Markey amendment. The Markey amendment will be presented following the conclusion of the discussion on the underlying bill.

Mr. Speaker, the Nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. This technical explanation expresses the committee's understanding and legislative intent behind this important legislation.

Mr. THOMAS. Mr. Speaker, the nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the bill. This technical explanation expresses the Committee's understanding and legislative intent behind this important legislation.

Mr. Speaker, in keeping with the spirit of H. Res. 1000, which the House passed this year to reform the legislative process, I note that the Joint Committee on Taxation has identified 2 provisions of H.R. 6408, introduced yesterday, as "earmarks" under the terms of that resolution. These provisions also appear in the amendment to H.R. 6111 which the House will consider today. A copy of the Joint Committee on Taxation's opinion letter is available for Members to review if they wish.

The identified provisions are Title I's Section 414. Modification of special arbitrage rule for certain funds made permanent, and Section 211 of Division C, Certain related persons and successors in interest relieved of liability if premiums prepaid. Section 414 was requested by Congressman KEVIN BRADY (R–TX). Section 211 is part of a comprehensive mining reform proposal requested by Senators RICK SANTORUM (R–PA) and MAX BAUCUS (D–MT).

H.R. 6408's Division B—Medicare and Other Health Provisions, contains an earmark. Section 111, Clarification of hospice satellite designation, was requested by Senator REID (D–NV). The amendment also contains this provision.

In addition, Division C, Title I, Gulf of Mexico Energy Security requested by Congressman BOBBY JINDAL (R–LA) and Title III, White Pine County Conservation, Recreation and Development requested by Senator HARRY REID (D–NV) have been identified as containing probable earmarks.

DECEMBER 8, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: House Resolution 1000 provides that the staff of the Joint Committee on Taxation identify any tax earmark in a bill carrying a tax measure reported by the Ways and Means Committee or in a conference report to accompany a bill carrying a tax measure. You requested that we review the language of H.R. 6408, the "Tax Relief and Health Care Act of 2006" as introduced in the House of Representatives on December 7, 2006, and the House Amendment to the Senate amendment to H.R. 6111 ("An Act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending") scheduled for consideration by the House on December 8, 2006, to identify any provisions which would satisfy the tax earmark standard of House Resolution 1000, if applicable.

In response to your request, the staff of the Joint Committee on Taxation has identified two provisions in each piece of legislation that would qualify as tax earmarks under House Resolution 1000, were they included in a bill reported by the Ways and Means Committee or contained in a conference report. The two provisions, which are the same in both bills, are: (1) the provision to make permanent the modification of special arbitrage rules for the Texas Permanent University Fund (sec. 414 of Division A of each bill); and (2) the provision of the Surface Mining Control and Reclamation Act Amendments of 2006 allowing release of joint and several liability in the case of prepayment of liabilities to the Combined Benefit Fund, section 9711 individual employer plan, or 1992 UMWA benefit plan and modifying of the definition of successor in interest (sec. 211 of Division C of each bill).

Sincerely,

THOMAS A. BARTHOLD,
Acting Chief of Staff.

DECEMBER 8, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: In compliance with H. Res. 1000 as passed the House of Representatives on September 14, 2006, the Committee finds that the amendment to H.R. 6111 contains no earmarks within the jurisdiction of the Committee on Energy and Commerce.

Sincerely,

JOE BARTON,
Chairman.

DECEMBER 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, H 232 Capitol, Washington, DC.

DEAR MR. SPEAKER: I have just reviewed the proposed amendment to H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending. Division C unexpectedly contains several provisions within the jurisdiction of the Committee on Resources. I have been asked to review these extensive provisions (126 pages) under severe time limits to determine whether they contain any earmarks as defined under House Resolution 1000.

Without the opportunity to question the authors of these provisions, it is difficult to determine their effect on the public lands and resources of the United States. Especially troubling is the reference to maps in the context of land sales, exchanges and special use designations. Neither myself or any of my staff have seen these maps or reviewed the conditions of these transactions. Most importantly, none of these provisions have been reviewed by the Congressional Budget Office to determine the budgetary effect of their implementation. With these caveats, here is my assessment whether these provisions constitute earmarks under the House Resolution 1000.

DIVISION C—OTHER PROVISIONS

Title III—White Pine County Conservation, Recreation and Development. Many provisions of this Title appear to provide authority for a grant, contract or other expenditure with or to a non-federal entity, most specifically, White Pine County, Nevada; Washoe County, Nevada; the State of Nevada; the Ely Shoshone Tribe; the Eastern Nevada Landscape Coalition; the Great Basin Institute (whatever these are).

Because of the hundreds of thousands of acres of public lands involved in the land sales, wilderness designation and other transactions authorized by this title, and the lack of maps or other information, I cannot determine with specificity the fiscal impact of Title III. As a consequence, we have no way of determining whether this constitutes sound land management policy which we would support. In addition, because I was not involved in the writing of this provision, I do not know who the requestor was but this language has not been reported by the Committee on Energy and Natural Resources, the Committee on Resources or considered by the Senate or House.

I am extremely disappointed that the committee of jurisdiction was not consulted regarding the inclusion of these provisions. Their ill-advised inclusion undermines valuable natural resources, cheats taxpayers out of their investment in our public lands and benefits special interest groups on a completely unprecedented scale.

Sincerely,

RICHARD W: POMBO,
Chairman.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I want to thank my friend from New York for the kind comments that he made. I would like to reference his statement about the other side. For those of you who may not have understood what he meant, the other side is not the other side of Jordan. It is the other side of the Capitol. Oftentimes in dealing with the other side of the Capitol, it feels like you have crossed over the other side of Jordan in trying to make sure various things happen.

There are a number of items, and I guess at some point, your entire presentation oftentimes in dealing with Congress was woulda, coulda, shoulda. And that is fine to debate woulda, coulda, shoulda, which is basically process.

We have reached a point where, through great difficulty, the House and Senate have agreed on a number of important measures to extend benefits and to at least keep open the opportunity to do additional items.

□ 1445

We happened to reach agreement at the very end of the session. The point I want to underscore is, we have reached agreement. The question will be on whether we decide to support that agreement or not support the agreement. I do appreciate all the time consumed in complaining about how we got there.

I have counseled my friends on this side that when they become the minority, I will provide them with all the yellow pages and the copies of the other side while they have been in the minority about the "woulda coulda shoulda." Right now, it is about substance, it is about doing something, and we will have the vote on this measure following the debate on the Markey amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). All time for debate has expired.

Pursuant to House Resolution 1099, the previous question is ordered.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Amend the House amendment by striking section 123 of title I of division A and inserting the following:

SEC. 123. SPECIAL RULE FOR ELECTIONS UNDER EXPIRED PROVISIONS.

(a) RESEARCH CREDIT ELECTIONS.—In the case of any taxable year ending after December 31, 2005, and before the date of the enactment of this Act, any election under section 41(c)(4) or section 280C(c)(3)(C) of the Internal Revenue Code of 1986 shall be treated as having been timely made for such taxable year if such election is made not later than the later of April 15, 2007, or such time as the Secretary of the Treasury, or his designee, may specify. Such election shall be made in the manner prescribed by such Secretary or designee.

(b) OTHER ELECTIONS.—Except as otherwise provided by such Secretary or designee, a rule similar to the rule of subsection (a) shall apply with respect to elections under any other expired provision of the Internal Revenue Code of 1986 the applicability of which is extended by reason of the amendments made by this title.

SEC. 124. EXTEND ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT FOR 2007.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) are each amended by inserting "or 2007" after "2006".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008, but once in effect shall apply to taxable years beginning after December 31, 2006.

SEC. 125. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $1,750,000,000.

"(C) ANNUAL LIMIT.—

"(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(I) the applicable limit, plus

"(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year is—

"(I) in the case of calendar years 2007 through 2016, $100,000,000,

"(II) in the case of calendar year 2017 or 2018, $200,000,000,

"(III) in the case of calendar year 2019, $150,000,000,

"(IV) in the case of calendar year 2020 or 2021, $100,000,000, and

"(V) in the case of any calendar year after 2021, zero.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2026.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 15-year period beginning on January 1, 2007.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

"(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2026.".

(b) TERMINATION OF CERTAIN NEW YORK LIBERTY ZONE BENEFITS.—

(1) SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking "the termination date" and inserting "the date of the enactment of the Extension of Tax Relief Act of 2006 or the termination date if pursuant to a binding contract in effect on such enactment date".

(2) LEASEHOLD.—Section 1400K(c)(2)(B), as so redesignated, is amended by striking "before January 1, 2007" and inserting "on or before the date of the enactment of the Extension of Tax Relief Act of 2006 or before January 1, 2007, if pursuant to a binding contract in effect on such enactment date".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking "1400L" and inserting "1400K".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after September 30, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 126. LIMITATION ON AWARD OF LEASES TO HOLDERS OF CERTAIN EXISTING DEEP WATER LEASES.

No lease may be issued under title I of division C of this Act to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. THOMAS. Mr. Speaker, reserving the right to object, I believe perhaps we ought to proceed in the reading of the amendment.

The SPEAKER pro tempore. The Clerk will read.

The Clerk continued to read the amendment.

Mr. THOMAS (during the reading). Mr. Speaker, I believe the point has been made that the amendment goes on for another 9 pages like that and doesn't reach the OCS point.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to dispensing with the reading?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 1099, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, the Markey amendment does nothing about drilling in the new areas that are opened up in this bill. What the amendment says is that on all of those leases in the 1990s that had no royalty payments required at all, that finally if these oil and gas companies want to move into this new oil and gas gold rush in the Gulf of Mexico, they have to renegotiate those old contracts, those windfall profits, that 20 to $60 billion that could be used for the defense of our country, to reduce the deficit or for any other purposes.

This is a very simple amendment, and what it does is it mirrors what we voted on in May of this year when 252 Members of the House voted to force these oil and gas companies to finally play their role in contributing to the balancing of the budget. Otherwise, the oil companies are going to continue to just tip the American taxpayer upside down.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman cannot reserve his time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I just want to share with the chairman that I recognize his concern that he got the amendment too late. I am surprised that he is opposing it, because I know that the content of the amendment, even though the procedure may not have been exactly as he would like, were things that he had previously supported. So it would seem to me that those of us who support the base bill, the amendment is only offered to improve upon that, even though it just excludes only one provision which is in this, which the gentleman from Massachusetts has spoken eloquently on, and I think even there the chairman would agree that it might be a better bill if that was excluded.

I do hope, as I am voting for the bill, that we might have a chance for those who are here and those who are listening to recognize that 23 million taxpayers are being held hostage by the alternative minimum tax. We have had ample opportunity to correct that, but coming from a Congress that most of us are against the tax increases, it just seems to me would be inconsistent with the past rhetoric, having the opportunity to remove this tax increase, which is certainly what it would be if we don't extend the relief from the alternative minimum tax for all of these people who never were intended to pay this tax.

So I think it would be a good time to show the bipartisanship in being for this substantial tax cut, or at least to prevent a tax increase, if we supported this amendment, at the same time to support the spirit of the reason in which this great Congress came to the assistance——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARKEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Two minutes remaining.

Mr. MARKEY. I apologize to the gentleman. I only have 1 minute to give to the gentleman from New York (Mr. HINCHEY) at this time.

I am now advised that the gentleman from New York (Mr. HINCHEY) wants to yield his minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I have completed. I yield back to the gentleman from Massachusetts.

I am just saying that we in New York thank you for the generosity that you have, and we just hope that it is not taken back by refusing to support this amendment, where we can receive the tax credit for our transportation.

Mr. MARKEY. Mr. Speaker, I yield myself the remainder of the time and that is again to make the point that this amendment is central to the reclaiming of the $60 billion which the oil and gas industry has escaped in paying for drilling on the public lands of the United States. This is like Teapot Dome in the 1920s. They don't pay royalties. They have escaped payment for the use of the oil and gas for the American people.

This isn't their oil and gas; it is ours. This amendment just says that if they want to drill in the Gulf of Mexico in this new land, they have got to renegotiate these old contracts where they don't pay any royalties at all. At $40, $50, $60, $70, $80 a barrel the American taxpayer is paying at the pump, they don't get any tax relief when they use American oil and gas from the American public lands.

Vote "aye" for the Markey-Hinchey amendment. It is the key to ensuring that this bill has a fiscally sound core at its heart.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. I do think it is important to note there are a number of items in the bill, not just the Outer Continental Shelf. As was indicated by the gentleman from Massachusetts and indicated by the gentleman from New York, there is an alternative minimum tax provision in this amendment. One of the things that the Democratic leadership has said, since prior to the election is, that if they were elected, if they were chosen, if they were going to be dealing with items that cost money, they were going to submit themselves to the so-called PAYGO rules. PAYGO rules are exactly what it sounds like: you pay as you go.

I find it ironic that there is this great pressure to move this amendment now before they do come into the majority, because the alternative minimum tax provisions of this amendment have no PAYGO requirement.

What, in fact, they have is spend without covering the costs, and so I understand the urgency to get this done right now so that they don't have to follow the commitment that they have made.

Boy, is that typical. In terms of the railroad bonds, I will repeat, in a personal conversation with the Democratic leader of the Senate, he asked me to make sure, not withstanding previous support and structure that we were dealing with, in this extremely fragile measure, being carried in an unusual way to make sure that we can send it to the President, notwithstanding whether you believe the railroad bond provision has merit or doesn't have merit, it cannot be added at this time or you will lose the measure. I personally will put my trust in the judgment of the Democratic leader of the Senate.

Finally, on OCS. As I said to the gentleman from Massachusetts, in another time, in another place, in another circumstance for largely the same reason that I mentioned, we have to correct this. I appreciate it has been going on for 10 years. We do understand it was signed into law by President Clinton. I guess my question to you is, if it has been going on for 10 years, and you take over this place in less than a month, and you have 100-day priority structure, 100-hour structure, excuse me, were you not able to find room on the 100-hour structure to do this? It sounds to me, based upon the strength and the merit of your arguments, this would be number 1, 2 or 3 on the 100 hours.

Because in that same conversation that I had with the Democratic leader in the Senate, he said, BILL, please, we cannot have this added to the measure. It will split the Senate. We are very fragile, trying to hold ourselves together, notwithstanding the merits of this. Please, don't put it on this measure.

Time, place, manner, it is 10 years overdue. Can we make it 10 years and 20 days overdue so that you don't destroy all of the stuff that is in this bill so that we can get this done and then we turn the floor over to you in the first 100 hours? I am sure this would be number 1, 2 or 3 based upon the outrage that I think you justifiably present on this particular issue.

For all those reasons, unwillingness to follow their own rules they say they are going to follow on PAYGO for an alternative minimum tax, the fact that we looked at the railroad bonds, there was a bipartisan bicameral agreement, it was too sensitive at this time, and the fact that OCS will blow up everything else in this bill, I will ask my colleagues to vote "no" on this amendment so we can vote "yes" on everything else.

Mr. PITTS. Mr. Speaker, I rise today in support of H.R. 6111, which extends many essential Medicare programs that sustain our seniors every day and keeps them healthy. I applaud provisions in this bill that maintain and preserve access to crucial health care services, like physical therapy, primary care, and dialysis treatments. Our seniors should never have to worry about their access to care. Congress has a responsibility to ensure that our Medicare program is strong and stable enough to provide services without impediments or limitations on access.

Unfortunately, I believe Congress on this occasion missed an opportunity to ensure unfettered access in an increasingly crucial area of medical practice today: diagnostic imaging. Imaging procedures, like CT scans, MRIs, ultrasound, PET and Xrays save countless lives each day; they identify diseases early on, improving outcomes and lowering costs associated with undiagnosed illness. Seniors rely on brain scans, cardiac diagnostics and other diagnostic and therapeutic technologies every day for disease detection and treatment.

Access to those services, however, is threatened by provisions in the Deficit Reduction Act of 2005, DRA, that make drastic cuts to payments for these services that are crucial to identifying life-threatening conditions and guiding diagnostic and therapeutic interventions. The DRA includes payment reductions, inserted at the last minute of Congressional negotiations and without any debate in either body, of between 30 and 50 percent for many of these services performed in doctors' offices and freestanding clinics, seriously endangering the viability of those practices, and thus threatening seniors' access to convenient imaging services outside of the hospital setting.

This year, I introduced legislation, H.R. 5704, the Access to Medicare Imaging Act of 2006, which would have delayed these cuts for two years while the Government Accountability Office studies the cuts' impact on seniors' access to care. I did so because I was especially concerned that seniors in America's rural areas would face increasingly longer driving distances for testing when some physician clinics stop offering these services, and would inevitably be forced to receive these services in hospitals where longer wait times and higher co-payments might cause many seniors to forego services altogether. In short, I introduced H.R. 5704 because I was concerned about patients—about patients losing their access to life-saving diagnostic services. Evidently, I was not alone. To date, 142 of my colleagues—from both sides of the aisle—in the House have signed on as cosponsors of this critically important legislation.

Unfortunately, the cuts my bill would have temporarily averted go into effect on January 1, 2007, and I fear that our action here today to protect access to a number of important Medicare services but not to preserve access to diagnostic imaging services is an omission with significant consequences. Without relief from the cuts, many physician practices that provide high quality diagnostic imaging services will shrink in size or shut their doors altogether. Hospitals will overload with patients, and access will suffer. Today's legislation offered a unique opportunity to prevent these consequences by including language to delay the looming cuts until further study of their appropriateness is completed.

While I regret this missed opportunity, I am hopeful that in the 110th Congress a bipartisan group of my colleagues will, once again, work together to provide open, unfettered access to medically appropriate services that improve the quality and length of life for America's seniors.

Mr. WEXLER. Mr. Speaker, I strongly oppose this unconscionable attempt by the Republican leadership to force passage of a damaging offshore oil drilling measure by attaching it to an omnibus bill, H.R. 6111. The language contained within this bill, which would open the eastern Gulf of Mexico to oil and gas exploration, threatens Florida's delicate ecosystem, places coastal tourism and fishing industries at economic risk, and does little to address our dependence on fossil fuels.

If Congress was serious about offering real energy solutions, then we would be examining the true environmental and economic impacts of offshore drilling and exploring the use of clean, renewable energy technologies, increased fuel efficiency, and conservation. Policymakers should not be strong-armed into supporting legislation that could cause irreparable harm to our ecosystem and economy.

Mr. Speaker, the American people deserve an open and honest debate on our Nation's energy policy. I urge my colleagues to reject this bill and support passage of a comprehensive energy plan that promotes independence and protects our Nation's resources as well as the health of our communities.

Mr. DINGELL. Mr. Speaker, I rise today in support of S. 3711, the Gulf of Mexico Energy Security Act of 2006. I believe this legislation offers a balanced approach to increasing our energy independence, while still ensuring the safety of our environment.

I had opposed H.R. 4761, the Deep Ocean Energy Resources Act of 2006, when it was brought before the House because I believed it was the wrong way to approach Outer Continental Shelf drilling. It is my strong belief that if we are going to open Federal waters to leasing and drilling activities, than these revenues should be dedicated to go to the Federal Treasury for the betterment of our Nation. Ideally, I believe that revenues from leasing activities should be dedicated to conservation funding, as legislation like the Conservation and Reinvestment Act, which I introduced with Representative DON YOUNG a few years back would have. Unfortunately, the full scope of our legislation was never signed into law.

However, S. 3711 offers just that. Fifty percent of revenues from leasing activities will be designated to the Federal Treasury, and revenues that will be designated to the gulf producing States are authorized solely for conservation efforts. This legislation clearly states that each gulf producing State dedicate their revenues "only for 1 or more of the following purposes: projects and activities for the purposes of coastal protection; mitigation of damage to fish, wildlife, or natural resource; implementation of a federally-approved marine, coastal, or comprehensive conservation management plane; mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects." In addition, 12.5 percent of these revenues will be dedicated to the Land and Water Conservation Fund.

It is clear from the high cost of oil and natural gas today that we need to explore ways to increase our supply of hydrocarbons. Since the Low-Income Home Energy Assistance Program, LIHEAP, began in 1981, the portion of winter heating bills that LIHEAP covers has declined to 8 percent. Benefit levels based on the 1981 value have decreased from $209 in 1983 to $132 in 2004, causing many seniors on fixed incomes and low income families to bear the burden of excessive heating bills. If S. 3711 is enacted, the Minerals Management Service estimated that the area proposed for drilling contains at least 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas enough natural gas to heat and cool every home in Michigan for the next for 16 years. Furthermore, the Congressional Budget Office, CBO, estimates that if S. 3711 is enacted, direct spending of Outer Continental Shelf recipients would be reduced by $900 million over the 2008–2016 period.

Mr. Speaker, I support S. 3711 today because it proposes a more limited approach to Outer Continental Shelf drilling plan than the House version, H.R. 4761. I am pleased that this legislation directs revenues towards conservation, ensuring that by increasing our domestic natural gas supply we are not compromising the environmental safety of our coastal lands in the Gulf of Mexico.

We can all agree that we should be looking for alternative fuels and renewable energy sources, but our immediate concern should be reducing the cost of natural gas and oil supplies for those most vulnerable in our society. I anticipate that the House Energy and Commerce Committee will look into alternative fuels and renewable energy sources during the 110th Congress.

Mr. LANGEVIN. Mr. Speaker, I rise today to voice my support for the many beneficial elements of the Tax Relief and Health Care Act. This bill includes several greatly needed extensions of tax provisions that will continue to help middle class families and small businesses to prosper throughout our Nation.

The measure before us today has many provisions I support, including extensions of the Research and Development Tax Credit and the Work Opportunity Tax Credit, the deduction of higher education expenses, and others. I am a cosponsor of legislation to make the Research and Development Tax Credit permanent, as it keeps American companies competitive and provides a strong incentive for businesses to invest in the future and create jobs. I am also pleased that this bill includes provisions to help make college more affordable to millions of students and allow teachers to deduct out-of-pocket expenses.

This bill will also ensure that a pending 5.1 percent cut in Medicare payments to physicians does not take effect. While I believe we could—and should—have addressed this issue much earlier, I am pleased that these cuts will not take effect. I expect that next year, Congress will take meaningful action to reform and stabilize the Medicare provider payment system and I pledge to support efforts to that end.

Unfortunately, this legislation also contains language authorizing an expansion of drilling in certain areas in the Gulf of Mexico. While I support efforts to improve our overall domestic energy production, we have not taken the necessary steps to encourage conservation efforts and energy efficiency programs, preferring instead to rely on oil and gas exploration. As I have stated in the past, we cannot dig or drill our way to energy independence. We need a comprehensive and forward-thinking energy policy that provides affordable energy, encourages the development of clean and renewable sources, and enhances our Nation's economy.

While I strongly believe that many of the tax provisions included in this legislation will significantly strengthen the middle class in our country, I am dismayed by the process through which we are considering this bill. The Republican majority has again waited until the last minute to bring this legislation to the floor, thereby considerably hindering our legislative process. In the 110th Congress, I will work with my colleagues to ensure measures are brought to the floor according to a process that allows ample time to review and debate legislation in an open and honest way.

Ms. SEKULA GIBBS. Mr. Speaker, I rise in support of this bill, H.R. 6111—Tax Relief and Health Care Act of 2006.

This bill will open 8.3 million acres in the Gulf of Mexico to new oil and natural gas production. This bill is more narrow in scope than the bill that passed the House in June and I believe that more still needs to be done to increase access to our Nation's oil and natural gas resources. But this bill is a good step and I am happy to support its passage.

Folks in my district near Houston, Texas understand the oil and gas business since Houston has long been headquarters to several of the world's largest oil and gas producing companies. Unfortunately, today the U.S. imports nearly 60 percent of our oil from foreign countries including more than 1 million barrels of crude oil per day from Venezuela which is run by a socialist who has made no secret of his dislike of capitalism and his disrespect for our President.

America holds vast resources of oil which can be accessed in an environmentally friendly manner with today's modern drilling technology. Reliance on foreign energy sources, if allowed to continue, will not only undermine our economy and our standard of living but will weaken our national security as we become more and more dependent on foreign sources to fulfill our energy needs.

Working Americans do not want to find themselves over a barrel, especially trapped over a barrel of foreign oil. Working Americans want energy independence. I do not believe the goals of environmental protection and energy independence are mutually exclusive but are actually mutually dependent. I believe that it is critical, now more than ever, that all domestic sources of energy should be explored including the Outer Continental Shelf, the Gulf of Mexico, Alaska, and the Atlantic.

I am also pleased that this bill dedicates 37.5 percent of the newly generated revenues to coastal States, including Texas, for beach restoration and 12.5 percent to the Land and Water Conservation Fund State assistance program. This program funds the creation and upkeep of local and State parks, open spaces, and resource conservation in all 50 States. Not only will this bill help obtain energy independence, but it should result in recreation and conservation benefits for the American people. Over 40,000 local and state park and recreation projects have been aided by the LWEF in the 40-year history of the program since its inception in 1965.

Mr. Speaker, I am proud to support passage of H.R. 6111—Tax Relief and Health Care Act of 2006 and urge my colleagues to join me in voting in favor of it.

Ms. WOOLSEY. Mr. Speaker, I always tell people that I am from the most beautiful district in the country, Marin and Sonoma counties, California. We certainly have some of the most beautiful, pristine, and untouched coastline I have ever seen. That's why when I think of supporting an omnibus package today that includes offshore drilling within an 8.3 million-acre plot of the Gulf Coast, I can't help but think of what we'd be throwing away just for a 30-day supply of oil and gas.

In fact, the only way the current leadership can attempt to get this 25-year moratorium on offshore drilling lifted is by tying it together with other desperately needed provisions in order to try and sweeten the deal. Research and development tax credits, college tuition deductions, royalty set-asides for the urgently needed wetlands and levee restoration projects in Louisiana, and a package to prevent physician payment cuts next year. These are all perfectly good, bipartisan bills that should have passed on a number of occasions this year. In fact, while I'm happy to see that physicians are being spared a 5 percent cut in payments—I'm nonetheless appalled to see that yet again, we still have yet to improve their reimbursement formula.

But rather than working to ensure these and other important provisions are approved before we adjourn, and rather than creating a real energy policy by providing incentives for conservation and investing in renewable energy technology, we're having it all jammed down our throats at the end of a lame-duck session. What's more, deep within the tax-relief provisions before us today is an increase in the income eligibility level for recipients of federally funded Washington, DC private school vouchers. We ought to focus public funds on public schools, not private school voucher programs. These short-sighted approaches are getting us nowhere.

This pattern of putting politics over good policy has been typical of this Republican leadership and many of America's most vulnerable have suffered for it. Unfortunately Mr. Speaker, I rise in opposition to this bill today because, while I know of the many good things it includes, I cannot support opening up any ocean to the often-irreversible damages associated with offshore drilling.

Mr. McDERMOTT. Mr. Speaker, getting American trade policy right is important for many reasons. We must aim to provide opportunity for American businesses and the workers they rely upon, while also providing opportunity to people in less developed nations.

We have before us a consensus measure that is long overdue. Consensus building is hard work and too often those in power seek that which is easy, not that which is best and necessary.

I'm very pleased the bill before us continues the trade benefits vital to the nations of sub Saharan Africa.

This bill would finally launch a more just trading policy with Haiti, and bring Vietnam into the community of trading nations that abide by international rules.

I am pleased this bill continues to provide discretion to the President to retain competitive need limit waivers under the Generalized System of Preferences and does not require revocation of any such waiver currently in effect.

Unfortunately, this bill falls short in some fundamental ways. First, we should make permanent GSP, not merely extend it temporarily.

The program should also be enhanced to meet the pledge made by the U.S. Trade Representative to extend duty-free and quota-free treatment to products produced by workers in poor countries.

At the beginning of this year's session of Congress, President Bush addressed the Congress and the American people and said, "In a complex and challenging time, the road of isolationism and protectionism may seem broad and inviting—yet it ends in danger and decline."

The President is right. The bill before us offers a dangerous future for our dealings with our own hemisphere. It weakens our relationship with Peru, Colombia, Bolivia and Ecuador. The conditions this bill imposes upon continued trade benefits for these countries are unrealistic.

This bill threatens thousands upon thousands of jobs in the Andean region, feeding a growing and destructive form of populism.

Mr. Speaker, the perfect cannot be the enemy of the good.

I know when the new Congress convenes in just over three weeks, the troubling components of this bill will be properly addressed, and I therefore support the bill before us today.

In conclusion, let me say I very much look forward to the new Congress, when trade policy will be constructed in public, and in daylight.

I look forward to next year's consideration of policies that aim to improve the human condition, and are produced by means enabling consensus, not division.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to voice my support for H.R. 6111, the Tax Relief and Healthcare Act. And, I would also like to thank Chairman THOMAS for all of his hard work both on this bill and throughout his tenure in Congress and as Chairman of the Ways and Means Committee.

Mr. Speaker, I am extremely pleased that this bill makes an important fix to a very urgent Medicare problem that if left unaddressed could have caused many hospitals—including 7 in New Jersey—to possibly have to close their doors to those who require that care. By providing an extension to changes to the hospital wage index classification system, these hospitals will be able to continue to receive higher Medicare reimbursement rates and thus avoid real financial jeopardy. Both this provision and the provision to eliminate the cut of up to 5 percent in payments to health care providers solve critical healthcare problems that cannot be put off any longer.

I am also pleased that a number of very important tax relief extensions were included such as the Research and Development Tax Credit and state and local sales tax deductions. I only wish that instead of extending these; we would make them permanent.

Mr. Speaker, I am, however, disappointed to see a number of miscellaneous provisions included in the bill that Congress has not had ample time to debate and that cost the taxpayers millions of dollars. The most egregious of these provisions is the provision regarding the Abandoned Mine Land Fund. The bill reduces some AML fees and converts the program from discretionary to mandatory spending. This will increase the deficit by $3.9 billion over the next 10 years. At a time when Congress should be looking for ways to reduce out-of-control mandatory spending, I do not believe this is prudent.

Mr. Speaker, even though I do not support every provision in this bill, the Medicare fixes and tax relief extensions are critical in nature and will benefit millions of Americans and I urge my colleagues to support this bill.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Tax Relief and Health Care Act of 2006. Today's legislation is a perfect example of the reckless priorities that voters rejected in giving Democrats control of both the House and Senate. Adding another $45 billion to the deficit is a fitting last act from Congressional Republicans. They've added trillions to the debt in the last 6 years and have no remorse about adding a few billion more on the way out the door.

This bill destroys our environment with expanded offshore drilling in the Gulf of Mexico, and though not in this bill, California is the next logical target. It expands school vouchers for Washington, D.C. as part of the Republican crusade to shift money to private and religious schools and undermine public education. On the healthcare front, this bill wastes a billion dollars on health savings accounts for the rich. It also expands the Medicare Advantage program, adding to the $5.2 billion in annual overpayments taxpayers already cough up to private insurers.

I am glad that this bill includes a temporary update for physicians, giving us a little breathing room heading into next year. But we're still going to have to do some very heavy lifting in order to dig ourselves out of the $250 billion hole Republicans created by kicking the can down the road the last few years. In the next Congress, I hope my colleagues on the other side of the aisle work with me to address this problem once and for all.

Tax breaks for the rich and new oil for CHENEY and the gang—looks like Republicans really won one for the Gipper today.

Mr. Speaker, I oppose this fiscally irresponsible package and hope that my colleagues on both sides of the aisle will join me in rejecting this bill.

Mr. ROYCE. Mr. Speaker, I rise to support H.R. 6111, the Tax Relief and Health Care Act of 2006.

The bill contains a package of provisions designed to improve Health Savings Accounts, HSAs. HSAs were enacted by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. An HSA is a tax-exempt account to which tax-deductible contributions may be made by individuals with a high deductible health plan.

HSAs empower Americans to make informed decisions about their health care choices. Instead of being tied into a traditional plan that limits choice, and distances the consumer from the healthcare market, HSAs allow individuals to take an active role in the choosing how to spend their money.

This bill will:

Allow rollovers from Health FSAs and HRAs into HSAs;

Repeal the Annual Plan Deductible Limitation on HSA Contributions;

Modify the Cost-of-Living Adjustment;

Expand the Contribution Limitation for Part-Year Coverage;

Modify employer comparable contribution requirements for contributions made to non-highly compensated employees; and

Allow one-time roll overs from IRAs into HSAs.

Health Savings Accounts help families more easily access quality health care and save for medical costs. This bill will expand HSAs to help provide more Americans with health care coverage.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this tax legislation.

H.R. 6111 includes many important provisions for the benefit of the American economy.

Although I would have preferred a longer extension, this bill extends for one year:

The R&D Tax Credit, which is a job creator and important to our domestic manufacturers, keeping them competitive globally;

The Welfare-to-Work and Work-Opportunity Tax Credits, which are incentives for employers that hire economically disadvantaged individuals with significant barriers to employment; and

The New Markets Tax Credit, which is important to the economic revitalization of our urban areas, such as Cleveland, Ohio.

And there are many more important tax provisions that this bill contains, in particular one which I have worked with Congressmen MIKE TURNER and JOHN BOEHNER and the Ohio delegation in a bipartisan fashion last year.

It deals with Regional Income Tax Agencies, and it helps municipalities improve their tax collection.

In my home State of Ohio we have the Regional Income Tax Agency (also known as RITA), which provides services to collect income tax for 120 municipalities in the state—including the cities of Shaker Heights, East Cleveland, Beachwood, and others in my district.

However, because their individual populations do not exceed 250,000 people, these cities cannot receive Federal tax information from the IRS in order to better and more accurately collect local taxes.

This legislation will allow municipalities that are members of Regional Income Tax Agencies to receive tax information from the IRS. Ohio RITA has determined that this will have two important economic benefits to Ohio cities:

1. Identification of delinquent taxpayers, which significantly enhance tax revenues to RITA municipalities in Ohio to the extent of a projected $21 million per year, and

2. Streamlining current business processes, thereby reducing costs to member municipalities.

Additional revenues are exactly what cities in Ohio need as local governments face tough decisions to cut critical services such as police and fire protection. These additional funds can now go towards those key social services, as well as our schools.

That is why I am in favor of this legislation and support its passage.

However, let me state that I am greatly disappointed that relief from the Alternative Minimum Tax (AMT) is not in this legislation.

The temporary AMT relief that Congress passed earlier this year expires at the end of this year, and it is not being extended in this legislation. That means that without AMT relief 15 million Americans face a tax increase as they stand to be hit by the AMT next year.

The Republican leadership decided to punt to the Democrats on that issue. But that is okay, as we Democrats have vowed next year to defuse the ticking time bomb that is the AMT.

The American people have placed us, Democrats, in the majority for a reason. They trust us to tackle the important issues that affect American families—and we will deliver.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006, which includes an extension of 30A tax credits for American Samoa's tuna canneries and protects the jobs of more than 5,000 cannery workers in the Territory.

As a matter of public record, I thank the Honorable WILLIAM THOMAS, Chairman of the House Committee on Ways and Means, for his unwavering support in getting this deal done. Chairman THOMAS is a true friend of American Samoa and has stood by us in our most difficult times. Because of him, our people have hope for a better future, and for this, I extend my deepest appreciation to the gentleman from California.

I also thank the Honorable CHARLES RANGEL, Ranking Member of the House Committee on Ways and Means. Congressman RANGEL is also a friend of American Samoa and has championed our cause on each and every trade agreement that has come before the U.S. Congress. He also supports our extension of 30A tax credits and is fully committed to working with us to implement a long-term tax policy based on the input of all vested stakeholders, especially our tuna canneries which are our largest private sector employers.

The possession tax credit offered by the Internal Revenue Code of 1986 has encouraged two U.S. tuna canneries which employ more than 5,150 people or 74 percent of the workforce to remain and invest in American Samoa. More than 80 percent of American Samoa's private sector economy is dependent either directly or indirectly on these canneries and a decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

For this reason, I again thank Chairman THOMAS and Ranking Member RANGEL for supporting my efforts to include an extension of 30A tax credits for American Samoa in H.R. 6111. Given how serious this issue is for American Samoa, I also urge my fellow colleagues to vote in favor of this important bill.

Mr. RAHALL. Mr. Speaker, I would like the Record to show that I am voting for the pending legislation because it includes a historic accord to reauthorize the Abandoned Mine Reclamation Program and to address, in a comprehensive fashion, the pressing need to insure the long-term financial stability of the funds which finance health care for members of the United Mine Workers of America.

My views on the OCS Leasing provisions in the pending legislation are well known. I oppose them.

Yet in this case, the health and safety of coalfield residents, takes precedence as it always has, and always will, when it comes to how I discharge my duties.

Mr. MCKEON. Mr. Speaker, I rise in support of this legislation and would like to speak briefly on one of its most meaningful components.

When the topic of school choice is debated in Washington and elsewhere, we often refer to the lucky lottery of life. A child doesn't control which family he or she is born into, what economic situations that family must deal with, or what school he or she is likely to attend. Yet the result of that "lucky lottery of life" often sets a child on a very specific path through his or her early years—and beyond.

Each year, not too far from this Capitol building, we witness a lottery of a different type. The Washington Scholarship Fund, an organization founded to empower low-income Washington, DC families with a choice in where they send their children to elementary, middle, and high school, hosts an annual picnic where parents, grandparents, and others stand in line, waiting to enter a lottery of their own.

The prize? A partial scholarship to a private school in the nation's capital and a chance for their loved ones to escape some of the nation's most troubled public schools. It's ironic that each year, for a limited number of Washington families, one lottery has the potential to dramatically impact the results of the other.

In 2004, the Washington Scholarship Fund was chosen to manage the nation's first ever federally-funded K–12 scholarship program, the DC Opportunity Scholarship Program. This program provides low-income students and families access to up to $7,500 to cover tuition, fees, and any transportation expenses at a private elementary or high school in Washington.

Written by Congress, signed by a Republican President, and embraced by a Democrat mayor of the District of Columbia, this school choice program is making a real difference for about 1,800 students this year.

But for some, their participation will be placed at risk if we do not act today. Due to very small increases in income or changes in family structure, some participating families now find themselves ineligible for the scholarships they have received for the last two years. Unless we increase the income eligibility threshold for renewing scholarship families that entered the program in its first two academic years from 200 percent to 300 percent of the federal poverty level, some participating students will no longer be eligible to attend the schools that they have called home for the last two years.

By raising the income eligibility limit for renewing families, the average income of Opportunity Scholarship Program families would be $22,424. So, the program still would serve the low-income population for which it was initially designed. And this would not cost taxpayers a single dollar more, since this technical change simply allows participating students to remain in the program.

Just as importantly, by allowing these students to continue participating, an ongoing federal evaluation of the program can remain in place as it was intended. If we don't act, potentially hundreds of low-income students will be forced from the program but will continue to be studied as if they could use the scholarship, thereby compromising the study. For both supporters and opponents of the program, this study is sure to provide us some meaningful data about both its successes and shortcomings, and it serves us well to ensure its results are valid.

Mr. Speaker, this language has passed the Senate Appropriations Committee already and enjoys bipartisan support. For the good of this program and the students it serves—students we call neighbors here in Washington, DC—I urge its passage here in the House as well.

Mr. BLUMENAUER. Mr. Speaker, this bill serves as a reminder why the American people feel Congress is failing them. It is little more than an incoherent grab bag of the good and bad. I am disappointed that the Republicans, in their last act of power, chose to skirt their responsibilities as lawmakers by sending this bill to the floor at the last minute and under a rule that does not allow for Members to thoroughly analyze its contents. Due to a prior engagement in my district, I was unable to be here to vote on H.R. 6111. But in the end, there is no good vote for this bill. It is my hope that under Democratic leadership next year, we will hold ourselves to a higher standard and refuse to make policy like this.

Had I been present for the vote on the Markey-Hinchey motion to recommit on the Alternative Minimum Tax and oil royalties, I would have voted "aye."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 6111, the Tax Relief and Health Care Act of 2006. I do so for three reasons. First, the bill extends and modifies certain key tax relief provisions through 2007, which provide much needed relief to working and middle-class taxpayers.

Second, I believe that among the most urgent challenges confronting the Nation, none is more important than lessening, and ultimately ending, America's dependence on foreign energy sources. H.R. 6111 advances this goal in a small but appreciable way by permitting oil and gas production in an 8.3–million acre area of the Gulf of Mexico, with 37.5 percent of the lease income allocated to the Gulf Coast States closest to the drilling area, excluding the Florida gulf coast.

Third, the bill blocks the scheduled 5 percent cut in Medicare payments to doctors, and provides for a 1.5 percent increase in such payments next July for physicians who submit data relating to certain quality of care standards.

I. EXTENSION OF TAX RELIEF FOR WORKING AND MIDDLE CLASS

Mr. Speaker, H.R. 6111 extends through 2007 several tax provisions under current law, including provisions that expired at the end of 2005 and some that are set to expire at the end of this year. Many of these provisions are targeted to middle- and working-class taxpayers. I strongly support this portion of the bill. I would like to discuss several of the more important middle class tax relief provisions.

STATE AND LOCAL SALES TAX DEDUCTION

H.R. 6111 extends by 2 years the provision allowing taxpayers the option of deducting general sales taxes paid. This provision is of particular benefit to taxpayers living in States that do not impose a State income tax. Taxpayers have long been permitted to claim an itemized deduction for certain State and local taxes, including personal income tax, real property taxes and personal property taxes, but they have not been to deduct general sales taxes since 1986. The 2004 corporate tax bill allowed taxpayers, in 2004 and 2005 only, to claim instead an itemized deduction for State and local sales taxes, either by accumulating receipts and deducting the total amount or using tables produced by the Internal Revenue Service. In States without State income tax, this provision provided a new deduction for individuals.

HIGHER EDUCATION EXPENSES DEDUCTION

Similarly, the bill renews and extends through 2007 the "above-the-line" deduction that taxpayers may claim for higher education expenses: An "above-the-line" deduction is a deduction that may be claimed by a taxpayer even if he or she does not itemize his or her deductions. Under the provision of law that would be extended, taxpayers can deduct up to $4,000 of such expenses if their adjusted gross income does not exceed $65,000 for a single return or $130,000 for a joint return, and up to $2,000 if their income does not exceed $80,000 for a single return or $160,000 for a joint return. In this increasingly globalized economy, a college education is becoming a necessity. We must do all we can to ensure that access to higher education remains affordable to the working and middle class. That is why I support strongly the renewal and extension of the deductibility of higher education expenses.

TEACHER CLASSROOM DEDUCTION

Mr. Speaker, H.R. 6111 also extends through 2007 a provision that expired at the end of 2005, under which teachers may claim an "above-the-line" deduction up to $250 of the expenses for certain supplies that they purchase for their elementary or secondary classrooms with their own money.

Mr. Speaker, my daughter taught in elementary schools and I know how devoted she and her colleagues were to providing their students with the most enriching educational experience possible. It is not uncommon for them to dip into their personal funds to buy supplies and materials to supplement those provided by the schools. Teachers go this extra mile because they love what they do; everyone knows it is not because they are overpaid. I approve the teacher classroom deduction included in the bill. I hope we will be able to increase the amount of this deduction in the future.

II. ENERGY INDEPENDENCE AND SECURITY

It is imperative that America achieves energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

Although I must admit that I do have reservations about certain aspects of this bill and the process with which this bill has arrived on the House floor, I nevertheless support it as a step in the right direction of America achieving energy independence. I think many of us in the House would agree that the issues central to this bill, the future of energy exploration off of our gulf coastlines, deserves more time for deliberation, debate, and a process for amendment. Some of these provisions which were incorporated into H.R. 4671 include my amendments which supported minority-serving universities and minority-owned businesses.

These very important provisions were designed to ensure that sectors of our Nation and economy which are often overlooked, namely, minority-serving institutions and minority-owned businesses, were given an opportunity to benefit from and compete for the opportunities afforded in this bill.

Nevertheless, I still support H.R. 6111 because it is a step in the right direction, a step towards energy independence, and a step away from being eternally beholden to foreign sources of oil. Additionally, I believe the energy aspects of the bill lay the foundation for the development of a new model for reclaiming wetlands; will help the Gulf Coast States affected by Hurricanes Katrina and Rita to recover from the disaster and prosper in the future; provide thousands of good-paying jobs for the middle class; and serve as a blueprint for general revenue sharing in the 21st century.

In this connection, I would like to emphasize that the revenue sharing formula in the bill ensures that 37.5 percent of the revenue from new areas of production and new leases go towards gulf producing States. Furthermore, 20 percent of the revenue allocated to gulf producing States must be allocated to the State's coastal subdivisions to be used for the purposes of: coastal protection, conservation, coastal restoration, hurricane protection, protecting coastal wetlands, and mitigating damage to fish and wildlife. In addition, 12.5 percent of the revenue will be allocated to the Land and Water Conservation Fund, which ensures that the environmental impact of offshore drilling will be monitored, managed, and regulated to ensure that our coasts are protected.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. Although energy is the lifeblood of America's economic security, this growing and dangerous dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one-third of America's trade deficit. Through this bill, America could improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, I support the efforts that this bill makes to recognize State stakeholders and incorporate their interests in revenue sharing.

According to the U.S. Minerals Management Service, MMS, America's deep seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas—the U.S. consumes 23 TCF per year—and 86 billion barrels of oil—the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion—and countless American jobs—overseas every year for energy we can create at home.

In some cases, the U.S. is facing much-higher energy prices than other countries. Natural gas, for example, is as much as ten times more expensive in the United States than it is in foreign nations. This fact alone has led to the loss of hundreds of thousands of high-paying American jobs, as natural gas-dependent factories are forced to close their doors and move overseas in search of more affordable energy. The outsourcing of American jobs is an issue of central importance to me and my constituents, and I believe this bill is a step in the right direction of bringing jobs back to hard-working Americans.

III. H.R. 6111 BLOCKS MEDICARE CUTS IN PHYSICIAN PAYMENTS

Finally, Mr. Speaker, I support the bill because it blocks the 5 percent cut in payments to physicians who treat Medicare patients which otherwise would go into effect on January 1, 2007. Over the next 9 years, Medicare's trustees are projecting a total of 40 percent in Medicare payment cuts to physicians. If the January 1 cut is imposed, the average physician payment rate, accounting for increases in the cost of running a practice, will be less in 2007 than it was in 2001.

The Medicare sustainable growth rate, SGR, formula, used in establishing payment rates under the physician fee schedule under the Medicare program, resulted in significant payment cuts to physicians and health care professionals in 2002. These cuts were for doctors only, not for hospitals or other medical facilities.

The Medicare SGR formula would have resulted in payment cuts to physicians and health care professionals in 2003, 2004, 2005, and 2006 had Congress not intervened.

According to the Medicare Payment Advisory Commission, MedPAC, and the board of trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Medicare SGR formula will result in substantial payment cuts to physicians and health care professionals through at least 2015.

MedPAC is very well respected and a recognized authority on Medicare and healthcare issues. It does not support the impending payment cuts and is concerned that such consecutive annual payment cuts would threaten access to physician services over time, particularly primary care services.

MedPAC has raised concerns over current payment policies that may discourage medical students and residents from becoming primary care physicians because many Medicare beneficiaries rely on primary care providers for important health care management.

According to a 2006 American Medical Association, survey, if payment cuts to physicians under the Medicare program go into effect: half of physicians plan to decrease the number of new Medicare patients they accept; half of physicians plan to defer the purchase of information technology; 1 in 3 physicians who treat patients living in rural communities will discontinue rural outreach services; and almost half—43 percent—of physicians will decrease the number of new TRICARE patients they accept.

The annual actions by Congress that have overridden the Medicare SGR formula have only resulted in instability and unpredictability for physicians, health care professionals, seniors, and individuals with disabilities. It does not solve the long-term systemic problem of rising costs.

Stable, positive updates under the Medicare physician fee schedule that accurately reflect medical practice cost increases are vital for encouraging and economically supporting physicians' ability to make the significant financial investment required for health information technology and participation in quality improvement programs.

A stable payment system for physicians is critical to preserve Medicare beneficiaries' access to high-quality health care.

We cannot in good conscience establish barriers for doctors and health care professionals to surmount in order to continue to provide access to high-quality Medicare services for all Medicare beneficiaries. Congress must halt the impending January 1 cuts and develop an alternative payment system that accurately reflects the costs of providing care to Medicare beneficiaries.

The biggest single flaw is that this payment schedule rubric recently announced by CMS has no connection to the actual cost of providing patient care. Starving doctor's practices will not decrease healthcare prices, or change unethical behavior. It will drive doctors out of business who are desperately needed to provide care to our elderly.

In conclusion, I urge my colleagues to support H.R. 6111 because it takes three steps in the right direction: (1) It provides much needed tax relief to working and middle class taxpayers; (2) It reduces the Nation's dependence on foreign energy supplies and ensures that Gulf Coast States share in the revenue from new areas of production while protecting our environment; and (3) It blocks draconian cuts by Medicare in payments to physicians. I urge all members to support the bill.

Ms. FOXX. Mr. Speaker, today, I voted for H.R. 6111, the Tax Relief and Health Care Act of 2006. This bill contained a number of critical provisions, which I supported, and a few which I opposed.

Among the critical provisions contained in the bill, were the tax deductions for higher education expenses, the extension of the research and development tax credit, and the tax deduction for teachers who purchase certain educational supplies for their classrooms. I approve of allowing employers who hire individuals in targeted groups to claim the maximum $2,400 work opportunity tax credit and the welfare to work tax credit. This bill enhances individual ownership of health care decisions by strengthening health savings accounts. And of course, I am thrilled that the bill prevents a decrease in Medicare physician reimbursement payments.

However, I was disappointed that some of my colleagues included some other policies, such as the provisions involving the abandoned mine land program. The Congressional Budget Office has determined that these changes will increase government spending, costing the taxpayers $4.9 billion over 10 years. Ultimately, the inclusion of these provisions was enough to violate the budget resolution agreed to by the House, which is intended to help restrain out-of-control Federal spending. I am sorry also that the bill contained an earmark demanded by the Democratic leader in the Senate.

It is my firm belief, shared by many others, that this was the last opportunity we would have for at least 2 years to vote for these good provisions. Realizing that this was not a perfect bill and that it was unlikely I would have a chance to vote on a "clean" bill, I voted for this bill to ensure the positive tax policies that have led to 38 consecutive months of economic growth will not end.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to support H.R. 6111 because it is critical that we address the unsustainable cut scheduled for reimbursement to physicians under Medicare. Due to the inequities of the Federal Government's formula, physicians in Minnesota receive some of the lowest payment in the Nation while providing, in my opinion, the best care. I will continue to work to ensure that Congress addresses this problem in the long term and that quality health care is available for Medicare beneficiaries in Minnesota and across the country.

I also strongly support the tax extensions included in this legislation. The Research and Development Tax credit, the college tuition deduction, the State sales taxes exemption, and teacher classroom expenses deduction are widely supported and important to families and businesses in the 4th District. It is unfortunate that the Republican majority has once again failed to craft a durable solution to the Alternative Minimum Tax, which is squeezing middle class families. I look forward to working with incoming-Chairman RANGEL to improve tax fairness for middle class families in the next Congress.

However, I am deeply disappointed the Republican majority chose to insert an unrelated and irresponsible plan to open 8 million acres to oil and gas drilling in the eastern Gulf of Mexico into this otherwise constructive bill. Our country consumes 25 percent of the world's oil supply but controls only 3 percent of known reserves. That means an energy policy focused primarily on domestic fossil fuel production will never deliver energy security for America's working families and small businesses. Instead, the Congress must commit to a comprehensive energy strategy that makes bold investments in homegrown renewable fuels, mass transit, innovative vehicle technology and increased vehicle efficiency.

In addition to these failings, the bill's offshore drilling provisions continue a pattern of giveaways for big oil at taxpayer expense. H.R. 6111 will rob tens of billions of dollars from the Federal Treasury in offshore drilling royalties. Nearly 40 percent of the royalty revenue generated from new leases will go to four States—Texas, Louisiana, Mississippi and Alabama—which will cost the Federal Government an estimated $20 billion over the next two decades. And the bill does nothing to stop the Federal Government from giving oil and gas companies $7 billion in tax breaks for drilling on Federal lands (known as "royalty relief")—resources that should be directed to providing tax relief for American families.

I voted for the Markey-Hinchey amendment to H.R. 6111, which would have restored a modicum of fiscal sanity to the offshore drilling aspects of the bill. The amendment would push oil and gas companies to renegotiate their royalty free drilling leases by prohibiting companies holding such leases from gaining access to the eight million acres this bill opens to exploration. Unfortunately the amendment narrowly failed on the House floor.

Despite a clear message in last month's mid-term election for a return to ethical governance, Republican leaders used the popularity of tax credit extensions and the need to restore cuts in Medicare reimbursement to force a reckless offshore drilling plan upon America. Therefore, it is with both regret and resolve that I support the omnibus package included in H.R. 6111.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to once again express my strong opposition to the way the current Majority conducts business here in the House of Representatives. True to their tenure in charge of this Chamber, on the last day of the 109th Congress they are packaging four separate provisions only barely tenuously related into one omnibus measure. This is not the way to legislate, and it is particularly frustrating because there are several excellent provisions included in this omnibus bill, unfortunately packaged with atrocious provisions that cannot and would not stand on their own merits.

Mr. Speaker, there is much to like in this legislation. There are extensions of many important tax provisions that are scheduled to soon expire that are critical to businesses, students, educators, renewable energy development, and our troops. There is a vitally important freeze, and in some cases an increase, in reimbursements under Medicare for physicians. This particular provision is extremely important to my State of New Mexico, and I have worked to address the scheduled cut in reimbursement rates by cosponsoring legislation to repeal the sustainable growth rate formula, as well as joined many of my colleagues in sending letters to the House Leadership and other Members on committees with oversight responsibility for the Medicare program. In addition to the physician reimbursement, there are also several important provisions for rural health care providers under Medicare. Many of these provisions are included in rural health care legislation that I was proud to cosponsor during this Congress.

However there is more that is objectionable in this legislation. Once again, the majority's tunnel vision and unwillingness to legitimately explore alternative sources of energy has led us to their energy panacea—drilling in areas closed to exploration. There are answers to our energy problems beyond drilling, the majority simply chooses not to look at them in a serious manner. I strongly support the rebuilding of the Gulf Coast States devastated by last year's hurricanes, and recognize the obligation of the Federal Government to assist in doing so. I also believe we must urgently protect and restore coastal wetlands. But I do not believe it should be done through the royalties derived from oil and gas leases authorized by this provision. These funds should be deposited in the Federal coffers—as more than the majority of funds derived from Federal oil and gas leases are—not set up as a new entitlement for only four States. Redirecting these funds marks an unprecedented raid on the Federal Treasury of billions of dollars for the benefit of four States. This kind of fiscal irresponsibility is unacceptable.

Also Mr. Speaker, I am extremely disappointed at the inclusion of Health Savings Accounts, a measure that would have trouble passing Congress as a stand-alone. Again, this legislation marks another significant decrease in revenue, to the estimated tune of $287 million from FY07 to FY11, and by $1 billion from FY07 to FY16.

Regardless of the provisions included in this legislation, this is no way to legislate. It is not good government and is not good for democracy. Each of these measures are important enough on their own that they deserve up-or-down votes and the only good about today is that this is the last day the majority win be able to conduct the business of the House in such an irresponsible manner.

Ms. LEE. Mr. Speaker, I rise in opposition to the underlying bill. Once again the Republican Congress has used this horrendous martial law process to ram a bill through on the last day of session.

It is unclear what exactly is in this bill because none of us have had a chance to actually read it.

We do know at least that it represents a last ditch attempt by the Republican Congress to sell out to their friends in the oil and gas industry. This time they want to open up the Outer Continental Shelf in the Gulf of Mexico to new drilling—supposedly so they can help the Gulf Coast rebuild.

Are we really so cynical as to tie assistance for the gulf coast areas ravaged by Hurricanes Katrina, Rita and Wilma to new oil and gas drilling? Are we really going to equate the welfare of Big Oil companies to the needs of hurricane survivors?

It seems like every time we open the newspaper or turn on the news these days, the oil industry is announcing another record profit. Yet here they are again, hat in hand begging for another giveaway. Do they really need our help?

I firmly believe that we have a moral responsibility to help the gulf coast rebuild, but we should not condition any assistance on the future revenues of Big Oil.

If we really wanted to help the gulf coast, we should've been debating and passing H.R. 4197, the Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005, introduced by the Congressional Black Caucus last year.

If we really wanted to stop our addiction to oil and produce a real national energy strategy we wouldn't be debating this sham idea to open the gulf to new drilling.

I urge my colleagues to vote "no."

Mr. CAMP of Michigan. Mr. Speaker, I am pleased that the House of Representatives has overwhelmingly approved legislation that extends meaningful tax relief to American manufacturers, families, students, and teachers. As the 109th Congress closes, and an era of Republican control ends, it is fitting that one of the last bills considered provides Americans with the opportunity to keep more of their hard-earned money.

H.R. 6111 does much more than lower taxes—it will help America keep its competitive edge. For example, H.R. 6111 includes incentives for companies to engage in research and development work, allows students to deduct their college tuition costs, and encourages the use of solar, wind, landfill gas, and other clean energy technologies. Importantly too, this legislation extends tax benefits for individuals and families to use for their health care needs through the use of health savings accounts.

In my view, one of the highlights of the Tax Relief and Health Care Act is the 2-year extension and enhancement of the research and development tax credit. As one of the leading advocates in the House of Representatives for the R&D tax credit, I am particularly pleased that companies will be able to use a new, Alternative Simplified Credit. The ASC will enable more companies to utilize the credit. As foreign-based R&D spending has grown faster than U.S.-based R&D spending, it is imperative that the U.S. offer American companies tax incentives for high-risk, long-term research projects. Extension and enhancement of the R&D credit is vitally important for companies doing business in my home state of Michigan. Michigan ranks as one of the top 10 states in reported R&D activity with more than 1,300 companies performing research and development in the state.

Another tax item of significance in H.R. 6111 provides teachers with a $250 tax deduction for the purchase of classroom supplies, equipment, and other related school materials. I have long sponsored legislation that provides tax relief to teachers. America's K-12 teachers spend literally thousands of their own dollars on classroom supplies. The average educator spends $1,180 on non-reimbursed expenses such as books, lesson materials, math flash cards, crayons, and countless other items that help children learn. H.R. 6111 provides teachers with tax relief that will help defray the significant out-of-pocket cost of educational items for their students and classrooms.

Regarding clean energy, this legislation will extend tax credits for renewable electricity production from sources such as wind, biomass, and landfill gas. It will also extend incentives for commercial and residential use of solar power. Greater tax credits and deductions will help lessen the higher costs typically associated with these types of clean energy. These incentives will also help expand consumer acceptance of renewable energy. And, without consumer demand, businesses are reluctant to develop the technologies to harness these energy sources. H.R. 6111 will extend current tax policies that will foster the development and use of clean energy.

I appreciate Chairman THOMAS' hard work in bringing this legislation to the floor. His skill and dedication to putting together good tax policy will be missed. It has been an honor serving with him on the House Ways and Means Committee.

Mr. Speaker, I am proud to vote in favor of H.R. 6111 and am confident that these incentives will help more Americans keep more of what they earn while further stimulating our already robust national economy.

Mr. THOMAS. Mr. Speaker, allow me to recite from explanatory material prepared for H.R. 6111, the Tax Relief and Health Care Act of 2006.

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

Section 1. Short title of division

Current law

No provision.

Explanation of provision

This division may be cited as the "Medicare Improvements and Expansion Act of 2006".

TITLE I—MEDICARE IMPROVED QUALITY AND PROVIDER PAYMENTS

Section 101. Physician payment and quality improvement

Current law

Medicare payments for services of physicians and certain nonphysician practitioners are made on the basis of a fee schedule. The fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor. The conversion factor for 2006 is $37.8975.

The conversion factor is the same for all services. It is updated each year according to a formula specified in law. The intent of the formula is to place a restraint on overall spending for physicians' services. Several factors enter into the calculation of the formula. These include: (1) the sustainable growth rate (SGR) which is essentially a cumulative target for Medicare spending growth over time (with 1996 serving as the base period); (2) the Medicare economic index (MEI) which measures inflation in the inputs needed to produce physicians services; and (3) the update adjustment factor which modifies the update, which would otherwise be allowed by the MEI, to bring spending in line with the SGR target. In no case can the adjustment factor be less than minus seven percent or more than plus three percent.

The law specifies a formula for calculating the SGR. It is based on changes in four factors: (1) estimated changes in fees; (2) estimated change in the average number of Part B enrollees (excluding Medicare Advantage beneficiaries); (3) estimated projected growth in real gross domestic product (GDP) growth per capita; and (4) estimated change in expenditures due to changes in law or regulations. In order to even out large fluctuations, MMA changed the GDP calculation from an annual change to an annual average change over the preceding 10 years (a "10-year rolling average").

The SGR target is not a limit on expenditures. Rather, the fee schedule update reflects the success or failure in meeting the target. If expenditures exceed the target, the update for a future year is reduced. This is what occurred for 2002. It was also slated to in subsequent years; however, legislation kept this from occurring. Most recently, the Deficit Reduction Act froze the 2006 conversion factor at the 2005 level. A negative 5 percent update is slated to occur in 2007.

Explanation of provision

The conversion factor for 2007 would be the conversion factor otherwise applicable for 2007 divided by the product of: (i) 1 plus the Secretary's estimate of the percentage increase in the MEI for 2007 (divided by 100), and (ii) 1 plus the Secretary's estimate of the update adjustment factor for 2007. These changes would not be considered in the computation of the conversion factor for 2008.

The provision would also implement a voluntary quality reporting system for Medicare payments for covered professional services tied to the reporting of claims data. Physicians and other eligible professionals (including physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, certified nurse-midwives, clinical social workers, clinical psychologists, registered dietitians or nutritional professionals as defined under current law, physical therapists, occupational therapists, and qualified speech-language pathologists) who report the quality information would be eligible for a bonus incentive payment (BIP) for services between July 1, 2007 to December 31, 2007. The Secretary would also address a mechanism whereby an eligible professional could provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database) as identified by the Secretary.

For covered professional services furnished beginning July 1, 2007 and ending December 31, 2007, the quality reporting measures are those identified as physician quality measures under the CMS Physician Voluntary Reporting Program (PVRP) as published on the CMS public website as of the date of enactment of this provision. The Secretary may modify these quality measures if changes are based on the results of a consensus-based process meeting in January of 2007 and if such changes are published on the CMS website by April 1, 2007. The Secretary may subsequently refine the quality measures (without notice or opportunity for public comment) up until July 1, 2007 by publishing modifications or refinements to previously published quality measures but may not change the quality measures.

Eligible professionals who (1) furnish services for which there are established quality measures as determined by this provision and (2) satisfactorily submit quality measures would be paid a single additional bonus payment amount equal to 1.5% of the allowed charges for covered professional services furnished during the reporting period. The bonus incentive payments would be paid from the Supplemental Medical Insurance Trust Fund (Part B). These bonus incentive payments would not be taken into account in the calculations and determination of payments for providers in health professional shortage areas or Physician Scarcity Areas, nor would these bonus payments be taken into account in computing allowable charges under this subsection.

The Secretary would presume that if an eligible professional submits data for a measure, then the measure is applicable to the professional. However, the Secretary may validate (by sampling or other means as the Secretary determines to be appropriate) to determine if an eligible professional reports measures applicable to such professional services. If the Secretary determines that an eligible professional has not reported applicable measures, the Secretary would not pay the bonus.

Satisfactory reporting of data determines whether the provider is eligible for the bonus payment. If there are no more than 3 quality measures that are applicable to the professional services furnished, the provider must report each measure for at least 80 percent of the cases to meet the criteria. If there are 4 or more quality measures that are applicable, the provider must report at least 3 of the quality measures for at least 80 percent of the cases.

In specifying the form and manner for the submission of data on quality measures under the physician quality reporting system to be implemented under section 1848(k) of the Social Security Act (as added by section 101(b) of the legislation), the House intends that the Secretary of Health and Human Services should recognize reporting of quality measures under demonstrations including the Physician Group Practice demonstration project (under section 1866A of the Social Security Act) and the Medicare Care Management Performance demonstration project (under section 649 of the Medicare Prescription Drug, Improvement, and Modernization Act) as permissible forms and manners of reporting under the system.

The provision also places a limit on bonus payments. No provider would receive payments in excess of the product of the total number of quality measures for which data are submitted and three times the average per measure payment amount. The average per measure payment amount would be estimated by the Secretary and would equal (the total amount of allowed charges under Medicare part B for all covered professional services furnished during the reporting period on claims for which quality measures are reported) divided by (the total number of quality measure for which data are reported during the reporting period under the physician reporting system).

The Secretary would provide for education and outreach to eligible professionals regarding these changes. The Secretary would implement these provisions acting through the Administrator of the Centers for Medicare and Medicaid Services (CMS).

This provision would allow no administrative or judicial review, under the existing Medicare appeals process or through a Provider Reimbursement Review Board as currently codified in statute, of the determination of measures, satisfactory reporting, payment limitation, or bonus incentive payment. A determination under the provisions of this section would not be treated as a determination under current appeals processes for Medicare.

For 2008, the quality measures would change to a set of measures adopted or endorsed by a consensus organization (such as the National Quality Forum or the AQA, originally known as the Ambulatory Care Quality Alliance) that may include measures that have been submitted by a physician specialty developed through a consensus-based process (such as through the American Medical Association (AMA) convened Physician Consortium for Performance Improvement) as identified by the Secretary. Such measures shall include structural measures, such as the use of electronic health records and electronic prescribing.

The CMS administrator would publish a proposed set of quality measures for 2008 in the Federal Register no later than August 15, 2007 with a public comment period. The final set of measures appropriate for eligible professionals to use to submit quality data in 2008 would be published no later than November 15, 2007.

The Secretary would be required to establish a Physician Assistance and Quality Initiative (PAQI) Fund which would be available to the Secretary for physician payment and quality improvement initiatives. Such initiatives may include application of an adjustment to the update to the conversion factor. The amount available to the Fund would be $1.35 billion for 2008. The Secretary would be required to provide for expenditures from the Fund for the obligation of the entire amount (to the maximum extent feasible) for payment for physicians services furnished in 2008. The specified amount available to the Fund would be made to the Fund from the Part B trust fund as expenditures are made from the Fund. The amounts in the Fund are to be available in advance of appropriations, but only if the total amount obligated to the Fund does not exceed the amount available to it. The Secretary may obligate funds from the Fund only if the Secretary determines (and the CMS Chief actuary and the appropriate budget officer certifies) that there are sufficient amounts available in the Fund. If the expenditures from the fund affect the conversion factor for a year, this would not affect the computation of the conversion factor for a subsequent year. Congress intends that CMS would continue to develop quality measures for reporting for 2008. The amounts in the fund are available at the Secretary's discretion to make payments for physician services provided in calendar year 2008 in a manner the Secretary sees fit, including for quality purposes.

The Secretary would be required to transfer $60 million from the Part B trust fund to the CMS Program Management Account for the period of FY 2007, FY 2008, and FY 2009 for the purposes of implementing this section.

Reason for change

Physicians are scheduled to receive a negative 5 percent update in 2007. The physician update should be addressed to prevent access issues to physician services. In addition, the update should include additional payment for quality reporting in 2007. The House encourages all physicians to participate in quality reporting and encourages CMS to continue to develop measures in consultation with the physician community and the existing structures available through the National Quality Foundation and the AQA.

Section 102. Extension of floor on Medicare work geographic adjustment

Current law

Medicare's physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the average would have an index below 1.00. The physician work geographic adjustment factor is based on a sample of median hourly earnings in six professional specialty occupational categories. Unlike the other geographic adjustments, the work adjustment factor reflects only one-quarter of the cost differences in an area. The practice expense adjustment factor is based on employee wages, office rents, medical equipment and supplies. The malpractice adjustment factor reflects differences in malpractice insurance costs. The Secretary is required to periodically review and adjust the geographic indices.

MMA required the Secretary to increase the value of any work geographic index that was below 1.00 to 1.00 for services furnished on or after January 1, 2004 and before January 1, 2007

Explanation of provision

The requirement is extended for an additional year, for services provided before January 1, 2008.

Reason for change

To provide a one-year extension to increase the value of any work geographic index that was below 1.00 to 1.00 to allow for higher adjustments under the work component in certain areas.

Section 103. Update of the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) required the Secretary to establish a basic case-mix adjusted prospective payment system for dialysis services furnished either at a facility or in a patient's home, for services furnished beginning on January 1, 2005. The basic case-mix adjusted system has two components: (1) the composite rate, which covers services, including dialysis; and (2) a drug add-on adjustment for the difference between the payment amounts for separately billable drugs and biologicals and their acquisition costs, as determined by the Office of the Inspector General of the Department of Health and Human Services.

The Secretary is required to update the basic case-mix adjusted payment amounts annually beginning with 2006, but only for that portion of the case-mix adjusted system that is represented by the add-on adjustment and not for the portion represented by the composite rate. The DRA increased the composite rate component of the basic case-mix adjusted system for services beginning January 1, 2006 by 1.6 percent, over the amount paid in 2005. For 2006, the base composite rate is $130.40 for independent ESRD facilities and $134.53 for hospital-based ESRD facilities. The total drug add-on adjustment, with inflation, is 14.5%.

Explanation of provision

The composite rate component of the basic case-mix adjusted system shall be increased by 1.6 percent above the 2005 rate, for services furnished on or after January 1, 2006 and before April 1, 2007. For services furnished on or after April 1, 2007, the composite rate component of the basic case-mix adjusted system shall be increased by 1.6 percent, above the amount of such rate for services furnished on March 31, 2007.

Not later than January 1, 2009, GAO shall submit a report to The House on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. The report shall include recommendations for a payment methodology that measures, and is based on, the cost of providing such services and takes into account the case mix of patients.

Reason for change

Unlike other facilities, dialysis facilities do not have an inflation update for labor and capital costs. This provision addresses that inequity. The National Institutes of Health (NIH) is conducting a clinical trial on dialysis, partially in the home settings. This report would develop recommendations on how payments could incentivize the use of home dialysis.

Section 104. Extension of Treatment of certain physician pathology services under Medicare

Current law

In general, independent laboratories cannot directly bill for the technical component of pathology services provided to Medicare beneficiaries that are inpatients or outpatients of acute care hospitals. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) permitted independent laboratories with existing arrangements with acute care hospitals to bill Medicare separately for the technical component of pathology services provided to inpatients and outpatients. The arrangement between the hospital and the independent laboratory had to be in effect as of July 22, 1999. The direct payments for these services applied to services furnished during 2001 and 2002. Despite expiration of the BIPA moratorium after 2002, CMS directed the carriers to continue the moratorium until they received further instructions from CMS. MMA continued this policy for 2005 and 2006.

Explanation of provision

The provision is extended through 2007.

Reason for change

The provision expires on December 31, 2006 and independent laboratories will no longer be able to directly bill Medicare for the technical component for physician pathology services.

Section 105. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas

Current law

Generally, hospitals that provide clinical diagnostic laboratory tests under Part B are reimbursed under a fee schedule. MMA specified that hospitals with under 50 beds in qualified rural areas (low density population rural areas) would receive 100 percent reasonable cost reimbursement for clinical diagnostic tests covered under Part B that are provided as outpatient services. The provision applied to services furnished during a cost-reporting period beginning during the 2-year period starting July 1, 2004.

Explanation of provision

The provision is modified to apply to services furnished during a cost-reporting period beginning during the 3-year period starting July 1, 2004. The provision is effective as if included in the enactment of MMA.

Reason for change

The MMA provision expired and this extends it for one more cost reporting year.

Section 106. Hospital Medicare reports and clarifications

(a) Correction of Mid-Year Reclassification Expiration

Current law

Generally speaking, the Medicare Geographic Classification Review Board's (MGCRB) classification decisions are required to extend geographic reclassification for 3 years in the inpatient prospective payment system (IPPS) and end on September 30th each year.

Explanation of provision

This provision corrects the mid year expiration of certain hospital geographic reclassifications.

Reason for change

The provision creates consistency in the end dates for reclassification decisions for hospitals to be consistent with the Federal Fiscal Year. It is the intent of the House authors that group reclassifications made by the MGCRB that begin April 1, 2007 would be unaffected by this provision, with the exception of the continuing reclassifications of hospitals whole individual reclassifications would have lapsed prior to April 1 2007.

(b) Revision of the Medicare Wage Index Classification System

Current law

As directed by Medicare statute, the amount of a hospital's operating and capital payments will vary according to the relative level of hospital wages in its geographic area compared to the national average. The geographic areas or hospital labor markets that have been used by Medicare are urban areas as established by the Office of Management and Budget (OMB). Essentially, a hospital's payment will depend upon whether it is in an urban area (and if so, which one) and the wage data reported by the hospitals in that area. Counties that are not in an urban area are grouped into one statewide rural labor market. Also, with modifications, the hospital wage data are used to adjust for geographic cost differences in Medicare's payment systems for other services, such as inpatient rehabilitation facility (IRF), long-term care hospital (LTCH), home health agency (HHA), skilled nursing facility (SNF), and hospice care. Unlike these other providers, IPPS hospitals have an administrative process, through appeals to the MGCRB (The Medicare Geographic Classification Review Board), to reclassify to different geographic areas. Other statutory provisions affecting a hospital's geographic designation also have been established.

Explanation of provision

The Medicare Payment Advisory Commission (MedPAC) would be required to submit a report to The House no later than June 30, 2007 on the wage index classification system used in Medicare's prospective payment systems, including IPPS. This report would include recommendations for alternatives to the current methods used to compute the wage index. $2 million in funds from the Treasury would be appropriated to MedPAC for FY2007 for these activities. The Secretary would be required to include in the proposed rule making process for FY2009 one or more proposals to revise the IPPS wage adjustment, after taking into account MedPAC's recommendations. The proposals would consider problems associated with labor market definitions; modification or elimination of geographic reclassifications and other adjustments; the use of Bureau of Labor Statistics data to calculate relative wages; minimizing variations in wage index adjustments between and within metropolitan statistical areas and rural areas; the feasibility of applying all components of the proposal to other settings, including HHAs and SNFs; methods to minimize the volatility of wage index adjustments while maintaining the budget neutrality; the effect on health care providers and on each region of the country; implementation of proposal, including the transition methods; and occupational mix issues such as staffing practices, effect on quality of care and alternative recommendations.

(c) Elimination of unnecessary report

Historically, under IPPS, hospitals in different geographic areas have had their Medicare payments calculated using different per discharge amounts. For example, at one point, hospitals in large urban areas had been paid on the basis of a larger per discharge amount than hospitals in smaller urban areas or those in rural areas. This classification system had changed over time. By FY1995, discharge amounts were calculated for large urban hospitals and all other hospitals. The implementation of the MMA permanently equalized the per discharge payment rates for all hospitals except for those in Puerto Rico.

Starting in 1987, the Secretary has been required to submit a report to The House that includes an initial estimate of the percentage update (change factor) in the per discharge payment amounts. The Secretary's estimate is required to take into consideration the recommendations of Medicare's payment commission and may vary for hospitals in different geographic areas.

Explanation of provision

This provision would eliminate the requirement that the Secretary include recommendations with respect to the update factors no later than March 1 before the beginning of the fiscal year.

Section 107. Extension of payment rule for brachytherapy

Current law

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established that brachytherapy devices consisting of radioactive sources (or seeds) would be paid on the basis of a hospital's cost for such device (computed by reducing a hospital's charges to costs) for services furnished starting January 1, 2004 until January 1, 2007. The Secretary was directed to create additional groups of covered Outpatient Department Services (OPD) that classify such devices separately from other services (or group of services) in a manner that reflects the number, isotope, and radioactive intensity, including separate groups for palladium-103 and iodine-125 devices. Starting January 1, 2007, CMS will continue to pay separately for brachytherapy sources, but will base payment on the source-specific median costs. CMS has not created new brachytherapy source codes to differentiate stranded from nonstranded brachytherapy sources. The historical data used to establish the source-specific median costs should reflect utilization of stranded brachytherapy sources.

Explanation of provision

This provision would extend payment for brachytherapy sources on the basis of a hospital's costs (adjusted from its charges) established under MMA until January 1, 2008. The provision would direct the Secretary to create additional groups of covered OPD services in a manner that reflects the number, isotope, and radioactive intensity, including separate groups for palladium-103 and iodine-125 devices and for stranded and nonstranded devices furnished on or after July 1, 2007. These provisions may be implemented by program instruction or otherwise.

Reason for change

This provision allows brachytherapy devices to continue to be paid based on a hospital's cost, to allow CMS further time to collect data in order to base payments on the source-specific median costs after one year, and requires CMS to establish additional groups of services for stranded and nonstranded devices.

Section 108. Payment process under the competitive acquisition program (CAP)

Current law

MMA revised the way Medicare pays for Part B drugs. Beginning in 2005, payments for these drugs are based on an average sales price (ASP) payment methodology, which sets payments at the weighted average ASP plus 6%; the Secretary has the authority to reduce the ASP payment amount if the widely available market price is significantly below the ASP. Alternatively, beginning in 2006, drugs can be provided through a newly established competitive acquisition program (CAP). The intent of the program is to enable physicians to acquire certain drugs from an approved CAP vendor thereby enabling them to reduce the time they spend buying and billing for drugs and finance risk.

Explanation of provision

The provision deletes the requirement that payments to CAP contractors are conditioned upon the administration of the drugs and biologicals. It specifies that payment may only be made to the contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary. Further, the Secretary is required to establish a post-payment review process to assure that payment is made for a drug or biological only if it has been administered. The process may be established by program instruction or otherwise and may include the use of statistical sampling. The Secretary is required to recoup, offset or collect any overpayments determined by the Secretary.

The section further clarifies that nothing in this provision is to be construed as requiring any additional competition by entities under the CAP program. Further the provision is not to be construed as requiring any additional process for elections by physicians under the program or additional selection by a selecting physician of a CAP contractor. The House, however, intends that the normal competitive bidding process and physician election as authorized by the MMA should continue as authorized by that law. The provision applies to payments for drugs and biologicals supplied on or after April 1, 2007. Additionally, it applies, for claims that are unpaid as of April 1, 2007, to drugs and biologicals supplied on or after July 1, 2006 and before April 1, 2007.

In addition, the House would like to clarify an additional issue regarding Medicare Part B drugs. The Social Security Act (SSA) currently provides the Secretary of Health and Human Services with the authority to revise the list of compendia that are used to determine Medicare Part B coverage of oncology drugs for off-label uses. Of the three compendia currently listed in statute, one no longer is published and another will soon be published under a different name. To address this situation, requests for official recognition of additional compendia have been made by the public. The Medicare Coverage and Advisory Committee (MCAC) has reviewed and voted on the desirable characteristics of new compendia; however, the Centers for Medicare and Medicaid Services (CMS) has not yet acted on the MCAC's review.

A current list of compendia which contain the most current clinical information about which drugs show the greatest promise of treating various diseases is critical to ensure that beneficiaries have access to the most appropriate therapies. Correcting and expanding the list of compendia organizations recognized by CMS for Medicare Part B coverage purposes is a major step forward in accomplishing that objective. While preserving the list of functioning compendia currently covered by the SSA, the House directs the Secretary to act as soon as possible to update the list of three compendia, and report back to the House no later than January 30, 2007.

The House is also concerned by reports that some Medicare beneficiaries have trouble accessing IVIG therapies from providers. It is our hope that the Office of the Inspector General (OIG) and the Office of the Assistant Secretary for Planning and Evaluation (ASPE) studies focused on IVIG are promptly completed. The House hopes the Secretary would promptly review such studies, and report to the House regarding the adequacy of supply and Medicare reimbursement related to the cost of acquiring IVIG and the complexity of IVIG infusions. The House strongly urges the Secretary to continue the IVIG pre-administration fee until the Secretary either assures the House that Medicare reimbursement is adequate or a new payment methodology is implemented to address concerns regarding access to IVIG.

Reason for change

To provide clarification in order to allow for a post-payment review process to ensure that payment is made for a drug or biological only if the drug or biological is delivered for administration to a beneficiary. The House intends for CMS to implement this provision by not matching a claim for drugs to a claim with drug administration prior to being paid. The post payment review is intended to sufficiently protect against inappropriate claims.

Section 109. Quality reporting for hospital outpatient services and ambulatory surgical center services

(a) Outpatient Hospital Services

Current law

Each year the hospital outpatient department (OPD) fee schedule is increased by a factor that is generally based on the hospital market basket (MB) percentage increase. In certain years, the MB has been reduced by percentage points as specified by statute.

Explanation of provision

Starting in 2009 and for each subsequent year, a hospital paid under the inpatient prospective payment system (IPPS) that does not submit required measures will receive an OPD fee schedule increase of the MB minus 2.0 percentage points. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing the OPD fee schedule increase in a subsequent year.

Each IPPS hospital is required to submit data on measures under this section in the form, manner, and timing specified by the Secretary. The Secretary would be required to develop appropriate measures for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings and that reflect consensus among affected parties. To the extent feasible and practicable, the measures shall include those set forth by one or more national consensus building entitles. Nothing would prevent the Secretary from selecting all hospital quality measures or a subset of such measures. The Secretary would be able to replace any measures as appropriate, such as where all hospitals are effectively in compliance or the measures have subsequently been shown not to represent the best clinical practice.

The Secretary would be required to establish procedures for making the submitted data available to the public. These procedures would ensure that a hospital has the opportunity to review data prior to being made available to the public. The Secretary would be required to report quality measures of process, structure, outcome, patients' perspective on care, efficiency, and costs of care on the Internet website of the Centers for Medicare and Medicaid Services. Other conforming amendments would also be established.

Reason for change

The Provision promotes the development of quality measures for outpatient medical services and services provided in ASC's. The House intends the measures to be developed in consultation with affected entities and quality organizations.

(b) Application to Ambulatory Surgical Centers

Current law

Presently, Medicare pays for surgery-related facility services in an ambulatory surgical center (ASC) based on a fee schedule. The Medicare Prescription Drug, Improvement, and Modernization Act of 2006 (MMA) required the Secretary to implement a revised payment system for ASCs no later than January 1, 2008, taking into account recommendations issued by a required report from the Government Accountability Office (GAO). The GAO report, which has just been issued, was required to examine the relative costs of ASC services to those in hospital outpatient departments. GAO was also required to recommend whether CMS should use the outpatient prospective payment system as the basis for the revised ASC system. Total payments under the new system should be equal to total projected payments under the old system.

Explanation of provision

In the revised payment system, the Secretary would be able to provide for a reduction in any annual update of 2.0 percentage points for failure to report required quality measures. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing any annual increase factor in subsequent years. Except as otherwise provided by the Secretary, the provisions of subparagraphs (B), (C), (D), and (E) of the newly established Section 1833(t)(17) concerning the form and submission of data, the development of outpatient measures, the replacement of measures, and the availability of quality measures in a hospital outpatient setting would apply to ASC services.

Reason for change

The Provision promotes the development of quality measures for outpatient medical services and services provided in ASC's. The House intends the measures to be developed in consultation with affected entities and quality organizations.

(c) Effective date

Current law

No provision.

Explanation of provision

The amendments made by the section would apply to payment for services furnished starting January 1, 2009.

Section 110. Reporting of anemia quality indicators for Medicare part B cancer anti-anemia drugs

Current law

Medicare Part B covers certain drugs used as anticancer chemotherapeutic agents and certain oral anti-emetic drugs used as part of an anticancer chemotherapeutic regimen. It also covers epoetin alpha for patients with kidney disease; the drug may also be used to counter anemia for cancer patients.

Explanation of provision

The provision requires that all claims submitted for drugs for treatment of anemia in connection with cancer must include information on the hemoglobin or hematocrit levels for the individual. The information is to be submitted in the form and manner specified by the Secretary. The provision applies to drugs furnished on or after January 1, 2008. The Secretary is required to address the implementation of the provision in the physician fee schedule regulations for 2008.

Reason for change

Since 1989, ESRD facilities have provided lab values on red blood cell counts to CMS to ensure that anemia is addressed. This requires physician offices and hospital outpatient departments to provide the same information.

Section 111. Clarification of hospice satellite designation

Current law

Section 1814(i)(2)(A) of the Social Security Act limits total Medicare payment amounts to individual hospice providers by an absolute dollar amount, or "cap amount." This amount is based on the number of Medicare patients the agency serves and is calculated by dividing total payments to a hospice per year by the total number of beneficiaries served to get the per beneficiary payment amount. If the per beneficiary payment amount does not exceed the cap amount, the hospice may retain all payments. If the result exceeds the cap amount, the hospice must repay excess funds to the Medicare program. For purposes of calculating whether or not a hospice exceeds the cap amount, increasing the number of beneficiaries a hospice serves reduces the per beneficiary payment amount. A lower per beneficiary payment amount reduces the likelihood that a hospice will exceed the annual hospice cap and be required to repay excess funds to the Medicare program.

Explanation of provision

For purposes of calculating the hospice cap for 2004, 2005 and 2006 and for hospice care provided after November 1, 2003 and before December 27, 2005, this provision would designate hospice with provider number 290-1511 as a multiple location of hospice with provider number 29-1500.

Reason for change

To prevent application of the Hospice cap in this circumstance.

TITLE II—MEDICARE BENEFICIARY PROTECTIONS

Section 201. Extension of exceptions process for Medicare therapy caps

Current law

The Balanced Budget Act of 1997 established annual per beneficiary payment limits for all outpatient therapy services provided by non-hospital providers. The limits applied to services provided by independent therapists as well as to those provided by comprehensive outpatient rehabilitation facilities (CORFs) and other rehabilitation agencies. The limits did not apply to outpatient services provided by hospitals.

Beginning in 1999, there were two beneficiary limits. The first was a $1,500 per beneficiary annual cap for all outpatient physical therapy services and speech language pathology services. The second was a $1,500 per beneficiary annual cap for all outpatient occupational therapy services. Beginning in 2002, the amount would increase by the Medicare economic index (MEI) rounded to the nearest multiple of $10.

The Balanced Budget Refinement Act of 1999 (BBRA) suspended application of the limits for 2000 and 2001. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) extended the suspension through 2002. Implementation of the provision was delayed until September 2003. The caps were implemented from September 1, 2003 through December 7, 2003. MMA reinstated the moratorium from December 8, 2003 through December 31, 2005.

The caps went into effect again beginning January 1, 2006. The 2006 caps are each $1,740. However, DRA required the Secretary to implement an exceptions process for expenses incurred in 2006. Under the process, a Part B enrollee, or a person acting on behalf of the enrollee, can request an exception from the physical therapy and occupational therapy caps. The individual may obtain such exception if the provision of services is determined medically necessary. The exceptions process only applies for 2006.

Explanation of provision

The provision extends the exceptions process through 2007.

In addition, during consideration of the bill, the issue of whether speech language pathologists should have a separate provider number was raised in order to better report more accurately on the bill's quality reporting program. The House urges CMS to investigate this issue.

Reason for change

Provides a one-year extension of the exceptions process established under the Deficit Reduction Act (DRA) to allow patients to apply for additional therapy services if their treatment is expected to exceed the annual cap. During consideration of the bill, the issue of whether speech language pathologists should have a separate provider number was raised in order to better report more accurately on the bill's quality reporting program. The House urges CMS to investigate this issue in order to promote quality initiatives.

Section 202. Payment for administration of part D vaccines

Current law

Medicare Part B covers pneumoccocal vaccine and its administration, influenza vaccine and its administration, and hepatitis B vaccine and its administration when furnished to a high or intermediate risk individual. Medicare Part D covers other vaccines licensed under the Public Health Service Act.

Explanation of provision

The provision specifies that during 2007, the costs of administering Part D vaccines will be paid under Part B, as if it were the administration of a hepatitis B vaccine. Beginning in 2008, Part D coverage will include the administration costs.

Reason for change

CMS has chosen not to reimburse providers for administering vaccines that are covered under the new Medicare prescription drug benefit (Part D). If doctors and their staff are not being paid to provide these vaccines, it will undoubtedly create access problems to these important preventive medicines. This provision ensures that providers will be paid for their services through Part B funds in 2007 and through Part D thereafter.

Section 203. OIG study of never events

Current law

No provision.

Explanation of provision

The Office of the Inspector General (OIG) in the Department of Health and Human Services would be required to conduct a study on the incidence of never events for Medicare beneficiaries, including types of such events and payments by any party, including beneficiaries, of such events. This study would also include the extent to which Medicare paid, denied or recouped payment for such services as well as the administrative process of the Centers for Medicare and Medicaid Services (CMS) to identify such events and to deny or recoup associated payments. The OIG would be required to audit a representative sample of claims and medical records of the events; would be able to request access to claims and records from any Medicare contractor; and would not be able to release individually identifiable or facility specific information. The OIG would be required to submit a report to The House no later than two years from enactment. This report would include recommendations for legislative or administrative action on the processes to identify, deny or recoup payments for never events, the potential process for public disclosure of never events which ensure patient privacy and permit the use of disclosed information for root cause analysis. $3 million of funds in the Treasury will be appropriated which will be available until January 1, 2010. Never event are those that are listed and endorsed as "serious reportable events" by the National Quality Forum as of November 16, 2006.

Reason for change

This would provide useful information on serious adverse medical events where a patient was harmed but the Medicare program nevertheless reimbursed the facility where the serious injury occurred.

Section 204. Medicare medical home demonstration project

Current law

No provision.

Explanation of provision

The Secretary is required to establish a medical home demonstration project in Medicare law for the purpose of redesigning the healthcare delivery system to provide targeted, accessible, continuous and coordinated, family-centered care to high-need populations (i.e., those with multiple chronic illnesses that require regular monitoring, advising, or treatment).

Under the project, case management fees would be paid to personal physicians, and incentive payments would be paid to physicians participating in practices that provide "medical home" services. Medical homes are physician practices in charge of targeting beneficiaries for project participation. They are responsible for: (1) providing safe and secure technology to promote patient access to personal health information; (2) developing a health assessment tool for the targeted individuals; and (3) providing training for personnel involved in the coordination of care.

The project is to operate for three years in urban, rural, and underserved areas in up to 8 states and would include physician practices with fewer than three full-time equivalent physicians, as well as larger practices, particularly in rural and underserved areas.

In addition to meeting Medicare requirements for physicians, personal physicians who provide first contact and continuous care for their patients must be board certified. Personal physicians must also have staff and resources to manage the comprehensive and coordinated health care of each of their patients. Participating physicians may be specialists or subspecialists for patients requiring ongoing care for specific conditions, multiple chronic conditions, (e.g., severe asthma, complex diabetes, cardiovascular disease, and rheumatologic disorder) or for those with a prolonged illness.

Personal physicians must perform (or provide for the performance of): (1) advocates for and provides ongoing support, oversight, and guidance to implement a plan of care; that provides an integrated, coherent, cross discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to the patient involved and other appropriate medical personnel or agencies (such as home health agencies); (2) uses evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care (based on patient-specific factors); (3) uses health information technology that may include remote monitoring and patient registries; and (4) encourages patients to engage in management of their own health through education and support systems.

Payments for care management to personal physicians are to be provided under a care management fee under Section 1848 of the Social Security Act. The Secretary would be required to develop a care management fee code and a value for these payments using the relative value scale update committee (RUC) process.

Payments for a medical home shall be based on the payment methodology applied to physician group practices under section 1866A of the Social Security Act. Under this methodology, 80 percent of Medicare reductions (determined by using assumptions with respect to the reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions) resulting from the medical home participation (as reduced by the total project-related care management fees), would be paid to the medical home. Project payments are to be paid from Part B.

The Secretary would be required to provide a yearly project evaluation and submit it to The House on a date specified by the Secretary. In addition, the Secretary would be required to submit to The House a project evaluation no later than one year after project completion.

Reason for change

The proposal tests the effectiveness of the medical home model to provide targeted and coordinated care to patients suffering from one or more chronic conditions. A personal physician and physician practice work together to manage these patients.

Section 205. Medicare DRA technical corrections

(a) PACE clarification

Current law

The House appropriated $10 million for FY2006 for the outlier funds for rural Program of All-Inclusive Care for the Elderly (PACE) providers. Outlier costs are those inpatient and other costs in excess of $50,000 incurred within a given 12-month period by a PACE provider for an eligible participant who resides in a rural area. These appropriated funds would remain available for expenditure through FY2010.

Explanation of provision

The provision clarifies that the appropriated $10 million would be applied to fiscal years 2006 through 2010, rather than only for FY2006. It also specifies that the funds would remain available for obligation, rather than for expenditure, through FY2010.

Reason for change

CMS has issued the start-up grants but cannot obligate the outlier payments yet because CMS does not know to whom the outlier payments will be distributed.

(b) Miscellaneous technical corrections

(1) Correction of Margin (Section 5001)

Current law

No provision.

Explanation of provision

Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 5001(a) of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended by moving clause (viii) (including subclauses

(I) through (VII) of such clause) 6 ems to the left.

(2) Reference Correction (Section 5114)

Current law

P.L. 109-171 provision modified the first sentence of Section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Explanation of provision

Instead of modifying Section 1842(b)(6)(F) to add paragraph H, the amendment would modify Section 1842(b)(6) of the Social Security Act.

(c) Effective date

These amendments would become effective as if they had been included in DRA 2005, enacted on February 8, 2006.

Section 206. Limited continuous open enrollment of original Medicare fee-for-service enrollees into Medicare Advantage non-prescription drug plans

Current law

Since the inception of Medicare Part C, beneficiaries had been allowed to enroll into and/or disenroll from Medicare Advantage (MA) plans on a monthly basis throughout the year. Beneficiaries were able to change plans as often as they wanted because The House had delayed (on three occasions) a provision, that locked Medicare beneficiaries into their plan choice after their enrollment period ended. However, since The House has not further delayed its implementation, the lock-in began to take affect on July 1, 2006.

Explanation of provision

This provision allows Medicare beneficiaries who are enrolled in traditional fee-for-service but not enrolled in a prescription drug plan to enroll in a Medicare Advantage plan that does not offer drug coverage after their enrollment period ended. These beneficiaries would be allowed to make this change once during the year, after their enrollment period had ended. This provision would sunset in two years.

Reason for change

This provision, allows qualified beneficiaries to enroll in certain MA plans throughout the year.

TITLE III—MEDICARE PROGRAM INTEGRITY EFFORTS

Section 301. Offsetting adjustment in Medicare Advantage Stabilization Fund

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 established a stabilization fund to provide incentives for plans to enter into and to remain in the Medicare Advantage (MA) regional program. Money in the fund is available to the Secretary for expenditures from January 1, 2007 to December 31, 2013.

Initially $10 billion is to be provided to the stabilization fund and additional amounts are to be added to the fund from a portion of any average per capita monthly savings amounts. The Secretary is responsible for determining the amounts that may be given to MA plans from this fund, based on statutory requirements. For example, the national bonus payment will be available to an MA organization that offers an MA regional plan in every MA region in the year, but only if there was no national plan in the previous year.

Explanation of provision

This provision would delay the initial availability of the stabilization fund until January 1, 2012, and reduce the amount of the fund to $3.5 billion.

Reason for change

The payment changes made by the MMA have strengthened the MA program, thereby increasing enrollment in, and availability of, MA plans. In 2003, just 54 percent of seniors had access to an MA plan. Today, nearly 100 percent of beneficiaries have access to at least two MA plans and the average county provides seniors with a choice of 12 MA plans. Attracting plans to the MA program today is not an issue. The stabilization fund has been rendered unnecessary under the current payment system.

Section 302. Extension and expansion of recovery audit contractor program under the Medicare Integrity Program

(a) Use of recovery audit contractors

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (P.L. 108-73) authorized a 3-year demonstration project using recovery audit contractors to identify both under and overpayments made to Part A & B Medicare providers and recoup overpayments in the Medicare program. The demonstration is being conducted as part of the Medicare Integrity Program, created by Section 1893 of the Social Security Act, which enables the Secretary to enter into contracts with entities to carry out a range of activities designed to prevent health care fraud and abuse in Parts A & B of the Medicare program. The Medicare Integrity Program was established by the Health Insurance Portability and Accountability Act of 1996 along with the Health Care Fraud and Abuse Control Program. The program is financed via the Federal Hospital Insurance Trust Fund.

Explanation of provision

Section 302 would allow the Centers for Medicare and Medicaid Services (CMS) to continue using recovery audit contractors to identify both under and overpayments made under Medicare Parts A & B and recoup any overpayments made to providers. To pay the contractors, the Secretary would be required to use only those funds recovered by the contractors. From these recoveries, the bill would require the Secretary to pay the contractors in two ways: (1) on a contingent basis for collecting overpayments; and (2) in amounts that the Secretary may specify for identifying underpayments. A portion of the recovered funds to the CMS program management account would be available for activities conducted under the recovery audit contractor program. Any remaining recovered amounts—those recoveries that are not paid to the contractors or applied to the CMS program management account—would be used to reduce expenditures under Medicare Parts A & B. Each contract would be required to provide that audit and recovery activities be conducted during the fiscal year and retrospectively for not more than 4 fiscal years. The Secretary would be allowed to waive Medicare statutory provisions to pay for the services of the recovery audit contractors.

By January 1, 2010, the Secretary would be required to contract with enough recovery audit contractors to cover Medicare activities in all states. When awarding contracts, the Secretary would be required to contract only with recovery audit contractors that have the staff with the appropriate clinical knowledge of and experience with Medicare payment rules and regulations, or recovery audit contractors that will contract with another entity that has the staff with the appropriate knowledge of and experience with Medicare payment rules and regulations. The Secretary shall give preference to entities with more than three years direct management experience and a demonstrated proficiency in audits with private insurers, health care providers, health plans, or state Medicaid programs. Recovery audit contractors cannot be fiscal intermediaries, carriers, or Medicare Administrative Contractors, and the recovery of overpayments by these contractors would not prohibit the Secretary or the Attorney General from prosecuting allegations of fraud and abuse arising from these overpayments.

Finally, the Secretary would be required to submit a report to The House annually on the use of these recovery audit contractors. Specifically the report would include information on the performance of these contractors as it relates to identifying over and underpayments and in collecting overpayments. The report would also be required to include an evaluation of the comparative performance of these contractors and any Medicare savings that have accrued as a result of their activities.

(b) Access to Coordination of Benefits Contractor Database

Current law

The Coordination of Benefits (COB) Contractor consolidates the activities that support the collection, management, and reporting of other insurance coverage for Medicare beneficiaries. The purposes of the COB program are to identify the health benefits available to a Medicare beneficiary and to coordinate the payment process to prevent mistaken payment of Medicare benefits.

Explanation of provision

For the purpose of carrying out their audit and recovery activities, the Secretary of HHS would provide recovery audit contractors with access to the database of the Coordination of Benefits Contractors of the Centers for Medicare and Medicaid Services during the current fiscal year and for a period of up to 4 fiscal years prior to the current fiscal year.

(c) Conforming Amendments to Current Demonstration Project

Current law

Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 requires that the Secretary's demonstration project using recovery audit contractors last for no longer than three years. After the completion of the program, the Secretary shall submit to The House a report on the project and its impact on savings to the Medicare program.

Explanation of provision

The provision would continue the use of recovery audit contractors until all contracts could be entered into. The provision would also eliminate the requirement that the Secretary submit to The House a report not later than 6 months after the project's completion on the impact of recovery audit contractors' activities on Medicare savings.

Reason for change

Recovery audit contractors provide a valuable service in identifying and recovering improper payments in the Medicare program. The services provided by these auditors are highly skilled and specialized, and were never utilized by the Medicare program prior to the current demonstration. The results of the demonstration document that significant amounts of funds have been returned to Medicare, and are expected to be returned to the program in the future. In fact, the Congressional Budget Office expects that this program would reduce net Medicare spending—that is, recoveries of overpayments would exceed the payments to contractors, program management costs, and outlays to correct underpayments. Based on the results of the demonstration, extension and national expansion of the recovery audit program will result in the return of substantial funds to Medicare in an efficient and cost effective manner.

Section 303. Funding for the Health Care Fraud and Abuse Control Account

(a) Departments of Health and Human Services and Justice

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104-91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In Section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15 percent above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY 2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend appropriations for the Health Care Fraud and Abuse Control Program through FY06 and beyond. For FY98 through FY03, the annual appropriation to HHS and DOJ is the limit for the preceding fiscal year increased by 15 percent. This bill would extend the annual appropriation for FY04 through FY06 to the FY03 level. For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year beyond 2010, the legislation would cap the appropriation at the FY10 level.

For the Office of the Inspector General of HHS, Section 303 would extend the annual appropriation of $160 million through FY06. For FY07, the bill would increase the FY06 appropriation to OIG by the percentage increase in the consumer price index. For fiscal years 2008, 2009, and 2010, the annual appropriation would increase by the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after FY10, the legislation would cap the appropriation at the FY10 level.

Reason for change

Funding levels are capped under law, and increased funding will be provided to continue activities covered by the HCFAC Account to help combat waste, fraud and abuse.

(b) Federal Bureau of Investigations

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104-91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In Section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15 percent above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY 2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend the annual appropriation to the Federal Bureau of Investigations (FBI). For fiscal years 2003 through 2006, the annual appropriation to the FBI for fraud and abuse activities would be capped at the FY02 level of $114 million. For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after 2010, the legislation would cap the appropriation at the FY2010 level.

Reason for change

Funding levels are capped under law, and increased funding will be provided to continue activities covered by the HCFAC Account.

Section 304. Implementation funding

Current law

No current law.

Explanation of provision

For implementation of provisions and amendments made by this title and titles I and II of this division, other than the section requiring the Inspector General in the Department of Health and Human Services to conduct a study of never events, the provision would require the Secretary of Health and Human Services to transfer $45,000,000 to the CMS Program Management Account for FY2007 and FY2008, from the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust, in appropriate proportions.

TITLE IV—MEDICAID AND OTHER HEALTH PROVISIONS

Section 401. Extension of Transitional Medical Assistance (TMA) and Abstinence Education Program

Current law

States are required to continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation is known as transitional medical assistance (TMA). Federal law permanently requires four months of TMA for families who lose Medicaid eligibility due to increased child or spousal support collections, as well as those who lose eligibility due to an increase in earned income or hours of employment. The House expanded work-related TMA under Section 1925 of the Social Security Act in 1988, requiring states to provide TMA to families who lose Medicaid for work-related reasons for at least six, and up to 12, months. The sunset date for Section 1925 has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Under Section 510 of the Social Security Act, federal law appropriated $50 million annually for each of the fiscal years 1998-2003 for matching grants to states to provide abstinence education and, at state option, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on groups that are most likely to bear children out-of-wedlock. Funds must be requested by states when they apply for Maternal and Child Health Services (MCH) Block Grant funds and must be used exclusively for the teaching of abstinence. States must match every $4 in federal funds with $3 in state funds.

A state's allotment of abstinence education block grant program funding is based on the proportion of low-income children in the state as compared to the national total. Funding for the abstinence education block grant has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Explanation of provision

The provision would extend TMA under Section 1925 of the Social Security Act through June 30, 2007. It would also fund the abstinence education block grant program through June 30, 2007 at the level provided through the third quarter of FY2006.

Section 402. Grants for research on vaccine against Valley Fever

Current law

Under existing National Institutes of Health (NIH) authority, the National Institute on Allergy and Infectious Diseases has supported projects to study coccidioidomycosis, known as Valley Fever. Grants have included projects to study the organism that causes Valley Fever; to improve the ability to evaluate vaccine candidates; to support the clinical development of potential drug therapies; and to support acquisition of equipment and facilities for research on the disease, among others.

Explanation of provision

The Secretary is required to conduct research on the development of a vaccine against coccidioidomycosis, known as Valley Fever. Grants may not be made on or after October 1, 2012. This does not have any legal effect on payments for grants for which amounts appropriated under this section were obligated prior to October 1, 2012.

To carry out this section, $40 million is authorized for fiscal years 2007-2012.

Section 403. Change in Threshold for Medicaid Indirect Hold Harmless Provision of Broad-Based Health Care Taxes

Current law

Under federal law and regulations, a state's ability to use provider-specific taxes to fund their state share of Medicaid expenditures is limited. If states establish provider-specific taxes, those taxes cannot generally exceed 25 percent of the state (or non-federal) share of Medicaid expenditures and the state cannot provide a guarantee to the providers that the taxes will be returned to them. However, there is what is referred to as a "safe harbor." If the taxes returned to a provider are less than 6 percent of the provider's revenues, the prohibition on guaranteeing the return of tax funds is not violated. Those taxes do not have to undergo the process, defined in section 433.68 of Title 42 of the

Code of Federal Regulations, of determining if a guarantee exists. As a result, a state could impose a provider tax of 6 percent of revenues, return those revenues right back to those providers in the form of a Medicaid "payment" and receive a federal match for those amounts. In effect, the state has temporarily borrowed funds from the provider to receive additional federal funds. The President's FY2006 budget proposes to phase the 6 percent "safe harbor" for provider taxes down to 3 percent although no new regulation has been issued on this subject to date.

Explanation of provision

For the fiscal periods beginning on or after January 1, 2008 and ending before October 1, 2011, the "safe harbor" percentage would be reduced from 6 percent to 5.5 percent.

Section 404. DSH allotments for fiscal year 2007 for Tennessee and Hawaii

(A) Tennessee

Current law

Tennessee operates its Medicaid program under a comprehensive statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. Medicaid demonstration waivers, authorized under Section 1115 of the Social Security Act, allow states a great deal of flexibility on how eligibility for Medicaid is determined, how Medicaid services are provided, and what those services are comprised of. States operating under a waiver are subject to a budget neutrality requirement intended to hold program spending under the waiver to estimates of amounts that would have been spent in the absence of the waiver. Because Tennessee receives its Medicaid funds under the provisions of the waiver, it does not receive federal matching for Medicaid payments to disproportionate share (DSH) hospitals nor do they receive an allotment for DSH payments (state by state allotments are calculated based on a formula in Medicaid law and represent a federal cap on the amount that the federal government will provide in DSH matching payments to any state.) DSH payments, however, continue to be counted as a component in Tennessee's budget neutrality calculation since, in the period prior to the waiver approval, the state was required to make DSH payments, and if the waiver had not been granted, the requirement to make those payments would continue to have applied.

Explanation of provision

The provision would establish a DSH allotment for the state of Tennessee for fiscal year 2007 equal to the greater of the amount that is reflected in the budget neutrality provision for the TennCare demonstration year ending in 2006 and $280 million. Federal matching payments to the state for DSH hospitals for fiscal year 2007 would, however, be limited to one-third of the DSH allotment. Those amounts would be considered TennCare project expenditures and would be subtracted from TennCare demonstration payments for Essential Access Hospital supplemental pool payments. The sum of the DSH payments and the Essential Access Hospital supplemental pool payments would be prohibited from exceeding the allotment amount. The state would be permitted to submit a state plan amendment describing the methodology to be used to identify DSH hospitals and to make payments to such hospitals.

(B) Hawaii

Current law

Like Tennessee, Hawaii operates its Medicaid program under a statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. The state does not make DSH payment under their waiver program and does not have a DSH allotment in Medicaid law.

Explanation of provision

The provision would set a DSH allotment for Hawaii for fiscal year 2007 at $10 million. The Secretary shall permit Hawaii to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals.

Section 405. Certain Medicaid DRA technical corrections

(a) Technical corrections relating to State option for alternative premiums and cost sharing (Sections 6041 through 6043)

Current law

P.L. 109–171 allows states to impose premiums and cost-sharing for any group of individuals for any type of service (except prescribed drugs which are treated separately), through Medicaid state plan amendments (rather than waivers), subject to specific restrictions. Preferred drugs are defined as those that are the least (or less) costly effective prescription drugs within a class of drugs (as defined by the state). Premium and cost-sharing rules for workers with disabilities were not changed in P.L. 109–171.

Individuals in families with income below 100% of the federal poverty line (FPL). Premiums and service-related cost-sharing imposed under this option are allowed to vary among classes or groups of individuals, or types of service. Explicit rules are provided by income level for those with income between 100–150% FPL and for those with income over 150% FPL.

States are allowed to condition the provision of medical assistance on the payment of premiums, and to terminate Medicaid eligibility on the basis of failure to pay a premium if that failure continues for at least 60 days. States may apply this provision to some or all groups of beneficiaries, and may waive premium payments in cases where such payments would be an undue hardship. In addition, the provision allows states to permit providers participating in Medicaid to require a Medicaid beneficiary to pay authorized cost-sharing as a condition of receiving care or services. Providers may be allowed to reduce or waive cost-sharing amounts on a case-by-case basis.

For the purposes of cost-sharing, two income-related groups are identified: (1) individuals in families with income between 100 and 150% FPL, and (2) individuals in families with income over 150% FPL. For both groups, the total aggregate amount of all cost-sharing (including special cost-sharing rules for prescribed drugs and emergency room copayments for non-emergency care) cannot exceed 5% of family income as applied on a quarterly or monthly basis as specified by the state.

Treatment of non-preferred drug cost-sharing. Special cost-sharing for prescribed drugs is subject to the general 5% aggregate cap on cost-sharing for individuals with income between 100–150% FPL and for individuals with income over 150% FPL who are not otherwise exempt from service-related cost-sharing.

Treatment of non-emergency cost-sharing. Individuals exempt from premiums or service-related cost-sharing under other provisions of P.L. 109–171 may be subject to nominal copayments for non-emergency services in an ER, only when no cost-sharing is imposed for care in hospital outpatient departments or by other alternative providers in the area served by the hospital ER. For non-exempt populations with income between 100–150% FPL, cost-sharing for non-emergency services in an ER cannot exceed twice the nominal amounts. For non-exempt populations with income exceeding 150% FPL, no cost-sharing limit is specified for non-emergency care in an ER. Aggregate caps on cost-sharing (described above) still apply.

Definition of non-emergency services. The term "non-emergency services" means any care or services furnished in an emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment required to be provided by the hospital under Medicare law (Section 1867 of the Social Security Act).

Exemption from cost-sharing for newly eligible children with disabilities. Section 6062 of P.L. 109–171 created a new optional Medicaid eligibility group for children with disabilities under age 19 who meet the severity of disability required under the Supplemental Security Income program (SSI) without regard to any income or asset eligibility requirements applicable under SSI for children, and whose family income does not exceed 300% FPL. (States can exceed 300% FPL, without federal matching funds for such coverage.) Special premium and cost-sharing rules apply to this new group of eligibles.

Explanation of provision

The definition of preferred drugs would be amended to include those that are the most (or more) cost effective prescription drugs within a class of drugs (as defined by the state). In addition to separate cost-sharing provisions for prescribed drugs, the amendment would clarify that separate cost-sharing provisions also apply to nonemergency services provided in an emergency room.

Individuals in families with income below 100% of the federal poverty line (FPL). The amendment would exempt from the general cost-sharing rules in new Section 1916A (a) all individuals in families with income below 100% of the federal poverty line (FPL). However, Section 1916 of Title XIX (nominal cost-sharing provisions) would still apply to this income group, as would the comparability rule regarding amount, duration and scope of available benefits (Section 1902(a)(10)(B)). States would still have the option to impose the special cost-sharing rules for prescribed drugs and non-emergency care provided in an emergency room to individuals in families with income below 100% FPL.

The amendment would exempt individuals in families with income below 100% FPL from the provisions defining enforceability of premiums and other cost-sharing. Protections regarding payment of premiums and cost-sharing in Section 1916(c)(3) and Section 1916(e) would continue to apply to this income group.

The amendment would apply the total aggregate cap of 5% of family income to individuals in families with income below 100% FPL for applicable cost-sharing with respect to nominal amounts (as defined in Section 1916), and prescribed drugs and emergency room copayments for non-emergency care (as defined in new Sections 1916A(c) and 1916A(e)).

Treatment of non-preferred drug cost-sharing. The amendment would clarify that no cost-sharing for preferred drugs can be imposed on individuals exempt from service-related cost-sharing under the general cost-sharing provisions (identified in new Section 1916A(a)). It would also clarify that no more than nominal cost-sharing amounts may be imposed for non-preferred drugs on individuals exempt from services-related cost-sharing under the general cost-sharing provisions.

Treatment of non-emergency cost-sharing. The amendment would clarify that for non-exempt persons with income between 100–150 percent FPL, cost-sharing for nonemergency care in an ER may not exceed twice the applicable nominal amount (up to the 5 percent aggregate cap). For persons with income below 100 percent FPL or who are exempt from service-related cost-sharing, cost-sharing for non-emergency care in an ER may not exceed the applicable nominal amount when no cost-sharing is imposed by the outpatient department or alternative providers. The 5 percent aggregate cap on all service-related costsharing for all income groups remains in effect.

Definition of non-emergency services. The amendment would strike the phrase "the physician determines" from the definition of non-emergency services as provided in P.L. 109–171.

Exemption from cost-sharing for newly eligible children with disabilities. The amendment would exempt this new optional eligibility group for children with disabilities established under P.L. 109–171 from the premium and service-related costsharing rules under new Section 1916A.

Correction of IV–B References. Among the groups explicitly exempted from the general cost-sharing provisions for premiums and cost-sharing, the amendment would change references to Title IV–B to mean child welfare services made available under Title IV–B on the basis of being a child in foster care.

Effective Date. The amendment specifies that all changes made by this amendment are effective as if included in the affected sections and subsections of P.L. 109–171.

(b) Clarifying Treatment of Certain Annuities (Section 6012)

Current law

Under Section 6012(b) of P.L. 109–171, the purchase of an annuity is treated as a disposal of an asset for less than fair market value unless certain criteria are met. One of these criteria is that the state be named as the remainder beneficiary in the first position for at least the total amount of Medicaid expenditures paid on behalf of the annuitant or be named in the second position after the community spouse or minor or disabled child and such spouse or a representative of such child does not dispose of any such remainder for less than fair market value.

Explanation of provision

The provision would strike the term "annuitant" and replace it with "institutionalized individual." This change would become effective as if it had been included in DRA 2005, enacted on February 8, 2006.

(c) Additional Miscellaneous Technical Corrections

(1) Documentation (Section 6036)

Current law

Under Section 6036 of P.L. 109–171, states are prohibited from receiving federal Medicaid reimbursement for an individual who has not provided satisfactory documentary evidence of citizenship or nationality. Documents that provide satisfactory evidence are described in the law, as are exceptions to the documentation requirement.

Section 6036(a)(2) of the law specifies that the documentation requirements do not apply to an alien who is eligible for Medicaid:

And is entitled to or enrolled for Medicare benefits;

On the basis of receiving Supplemental Security Income (SSI) benefits; or

On such other basis as the Secretary may specify that satisfactory documentary evidence had been previously presented.

The provision applies to initial determinations and to redeterminations of eligibility for Medicaid made on or after July 1, 2006.

Explanation of provision

The provision would specify that the documentation requirements do not apply to an individual declaring to be a citizen or national of the United States who is eligible for Medicaid:

And is entitled to or enrolled for Medicare benefits;

And is receiving (1) Social Security benefits on the basis of a disability or (2) SSI benefits;

And with respect to whom (1) child welfare services are made available under Title IV–B of the Social Security Act or (2) adoption or foster care assistance is made available under Title IV–E; or

On such basis as the Secretary may specify that satisfactory documentary evidence has been previously presented.

The provision would also make reference corrections. These changes would be effective as if included in the Deficit Reduction Act of 2005.

In addition, effective 6 months after enactment, the provision would (1) require states to have procedures in effect for verifying the citizenship or immigration status of children in foster care under the responsibility of the state under Title IV–E or IV–B of the Social Security Act and (2) specify that in reviews of state programs under IV–E and IV–B, the requirements subject to review shall include determining whether the state program is in conformity with the requirement to verify citizenship or immigration status.

(2) Miscellaneous Technical Corrections

Current law

Section 5114(a)(2). This P.L. 109–171 provision modified the first sentence of Section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Section 6003(b)(2). This P.L. 109–171 provision modified Section 1927 of the Social Security Act by referencing subsection (k) relating to Section 505(c) drugs.

Section 6031(b), 6032(b), and 6035(c). These sections referenced Section 6035(e) of P.L. 109–171, which does not exist, to provide exceptions to effective dates.

Section 6034(b). Section 6034 of P.L. 109–171 establishes the Medicaid Integrity Program. It references modifications made to the Social Security Act by Section 6033(a).

Section 6036(b). Section 6036 of P.L. 109–171 deals with improved enforcement of documentation requirements. Section 6036(b) references Section 1903(z) of the Social Security Act. This section does not exist.

Section 6015(a)(I). Section 6015 of P.L. 109–171 pertains to continuing care retirement community admissions contracts. It makes reference to clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act.

Explanation of provision

Section 5114(a)(2). Instead of modifying Section 1842(b)(6)(F) to add paragraph H, the amendment would modify Section 1842(b)(6) of the Social Security Act.

Section 6003(b)(2). Instead of referencing subsection (k) of Section 1927 of the Social Security Act, the amendment would reference subsection (k)(1).

Section 6031(b), 6032(b), and 6035(c). Instead of referencing Section 6035(e), the amendment would reference the effective date exception in Section 6034(e) of P.L. 109–171.

Section 6034(b). Instead of referencing modifications made by Section 6033(a) of P.L. 109–171, the amendment would reference Section 6032(a).

Section 6036(b). Instead of referencing Section 1903(z) of the Social Security Act, the amendment would reference Section 1903(x).

Section 6015(a)(1). Instead of referencing clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act, the amendment would reference subparagraph (B)(v).

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to amend will be followed by 5-minute votes on adoption of the motion to concur, if ordered; and the motion to suspend on H. Res. 1091.

The vote was taken by electronic device, and there were—ayes 205, noes 207, not voting 20, as follows:

[Roll No. 532]

AYES—205

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gerlach
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—207

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baker
Blumenauer
Burton (IN)
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Taylor (NC)
Watson

□ 1528

Ms. GRANGER, Messrs. CAMP of Michigan, FLAKE, THOMAS, MACK, THOMPSON of Mississippi, TERRY, MURPHY, PICKERING, Mrs. CUBIN, Messrs. WELDON of Pennsylvania, BILIRAKIS, AL GREEN of Texas and PEARCE changed their votes from "aye" to "no."

Mr. OWENS, Mrs. KELLY, Messrs. HINOJOSA, REYES, SALAZAR, FERGUSON and MOLLOHAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 532, Markey of Massachusetts amendment, had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion to concur in the Senate amendment with an amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to concur in the Senate amendment with a House amendment will be followed by 5-minute votes on suspending the rules on H. Res. 1091 and suspending the rules on H.R. 6375.

The vote was taken by electronic device, and there were—ayes 367, noes 45, not voting 21, as follows:

[Roll No. 533]

AYES—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Owens
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)

Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—45

Andrews
Baldwin
Brady (PA)
Capps
Conyers
Davis (FL)
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Jackson (IL)
Kucinich
Lee
Lynch
Markey
McGovern
McKinney
Meek (FL)
Moore (WI)
Napolitano
Olver
Pallone
Pastor
Payne
Ros-Lehtinen
Roybal-Allard
Sánchez, Linda T.
Sanders
Schakowsky
Simpson
Stark
Tierney
Udall (NM)
Visclosky
Wasserman Schultz
Waters
Waxman
Wexler
Whitfield
Woolsey

NOT VOTING—21

Baker
Blumenauer
Burton (IN)
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
Norwood
Otter
Oxley
Paul
Simmons
Strickland
Sweeney
Taylor (NC)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1538

Mr. BERMAN, Ms. SOLIS, and Mr. MEEHAN changed their vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 533, Tax Relief and Health Care Act, had I been present, I would have voted "yes."

Mr. SIMMONS. Mr. Speaker, on rollcall No. 533 I was listed as not voting. I was in the Capitol, however, and cannot explain the absence of a recorded vote. I would like to be recorded as voting "yea."

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to a medical treatment, I was unable to attend votes on Friday, December 8, 2006. Had I been present, I would have voted the following:

H.R. 6406—"nay"; to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

H.R. 6111—"yea"; Tax Relief and Health Care Act of 2006.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1120. An act to reduce hunger in the United States, and for other purposes.

S. 4113. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

CONDEMNING IRAN'S COMMITMENT TO HOLD INTERNATIONAL HOLOCAUST DENIAL CONFERENCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1091, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 534]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky

Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Baker
Blumenauer
Burton (IN)
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jones (NC)
Kolbe
McCrery
McKinney
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised the pending vote is on H. Res. 1091, as amended, condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11-12, 2006.

That is the vote that is currently on the floor. A vote on H.R. 6375 will follow immediately after this vote.

☐ 1553

Mrs. NORTHUP, Mrs. LOWEY, Messrs. COSTA, CONYERS, LANTOS, MICHAUD, BERMAN, CUMMINGS, GEORGE MILLER of California, and SALAZAR changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 534, condemning in the strongest terms Iran's commitment to hold on international Holocaust denial conference; had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H. Res. 1088 and H. Res. 1091, I would have voted "yea."

REQUIRING SECRETARY OF DEFENSE TO SUBMIT ANNUAL REPORT ON CONGRESSIONAL INITIATIVES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6375.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 6375, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 70, nays 330, not voting 32, as follows:

[Roll No. 535]

YEAS—70

Barrett (SC)
Barrow
Bilbray
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Campbell (CA)
Capito
Castle
Chocola
Coble
Cooper
Davis, Tom
Deal (GA)
Dent
Duncan
Feeney
Fitzpatrick (PA)
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Green (WI)
Hall
Hayworth
Hensarling
Hoekstra
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Kennedy (MN)
King (IA)
Leach
Linder
McHenry
McMorris Rodgers
Miller (MI)
Moran (KS)
Musgrave
Neugebauer
Nussle
Pence
Pitts
Platts
Poe
Price (GA)
Ramstad
Reichert
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Simmons
Souder
Stearns
Tiberi
Westmoreland
Wolf

NAYS—330

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Baker
Berkley
Biggert
Blumenauer
Blunt
Boehner
Burton (IN)
Conyers
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jefferson
Jones (NC)
Kolbe
McCrery
McKinney
Miller, Gary
Norwood
Otter
Oxley
Paul
Strickland
Sweeney
Tancredo
Taylor (NC)
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1602

Mr. MORAN of Kansas changed his vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 535, requiring the Secretary of Defense to

submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense, had I been present, I would have voted "yes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6136

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to remove my name as a co-sponsor of the bill, H.R. 6136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 102, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–727) on the resolution (H. Res. 1105) providing for consideration of the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 4, 2006.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On November 7, 2006, I received the great privilege of being elected Governor of the State of Nevada. Although Dean Heller was elected and will succeed me as the representative of the Second Congressional District of Nevada, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the current Governor of the State of Nevada of such resignation and hereby inform you of my formal resignation as the representative of the Second Congressional District of Nevada to be effective at the close of business on December 31, 2006.

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS,
Member of Congress.

DECEMBER 4, 2006.

Hon. KENNY GUINN,
Governor, State of Nevada,
Carson, City, NV.

DEAR GOVERNOR GUINN: On November 7, 2006, I received the great privilege of being elected Governor of the State of Nevada. As you may be aware, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the Speaker of the House of such resignation and hereby inform you of my formal resignation as the representative of the 2nd Congressional District of Nevada to be effective at the close of business on December 31, 2006.

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS.

PROVIDING FOR CONSIDERATION OF H.J. RES. 102, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1105

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, I thank my colleagues. I realize that as we wind down this session, Congress, Members are still attempting to move last-minute suspensions and items of importance for their district.

This resolution, Madam Speaker, is a rule that provides for consideration of House Joint Resolution 102, making continuing appropriations for fiscal year 2007. This rule provides for 1 hour of debate in the House, equally divided and controlled by the majority and minority chairman and ranking member of the Committee on Appropriations. The rule waives all points of orders against consideration of the joint resolution and provides for one motion to recommit.

I want to commend both Chairman LEWIS and Ranking Member OBEY and the entire House Appropriations Committee for sticking to the timetable that they laid out at the beginning of this legislative session. In an impressive display of bipartisanship and great labor, the House passed 10 of the 11 appropriations bills prior to the July 4 district work period this year. Since July the Senate has returned to us the defense and homeland security appropriations bills, each of which has been signed by our President. Only the military quality of life appropriations bill has been passed by the Senate and is being conferenced. The remaining seven remain floundering in the Senate.

The House of Representatives, Chairman LEWIS and Ranking Member OBEY, and this body, have done their work. We must institute the continuing resolution in order to allow the government to continue functioning through February 15, 2007. This allows the new Congress ample time to organize and consider the outstanding appropriations bills. The rule allows consideration of this imperative continuing resolution funding measure.

While disappointed that we must resort to a CR, I am pleased that the appropriators have ensured that we have a clean bill without extraneous projects or funds and we have avoided the temptation often driven by the other body to package bills together in an omnibus.

Throughout the appropriations process, the committee has shown its commitment to the budget resolution and to fiscal accountability. The committee has funded programs and activities at the lowest of the House-passed level, the Senate-passed level, or the fiscal year 2006 rate. For agencies for which the Senate has not passed the bill, the funding rate is at the lower of the House-passed level or the fiscal 2006 current rate. For agencies for which neither the House nor the Senate have passed the bill, the funding rate is at the current 2006 number.

And in order to ensure quality health care for our veterans, we have included substantial additional transfer authority for Veterans Administration medical care. As the entire Federal Government is facing a plateaued budget, the CR includes a provision that prohibits the automatic implementation of the cost of living adjustment for Members of Congress also until February 16.

Again, I want to congratulate Chairman LEWIS and Ranking Member OBEY on their hard work. I urge Members to support the rule and the underlying continuing resolution so that we can finish the appropriations process and move down the road toward meeting the needs of this country.

Madam Speaker, I reserve the balance of my time.

Mrs. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, the bill before us represents one of the last chances that the majority has to leave its mark on the 109th Congress, and yet again we are ending this session like we began it, rushing to pass a rule on a bill without having taken enough time to get either one right.

Along with the broken process used to pass this legislation, what is in this bill is a perfect representation of what is wrong with the way business has been done under this majority. It is a clear example of why we need a new direction in Washington, why we need a new philosophy of government to take root here in the people's House.

This continuing resolution will automatically fund government programs at their current levels through February 15 of next year. It is the third continuing resolution Congress has passed since the current fiscal year began on October 1. We are in the second week of December, and the majority has approved only two of the 11 bills that were needed this year. In fact, by the time this resolution expires in February, the Federal Government would have been on autopilot for more than one-third of the 2007 fiscal year. The nine spending bills that the 109th Congress will leave unfinished when it adjourns this week cover over $460 billion in Federal spending. 460 billion. That is almost half a trillion that the leaders of the Congress have decided to send out the door without any policymaking or oversight.

Madam Speaker, the majority didn't do its job. As representatives, we are sent here to be good stewards of the taxpayer dollars that the Federal Government spends. It is one of our most important responsibilities. Voters do not expect us to abdicate that responsibility or any other responsibility, for that matter. What they expect is that we will take on the challenges confronting our Nation, challenges which have for years awaited a leadership with the vision and commitment needed to address them.

Madam Speaker, my fellow Democrats and I understand what the American people expect of us. Democrats believe that running this House correctly is a matter of pride. We believe it is a matter of having a fundamental respect for both the institution in which we serve and for the citizens who gave us the privilege to serve here.

And that is why when the 110th Congress opens next month, Democrats will actually face the unanswered challenges confronting us with a new promise and address them in a new way. The House will no longer avoid asking tough questions or fail to live up to its most basic duties. Democrats are going to show the American people a Congress with a new set of priorities and a new set of how best to do the people's business.

They are going to see a Congress committed to getting our deficits under control and passing critical bills like unfinished budgets before us on time. They will see a Congress focused on rewarding millions of hardworking Americans with an increase in the minimum wage and on promoting education and employment opportunities to help save the backbone of our economy: the middle class.

Americans are going to see a Congress committed to the high standards of ethical conduct and procedural fairness so that corruption will no longer find refuge within these Halls.

And they are going to see a Congress with the principle needed to truly stand up for our troops in the field by changing our course in Iraq and by rooting out the fraud, waste, and abuse that to this day endanger the very soldiers that we have asked to risk their lives countless times on our behalf.

□ 1615

Mr. Speaker, the new direction my fellow Democrats and I stand for will show our gratitude to the American people for giving us this opportunity to serve our country, to help our communities, and strengthen our future. It is in the Democratic Party's respect for the fundamental principles of our society that they will see the faith we have in the principles and their timelessness and in their strength.

It is in the challenges we choose to confront and the honest, open and fair means by which we confront them that they will see our dedication to a government of, by, and for the people of the United States.

The American people understand what is at stake in the years ahead. They understand that how we act, both in Washington and toward those at home and abroad, will determine who we are as a Nation. They want a country they can recognize. They want the country they grew up believing in. They want a Congress they can be proud of again. And, Madam Speaker, that is exactly what the Democrats are going to give them.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I am pleased to yield 2 minutes to my Rules Committee colleague, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I rise today to speak in support of this rule. As I was listening to the statements that have gone on, I started thinking to myself, you know, it is the Christmas season. It is a time of optimism. It is a time of reflection. It is a time when we look forward to the new year. And as I do that, as a Member of Congress, as a family member, as a member of my community, as an American citizen, I look forward to what is going to happen after this new year. But what we need to concentrate on today is to make sure that the business of the people continues in a responsible way, and that is what this rule does. It continues the government spending.

I have great regrets that we were unable to get our appropriations bills through, and I hold the other side of the aisle, the other side of the big aisle, responsible for a lot of that. But at the same time, I think it is important for people across the Nation who are watching this to realize what we are really talking about today, and that is the continuing services, continuing benefits, continuing the work and the funding of the American government.

I think it is also important to note in this particular piece of legislation, because we are very concerned, as a Congress, about our veterans and about our VA health care, that because there could be some possible issues between now and when this expires in February, that we have allotted for the ability to have the transfer within the VA medical costs so that they won't skip a beat, and our veterans will be cared for in the manner to which we would want them to be cared for, in the manner which they deserve.

So I rise today with a heart filled with Christmas spirit, with a positive outlook, not only on this body, but this Nation. And I wish the other side good luck in the years to come, and I look forward to serving this Congress and the next Congress.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time. But let me inquire if my colleague has any more speakers.

Mr. PUTNAM. I thank the lady for her inquiry. I am advised that we have no other Members wishing to speak on the rule.

Ms. SLAUGHTER. Then I am prepared to yield back the balance of my time.

Mr. PUTNAM. Madam Speaker, before I yield back the balance of my time I, first and foremost, want to urge my colleagues to adopt the rule and adopt the continuing resolution, and express my highest regards and best wishes to the gentlewoman from New York as she prepares to take the leadership of the Rules Committee. And I wish her all the very best. And I regret that I will not be serving on the committee under her leadership, but certainly wish she and her colleagues all the opportunity and hope and advantages that come with that responsibility.

With that, Madam Speaker, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6406, TRADE LAWS MODIFICATION

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1100 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1100

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. In the engrossment of the House amendment to the Senate amendment to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, the Clerk shall—

(a) add the text of H.R. 6406, as passed by the House, as new matter at the end of such engrossment;

(b) assign appropriate designations to provisions within the engrossment; and

(c) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California is recognized for 1 hour.

Mr. DREIER. Madam Speaker, I have, for the last time for the next 2 years, called up this resolution, and I will say that for the purpose of debate only I will yield the customary 30 minutes to my very good friend from Fort Lauderdale, Mr. HASTINGS, pending which I yield myself such time as I may consume. And during consideration of this resolution, all time that I will be yielding will be for debate purposes only.

Madam Speaker, House Resolution 1100 is a closed rule providing 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill, and also provides for one motion to recommit.

The rule also provides that, in the engrossment of the House amendment to the Senate amendment to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending the Clerk shall, (a) add the text of H.R. 6406, as passed by House, as new matter at the end of such engrossment; (b) assign appropriate designations to provisions within the engrossment; and (c) conform provisions for short titles within the engrossment.

Madam Speaker, today I rise in strong support of H. Res. 1100 and its underlying legislation, H.R. 6406. While it is important to note that this bill is not a free trade agreement, we have structured a closed rule to mirror the standard procedures afforded to free trade agreements for House consideration.

This past Congress I am very proud, with your work, Madam Speaker, and the work of many others, we have been able to pass crucial free trade agreements with the countries of Bahrain and Oman as well as the Central American countries and the Dominican Republic. Under this rule, we are continuing this commitment to free trade, and we aim to implement a number of provisions that are critical for advancing our trade agenda and ensuring the continued leadership of the United States economy in the worldwide marketplace. First, we would grant Vietnam, Southeast Asia's fasting growing economy, permanent normal trade relations (PNTR), thereby eliminating the annual evaluation of Vietnam's emigration practices under the Jackson-Vanik provision.

It is important to clarify what PNTR is and what it is not. First of all, as I said, PNTR is not a free trade agreement. Though I would be the first to support an FTA with Vietnam, the issue we are debating today is not a special trading relationship between the United States and Vietnam. It would simply grant what is known as a normal trade relationship.

Normalizing trade with Vietnam is an important step towards enhancing our ability to engage with Vietnam and encourage continued progress in the areas of economic and political liberalization. A normal trade relationship will not be a panacea or cause an instantaneous eradication of the challenges of human rights violations and other issues that Vietnam faces. But it is both by doing this, we are acknowledging the tremendous progress that has been made and an opportunity for further engagement that will help propel Vietnam forward on the path towards political and economic reform.

Furthermore, granting PNTR for Vietnam is necessary to provide access for American producers and service providers to a market that will soon be open to the rest of the world. Vietnam will accede to the WTO, the World Trade Organization, in just a few weeks, essentially normalizing its trading relationship with the entire globe. If we fail to grant PNTR for Vietnam, we will be putting American businesses and our consumers, the American people, at a competitive disadvantage with our trading partners, all of whom will have access to the market in Vietnam.

By seeking WTO accession, Vietnam has demonstrated its commitment to operate in a rules-based trading system. It has clearly signaled that it wants to be a responsible participant in the global economy, and adhere to the rules that we have all agreed to. Through PNTR, we not only open up new market access, we gain the ability to hold Vietnam accountable for its trading practices.

Many will argue that because Vietnam must still make progress in protecting human rights and ensuring individual freedoms, that we cannot normalize our trade relationship yet. I believe that it is precisely because of the need to focus on improving the human rights situation, on bringing about a full accounting of the POW, MIAs, of dealing with enhancement of the rule of law and political pluralism, that that is exactly why we must do everything we can to expand our engagement. Bringing them in to a rules-based system of international trade will enhance transparency and accountability, and I truly believe will undermine the command-and-control concept that has existed in their government.

This is not a gift to them, Madam Speaker. What we are doing is we are playing a big role in not only enhancing the opportunity for the American people to see our standard of living and quality of life improve because of imports, but also by gaining access to their market and thereby improving the standard of living and the quality of life for the people of Vietnam. Giving them a place in the international community will increase the pressure that they feel to live up to international norms.

As I said, a great deal of progress has already been made on the part of the Vietnamese Government. Refusing to engage in a normalized trade relationship is not the way to encourage continuation of this progress that we have already seen.

Now, Madam Speaker, additionally, this bill includes an extension of the Andean preference program which expires in just a few weeks, on December 31. This program provides an incentive for U.S. companies to invest in the politically and economically fragile Andean region. Creating lawful economic activity has been critical to efforts to divert illegal coca manufacturing towards legitimate industries, especially in some of the most egregious drug trafficking countries.

And at the same time, these preferences encourage the Andean countries to pursue more permanent, two-way free trade agreements with the United States which will help to solidify our economic and political relationship with that very important region right in our back yard.

Madam Speaker, the underlying legislation would extend these programs temporarily, but require full cooperation in the free trade arrangement negotiating process in order to continue them beyond a 6-month period.

□ 1630

What I am saying is in the first 6 months, there obviously are standards that must be met, requirements that must be met, and then we must continue in the FTA negotiations. By taking this approach, we maintain the economic benefits that the preference program has brought, while at the same time we provide a powerful incentive to move toward greater economic engagement.

Madam Speaker, this bill goes further in addition by including provisions regarding the Haitian Hemispheric Opportunity through Partnership Encouragement, or the so-called HOPE Act, which provides important tax credits for new U.S. labor and capital investments in eligible countries in the Caribbean region.

This program will not only advance U.S. textile interests, but provide critical assistance and opportunities for the people in this region, again, right in our backyard, not on the other side of the world.

Madam Speaker, with that I again urge my colleagues to support this very fair rule that allows us to bring up this important underlying legislation which deserves strong bipartisan support.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Let me first thank the distinguished Chair of the House Rules Committee, my very good friend, Mr. DREIER, for yielding me the time. As a point of personal privilege, Madam Speaker, let me take a moment to commend Chairman DREIER for his able stewardship of the Rules Committee over these past several years.

I consider David to have been, on balance, a very good chairman. He certainly is an institutionalist and someone who clearly understands the role of the United States and the United States Congress in the world today. He was given the challenge of running the Rules Committee at a particularly difficult juncture in congressional history.

David, it has been a pleasure to work with you, to travel with you, and to learn from you. I look forward to our continued work together, albeit with slightly different roles in the future.

Madam Speaker, as Chairman DREIER has already pointed out, this is a comprehensive and massive trade bill that is being brought to the House floor today. It was introduced in the House within the past few hours, and we are asked to vote on it shortly. I seriously doubt that most Members have read this bill. Okay, maybe Chairman THOMAS and Mr. RANGEL. Others? Not really, not a chance.

In some respects, this was a troubling pattern in the Congress, which I hope will end tomorrow. As I have said multiple times this year, it is my great hope that this type of legislating will end at the close of this year.

Now, within this massive bill are provisions that are both positive and negative. If this bill was split into four or six separate bills, I suspect I would find myself voting against three or five of the individual pieces of legislation. But I don't have that opportunity because, once again, the outgoing leadership has closed down the process in the hopes of squelching democracy here in the people's House.

Despite my serious misgivings about several portions of this bill, I may wind up supporting it for the sections that deal with our Caribbean neighbor to the immediate south.

The major focus of this bill, as it relates to the people of south Florida and of the 23rd Congressional District, which I am privileged to represent, is the investment it makes in Haiti. The truth is, Madam Speaker, this Congress and this administration and the previous administration has had a dismal record as it relates to helping one of the most beleaguered nations in our hemisphere. This bill takes a step, albeit a small step, in helping our brothers and sisters in Haiti begin to take control of their economy, take control of their livelihoods and, hopefully, their circumstances.

It is not a panacea, far from it. But it is, in my view, a step in the right direction. One of the key provisions of the Haitian Hemispheric Opportunity Through Partnership Encouragement, as it is referred to as the HOPE Act, will be that it provides new duty free, quota-free access to the U.S. market for apparel made in Haiti.

This has a two-fold benefit. One, it should, over time, allow businesses in Haiti to flourish and build a stable economy and lead to a more stable democracy; and, two, it will also help to lessen the massive trade imbalance we currently owe to China.

Madam Speaker, as the incoming chairman of the House Ways and Means committee, my good friend, CHARLIE RANGEL, has recently said Haiti and its fledgling democracy stand at critical crossroads. This is a key moment in the relationship between the United States and Haiti.

In order to capitalize on this moment, Haiti needs to be able to create sustained economic opportunity for its citizens. The provisions of this section of the bill can and likely will go a long way to fulfilling the U.S. part of this commitment.

As I said, Madam Speaker, this is not a perfect bill, and it certainly is not a perfect process. But this is what we have to work with today, and I may support this bill, warts and all, because of what it may do for the future of Haiti and its citizens who are desperately in need of support from the United States and other donor countries.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, let me begin by expressing my appreciation for my very good friend, Mr. HASTINGS, for his kind words and I look forward to working with him and Mrs. SLAUGHTER. We don't know all the other new members of the Rules Committee who will be joining us, but we look forward to working in a bipartisan way to address the many challenges the United States of America faces.

Mr. HASTINGS and I are in agreement on our quest to try to make sure that we implement this very important legislation. It does touch a number of areas, but as I said, it reaffirms our very strong commitment to doing all that we can, all that we can to expand the cause of freedom and the recognition of the interdependence of economic and political liberalization.

I was just talking to one of my colleagues a few minutes ago, Madam Speaker, and he made the statement to me that he is concerned about the Vietnam agreement because we should not be engaging with a communist country.

I think it is for that precise reason that we have what to me is an authoritarian dictatorship in Vietnam. I believe that by tying their hands, forcing them to live with a rules-based trading system, by doing everything that we can to bring them, as I said in my statement, into a world trade community, they will be able to have to comply with international norms, and there will be greater transparency and disclosure, so that the horrendous human rights issues that we have seen can more readily be addressed.

I am one who has believed at my core that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political oppression. If one looks at the last two decades of our Nation's history, we found countries with authoritarian dictatorships where we have maintained strong economic engagement, and, in so doing, we have been able to bring about the kind of political reform that I believe to be essential.

Two instances in this hemisphere alone, Venezuela and Chile, these are two countries which have had oppressive dictatorships. Yet through the decades of the 1980s, we maintained strong economic engagement with them. What has happened? Well, we have seen blossoming, strong political liberalization and the building of democracies in those nations, the recognition of the rule of law.

Similarly, if we shift to Asia, shift to Asia and look at countries like South Korea and Taiwan, places where we saw authoritarian dictatorships for many, many years and we as a Nation, under the leadership of Ronald Reagan and George H.W. Bush maintained strong economic ties with those countries, what has happened? Well, we see vibrant, growing democracies, both on Taiwan and on South Korea.

Now, I believe similarly that doing the kinds of things that can help us in the recognition of the importance of improving human rights, the importance of dealing with the violations of international norms that we have observed in Vietnam, we all acknowledge them. I served for years as a member of the POW/MIA Task Force. I made several trips to Vietnam in our quest to bring about a resolution on that. We continue today to be committed to this. I believe that our bringing Vietnam into this international norm, the trading status, will help us resolve these very, very important issues.

Another question that came forward was the deleterious impact this could potentially have on the textile industry here in the United States as it relates to India, as it relates to Haiti. I know there has been some concern raised about ATPA, the Andean Trade Preference Status.

Madam Speaker, I think it is important for us to recognize that change is inevitable. I am one who believes passionately in what is known as the "economic theory of comparative advantage." We do what we do best, and others will do what they do best.

Madam Speaker, it is in our interest to see a strong, growing, global economy. It is also in our interest to do everything we can within our own hemisphere to ensure that we can compete globally. By proceeding with our focus on the Andean region, as we deal with the scourge of illicit drugs, as we deal with the economic devastation in Haiti, and I am very proud of the fact that the House Democracy Assistance Commission, that my colleague, DAVID PRICE and I have worked on, are focusing on building the parliament in Haiti, that our doing what they can there to enhance that political pluralism will be very important, very important for the stability of this hemisphere. I believe it will be very important for the consumers of the United States of America as well.

While this isn't a perfect measure, frankly, I wish we could do more, I wish we could immediately pass the FTAs with Peru, Colombia and we look forward to the South Korea FTA. I mean, I can go to other parts of the world. I very much want us to see more and more of these. I know come June we will see the expiration of trade promotion authority.

I see my very good friend from Virginia (Mr. MORAN), and he and I worked very closely on the issue of trying to enhance our opportunity, on trying to embark on more negotiations for FTAs. I believe it is imperative for us.

Madam Speaker, as I listen to many people decry the notion of trade and talk about the devastation that it has wrought to the U.S. economy, I remind them that just yesterday we got a near record report of a drop in jobless claims. We have a 4.6 percent unemployment rate, near record low.

We have a very strong GDP growth rate. We want it to be stronger, not quite as strong for this quarter as it has been in the past, but it still is strong GDP growth. I believe that has come, in large part, due to our strong commitment to the global leadership role.

If we as a Nation, if we don't lead globally, we will see others take that lead. What we are going to be voting on later today is very important in our quest to do that.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 4½ minutes to my friend, the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman; I want to thank Chairman DREIER.

Madam Speaker, I think it is important to concede that it is possible to be in favor of trade, but at the same time be very concerned about the rules which attend a trade, about the structures that are set up to facilitate trade that may not take into account the rights of people, the rights of workers.

Mr. Speaker, the bill before us might have Vietnam in its name, but it is a hodgepodge collection of an agenda impacting Africa, Haiti, as well as Vietnam.

□ 1645

If we wanted to raise wages around the world, improve the livelihoods of a majority of citizens, we wouldn't send them on a global race to the bottom. That is precisely what this bill does.

Let me talk about Vietnam. A lot of us feel very badly about the legacy of the U.S. war in Vietnam. We feel badly about the napalm and carpet-bombing and the damage that was done to the lives of innocent people. We feel we should do something positive for the people of Vietnam. And I agree. We will have a moral obligation to the people of Vietnam far into the future.

But foisting the rules of globalization on the Vietnamese people is no gift. Let us remember that NAFTA was no gift to the Mexican farmers, who lost their markets and their livelihoods and who are poorer now after NAFTA than they were before NAFTA.

This bill is no gift. The global experience of developing countries with WTO rules provides a warning. During the WTO decade of 1995 to 2005, the number and percentage of people living on less than $2 a day has jumped in South Asia, sub-Saharan Africa, Latin America, the Middle East and the Caribbean. The rate of worldwide poverty reduction has slowed.

When you add in the full range of globalization's institutions, the picture gets even bleaker, from the specter of a developing country. Per capita income growth in poor nations declines when they sign up for the structural adjustment policies of the IMF and the World Bank. Per capita growth from 1980 to 2000 fell to half of what occurred between 1960 and 1980, prior to the imposition of the WTO–IMF, or International Monetary Fund, package.

I worry about the damage to the people in Vietnam if this permanent trade agreement passes. As poor as that country is, it actually has a lot more to lose. This permanent trade agreement we are talking about, here is what it could cause. It could cause millions of peasants to be thrown off their land as agricultural supports are withdrawn. It can cause millions of workers to lose their jobs as state enterprises wither in the face of foreign competition or downsize and speed up operations in an effort to stay competitive.

As a result of these and other factors, there will be a surge in income and wealth inequality, exacerbating dangerous trends already underway. Foreign tobacco companies will gain greater access to the Vietnamese market, which almost certainly means there will be a rise in smoking rates among women and children and may result in millions of excess tobacco-related deaths.

The U.S. balance of trade with Vietnam has already gone from a surplus in 1993 to a deficit of over $5 billion. As Chinese manufacturers move south to Vietnam in search of even cheaper labor, more and more exports will come from Vietnam to the United States, and more and more jobs in the United States will disappear.

Haven't we learned enough about the folly of the World Trade Organization? Haven't we lost enough good-paying jobs? Haven't we learned that the U.S. cannot for long be the world's biggest market and biggest consumer if our people are not making wealth through manufacturing?

What will have to happen for us to learn that we cannot sustain trade deficits forever? The U.S. is borrowing almost $800 billion per year from the international community. That is the trade deficit. One day, our Chinese, British, German, Canadian and Vietnamese creditors will want a say in U.S. economic policies, and that is not going to be in the interests of U.S. workers. Vote "no" on H.R. 6346.

Mr. DREIER. Madam Speaker, being the eternal optimist that I am, I will put my friend from Ohio (Mr. KUCINICH) in the "undecided" column on this.

Pending that, I am happy to yield 5 minutes to my very good friend, the former mayor of Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Rules Committee, my friend, Mr. DREIER.

I am a cosponsor of this legislation because I do agree with the premise, as articulated by Mr. DREIER, that trade liberalization inevitably does lead to political and social liberalization. We tried the other approach in Vietnam and we lost 58,000 people and have very little to show for it. But it doesn't mean that we are going to look the other way when human rights are being violated. In fact, this gives us more ability to intervene and to protect American citizens and Vietnamese citizens.

Let me give you an example. There is a gentleman by the name of Hoan Nguyen. He has been a United States citizen for over 30 years. He has been on the Board of Visitors of George Mason University for 5 years. He is an internationally recognized humanitarian and educator.

He went to Vietnam to open the Hanoi International School for the children of diplomats and corporate executives because he wanted to help his native country to develop and to grow. But under the current regime, without this trade agreement, he is required to accept a local partner that the Vietnamese Government assigns him.

Well, this school worked and it began to make money, and so he started to pay off his American investors who had invested in the school. The local partner, with the assistance of Vietnamese officials, decided they wanted to seize the school. What they did was to arrest Mr. Hoan Nguyen. He is now in prison, without charges, without evidence, without the ability to consult his lawyer, without trial. He can't have an American lawyer.

His wife, with the help and advice of the U.S. Embassy, paid $85,000 in bail for his release on October 14, 2006. The government took the money and wouldn't release him. Now they want more money. It is pure extortion. She can't pay it, and she shouldn't. It is a brazen attempt to take over this school.

Now, my constituents who know Hoan Nguyen say the answer is to defeat the Vietnam Trade Agreement. I think the answer is just the opposite, because that is the kind of situation that exists today for every American investor. It won't exist when we have the kind of transparency that is guaranteed through this agreement.

What we are trying to get is the protection of commercial transactions, the protection of money that is invested in Vietnam. This is a quid pro quo, and there are a lot of Vietnamese Communist officials who are very uneasy about what this will require. They should be uneasy, because we won't allow this kind of situation to continue to occur.

This situation is not fair, in Vietnam or in any authoritarian Communist countries. China is not dissimilar from Vietnam. But the answer is not to engage militarily and I don't think the answer is to turn our back.

The answer is to change the situation, peacefully, diplomatically, legally. And that is what these trade agreements are all about: sitting down, negotiating; coming up with requirements for transparency; coming up with the ability to get insurance, with the ability to protect your investment, with the ability to take your case to court and have a fair trial, to introduce justice into these authoritarian systems.

Now, it is going to be slow, it is going to be frustrating, but it has got to be the way we go in the 21st century. We have got to engage with our competitors, even our former enemies, in this global economy, and this I think is the appropriate way to do so.

I would urge a "yes" vote on this trade agreement.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to my good friend the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I want to particularly thank my colleague from the State of Florida for the time.

Madam Speaker, I rise to oppose the rule for consideration of H.R. 6346 because under today's marshal law and the closed rule before us, no amendments were made in order.

I oppose this legislation, and I particularly want to reference a provision which allows the administration to revoke India's competitive need limitations waivers on certain items after 6 months. Although India continues its economic development, the vast majority of Indians are still desperately poor. The GSP program has become very important to India's smaller businesses, such as the jewelry industry.

Approximately 325,000 workers employed by the Indian jewelry industry, many of whom are from the countryside and are extremely poor, depend on GSP benefits. By providing alternative employment opportunities, the jewelry industry is helping to address the challenges India faces with increasing unemployment and desperation in rural areas, particularly for vulnerable populations such as women and low-skilled workers. It has afforded workers and their families access to basic necessities, such as basic education and health care.

From a development standpoint, restricting GSP benefits for India would have an adverse effect on this progress. These workers will simply lose their jobs, putting a tremendous burden on them and their families.

In addition, India is an important source of diamond jewelry to American jewelers today. Revoking these benefits would significantly increase the cost of many jewelry products for jewelers and their customers here, causing real harm to the industry in the United States.

The contention for revoking these benefits is to allow smaller GSP beneficiary countries to develop this industry. However, it would not increase sourcing from these lesser-developed countries or from domestic sources here in the United States. Instead, the U.S. market would simply turn straight to China, which is extremely cost competitive and has a well-established industry.

So I urge the administration to disregard the authority that is given under this bill to revoke India's competitive-need limitations. I hope the President will recognize the importance this program has on India's poor.

Again, I would urge Members to vote "no" on the rule and also on the subsequent bill.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no further speakers, and I would add further compliments to the final rule that our distinguished chair is bringing to the House as the chair in the majority, and to thank him again for his leadership of the Rules Committee and his friendship as we have progressed along. Having learned the things that I have from him, I am sure now that I will be able to teach him a thing or two in the next majority.

Thank you very much, David, for your friendship.

Madam Speaker, I yield back the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I, of course, express my great appreciation to my friend from Florida for his very kind words, and I do look forward to learning from him. I see the distinguished future chairman of the Ways and Means Committee here, my very good friend, Mr. RANGEL. We are going to have an interesting 2 years, and it is going to be a different opportunity for all of us.

I just reminded Paul Hayes of the fact that he, 15 years ago, said to me that he looked forward to the day when I would be able to, by direction of the Committee on Rules, call up a resolution for us to consider here on the floor, and I have been able to do that now for 12 years. We have this 2-year intermezzo that we are going to be going through, and I look forward to working in a bipartisan way with my colleagues on a wide range of issues.

I believe that this measure that we are considering right here on our global leadership role is an important bipartisan effort.

Madam Speaker, Mr. RANGEL and I spoke yesterday at length about the need for us to move ahead with our global trade agenda, and I look forward to continuing our effort together. On all of the public policy questions that we will be facing here in this House, I look forward to working with Mrs. SLAUGHTER and Mr. HASTINGS and the other members of the Rules Committee.

On this measure itself, Madam Speaker, I believe that for the cause of freedom, for the cause of our global leadership role, and, as Mr. MORAN said so eloquently, the effort to ensure the rule of law and political pluralism and the building of democratic institutions, this effort to pass these agreements is essential for us. So I urge support for the rule.

☐ 1700

Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of H. Res. 1100 will be followed by a 5-minute vote on suspending the rules on H.R. 5948.

The vote was taken by electronic device, and there were—yeas 207, nays 193, not voting 33, as follows:

[Roll No. 536]

YEAS—207

Akin
Bachus
Baird
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hyde
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McKeon
McMorris Rodgers
Meeks (NY)
Mica
Moran (VA)
Musgrave
Neugebauer
Northup
Nunes
Nussle
Ortiz
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Schiff
Schwartz (PA)
Schwarz (MI)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tanner
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Becerra
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Capps
Chandler
Cleaver
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doolittle
Doyle
Edwards
Engel
Etheridge
Farr
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kingston
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Markey
Marshall
McCarthy
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Regula
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—33

Baker
Blumenauer
Brown, Corrine
Burton (IN)
Carson
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Gutierrez
Harman
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kolbe
McCrery
Miller, Gary
Norwood
Otter
Oxley
Paul
Sherwood
Simpson
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson

☐ 1729

Messrs. HEFLEY, LoBIONDO, MILLER of Florida, KINGSTON, RYUN of Kansas, GEORGE MILLER of California, MOORE of Kansas, RUSH, Ms. WASSERMAN SCHULTZ, Messrs. VAN HOLLEN, BECERRA, SAXTON, MORAN of Kansas, and Mrs. SCHMIDT changed their vote from "yea" to "nay."

Mr. CAPUANO changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5948, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 5948, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 34, as follows:

[Roll No. 537]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio

DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Kucinich

NOT VOTING—34

Baker
Blumenauer
Brown, Corrine
Burton (IN)
Carson
Cubin
Davis, Jo Ann
Evans
Fattah
Ford
Frank (MA)
Gallegly
Gibbons
Gillmor
Gutierrez
Harman
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kolbe
McCrery
Miller, Gary
Norwood
Otter
Paul
Sherwood
Simpson
Strickland
Sweeney
Tancredo
Taylor (NC)
Watson

☐ 1739

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Mr. Speaker, on rollcall Nos. 536 and 537, had I been present, I would have voted "no" on 536 and "yes" on 537.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of TEXAS. Mr. Speaker, on rollcall Nos. 536 and 537, had I been present, I would have voted "no" on 536 and "yea" on 537.

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on December 8, 2006:

H. Res. 1101, Waiving all points of order against the conference report to accompany H.R. 5682 and against its consideration (rollcall vote 529). On agreeing to the resolution, had I been present, I would have voted "aye."

H. Res. 1099, Relating to consideration of the bill H.R. 6111 to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending (rollcall vote 530). Had I been present, I would have voted "aye."

H. Res. 1088, Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amine Gemayel (rollcall vote 531). On Motion to Suspend the Rules and Agree, I would have voted "aye."

H.R. 6111, Markey of Massachusetts Amendment (rollcall vote 532). On the motion to amend the House Amendment to Senate Amendment, I would have voted "nay."

H.R. 6111, Tax Relief and Health Care Act (rollcall vote 533). On the Motion to Agree to Senate Amendment with Amendment, I would have voted "aye."

H. Res. 1091, Condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference (rollcall vote 534). On Motion to Suspend the Rules and Agree, as Amended, I would have voted "aye."

H.R. 5948, Belarus Democracy Reauthorization Act of 2006 (rollcall vote 537). On Motion to Suspend the Rules and Agree, as Amended, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably unable to be on the House floor for rollcall votes 529, 530, 531, 532, 533, 534, 535, 536, 537 and 538.

Had I been present I would have voted "aye" for rollcall votes 529, 530, 531, 533, 534, 536, and 537; and "no" for rollcall vote 532.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following titles:

H.R. 3248. An act to amend the Public health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

TRADE LAWS MODIFICATION

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 1100, I call up the bill (H.R. 6406) to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 6406 is as follows:

H.R. 6406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference: expired provisions.

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

Sec. 1111. Diethyl sulfate.
Sec. 1112. Sorafenib.
Sec. 1113. Prohexadione calcium.
Sec. 1114. Methyl methoxy acetate.
Sec. 1115. Methoxyacetic acid.
Sec. 1116. N-Methylpiperidine.
Sec. 1117. Quinclorac technical.
Sec. 1118. Pyridaben.
Sec. 1119. Certain rubber or plastic footwear.
Sec. 1120. Sodium ortho-phenylphenol.
Sec. 1121. Certain chemical.
Sec. 1122. Baypure CX.

Sec. 1123. Isoeicosane.

Sec. 1124. Isododecane.

Sec. 1125. Isohexadecane.

Sec. 1126. Aminoguanidine bicarbonate.

Sec. 1127. o-Chlorotoluene.

Sec. 1128. Bayderm bottom DLV-N.

Sec. 1129. 2,3-Dichloronitrobenzene.

Sec. 1130. 1-Methoxy-2-propanol.

Sec. 1131. Basic Red 1 dye.

Sec. 1132. Basic Red 1:1 dye.

Sec. 1133. Basic Violet 11 dye.

Sec. 1134. Basic Violet 11:1 dye.

Sec. 1135. N-Cyclohexylthiophthalimide.

Sec. 1136. 4,4′-Dithiodimorpholine.

Sec. 1137. Tetraethylthiuram disulfide.

Sec. 1138. Certain tetramethylthiuram disulfide.

Sec. 1139. Certain aerosol valves.

Sec. 1140. 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one.

Sec. 1141. Ethoxyquin.

Sec. 1142. Tricholorobenzene.

Sec. 1143. Benzoic acid, 3,4,5-trihydroxy-, propyl ester.

Sec. 1144. 2-Cyanopyridine.

Sec. 1145. Mixed xylidines.

Sec. 1146. Certain reception apparatus not containing a clock or clock timer, incorporating only AM radio.

Sec. 1147. Pigment Yellow 219.

Sec. 1148. Pigment Blue 80.

Sec. 1149. 1-Oxa-3, 20-diazadispiro-[5.1.11.2] heneicosan-21-one 2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed and polymerized.

Sec. 1150. Isobutyl parahydroxybenzoic acid and its sodium salt.

Sec. 1151. Phosphinic acid, diethyl-, aluminum salt.

Sec. 1152. Exolit OP 1312.

Sec. 1153. Sodium hypophosphite.

Sec. 1154. Cyanuric chloride.

Sec. 1155. Certain leather footwear for persons other than men or women.

Sec. 1156. Certain other work footwear.

Sec. 1157. Certain turn or turned footwear.

Sec. 1158. Certain work footwear with outer soles of leather.

Sec. 1159. Certain footwear with outer soles of rubber or plastics and with open toes or heels.

Sec. 1160. Certain athletic footwear.

Sec. 1161. Certain work footwear.

Sec. 1162. Certain footwear:

Sec. 1163. 1-Naphthyl methylcarbamate.

Sec. 1164. Certain 16-inch variable speed scroll saw machines.

Sec. 1165. 3,4-Dimethoxybenzaldehyde.

Sec. 1166. 2-Aminothiophenol.

Sec. 1167. Solvent Red 227.

Sec. 1168. Mixtures of formaldehyde polymer and toluene.

Sec. 1169. 1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine.

Sec. 1170. Mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propananolacetate-1, for use as emitter suspension cathode coating.

Sec. 1171. Resin cement.

Sec. 1172. Phosphor yox, yttrium oxide phosphor, activated by europium.

Sec. 1173. Phosphor-bag-barium magnesium aluminate phosphor.

Sec. 1174. Yttrium vanadate phosphor.

Sec. 1175. Phosphor scap strontium chloroapatite-europium.

Sec. 1176. Phosphor zinc silicate.

Sec. 1177. Strontium magnesium phosphate-tin doped.

Sec. 1178. Phosphor-yof flu pdr yox; yttrium oxide phosphor, activated by europium.

Sec. 1179. Calcium chloride phosphate phosphor.

Sec. 1180. Ceramic frit powder.

Sec. 1181. Phosphor lite white and phosphor blue halo.

Sec. 1182. Phosphor-sca, strontium halophosphate doped with europium.

Sec. 1183. Phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony.

Sec. 1184. Phosphor lap lanthanum phosphate phosphor, activated by cerium and terbium.

Sec. 1185. Kashmir.

Sec. 1186. Certain articles of platinum.

Sec. 1187. Nickel alloy wire.

Sec. 1188. Titanium mononitride.

Sec. 1189. High accuracy, metal, marine sextants, used for navigating by celestial bodies.

Sec. 1190. Electrically operated pencil sharpeners.

Sec. 1191. Valve assemblies (vacuum relief).

Sec. 1192. Seals, aerodynamic, fireproof.

Sec. 1193. Wing illumination lights.

Sec. 1194. Exterior emergency lights.

Sec. 1195. Magnesium peroxide.

Sec. 1196. Certain footwear other than for men.

Sec. 1197. Grass shears with rotating blade.

Sec. 1198. Cerium sulfide pigments.

Sec. 1199. Kresoxim methyl.

Sec. 1200. 4-piece or 5-piece fireplace tools of iron or steel.

Sec. 1201. RSD 1235.

Sec. 1202. MCPB acid and MCPB sodium salt.

Sec. 1203. Gibberellic acid.

Sec. 1204. Triphenyltin hydroxide.

Sec. 1205. Bromoxynil octonoate.

Sec. 1206. Methyl 3-(trifluoromethyl)benzoate.

Sec. 1207. 4-(Trifluoromethoxy)phenyl isocyanate.

Sec. 1208. 4-Methylbenzonitrile.

Sec. 1209. Diaminodecane.

Sec. 1210. Certain compounds of lanthanum phosphates.

Sec. 1211. Certain compounds of yttrium europium oxide coprecipitates.

Sec. 1212. Certain compounds of lanthanum, cerium, and terbium phosphates.

Sec. 1213. Certain compounds of yttrium cerium phosphates.

Sec. 1214. Canned, boiled oysters, not smoked.

Sec. 1215. Boots.

Sec. 1216. Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer.

Sec. 1217. 1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed.

Sec. 1218. 1-Propene,1,1,2,3,3,3-hexafluoro-oxidized, polymerized.

Sec. 1219. 1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed.

Sec. 1220. Infrared absorbing dye.

Sec. 1221. 1,1,2-2-Tetrafluoroethene, oxidized, polymerized.

Sec. 1222. Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene.

Sec. 1223. Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated.

Sec. 1224. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated.

Sec. 1225. Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene.

Sec. 1226. Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced.

Sec. 1227. Certain light-absorbing photo dyes.

Sec. 1228. Certain specialty monomers.

Sec. 1229. Suspension of duty on exoflex F BX7011.

Sec. 1230. Triphenyl phosphine.

Sec. 1231. Certain golf bag bodies.

Sec. 1232. Dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester.

Sec. 1233. 2,4-db acid and 2,4-db dimethylamine salt.

Sec. 1234. Filament fiber tow of rayon.

Sec. 1235. Parts for use in the manufacture of certain high-performance loudspeakers.

Sec. 1236. Certain plastic lamp-holder housings containing sockets.

Sec. 1237. Certain porcelain lamp-holder housings containing sockets.

Sec. 1238. Certain aluminum lamp-holder housings containing sockets.

Sec. 1239. Certain brass lamp-holder housings containing sockets.

Sec. 1240. Staple fibers of viscose rayon, not carded.

Sec. 1241. Staple fibers of rayon, carded, combed, or otherwise processed.

Sec. 1242. Mini DVD camcorder with 680K pixel CCD.

Sec. 1243. Mini DVD camcorder with 20G HDD.

Sec. 1244. Metal halide lamp.

Sec. 1245. Hand-held electronic can openers.

Sec. 1246. Electric knives.

Sec. 1247. Toaster ovens with single-slot traditional toaster opening on top of oven.

Sec. 1248. Ice shavers.

Sec. 1249. Dual-press sandwich makers with floating upper lid and lock.

Sec. 1250. Electric juice extractors greater than 300 watts but less than 400 watts.

Sec. 1251. Electric juice extractors not less than 800 watts.

Sec. 1252. Open-top electric indoor grills.

Sec. 1253. Automatic drip coffeemakers other than those with clocks.

Sec. 1254. Automatic drip coffeemakers with electronic clocks.

Sec. 1255. Electric under-the-cabinet mounting can openers.

Sec. 1256. Dimethyl malonate.

Sec. 1257. Lightweight digital camera lenses.

Sec. 1258. Digital zoom camera lenses.

Sec. 1259. Color flat panel screen monitors.

Sec. 1260. Color monitors with a video display diagonal of 35.56 cm or greater.

Sec. 1261. Color monitors.

Sec. 1262. Black and white monitors.

Sec. 1263. 6 V lead-acid storage batteries.

Sec. 1264. Zirconyl chloride.

Sec. 1265. Naphthol AS-CA.

Sec. 1266. Naphthol AS-KB.

Sec. 1267. Basic Violet 1.

Sec. 1268. Basic Blue 7.

Sec. 1269. 3-Amino-4-methylbenzamide.

Sec. 1270. Acetoacetyl-2,5-dimethoxy-4-chloroanilide.

Sec. 1271. Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester).
Sec. 1272. Synthetic indigo powder.
Sec. 1273. 1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]-.
Sec. 1274. 50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2r)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2s)-oxiranylmethyl]-.
Sec. 1275. 9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime).
Sec. 1276. 1H-Imidazole, 2-ethyl-4-methyl-.
Sec. 1277. 1H-Imidazole-4-methanol, 5-methyl-2-phenyl-.
Sec. 1278. 4-Cyclohexene-1,2-dicarboxylic acid, compd. With 1,3,5-triazine-2,4,6-triamine (1:1).
Sec. 1279. 1,3,5,-Triazine-2,4-diamine,6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]-.
Sec. 1280. Certain footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1281. Certain women's footwear with coated or laminated textile fabrics.
Sec. 1282. Certain men's footwear with coated or laminated textile fabrics.
Sec. 1283. Certain men's footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1284. Certain women's footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1285. Certain other footwear valued over $20 a pair with coated or laminated textile fabrics.
Sec. 1286. Certain footwear with coated or laminated textile fabrics.
Sec. 1287. Certain other footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1288. Certain women's footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1289. Certain women's footwear not covering the ankle with coated or laminated textile fabrics.
Sec. 1290. Felt-bottom boots for use in fishing waders.
Sec. 1291. Lug bottom boots for use in fishing waders.
Sec. 1292. Certain parts and accessories for measuring or checking instruments.
Sec. 1293. Certain printed circuit assemblies.
Sec. 1294. Certain subassemblies for measuring equipment for telecommunications.
Sec. 1295. Chloroneb.
Sec. 1296. p-Nitrobenzoic acid (PNBA).
Sec. 1297. Allyl pentaerythritol (APE).
Sec. 1298. Butyl ethyl propanediol (BEP).
Sec. 1299. BEPD70L.
Sec. 1300. Boltorn-1 (bolt-1).
Sec. 1301. Boltorn-2 (bolt-2).
Sec. 1302. Cyclic TMP formal (CTF).
Sec. 1303. DITMP.
Sec. 1304. Polyol DPP (DPP).
Sec. 1305. Hydroxypivalic acid (HPA).
Sec. 1306. TMPDE.
Sec. 1307. TMPME.
Sec. 1308. TMP oxetane (TMPO).
Sec. 1309. TMPO ethoxylate (TMPOE).
Sec. 1310. Amyl-anthraquinone.
Sec. 1311. T-butyl acrylate.
Sec. 1312. 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt.
Sec. 1313. Mixtures of phosphate ammonium salt derivatives of a fluorochemical.
Sec. 1314. 1-(3H)-isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-.
Sec. 1315. Mixture of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate.
Sec. 1316. Certain bitumen-coated polyethylene sleeves specifically designed to protect in-ground wood posts.
Sec. 1317. Nylon woolpacks used to package wool.
Sec. 1318. Magnesium zinc aluminum hydroxide carbonate hydrate.
Sec. 1319. C12-18 alkenes.
Sec. 1320. Acrypet UT100.
Sec. 1321. 5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil).
Sec. 1322. 2,3-Pyridinedicarboxylic acid.
Sec. 1323. Mixtures of 2-amino-2,3-dimethylbutylnitrile and toluene.
Sec. 1324. 2,3-Quinolinedicarboxylic acid.
Sec. 1325. 3,5-Difluoroaniline.
Sec. 1326. Clomazone.
Sec. 1327. Chloropivaloyl chloride.
Sec. 1328. N,N'-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)).
Sec. 1329. Reactive Red 268.
Sec. 1330. Reactive Red 270.
Sec. 1331. Certain glass thermo bulbs.
Sec. 1332. Pyriproxyfen.
Sec. 1333. Uniconazole-P.
Sec. 1334. Bispyribac-sodium.
Sec. 1335. Dinotefuran.
Sec. 1336. Etoxazole.
Sec. 1337. Bioallethrin.
Sec. 1338. S-Bioallethrin.
Sec. 1339. Tetramethrin.
Sec. 1340. Tralomethrin.
Sec. 1341. Flumiclorac-pentyl.
Sec. 1342. 1-Propene-2-methyl homopolymer.
Sec. 1343. Acronal-S-600.
Sec. 1344. Lucirin TPO.
Sec. 1345. Sokalan PG IME.
Sec. 1346. Lycopene 10 percent.
Sec. 1347. Mixtures of CAS Nos. 181274-15-7 and 208465–21–8.
Sec. 1348. 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone.
Sec. 1349. 1,6-Hexanediamine, N,N-bis(2,2,6,6-tetramethyl-4-piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with n-butyl-1-butanamine and N-butyl-2,2,6,6-tetramethyl-4-piperidinamine.
Sec. 1350. Vat Black 25.
Sec. 1351. Acid Orange 162.
Sec. 1352. Methyl salicylate.
Sec. 1353. 1,2-Octanediol.
Sec. 1354. Menthone glycerin acetal.
Sec. 1355. Pontamine Green 2b.
Sec. 1356. Bayderm bottom 10 UD.
Sec. 1357. Bayderm finish DLH.
Sec. 1358. Levagard DMPP.
Sec. 1359. Bayderm bottom DLV.
Sec. 1360. Certain ethylene-vinyl acetate copolymers.
Sec. 1361. Cyazofamid.
Sec. 1362. Flonicamid.
Sec. 1363. Zeta-cypermethrin.
Sec. 1364. 2-Ethylhexyl 4-methoxycinnamate.
Sec. 1365. Certain flame retardant plasticizers.
Sec. 1366. Baypure DS.
Sec. 1367. Bayowet C4.
Sec. 1368. Certain bicycle parts.
Sec. 1369. Other cycles.
Sec. 1370. Certain bicycle parts.
Sec. 1371. Certain bicycle parts.
Sec. 1372. (2-Chloroethyl)phosphonic acid (Ethephon).
Sec. 1373. Preparations containing, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim).
Sec. 1374. Urea, polymer with formaldehyde (pergopak).
Sec. 1375. Ortho nitroaniline.
Sec. 1376. 2,2 -(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole).
Sec. 1377. Certain chemicals and chemical mixtures.
Sec. 1378. Acid Red 414.
Sec. 1379. Solvent Yellow 163.
Sec. 1380. 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt.
Sec. 1381. Reactive Red 123.
Sec. 1382. Reactive Blue 250.
Sec. 1383. Reactive Black 5.
Sec. 1384. 5-[(2-Cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile.
Sec. 1385. Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]-acetic acid, pentyl ester.
Sec. 1386. [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]]bisbenzenesulfonic acid, disodium salt.
Sec. 1387. [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1388. 3-Phenyl-7-(4-propoxyphenyl)-benzo[1,2-b:4,5-b′]difuran-2,6-dione.
Sec. 1389. 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt.
Sec. 1390. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt.
Sec. 1391. 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt.

Sec. 1392. 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt.
Sec. 1393. [4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]-acetic acid, 2-ethoxyethyl ester.
Sec. 1394. Basic Yellow 40 chloride based.
Sec. 1395. Direct Yellow 119.
Sec. 1396. Naugard 412s.
Sec. 1397. Triacetonamine.
Sec. 1398. Ipconazole.
Sec. 1399. Omite tech.
Sec. 1400. Pantera technical.
Sec. 1401. p-Toluenesulfonyl chloride.
Sec. 1402. Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide.
Sec. 1403. p-Aminobenzamide (4-aminobenzamide).
Sec. 1404. p-Chloroaniline.
Sec. 1405. 4-Chloro-2-nitroaniline.
Sec. 1406. o-Chloro-p-toluidine (3-chloro-4-methylaniline).
Sec. 1407. 2-Chloroacetoacetanilide.
Sec. 1408. p-Acetoacetanisidide.
Sec. 1409. 1-Hydroxy-2-naphthoic acid.
Sec. 1410. Pigment Green 7 crude, not ready for use as a pigment.
Sec. 1411. 1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione).
Sec. 1412. Diisopropyl succinate.
Sec. 1413. 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol.
Sec. 1414. Direct Black 22.
Sec. 1415. Methylene bis-benzotriazolyl tetramethylbutylphenol.
Sec. 1416. Bis-ethylhexyloxyphenol methoxyphenol triazine.
Sec. 1417. Reactive Orange 132.
Sec. 1418. Acid Black 244.
Sec. 1419. Certain cores used in remanufacture.
Sec. 1420. ADTP.
Sec. 1421. DCBTF.
Sec. 1422. Noviflumuron.
Sec. 1423. Parachlorobenzotrifluoride.
Sec. 1424. Mixtures of insecticide.
Sec. 1425. Mixture of fungicide.
Sec. 1426. 1,2-Benzisothiazol-3(2H)-one.
Sec. 1427. Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash.
Sec. 1428. Mixtures of fungicide.
Sec. 1429. 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt.
Sec. 1430. Charge control agent 7.
Sec. 1431. Pro-jet Black 820 liquid feed.
Sec. 1432. Pro-jet Magenta M700.
Sec. 1433. Pro-jet Fast Black 287 NA liquid feed.
Sec. 1434. Pro-jet Fast Black 286 stage.
Sec. 1435. Pro-jet Cyan 485 stage.
Sec. 1436. Pro-jet Black 661 liquid feed.
Sec. 1437. Pro-jet Black Cyan 854 liquid feed.
Sec. 1438. Erasers.
Sec. 1439. Artificial flowers.
Sec. 1440. Suspension system stabilizer bars.
Sec. 1441. Rattan webbing.
Sec. 1442. Tractor body parts.
Sec. 1443. AC electric motors of an output exceeding 74.6 W but not exceeding 85 W.
Sec. 1444. AC electric motors of an output exceeding 74.6 W but not exceeding 105 W.
Sec. 1445. AC electric motors of an output exceeding 74.6 W but not exceeding 95 W.
Sec. 1446. Certain AC electric motors.
Sec. 1447. Viscose rayon yarn.
Sec. 1448. Certain twisted yarn of viscose rayon.
Sec. 1449. Allyl ureido monomer.
Sec. 1450. Synthetic elastic staple fiber.
Sec. 1451. Certain fiberglass sheets.
Sec. 1452. Halophosphor calcium diphosphate.
Sec. 1453. Certain rayon staple fibers.
Sec. 1454. Synthetic quartz or fused silica photomask substrates.
Sec. 1455. Certain integrated machines for manufacturing pneumatic tires.
Sec. 1456. Tramway cars.
Sec. 1457. Certain artificial filament single yarn (other than sewingthread).
Sec. 1458. Certain electrical transformers rated at 25VA.
Sec. 1459. Certain electrical transformers rated at 40VA.

CHAPTER 2—REDUCTIONS

Sec. 1461. Floor coverings and mats of vulcanized rubber.
Sec. 1462. Manicure and pedicure sets.
Sec. 1463. Nitrocellulose.
Sec. 1464. Sulfentrazone technical.
Sec. 1465. Clock radio combos.
Sec. 1466. Thiamethoxam technical.
Sec. 1467. Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning.
Sec. 1468. Certain men's footwear covering the ankle with coated or laminated textile fabrics.
Sec. 1469. Certain footwear not covering the ankle with coated or laminated textile fabrics.
Sec. 1470. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
Sec. 1471. Certain women's footwear.
Sec. 1472. Numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material.
Sec. 1473. Tetrakis.
Sec. 1474. Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer.
Sec. 1475. Diethyl ketone.
Sec. 1476. Acephate.
Sec. 1477. Flumioxazin.
Sec. 1478. Garenoxacin mesylate.
Sec. 1479. Butylated hydroxyethylbenzene.
Sec. 1480. Certain automotive catalytic converter mats.
Sec. 1481. 3,3′-Dichlorobenzidine dihydrochloride.
Sec. 1482. TMC114.
Sec. 1483. Biaxially oriented polypropylene dielectric film.
Sec. 1484. Biaxially oriented polyethylene terephthalate dielectric film.
Sec. 1485. Certain bicycle parts.
Sec. 1486. Certain bicycle parts.
Sec. 1487. Bifenthrin.
Sec. 1488. Reduced Vat 1.
Sec. 1489. 4-Chlorobenzonitrile.
Sec. 1490. Nail clippers and nail files.
Sec. 1491. Electric automatic shower cleaners.
Sec. 1492. Mesotrione technical.
Sec. 1493. Certain crank-gear and other bicycle parts.

Subtitle B—Existing Suspensions and Reductions

Sec. 1501. Extensions of existing suspensions and other modifications.

Subtitle C—Effective Date

Sec. 1511. Effective date.

TITLE II—RELIQUIDATIONS

Sec. 2001. Reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania.
Sec. 2002. Certain entries of pasta.,
Sec. 2003. Clarification of reliquidation provision.
Sec. 2004. Reliquidation of certain drawback claim.
Sec. 2005. Payment of interest on amounts owed pursuant to reliquidation of certain entries.

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical corrections

Sec. 3001. Amendments to the HTS.
Sec. 3002. Technical correction to the Tariff Act of 1930.
Sec. 3003. Amendments to the Pension Protection Act of 2006.
Sec. 3004. NMSBA.
Sec. 3005. Certain monochrome glass envelopes.
Sec. 3006. Flexible magnets and composite goods containing flexible magnets.
Sec. 3007. Cellar treatment of wine.

Subtitle B—Other Provisions

Sec. 3011. Consideration of certain civil actions delayed because of the terrorist attacks of September 11, 2001.
Sec. 3012. Effective date of modifications to the Harmonized Tariff Schedule.

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

Sec. 4001. Findings.
Sec. 4002. Termination of application of title IV of the Trade Act of 1974 to Vietnam.
Sec. 4003. Procedure for determining prohibited subsidies by Vietnam.
Sec. 4004. Consultations upon initiation of investigation.
Sec. 4005. Public participation and consultation.
Sec. 4006. Arbitration and imposition of quotas.
Sec. 4007. Definitions.

TITLE V—HAITI

Sec. 5001. Short title.
Sec. 5002. Trade benefits for Haiti.
Sec. 5003. ITC study.
Sec. 5004. Sense of Congress on interpretation of textile and apparel provisions for Haiti.
Sec. 5005. Technical amendments.
Sec. 5006. Effective date.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 6001. Short title.
Sec. 6002. Preferential treatment of apparel products of lesser developed countries.
Sec. 6003. Technical corrections.
Sec. 6004. Effective date for AGOA.

TITLE VII—ANDEAN TRADE PREFERENCE ACT

Sec. 7001. Short title.
Sec. 7002. ATPA extension.
Sec. 7003. Technical amendments.

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

Sec. 8001. Limitations on waivers of competitive need limitation.

Sec. 8002. Extension of GSP program.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title, title II, and title III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.05.34
9902.06.01
9902.06.62
9902.08.10
9902.19.80
9902.20.05
9902.21.06
9902.21.42
9902.26.11
9902.28.40
9902.28.94
9902.29.01
9902.29.04
9902.29.05
9902.29.06 (relating to racemic dl-menthol)
9902.29.13
9902.29.14
9902.29.27
9902.29.30
9902.29.31
9902.29.33
9902.29.39
9902.29.40
9902.29.41
9902.29.42
9902.29.47
9902.29.56
9902.29.63
9902.29.68
9902.29.69
9902.29.75
9902.29.76
9902.29.78
9902.29.79
9902.29.84
9902.29.85
9902.29.86
9902.29.88
9902.29.92
9902.29.94
9902.29.96
9902.29.97
9902.29.99
9902.30.08
9902.30.11
9902.30.13
9902.30.46
9902.32.05
9902.32.06
9902.32.09
9902.32.10
9902.32.15
9902.32.17
9902.32.20
9902.32.23
9902.32.24
9902.32.25
9902.32.44 (relating to CAS No. 201932-24-3)
9902.32.44 (relating to CAS No. 186537-30-4)
9902.32.46
9902.32.50
9902.32.53
9902.32.58
9902.32.59
9902.32.60
9902.32.64
9902.32.65
9902.32.66
9902.32.67
9902.32.80
9902.32.81
9902.32.84
9902.32.86
9902.32.88
9902.32.96
9902.32.98
9902.37.01
9902.37.02
9902.38.00
9902.38.01
9902.38.02
9902.38.03
9902.38.13
9902.38.20
9902.38.22
9902.38.24
9902.38.29
9902.38.30
9902.38.50
9902.38.51
9902.38.53
9902.39.07
9902.39.31
9902.39.32
9902.52.01
9902.52.03
9902.70.01
9902.84.00
9902.84.16
9902.84.19
9902.84.30
9902.84.40
9902.84.70
9902.85.00
9902.90.20
9902.98.07

Subtitle A—New Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS

SEC. 1111. DIETHYL SULFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.01	Diethyl sulfate (CAS No. 64-67-5) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1112. SORAFENIB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.02	4-(4-{3-[4-Chloro-3-(trifluoromethyl) phenyl]ureido}phenoxy)-N-2-methylpyridine-2-carboxamide 4-methylbenzenesulfonate (Sorafenib tosylate) (CAS No. 475207-59-1) (provided for in subheading 2933.39.41)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1113. PROHEXADIONE CALCIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.03	Prohexadione calcium (calcium 3-oxido-5-oxo-4-propionylcyclohexa-3-enecarboxylate) (CAS No. 127277-53-6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1114. METHYL METHOXYACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.04	Methyl methoxyacetate (CAS No. 6290-49-9) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1115. METHOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.05	Methoxyacetic acid (CAS No. 625–45–6) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1116. N-METHYLPIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.06	N-Methylpiperidine (CAS No. 626–67–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1117. QUINCLORAC TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.07	3,7-Dichloroquinoline-8-carboxylic acid (Quinclorac) (CAS No. 84087-01–4) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1118. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.08	2-Tert-butyl-5-(4-tert-butylbenzylthio)-4-chloropyridazin-3(2H)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1119. CERTAIN RUBBER OR PLASTIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.09	Footwear for persons other than women, with outer soles of leather or composition leather and with uppers of textile materials (provided for in subheading 6404.20.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1120. SODIUM ORTHO-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.10	2-Phenylphenol sodium salt (CAS No. 132–27-4) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1121. CERTAIN CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.11	Adsorbent resin comprised of a macroporous polymer of diethenylbenzene (CAS No. 9003–69–4) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1122. BAYPURE CX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.12	Iminodisuccinic acid, triammonium salt, in aqueous solutions (CAS No. 415719-09-04) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1123. ISOEICOSANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.13	Isoeicosane (CAS No. 93685–79–1) (provided for in subheading 2710.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1124. ISODODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.14	Isododecane (CAS No. 31807–55–3) (provided for in subheading 2710.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1125. ISOHEXADECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.15	Isohexadecane (CAS No. 60908–77–2) (provided for in subheading 2710.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1126. AMINOGUANIDINE BICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.16	Aminoguanidine bicarbonate (CAS No. 2582–30–1) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1127. O-CHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.22.17	2-Chlorotoluene (CAS No. 95–49–8) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	
	9902.22.18	Chloromethylbenzene (CAS No. 25168–05–2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1128. BAYDERM BOTTOM DLV-N.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.19	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-,polymer with 2-[(2-aminoethyl)amino]ethanesulfonic acid monosodium salt, 1,6-diisocyanatohexane, dimethyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, and α- hydro-ω-hydroxypoly[oxy(methyl-1,2-ethanediyl)], polyethylene-polypropylene glycol monobutyl ether blocked (CAS No. 841251-36-3) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1129. 2,3-DICHLORONITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.20	2,3-Dichloronitrobenzene (CAS No. 3209-22-1) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1130. 1-METHOXY-2-PROPANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.21	1-Methoxy-2-propanol (CAS No. 107-98-2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1131. BASIC RED 1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.22	Basic Red 1 (CAS No. 989-38-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1132. BASIC RED 1:1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.23	Basic Red 1:1 (CAS No. 3068-39-1) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1133. BASIC VIOLET 11 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.24	Basic Violet 11 (CAS No. 2390-63-8) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1134. BASIC VIOLET 11:1 DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.25	Basic Violet 11:1 (CAS No. 39393-39-0) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1135. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.26	N-Cyclohexylthiophthalimide (CAS No. 17796-82-6) (provided for in subheading 2930.90.24)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1136. 4,4′-DITHIODIMORPHOLINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.27	4,4′-Dithiodimorpholine (CAS No. 103-34-4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1137. TETRAETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.28	Tetraethylthiuram disulfide (CAS No. 97-77-8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1138. CERTAIN TETRAMETHYLTHIURAM DISULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.29	Tetramethylthiuram disulfide (CAS No. 137-26-8) (provided for in subheading 2930.30.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1139. CERTAIN AEROSOL VALVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.30	Aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical product, having a mounting cup with inside diameter of 20.1 mm and height (skirt to shoulder) of 7.49 mm with a stem outside diameter of 2.79 mm, with such components of stainless steel and buna rubber and with a retaining cup of aluminum (provided for in subheading 8481.80.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1140. 4-METHYL-5-N-PROPOXY-2,4-DIHYDRO-1,2,4-TRIAZOL-3-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.31	4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one (CAS No. 145027-96-9) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1141. ETHOXYQUIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.32	Ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) (CAS No. 91-53-2) (provided for in subheading 2933.49.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1142. TRICHOLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.33	1,2,4-Trichlorobenzene (CAS No. 120–82–1) (provided for in subheading 2903.69.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1143. BENZOIC ACID, 3,4,5-TRIHYDROXY-, PROPYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.34	Benzoic acid. 3,4,5-trihydroxy-, propyl ester (CAS No. 121–79–9) (propyl gallate) (provided for in subheading 2918.29.75)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1144. 2-CYANOPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.35	2-Cyanopyridine (CAS No. 100–70–9) (provided for in subheading 2933.39.91)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1145. MIXED XYLIDINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.36	Mixed xylidines (CAS No. 1300–73–8) (provided for in subheading 2921.49.50) ..	Free	No change	No change	On or before 12/31/2009	".

SEC. 1146. CERTAIN RECEPTION APPARATUS NOT CONTAINING A CLOCK OR CLOCK TIMER, INCORPORATING ONLY AM RADIO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.37	Radiobroadcast receivers capable of operating without an external source of power, not containing a clock or clock timer in the same housing, each containing only an AM radiobroadcast receiver (provided for in subheading 8527.19.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1147. PIGMENT YELLOW 219.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.38	Pigment Yellow 219 (CAS No. 347174–87–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1148. PIGMENT BLUE 80.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.39	Pigment Blue 80 (CAS No. 391663–82–4) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1149. 1-OXA-3, 20-DIAZADISPIRO-[5.1.11.2]-HENEICOSAN-21-ONE, 2,2,4,4-TETRAMETHYL-,HYDROCHLORIDE, REACTION PRODUCTS WITH EPICHLOROHYDRIN, HYDROLYZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.40	1-Oxa-3,20-diazadispiro-[5.1.11.2]-heneicosan-21-one,2,2,4,4-tetramethyl-,hydrochloride, reaction products with epichlorohydrin, hydrolyzed, polymerized (CAS No. 202483–55–4) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1150. ISOBUTYL PARAHYDROXYBENZOIC ACID AND ITS SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.41	Isobutyl 4-hydroxybenzoate (CAS No. 4247–02–3) and its sodium salt (CAS No. 84930–15–4) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1151. PHOSPHINIC ACID, DIETHYL-, ALUMINUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.42	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789–38–8) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1152. EXOLIT OP 1312.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.43	Phosphinic acid, diethyl-, aluminum salt (CAS No. 225789-38–8) with synergists and encapsulating agents (provided for in subheading 3824.90.91) ..	Free	No change	No change	On or before 12/31/2009	".

SEC. 1153. SODIUM HYPOPHOSPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.44	Sodium hypophosphite monohydrate (CAS No. 10039-56-2) (provided for in subheading 2835.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1154. CYANURIC CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.45	Cyanuric chloride (CAS No. 108–77–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1155. CERTAIN LEATHER FOOTWEAR FOR PERSONS OTHER THAN MEN OR WOMEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.46	Other footwear with uppers of leather or composition leather, for persons other than for men or women (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1156. CERTAIN OTHER WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.47	Other work footwear for women, with outer soles and uppers of rubber or plastics, other than house slippers and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.99.18)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1157. CERTAIN TURN OR TURNED FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.48	Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1158. CERTAIN WORK FOOTWEAR WITH OUTER SOLES OF LEATHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.49	Footwear with outer soles of leather and uppers of leather, covering the ankle, other than for women (provided for in subheading 6403.51.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1159. CERTAIN FOOTWEAR WITH OUTER SOLES OF RUBBER OR PLASTICS AND WITH OPEN TOES OR HEELS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.50	Footwear with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels, the foregoing other than house slippers and other than footwear for women (provided for in subheading 6404.19.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1160. CERTAIN ATHLETIC FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.51	Footwear with outer soles of leather or composition leather and uppers of textile materials, valued over $2.50 per pair, the foregoing other than for men or women (provided for in subheading 6404.20.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1161. CERTAIN WORK FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.52	Work footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, not covering the ankle (provided for in subheading 6403.99.60 or 6403.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1162. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.53	Footwear with outer soles and uppers of rubber or plastics, incorporating a protective metal toecap, having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to chapter 64) is rubber or plastics (provided for in subheading 6402.30.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1163. 1-NAPHTHYL METHYLCARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.54	1-Naphthyl methylcarbamate (Carbaryl) (CAS No. 63-25-2) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1164. CERTAIN 16-INCH VARIABLE SPEED SCROLL SAW MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.55	Variable speed scroll sawing machines each having a throat depth of approximately 406 mm, new (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1165. 3,4-DIMETHOXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.56	3,4-Dimethoxybenzaldehyde (CAS No. 120-14-9) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1166. 2-AMINOTHIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.57	2-Aminothiophenol (CAS No. 137-07-5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1167. SOLVENT RED 227.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.58	Solvent Red 227 (CI 60510) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1168. MIXTURES OF FORMALDEHYDE POLYMER AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.59	Formaldehyde, polymer with toluene (CAS No. 25155–81–1) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1169. 1,2-BIS(3-AMINOPROPYL)ETHYLENEDIAMINE, POLYMER WITH N-BUTYL-2,2,6,6-TETRAMETHYL-4-PIPERIDINAMINE AND 2,4,6-TRICHLORO-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.60	1,2-Bis(3-aminopropyl)ethylenediamine, polymer with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine (CAS No. 136504–96–6) (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1170. MIXTURE OF BARIUM CARBONATE, STRONTIUM CARBONATE, CALCIUM CARBONATE, 1-METHOXY-2-PROPANANOL ACETATE, FOR USE AS EMITTER SUSPENSION CATHODE COATING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.61	A mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating (CAS Nos. 513–77–9, 1633–05–2, 471–34–1, and 108–65–6) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1171. RESIN CEMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.62	Resin cement based on calcium carbonate and silicone resins (CAS Nos. 471–34–1 and 68037–83–2) (provided for in subheading 3214.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1172. PHOSPHOR YOX, YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.63	Yttrium oxide phosphor, activated by europium of a kind used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1173. PHOSPHOR-BAG-BARIUM MAGNESIUM ALUMINATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.64	Compound of barium magnesium aluminate phosphor, activated by europium or manganese, of a kind used as luminophores (CAS Nos. 63774–55–0 and 1308–96–9) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1174. YTTRIUM VANADATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.65	Yttrium vanadate phosphor, of a kind used as a luminophore (CAS No. 6874–82–7) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1175. PHOSPHOR SCAP STRONTIUM CHLOROAPATITE-EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.66	Compound of strontium chloroapatite-europium, of a kind used as a luminophore (CAS No. 68784–77–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1176. PHOSPHOR ZINC SILICATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.67	Phosphor of zinc silicate, of a kind used as a luminophore (CAS No. 68611–47–2) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1177. STRONTIUM MAGNESIUM PHOSPHATE-TIN DOPED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.68	Strontium magnesium phosphate-tin doped inorganic products of a kind used as luminophores (CAS Nos. 1314–11–0, 1314–56–3, 1309–48–4, and 18282–10–5) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1178. PHOSPHOR-YOF FLU PDR YOX; YTTRIUM OXIDE PHOSPHOR, ACTIVATED BY EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.69	Yttrium oxide phosphor, activated by europium used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1179. CALCIUM CHLORIDE PHOSPHATE PHOSPHOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.70	Calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1180. CERAMIC FRIT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.71	A mixture of aluminum oxide, calcium oxide, barium oxide, magnesium oxide, boron oxide, butylmethacrylate resin and C.I. Solvent Red 24 used in the manufacture of ceramic arc tubes (CAS Nos. 1344–28–1, 1305–78–8, 1304–28–5, 1309–48–4, 1303–86–2, 9003–63–8, and 85–83–6) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1181. PHOSPHOR LITE WHITE AND PHOSPHOR BLUE HALO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.72	Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1182. PHOSPHOR-SCA, STRONTIUM HALOPHOSPHATE DOPED WITH EUROPIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.73	Strontium halophosphate doped with europium used as a luminophore (CAS Nos. 109037–74–3 and 1312–81–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1183. PHOSPHOR-COOL WHITE SMALL PARTICLE CALCIUM HALOPHOSPHATE PHOSPHOR ACTIVATED BY MANGANESE AND ANTIMONY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.74	Small particle calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535–31–8) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1184. PHOSPHOR LAP LANTHANUM PHOSPHATE PHOSPHOR, ACTIVATED BY CERIUM AND TERBIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.75	Lanthanum phosphate phosphor, activated by cerium and terbium, inorganic used as luminophores (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–34–0) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1185. KASHMIR.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.22.76	Fine animal hair of Kashmir (cashmere) goats, not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10)	Free	No change	No change	On or before 12/31/2009	
“	9902.22.77	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking headings 9902.51.15 (relating to articles provided for in subheading 5102.11.10) and 9902.51.16 (relating to articles provided for in subheading 5102.11.90).

SEC. 1186. CERTAIN ARTICLES OF PLATINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.78	Spheres of platinum, containing approximately 18 percent by weight of iridium, of a kind used in manufacturing electrodes for spark plugs (provided for in subheading 7115.90.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1187. NICKEL ALLOY WIRE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.79	Cold-formed wire of nickel alloys containing 0.09 percent or more but not more than 1.6 percent by weight of silicon, certified by the importer to be used in the manufacture of spark plug electrodes, the foregoing either round wire measuring 1.7 mm or more but not over 4.9 mm in cross-sectional diameter or flat wire of rectangular cross section measuring 0.9 mm or more but not over 2.2 mm in thickness and 1.7 mm or more but not over 3.3 mm in width (provided for in subheading 7505.22.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1188. TITANIUM MONONITRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.80	Titanium mononitride (CAS No. 25583–20–4) (provided for in subheading 2850.00.07)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1189. HIGH ACCURACY, METAL, MARINE SEXTANTS, USED FOR NAVIGATING BY CELESTIAL BODIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.81	Marine sextants of metal, designed for use in navigating by celestial bodies (provided for in subheading 9014.80.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1190. ELECTRICALLY OPERATED PENCIL SHARPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.82	Electrically operated pencil sharpeners (provided for in subheading 8472.90.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1191. VALVE ASSEMBLIES (VACUUM RELIEF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.22.83	Pedestal assemblies for vacuum relief valves, designed for use in aircraft (provided for in subheading 8481.40.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1192. SEALS, AERODYNAMIC, FIREPROOF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.84	Seals of polyester fabric bonded over a silicone core, designed for use in airplanes (provided for in subheading 3926.90.00 or 5911.90.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1193. WING ILLUMINATION LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.85	Wing illumination lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1194. EXTERIOR EMERGENCY LIGHTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.86	Exterior emergency lights, designed for use on airplanes (provided for in subheading 9405.60.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1195. MAGNESIUM PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.87	Magnesium peroxide, minimum 25 percent purity (CAS No. 1335–26–8) (provided for in subheading 2816.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1196. CERTAIN FOOTWEAR OTHER THAN FOR MEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.88	Footwear, other than for men, with outer soles of leather or composition leather and uppers of textile materials, valued not over $2.50 per pair (provided for in subheading 6404.20.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1197. GRASS SHEARS WITH ROTATING BLADE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.89	Grass shears with swiveling heads and with rotating vertical and horizontal cutting blades of steel (provided for in subheading 8201.90.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1198. CERIUM SULFIDE PIGMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.90	Cerium sulfide pigments (CAS Nos. 12014–93–6 and 12031–49–1) (provided for in subheading 3206.49.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1199. KRESOXIM METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.91	Mixtures of methyl (E)-methoxyimino-[α-(o-tolyloxy)-o-tolyl]acetate (Kresoxim methyl) (CAS No. 143390–89–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1200. 4-PIECE OR 5-PIECE FIREPLACE TOOLS OF IRON OR STEEL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.92	Packages containing 4 or 5 different fireplace tools, such tools of iron or steel, intended for sale to the ultimate consumer in such packages (provided for in subheading 8205.51.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1201. RSD 1235.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.93	3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-,hydrochloride, (3R) (CAS No. 748810–28–8) (provided for in subheading 2933.99.53)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1202. MCPB ACID AND MCPB SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.94	4-(4-Chloro-2-methylphenoxy) butanoic acid (CAS No. 94–81–5); 4-(4-chloro-2-methylphenoxy)butanoic acid, sodium salt (CAS No. 6062–26–6) (provided for in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1203. GIBBERELLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.95	Gibberellic acid (GA3) (CAS No. 77–06–5) and a mixture of gibberellin A4 (CAS No. 468–44–0) and gibberellin A7 (CAS No. 510–75–8) (provided for in subheading 2932.29.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1204. TRIPHENYLTIN HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.96	Triphenyltin hydroxide (CAS No. 76–87–9) (provided for in subheading 2931.00.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1205. BROMOXYNIL OCTONOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.97	3,5-Dibromo-4-hydroxybenzonitrile octonoate (CAS No. 1689-84-5) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1206. METHYL 3-(TRIFLUOROMETHYL)BENZOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.98	Methyl 3-(trifluoromethyl)benzoate (CAS No. 2557-13-3) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1207. 4-(TRIFLUOROMETHOXY)PHENYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.22.99	4-(Trifluoromethoxy)phenyl isocyanate (CAS No. 35037-73-1) (provided for in subheading 2929.10.55)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1208. 4-METHYLBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.01	4-Methylbenzonitrile (CAS No. 104-85-8) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1209. DIAMINODECANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.02	Diaminodecane (CAS No. 646-25-3) (provided for in subheading 2921.29.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1210. CERTAIN COMPOUNDS OF LANTHANUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.03	Lanthanum phosphate (CAS No. 13778-59-1) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1211. CERTAIN COMPOUNDS OF YTTRIUM EUROPIUM OXIDE COPRECIPITATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.04	Mixtures or coprecipitates of yttrium oxide (CAS No. 1314-36-9) and europium oxide (CAS No. 1308-96-9) having a yttrium oxide content of at least 90 percent (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1212. CERTAIN COMPOUNDS OF LANTHANUM, CERIUM, AND TERBIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.05	Mixtures or coprecipitates of lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778-59-1, 13454-71-2, and 13863-48-4 or 95823-34-0) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1213. CERTAIN COMPOUNDS OF YTTRIUM CERIUM PHOSPHATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.06	Mixtures or coprecipitates of yttrium phosphate (CAS No. 13990-54-0) and cerium phosphate (CAS No. 13454-71-2) (provided for in subheadings 2846.10.00 and 2846.90.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1214. CANNED, BOILED OYSTERS, NOT SMOKED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.07	Oysters (other than smoked), prepared or preserved (provided for in subheading 1605.90.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1215. BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.08	Boots constructed by hand of natural rubber, the foregoing with steel toes and incorporating ballistic nylon for cut protection, with self-cleaning lug soles or with "caulked" soles for slip and fall protection (provided for in subheading 6401.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1216. VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.09	Vinylidene chloride-methyl methacrylate-acrylonitrile copolymer (CAS No. 25214-39-5) (provided for in subheading 3904.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1217. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED, REDUCED HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.10	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed (CAS No. 161075–14–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1218. 1-PROPENE,1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.11	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized (CAS No. 69991–67–9) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1219. 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, TELOMER WITH CHLOROTRIFLUOROETHENE, OXIDIZED, REDUCED, ETHYL ESTER, HYDROLYZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.12	1-Propene, 1,1,2,3,3,3,-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed (CAS No. 220182–27–4) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1220. INFRARED ABSORBING DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.13	1H-Benz[e]indolium, 2-[2-[2-chloro-3-[(1,3-dihydro-1,1,3-trimethyl-2H-benz[e]indo]-2-ylidene)ethylidene]-1-cyclohexen-1-yl]ethenyl]-1,1,3-trimethyl-, salt with 4-methylbenzenesulfonic acid (1:1) (CAS No. 134127–48–3) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1221. 1,1,2-2-TETRAFLUOROETHENE, OXIDIZED, POLYMERIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.14	1,1,2-2-Tetrafluoroethene, oxidized, polymerized (CAS No. 69991–61–3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1222. METHOXYCARBONYL-TERMINATED PERFLUORINATED POLYOXYMETHYLENE-POLYOXYETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.15	Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene (CAS No. 107852–49–3) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1223. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED, REDUCED, DECARBOXYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.16	Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated (CAS No. 161075–02–1) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1224. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED, ETHOXYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.17	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated (CAS No. 162492–15–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1225. OXIRANEMETHANOL, POLYMERS WITH REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.18	Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 156559–18–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1226. ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.19	Ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced (CAS No. 88645–29–8) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1227. CERTAIN LIGHT-ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.20	Morpholine, 4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3-(4-morpholinylcarbonyl)-1H-pyrazol-4-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt (CAS No. 183196–57–8) (provided for in subheading 2934.99.90); 1,4-benzenedisulfonic acid, 2-[4-[5-[1-(2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)-1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt (CAS No. 202482–44–8) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1228. CERTAIN SPECIALTY MONOMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.21	3,4-Dimethylbenzene, 1,1′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis-(CAS No. 65294–20–4) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1229. SUSPENSION OF DUTY ON EXOFLEX F BX7011.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.22	1,4-Benzenedicarboxylic acid, dimethyl ester, polymer with 1,4-butanediol and hexanedioic acid (CAS No. 55231–08–8) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1230. TRIPHENYL PHOSPHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.23	Triphenyl phosphine (CAS No. 603–35–0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1231. CERTAIN GOLF BAG BODIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.24	Golf bag bodies made of woven fabrics of nylon or polyester, sewn together with rainhoods, pockets, dividers, and graphite shaft protection (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1232. DICHLORPROP-P ACID, DICHLORPROP-P DIMETHYLAMINE SALT, AND DICHLORPROP-P 2-ETHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.25	(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (CAS No. 15165–67–0); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (CAS No. 79270–78–3) (provided for in subheading 2918.90.20), and (+)-(R)-2-(2,4-dichlorophenoxy)propanoic acid, dimethylamine salt (CAS No. 104786–87–0) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1233. 2,4-DB ACID AND 2,4-DB DIMETHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.26	4-(2,4-Dichlorophenoxy) butyric acid (CAS No. 94–82–6) (provided for in subheading 2918.90.20); and 4-(2,4-dichlorophenoxy)butyric acid, dimethylamine salt (CAS No. 2758–42–1) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1234. FILAMENT FIBER TOW OF RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.27	Filament tow of rayon (provided for in heading 5502.00.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1235. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.28	Parts (provided for in subheading 8518.90.80) certified by the importer as for use exclusively in the manufacture of loudspeakers which (when not mounted in their enclosures) meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands when tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1236. CERTAIN PLASTIC LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.29	Lamp-holder housings of plastics, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1237. CERTAIN PORCELAIN LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.30	Lamp-holder housings of porcelain, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1238. CERTAIN ALUMINUM LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.31	Lamp-holder housings of aluminum, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1239. CERTAIN BRASS LAMP-HOLDER HOUSINGS CONTAINING SOCKETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.32	Lamp-holder housings of brass, containing sockets (provided for in subheading 8536.61.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1240. STAPLE FIBERS OF VISCOSE RAYON, NOT CARDED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.33	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning, measuring 1.67 to 16.67 decitex and having a fiber length each measuring 20 mm or more but not over 150 mm (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1241. STAPLE FIBERS OF RAYON, CARDED, COMBED, OR OTHERWISE PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.34	Staple fibers of rayon, carded, combed, or otherwise processed for spinning, the foregoing presented in the form of top (provided for in heading 5507.00.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1242. MINI DVD CAMCORDER WITH 680K PIXEL CCD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.35	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with 25 power optical zoom and a lens diameter of 34 mm (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1243. MINI DVD CAMCORDER WITH 20G HDD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.36	Camcorders each capable of recording and reproducing video images on mini-DVD media in all the following formats: DVD-R, DVD-RW, DVD-RAM, or DVD+RW, the foregoing each with an internal 20 gigabyte (20G) hard disk drive and a USB 2.0 port (provided for in subheading 8525.40.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1244. METAL HALIDE LAMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.37	Metal halide lamps designed for use in video projectors (provided for in subheading 8539.32.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1245. HAND-HELD ELECTRONIC CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.38	Hand-held electromechanical can openers, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1246. ELECTRIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.39	Electromechanical knives, with self-contained electric motor (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1247. TOASTER OVENS WITH SINGLE-SLOT TRADITIONAL TOASTER OPENING ON TOP OF OVEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.40	Electrothermic toaster ovens, each incorporating a single-slot toaster opening on top of the oven (provided for in subheading 8516.72.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1248. ICE SHAVERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.41	Electromechanical ice shavers, with self-contained electric motor (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1249. DUAL-PRESS SANDWICH MAKERS WITH FLOATING UPPER LID AND LOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.42	Dual-grid electric sandwich grillers, each with lock and floating upper lid (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1250. ELECTRIC JUICE EXTRACTORS GREATER THAN 300 WATTS BUT LESS THAN 400 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.43	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated over 300 W but not over 400 W (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1251. ELECTRIC JUICE EXTRACTORS NOT LESS THAN 800 WATTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.44	Electromechanical juice extractors, each with a self-contained 2-speed electric motor rated at 800 W or higher (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1252. OPEN-TOP ELECTRIC INDOOR GRILLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.45	Open-top electric grills designed for indoor use (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1253. AUTOMATIC DRIP COFFEEMAKERS OTHER THAN THOSE WITH CLOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.46	Electrothermic automatic drip coffeemakers without electronic clock, each with self-contained coffee holding chamber and designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1254. AUTOMATIC DRIP COFFEEMAKERS WITH ELECTRONIC CLOCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.47	Electrothermic automatic drip coffeemakers each with electronic clock and with self-contained coffee holding chamber, the foregoing designed to be used without separate carafe (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1255. ELECTRIC UNDER-THE-CABINET MOUNTING CAN OPENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.48	Electromechanical can openers, with self-contained electric motor, the foregoing designed to be mounted below kitchen cabinets (provided for in subheading 8509.80.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1256. DIMETHYL MALONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.49	Dimethyl malonate (CAS No. 108–59–8) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1257. LIGHTWEIGHT DIGITAL CAMERA LENSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.50	Lenses designed for digital cameras, the foregoing with focal length 55 mm or more but not over 200 mm and not exceeding 255.2 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1258. DIGITAL ZOOM CAMERA LENSES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.51	Lenses designed for digital cameras, the foregoing with focal length 17 mm or more but not over 55 mm and not exceeding 765.5 g in weight (provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1259. COLOR FLAT PANEL SCREEN MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.52	Color video monitors each having a flat panel screen, BNC input connection and video loop-thru connector, the foregoing with a video display diagonal of either 41.9 cm or more but not more than 44.5 cm, or 47 cm or more but not more than 49.5 cm (provided for in subheading 8528.21.70)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1260. COLOR MONITORS WITH A VIDEO DISPLAY DIAGONAL OF 35.56 CM OR GREATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.53	Color video monitors each having a cathode-ray tube and a video display diagonal exceeding 35.56 cm (provided for in subheading 8528.21.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1261. COLOR MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.54	Color video monitors, each having a cathode-ray tube and a video display diagonal of more than 34.29 cm but not more than 35.56 cm (provided for in subheading 8528.21.29)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1262. BLACK AND WHITE MONITORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.55	Black and white or other monochrome monitors with cathode-ray tubes, the foregoing each with a video display diagonal of either 21.6 cm or more but not more than 24.1 cm, 29.2 cm or more but not more than 31.8 cm or 41.9 cm or more but not more than 44.5 cm (provided for in subheading 8528.22.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1263. 6 V LEAD-ACID STORAGE BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.56	6 V lead-acid storage batteries with a maximum length of 8.89 cm, maximum width of 5.08 cm and maximum height of 11.43 cm, rated at less than 10 ampere-hours, certified by the importer as intended for use as the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1264. ZIRCONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.57	Zirconium oxychloride (zirconyl chloride or zirconium dichloride oxide) (CAS No. 15461-27-5) (provided for in subheading 2827.49.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1265. NAPHTHOL AS-CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.58	5′-Chloro-3-hydroxy-2′-methoxy-2-naphthanilide (CAS No. 137–52–0) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1266. NAPHTHOL AS-KB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.59	5′-Chloro-3-hydroxy-2′-methyl-2-naphthanilide (CAS No. 135–63–7) (provided for in subheading 2924.29.36)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1267. BASIC VIOLET 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.60	Basic Violet 1 (CAS No. 8004–87–3) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1268. BASIC BLUE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.61	Basic Blue 7 (CAS No. 2390–60–5) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1269. 3-AMINO-4-METHYLBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.63	3-Amino-4-methylbenzamide (CAS No. 19406–86–1) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1270. ACETOACETYL-2,5-DIMETHOXY-4-CHLOROANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.64	Acetoacetyl-2,5-dimethoxy-4-chloroanilide (CAS No. 4433–79–8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1271. PHENYL SALICYLATE (BENZOIC ACID, 2-HYDROXY-, PHENYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.65	Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester) (CAS No. 118–55–8) (provided for in subheading 2918.23.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1272. SYNTHETIC INDIGO POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.66	Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-1,2-dihydro-) (CAS No. 482–89–3) (provided for in subheading 3204.15.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1273. 1,3,5-TRIAZINE-2,4-DIAMINE, 6-[2-(2-METHYL-1H-IMIDAZOL-1-YL)ETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.67	1,3,5-Triazine-2,4-diamine, 6-[2-(2-methyl-1H-imidazol-1-yl)ethyl]- (CAS No. 38668–46–1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1274. 50/50 MIXTURE OF 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3,5-TRIS[(2R)-OXIRANYLMETHYL]- AND 1,3,5,-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3,5-TRIS[(2S)-OXIRANYLMETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.68	50/50 Mixture of 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2R)-oxiranylmethyl]- and 1,3,5,-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[(2S)-oxirianylmethyl]- (CAS Nos. 240408–78–0 and 240408–81–5) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1275. 9H-THIOXANTHENE-2-CARBOXALDEHYDE, 9-OXO-, 2-(O-ACETYLOXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.69	9H-Thioxanthene-2-carboxaldehyde, 9-oxo-, 2-(o-acetyloxime) (CAS No. 362624-80-4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1276. 1H-IMIDAZOLE, 2-ETHYL-4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.70	1H-Imidazole, 2-ethyl-4-methyl- (CAS No. 931-36-2) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1277. 1H-IMIDAZOLE-4-METHANOL, 5-METHYL-2-PHENYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.71	1H-Imidazole-4-methanol, 5-methyl-2-phenyl- (CAS No. 13682-32-1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1278. 4-CYCLOHEXENE-1,2-DICARBOXYLIC ACID, COMPD. WITH 1,3,5-TRIAZINE-2,4,6-TRIAMINE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.72	4-Cyclohexene-1,2-dicarboxylic acid, compd. with 1,3,5-triazine-2,4,6-triamine (1:1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1279. 1,3,5,-TRIAZINE-2,4-DIAMINE, 6-[2-(2-UNDECYL-1H-IMIDAZOL-1-YL)ETHYL]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.73	1,3,5,-Triazine-2,4-diamine, 6-[2-(2-undecyl-1H-imidazol-1-yl)ethyl]- (CAS No. 50729-75-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1280. CERTAIN FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.74	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1281. CERTAIN WOMEN'S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.75	Women's footwear with outer soles and uppers of rubber or plastics (except footwear of vulcanized rubber and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1282. CERTAIN MEN'S FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.76	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.91.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1283. CERTAIN MEN'S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.77	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1284. CERTAIN WOMEN'S FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.78	Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1285. CERTAIN OTHER FOOTWEAR VALUED OVER $20 A PAIR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.79	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1286. CERTAIN FOOTWEAR WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.80	Footwear (other than for men or women and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1287. CERTAIN OTHER FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.81	Footwear (other than for men or women, and other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 7 inches (17.78 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1288. CERTAIN WOMEN'S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.82	Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1289. CERTAIN WOMEN'S FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.83	Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1290. FELT-BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.84	Vulcanized rubber felt-bottom boots for actual use in fishing waders (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1291. LUG BOTTOM BOOTS FOR USE IN FISHING WADERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.23.85	Vulcanized rubber lug bottom boots for actual use in fishing waders (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1292. CERTAIN PARTS AND ACCESSORIES FOR MEASURING OR CHECKING INSTRUMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.86	Parts or accessories of instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88) (but not including subassemblies containing one or more printed circuit assemblies for such instruments or apparatus (provided for in subheading 9030.90.88))	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1293. CERTAIN PRINTED CIRCUIT ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.87	Printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.68)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1294. CERTAIN SUBASSEMBLIES FOR MEASURING EQUIPMENT FOR TELECOMMUNICATIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.88	Subassemblies containing one or more printed circuit assemblies for instruments or apparatus for measuring or checking electrical quantities, such instruments or apparatus specially designed for telecommunications (provided for in subheading 9030.90.88)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1295. CHLORONEB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.89	1,4-Dichloro-2,5-dimethoxybenzene (Chloroneb) (CAS No. 2675–77–6) (provided for in subheading 2909.30.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1296. P-NITROBENZOIC ACID (PNBA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.90	p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.75)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1297. ALLYL PENTAERYTHRITOL (APE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.91	Allyl pentaerythritol (CAS No. 91648–24–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1298. BUTYL ETHYL PROPANEDIOL (BEP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.92	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1299. BEPD70L.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.93	Mixture of 2-butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) and neopentyl glycol (CAS No. 126–30–7) (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1300. BOLTORN-1 (BOLT-1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.94	Polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane (CAS No. 326794–48–3) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1301. BOLTORN-2 (BOLT-2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.95	Polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate (CAS No. 326794–49–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1302. CYCLIC TMP FORMAL (CTF).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.96	1,3-Dioxane-5-methanol, 5-ethyl- (CAS No. 5187–23–5) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1303. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.97	Ditrimethylol propane (CAS No. 23235–61–2) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1304. POLYOL DPP (DPP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.98	Poly(oxy-1,2-ethanediyl), α-hydro-ω-hydroxy-ether with 2,2'-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol) (6:1) (CAS No. 50977–32–7) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1305. HYDROXYPIVALIC ACID (HPA).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.23.99	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1306. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.01	Trimethylolpropane diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1307. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.02	Trimethylolpropane monoallyl ether (CAS No. 682–11–1) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1308. TMP OXETANE (TMPO).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.03	3-Ethyl-3-oxetanemethanol (trimethylolpropane oxetane) (CAS No. 3047–32–3) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1309. TMPO ETHOXYLATE (TMPOE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.04	Poly(oxy-1,2-ethanediyl), α-((3-ethyl-3-oxetanyl) methyl)-ω-hydroxy- (CAS No. 76996–65–1) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1310. AMYL-ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.05	9. 10-Anthracenedione. 2 pentyl- (CAS No. 13936–21–5) (provided for in subheading 2914.69.90) or in organic solution (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1311. T-BUTYL ACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.06	Acrylic acid, tert-butyl ester (CAS No. 1663–39–4) (provided for in subheading 2916.12.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1312. 3-CYCLOHEXENE-1-CARBOXYLIC ACID, 6-[(DI-2-PROPENYLAMINO)CARBONYL]-, REL-(1R,6R)-, REACTION PRODUCTS WITH PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER, AMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.07	3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluordiodoethane-tetrafluoroethylene telomer, ammonium salt (CAS No. 392286–82–7) (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1313. MIXTURES OF PHOSPHATE AMMONIUM SALT DERIVATIVES OF A FLUOROCHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.08	5,5-Bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt (CAS No. 148240–85–1) and 2,2-bis[(γ,ω-perfluoro(C4-20)alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt (CAS No. 148240–87–3) and di-[2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt (CAS No. 148240–89–5) and 2,2-bis[(γ,ω-perfluoro(C4–20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt (provided for in subheading 3809.92.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1314. 1-(3H)-ISOBENZOFURANONE, 3,3-BIS(2-METHYL-1-OCTYL-1H-INDOL-3-YL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.09	1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)- (CAS No. 50292–95–0) (provided for in subheading 3204.19.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1315. MIXTURE OF POLY[[6-[(1,1,3,3-TETRAMETHYLBUTYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL] [2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]-1,6-HEXANEDIYL[(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)IMINO]]) AND BIS(2,2,6,6-TETRAMETHYL-4-PIPERIDYL) SEBACATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.10	Mixture of poly[[6-[(1.1.3.3-tetramethylbutyl)amino]-1.3.5-triazine-2.4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate (CAS Nos. 71878–19–8 and 52829–07–9) (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1316. CERTAIN BITUMEN-COATED POLYETHYLENE SLEEVES SPECIFICALLY DESIGNED TO PROTECT IN-GROUND WOOD POSTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.11	Bitumen-coated shrink-wrap polyethylene boots for the protection of in-ground wood posts (provided for in subheading 3926.90.98)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1317. NYLON WOOLPACKS USED TO PACKAGE WOOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.12	Sacks and bags, of undyed woven fabric of nylon multifilament yarns not to exceed 10 decitex, used for packing wool for transport, storage, or sale (provided for in subheading 6305.39.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1318. MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.13	Magnesium zinc aluminum hydroxide carbonate hydrate (CAS No. 169314–88–9) coated with an organic fatty acid (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1319. C12–18 ALKENES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.14	C12–18 alkenes, polymers (TPX) with 4-methyl-1-pentene (CAS Nos. 25155–83–3, 81229–87–0, and 103908–22–1) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2009	”.

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 is amended by striking heading 9902.03.86.

SEC. 1320. ACRYPET UT100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.15	2-Propenoic acid, 2-methyl-, methyl ester, polymer with 1-cyclohexyl-1*H*-pyrrole-2,5-dione,ethenylbenzene and (1-methylethenyl)benzene (CAS No. 107194–09–2) (provided for in subheading 3906.90.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1321. 5-AMINO-1-[2,6-DICHLORO-4-(TRIFLUOROMETHYL)PHENYL]-4-[(1R,S)–(TRIFLUOROMETHYL)-SULFINYL]-1H-PYRAZOLE-3-CARBONITRILE (FIPRONIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.16	5-Amino-1-[2,6-dichloro-4-(trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfinyl]-1H-pyrazole-3-carbonitrile (Fipronil) (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1322. 2,3-PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.17	2,3-Pyridinedicarboxylic acid (CAS No. 89–00–9) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1323. MIXTURES OF 2-AMMINO-2,3-DIMETHYLBUTYLNITRILE AND TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.18	Mixtures of 2-amino-2,3-dimethylbutanenitrile (CAS No. 13893–53–3) and toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1324. 2,3-QUINOLINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.19	2,3-Quinolinedicarboxylic acid (CAS No. 643–38–9) (provided for in subheading 2933.49.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1325. 3,5-DIFLUOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.20	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1326. CLOMAZONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.21	2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777–89–1) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1327. CHLOROPIVALOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.22	3-Chloropivaloyl chloride (CAS No. 4300–97–4) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1328. N,N′-HEXANE-1,6-DIYLBIS(3-(3,5-DI-TERT-BUTYL-4-HYDROXYPHENYLPROPIONAMIDE)).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.23	N,N′-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128–74–7) (provided for in subheading 2924.29.31)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1329. REACTIVE RED 268.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.24	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1330. REACTIVE RED 270.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.25	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1331. CERTAIN GLASS THERMO BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.26	Liquid-filled glass bulbs designed for sprinkler systems and other release devices (provided for in subheading 7020.00.60)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1332. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.27	2-[1-Methyl-2-(4-phenoxyphenoxy) ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737–68–1) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1333. UNICONAZOLE-P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.28	(E)-(+)-(S)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol (Uniconazole-P) (CAS No. 83657–17–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1334. BISPYRIBAC-SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.29	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401–92–5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1335. DINOTEFURAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.30	N-Methyl-N′-nitro-N″-[(tetrahydro-3-furanyl)methyl]guanidine (Dinotefuran) (CAS No. 165252–70–0) (provided for in subheading 2932.19.50) ...	Free	No change	No change	On or before 12/31/2009	".

SEC. 1336. ETOXAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.31	2-(2,6-Difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole (Etoxazole) (CAS No. 153233–91–1) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1337. BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.32	[1RS-[1α(S*),3β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (Bioallethrin) (CAS No. 584–79–2) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1338. S-BIOALLETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.33	[1R-[1a(S*),3b]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434–00–6) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1339. TETRAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.34	(1,3,4,5,6,7-Hexahydro-1,3-dioxo-2H-isoindol-2-yl)methyl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 7696–12–0) (Tetramethrin) (provided for in subheading 2925.19.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1340. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.35	Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate (Tralomethrin) (CAS No. 66841–25–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1341. FLUMICLORAC-PENTYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.36	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (Flumiclorac-pentyl) (CAS No. 87547–04–4) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1342. 1-PROPENE-2-METHYL HOMOPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.37	1-Propene-2-methyl homopolymer (CAS No. 9003–27–4) (provided for in subheading 3902.30.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1343. ACRONAL-S-600.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.38	2-Propenoic acid, polymer with ethenylbenzene and 2-ethylhexyl 2-propenoate (CAS No. 25085–19–2) (provided for in subheading 3903.90.50)........	Free	No change	No change	On or before 12/31/2009	".

SEC. 1344. LUCIRIN TPO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.39	Diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide (CAS No. 75980–60–8) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1345. SOKALAN PG IME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.40	1H-Imidazole, polymer with (chloromethyl) oxirane (CAS No. 68797–57–9) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1346. LYCOPENE 10 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.41	Lycopene 10 percent (CAS No. 502–65–8) (provided for in subheading 2106.90.95)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1347. MIXTURES OF CAS NOS. 181274–15–7 AND 208465–21–8.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.42	Mixtures of methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl) carboxamidosulfonylbenzoate, sodium salt (Propoxycarbazone-sodium) (CAS No. 181274-15-7), 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluic acid, methyl ester (Mesosulfuron-methyl) (CAS No. 208465–21–8), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1348. 2-METHYL-1-[4-(METHYLTHIO)PHENYL]-2-(4-MORPHOLINYL)–1-PROPANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.43	2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)–1-propanone (CAS No. 71868–10–5) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1349. 1,6-HEXANEDIAMINE, N,N- BIS(2,2,6,6-TETRAMETHYL-4- PIPERIDINYL)-, POLYMER WITH 2,4,6-TRICHLORO-1,3,5-TRIAZINE, REACTION PRODUCTS WITH N-BUTYL-1-BUTANAMINE AND N-BUTYL- 2,2,6,6-TETRAMETHYL-4- PIPERIDINAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.44	1,6-Hexanediamine, N,N- bis(2,2,6,6-tetramethyl-4- piperidinyl)-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-1-butanamine and N-butyl- 2,2,6,6-tetramethyl-4- piperidinamine (CAS No. 192268–64–7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1350. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.45	Vat Black 25 (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1351. ACID ORANGE 162.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.46	Acid Orange 162 (CAS No. 73612–40–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1352. METHYL SALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.47	Methyl salicylate (CAS No. 119–36–8) (provided for in subheading 2918.23.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1353. 1,2-OCTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.48	1,2-Octanediol (CAS No. 1117–86–8) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1354. MENTHONE GLYCERIN ACETAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.49	Menthone glycerin acetal (CAS No. 63187–91–7) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1355. PONTAMINE GREEN 2B.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.50	Dyestuff containing as active ingredient 2,7-naphthalenedisulfonic acid, 3,3'-[carbonylbis(imino-4,1-phenyleneazo)]bis[4-amino-5-hydroxy-6-(phenylazo)-, tetrasodium salt (CAS No. 59262–64–5) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1356. BAYDERM BOTTOM 10 UD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.51	Aqueous polyurethane dispersions containing 29 percent to 31 percent solids content of hexanedioic acid, polymer with N-(2-aminoethyl)–1,2-ethanediamine, 2-butene-1,4-diol, 1,6-diisocyanatohexane, 1,2-ethanediol, 1,3-isobenzofurandione, methyloxirane, oxirane and sodium hydrogen sulfite, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 100486–94–0) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1357. BAYDERM FINISH DLH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.52	Hexanedioic acid, polymer with 1,4-butanediol, 1,6-diisocyanatohexane and 1,6-hexanediol, 2-((2-aminoethyl)amino) ethanesulfonic acid, of 38 to 42 percent solids content in aqueous dispersion (CAS No. 68037-41-2) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1358. LEVAGARD DMPP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.53	Dimethyl propylphosphonate (CAS No. 18755-43-6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1359. BAYDERM BOTTOM DLV.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.54	Aqueous polyurethane dispersions containing 38 percent to 42 percent solids content of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(2-aminoethyl) amino]ethanesulfonic acid, monosodium salt, 1,6-diisocyanatohexane, diphenyl carbonate, 1,2-ethanediamine, 1,6-hexanediol, hydrazine, methyloxirane, oxirane and 1,2-propanediol, 2-(2-butoxyethoxy)ethanol-blocked (CAS No. 137898-95-4) (provided for in subheading 3909.50.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1360. CERTAIN ETHYLENE-VINYL ACETATE COPOLYMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.55	Ethylene-vinyl acetate copolymers, other than those in aqueous dispersions, containing 50 percent or more by weight vinyl acetate monomer (CAS No. 24937-78-8) (provided for in subheading 3905.29.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1361. CYAZOFAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.56	Mixtures of 4-chloro-2-cyano-N,N-dimethyl-5-(4-methylphenyl)-1H-imidazole-1-sulfonamide (Cyazofamid) (CAS No. 120116-88-3) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1362. FLONICAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.57	N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062-67-0) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1363. ZETA-CYPERMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.58	(S)-Cyano-(3-phenoxyphenyl)methyl (+)cis-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and (S)-cyano-(3-phenoxyphenyl)methyl (+)trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Zeta-cypermethrin) (CAS No. 52315-07-8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1364. 2-ETHYLHEXYL 4-METHOXYCINNAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.60	2-Ethylhexyl 4-methoxycinnamate (CAS No. 5466-77-3) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1365. CERTAIN FLAME RETARDANT PLASTICIZERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.24.61	Plasticizers containing diphenyl cresyl phosphate (CAS No. 26444-49-5), triphenyl phosphate (CAS No. 115-86-6), tricresyl phosphate (CAS No. 1330-78-5), and phenyl dicresyl phosphate (CAS No. 26446-73-1) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2009	
	9902.24.62	Phosphoric acid, tris (2-ethylhexyl) ester (CAS No. 78-42-2) (provided for in subheading 2919.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1366. BAYPURE DS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.63	Polyaspartic acid, sodium salt, in aqueous solution (CAS No. 181828-06-8) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1367. BAYOWET C4.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.64	1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt (CAS No. 29420-49-3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1368. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.65	Bicycle speedometers (provided for in subheading 9029.20.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1369. OTHER CYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.67	Unicycles (provided for in subheading 8712.00.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1370. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.68	Sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle (provided for in subheading 8714.91.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1371. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.71	Brakes designed for bicycles (other than drum brakes, caliper and cantilever brakes, and coaster brakes) and parts thereof (provided in subheading 8714.94.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1372. (2-CHLOROETHYL)PHOSPHONIC ACID (ETHEPHON).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.73	(2-Chloroethyl)phosphonic acid (Ethephon) (CAS No. 16672–87–0) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1373. PREPARATIONS CONTAINING 2-(1-(((3-CHLORO-2-PROPENYL)OXY)IMINO)PROPYL)–5-(2-(ETHYLTHIO)PROPYL)–3-HYDROXY-2-CYCLOHEXENE-1-ONE (CLETHODIM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.74	Preparations containing 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-(ethylthio)propyl)-3-hydroxy-2-cyclohexene-1-one (Clethodim) (CAS No. 99129–21–2) and application adjuvants (provided for in subheading 3808.30.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1374. UREA, POLYMER WITH FORMALDEHYDE (PERGOPAK).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.75	Urea, polymer with formaldehyde (Pergopak) (CAS No. 9011–05–6) (provided for in subheading 3909.10.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1375. ORTHO NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.76	2-Nitroaniline (CAS No. 88–74–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1376. 2,2 -(2,5-THIOPHENEDIYL)BIS(5-(1,1-DIMETHYLETHYL)BENZOXAZOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.77	2,2 -(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl)benzoxazole) (CAS No. 7128–64–5) (provided for in subheading 3204.20.80)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1377. CERTAIN CHEMICALS AND CHEMICAL MIXTURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.24.78	3-[(2-Chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine (Thiamethoxam) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.79	Mixtures of (±)-(cis and trans)-1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl)methyl)-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207–90–1) and 3-iodo-2-propynyl butylcarbamate (CAS No. 55406–53–6), and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.80	Mixtures of 4,6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0), (±)-1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1-*H*-imidazole sulfate (Imazalil Sulfate) (CAS No. 58595–72–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.81	(±)-3-[2-[4-(6-Fluoro-1,2-benzisoxazol-3-yl)-1-piperidinyl]ethyl]-6,7,8,9-tetrahydro-9-hydroxy-2-methyl-4*H*-pyrido[1,2-a]pyrimidin-4-one (CAS No. 144598–75–4) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.82	3-Benzo[b]thien-2-yl-5, 6-dihydro-1,4,2-oxathiazine 4-oxide (Bethoxazin) (CAS No. 163269–30–5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.83	4-Bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile (Chlorfenapyr) (CAS No. 122453–73–0) (provided for in subheading 2933.99.17)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.84	2-(*p*-Chlorophenyl)-3-cyano-4-bromo-5-trifluoromethylpyrrole (Tralopyril) (CAS No. 122454–29–9) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	...
	9902.24.85	Mixtures of 4,6-dimethyl-*N*-phenyl-2-pyrimidinamine (Pyrimethanil) (CAS No. 53112–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1378. ACID RED 414.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.86	Acid Red 414 (CAS No. 152287–09–7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1379. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.87	Solvent Yellow 163 (CAS No. 13676–91–0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1380. 4-AMINO-3,6-BIS[[5-[[4-CHLORO-6-[METHYL[2-(METHYLAMINO)–2-OXOETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-2-SULFOPHENYL]AZO]-5-HYDROXY-2,7-NAPHTHALENEDISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.88	4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt (CAS No. 205764-96-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1381. REACTIVE RED 123.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.89	Reactive Red 123 (CAS No. 85391-83-9) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1382. REACTIVE BLUE 250.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.90	Reactive Blue 250 (CAS No. 93951-21-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1383. REACTIVE BLACK 5.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.91	Reactive Black 5 (CAS No. 17095-24-8) (provided for in subheading 3204.16.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1384. 5-[(2-CYANO-4-NITROPHENYL)AZO]-2-[[2-(2-HYDROXYETHOXY)ETHYL]AMINO]-4-METHYL-6-(PHENYLAMINO)-3-PYRIDINECARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.93	5-[(2-Cyano-4-nitrophenyl) azo]-2-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridinecarbonitrile (CAS No. 149988-44-3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1385. CYANO[3-[(6-METHOXY-2-BENZOTHIAZOLYL)AMINO]-1H-ISOINDOL-1-YLIDENE]-ACETIC ACID, PENTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.94	Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester (CAS No. 173285-74-0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1386. [(9,10-DIHYDRO-9, 10-DIOXO-1, 4-ANTHRACENEDIYL)BIS[IMINO[3- (2-METHYLPROPYL)-3,1-PROPANEDIYL]]]BISBENZENESULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.95	[(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]] bisbenzenesulfonic acid, disodium salt (CAS No. 72749-90-7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1387. [4-(2,6-DIHYDRO-2,6-DIOXO-7-PHENYLBENZO[1,2-B:4,5-B′]DIFURAN-3-YL)PHENOXY]ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.96	[4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b′]difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-05-2) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1388. 3-PHENYL-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-B′]DIFURAN-2,6-DIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.97	3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b′]difuran-2,6-dione (CAS No. 79694-17-0) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1389. 2-[[[2, 5-DICHLORO-4-[(2-METHYL-1H-INDOL-3-YL)AZO]PHENYL]SULFONYL]AMINO]-ETHANESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.98	2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl] sulfonyl]amino]-ethanesulfonic acid, monosodium salt (CAS No. 68959-19-3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1390. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6- [(3-SULFOPHENYL)AMINO]- 1,3,5-TRIAZIN-2 -YL]AMINO]-4 -HYDROXY-3- [[4-[[2-(SULFOXY) ETHYL]SULFONYL] PHENYL] AZO]-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.99	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfoxy)ethyl] sulfonyl]phenyl]azo]-, sodium salt. (CAS No. 78952-61-1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1391. 7-[[2-[(AMINOCARBONYL)AMINO]-4- [[4-[4-[2-[[4-[[3- [(AMINOCARBONYL) AMINO]-4-[(3,6,8- TRISULFO-2- NAPHTHALENYL) AZO] PHENYL]AMINO]- 6-CHLORO-1, 3,5-TRIAZIN-2- YL]AMINO]ETHYL]- 1-PIPERAZINYL]-6- CHLORO-1, 3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-1, 3, 6-NAPHTHALENETRISULFONIC ACID, LITHIUM POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.01	7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl) azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]- 1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino] phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt (CAS No. 202667-43-4) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1392. 4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.02	4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt (CAS No. 70571-81-2) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1393. [4-[2,6-DIHYDRO-2,6-DIOXO-7-(4-PROPOXYPHENYL)BENZO[1,2-B:4,5-B]DIFURAN-3-YL]PHENOXY]ACETIC ACID, 2-ETHOXYETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.03	[4-[2,6-Dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-3-yl]phenoxy]acetic acid, 2-ethoxyethyl ester (CAS No. 126877-06-3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1394. BASIC YELLOW 40 CHLORIDE BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.04	Basic Yellow 40 chloride based (CAS No. 29556-33-0) (provided for in subheading 3204.13.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1395. DIRECT YELLOW 119.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.05	Direct Yellow 119 (CAS No. 4121-67-9) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1396. NAUGARD 412S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.06	Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598-76-3) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1397. TRIACETONAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.07	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 826-36-8) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1398. IPCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.08	2-[(4-Chlorophenyl)methyl]-5-(1-methylethyl)-1-(1H-1,2,4-triazol-1-ylmethyl) cyclopentanol (Ipconazole) (CAS No. 125225-28-7) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1399. OMITE TECH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.09	2-(4-Tert-butylphenoxy)cyclohexylprop-2-ynyl sulfite (Propargite) (CAS No. 2312-35-8) (provided for in subheading 2920.90.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1400. PANTERA TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.10	(+)-Tetrahydrofurfuryl)-(R)-2-[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propionoate (Quizalofop p-tefuryl) (CAS No. 119738-06-6) (provided for in subheading 2934.99.15) and any formulations containing such compound (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1401. P-TOLUENESULFONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.11	p-Toluenesulfonyl chloride (CAS No. 98-59-9) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1402. PREFORMED PELLETS OF A MIXTURE OF SODIUM IODIDE, THALLIUM IODIDE, DYSPROSIUM TRI-IODIDE, HOLMIUM TRI-IODIDE, THULIUM TRI-IODIDE, AND SOMETIMES CALCIUM IODIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.12	Preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide (CAS Nos. 7681-82-5, 7790-30-9, 15474-63-2, 13813-41-7, 1381-43-9, or 10102-68-8) (provided for in subheading 2827.60.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1403. P-AMINOBENZAMIDE (4-AMINOBENZAMIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.13	p-Aminobenzamide (4-aminobenzamide) (CAS No. 2835-68-9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1404. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.14	p-Chloroaniline (CAS No. 106-47-8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1405. 4-CHLORO-2-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.15	4-Chloro-2-nitroaniline (CAS No. 89-63-4) (provided for in subheading 2921.42.55)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1406. O-CHLORO-P-TOLUIDINE (3-CHLORO-4-METHYLANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.16	o-Chloro-p-toluidine (3-chloro-4-methylaniline) (CAS No. 95-74-9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1407. 2-CHLOROACETOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.17	2-Chloroacetoacetanilide (CAS No. 93-70-9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1408. P-ACETOACETANISIDIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.18	p-Acetoacetanisidide (CAS No. 5437-98-9) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1409. 1-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.19	1-Hydroxy-2-naphthoic acid (CAS No. 86-48-6) (provided for in subheading 2918.29.04)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1410. PIGMENT GREEN 7 CRUDE, NOT READY FOR USE AS A PIGMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.20	Copper Phthalocyanine Green 7, Crude (CAS No. 1328-53-6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1411. 1,8-NAPHTHALIMIDE (1H-BENZ[DE]ISOQUINOLINE-1,3(2H)-DIONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.21	1,8-Naphthalimide (1H-benz[de]isoquinoline-1,3(2H)-dione) (CAS No. 81-83-4) (provided for in subheading 2925.19.42)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1412. DIISOPROPYL SUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.22	Diisopropyl succinate (CAS No. 924-88-9) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1413. 2,4-DI-TERT-BUTYL-6-(5-CHLOROBENZOTRIAZOL-2-YL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.23	2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (CAS No. 3864-99-1) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1414. DIRECT BLACK 22.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.25	Direct Black 22 (CAS No. 6473-13-8) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1415. METHYLENE BIS-BENZOTRIAZOLYL TETRAMETHYLBUTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.26	2,2′-Methylenebis[6-(2H-benzotriazol-2-yl)-4-(1,1,3,3-tetramethylbutyl)phenol] (CAS No. 103597-45-1) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1416. BIS-ETHYLHEXYLOXYPHENOL METHOXYPHENOL TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.27	2,2′-(6-(4-Methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis(5-((2-ethylhexyl)oxy)phenol) (CAS No. 187393-00-6) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1417. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.28	Reactive Orange 132 (CAS No. 149850-31-7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1418. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.29	Acid Black 244 (CAS No. 30785-74-1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1419. CERTAIN CORES USED IN REMANUFACTURE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.25.30	Used fuel, lubricating or cooling medium pumps for internal combustion piston engines (provided for in subheading 8413.30.10 or 8413.30.90)	Free	No change	No change	On or before 12/31/2009	
	9902.25.31	Used compression-ignition internal combustion piston engines to be installed in vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8408.20.20)	Free	No change	No change	On or before 12/31/2009	
	9902.25.32	Used gear boxes for the vehicles of subheading 8701.20 or heading 8704 (provided for in subheading 8708.40.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1420. ADTP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.33	2-Amino-5,8-dimethoxy-(1,2,4)triazolo(1,5-c)pyrimidine (CAS No. 219715-62-5) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1421. DCBTF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.34	3,4-Dichlorobenzotrifluoride (CAS No. 328-84-7) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1422. NOVIFLUMURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.35	N-[[[3,5-Dichloro-2-fluoro-4-(1,1,2,3,3,3-hexafluoropropoxy) phenyl]amino]carbonyl]-2,6-difluorobenzamide (Noviflumuron) (CAS No. 121451-02-3) (provided for in subheading 2924.29.52)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1423. PARACHLOROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.36	1-Chloro-4-(trifluoromethyl) benzene (CAS No. 98-56-6) (provided for in subheading 2903.69.08)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1424. MIXTURES OF INSECTICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.37	Mixtures of insecticide containing gamma-cyhalothrin ((S)-α-cyano-3-phenoxybenzyl (Z)-(1R, 3R)-3-(2-chloro-3,3,3-trifluoropropenyl)-2,2-dimethyl cyclopropanecarboxylate) as the active ingredient and application adjuvants (CAS No. 76703-62-3) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1425. MIXTURE OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.38	Mixture of quinoxyfen (5,7-dichloro-4-(4-fluorophenoxyquinoline)) and application adjuvants (CAS No. 124495-18-7) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1426. 1,2-BENZISOTHIAZOL-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.39	1,2-Benzisothiazol-3(2H)-one (CAS No. 2634-33-5) (provided for in subheading 3808.40.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1427. STYRENE, AR-ETHYL-, POLYMER WITH DIVINYLBENZENE AND STYRENE (6CI) BEADS WITH LOW ASH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.40	Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads having low ash content and specifically manufactured for use as a specialty filler in lost wax mold casting applications and in a variety of other specialty filler applications (CAS No. 9052-95-3) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1428. MIXTURES OF FUNGICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.41	Mixtures of myclobutanil (α-Butyl-α-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and application adjuvants (CAS No. 88671-89-0) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1429. 2-METHYL-4-CHLOROPHENOXY-ACETIC ACID, DI-METHYLAMINE SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.42	2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039-46-5) (provided for in subheading 2921.11.00)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1430. CHARGE CONTROL AGENT 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.43	Charge control agent 7 Chromate(1-),bis{1-[(5-chloro-2-hydroxyphenyl)azo]-2-napthalenolato(2-)}-hydrogen (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1431. PRO-JET BLACK 820 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.44	Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04-390) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1432. PRO-JET MAGENTA M700.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.45	Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P-03-307) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1433. PRO-JET FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.46	Pro-jet fast black 287 NA liquid feed ([(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt) (PMN No. P-90-391) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1434. PRO-JET FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.47	Pro-jet fast black 286 stage [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P-90-394) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1435. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.48	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P-99-105) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1436. PRO-JET BLACK 661 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.49	Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P-03-78) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1437. PRO-JET BLACK CYAN 854 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.50	Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium/ammonium salts (PMN No. P02-893) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1438. ERASERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.51	Erasers of vulcanized rubber other than hard rubber or cellular rubber (provided for in subheading 4016.92.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1439. ARTIFICIAL FLOWERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.65	Artificial flowers of man-made fibers (provided for in subheading 6702.90.35)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1440. SUSPENSION SYSTEM STABILIZER BARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.77	Suspension system stabilizer bars of alloy steel of Japanese JIS grade SCM525S (26CrMo4) or SCM435H (34CrMo4), each weighing approximately 42 kg, comprising one rod measuring approximately 98.8 cm in length at each end of which is welded at approximately right angles to a rod measuring approximately 51 cm in length (provided for in subheading 8708.99.70), the foregoing designed for use in Class 7 and 8 trucks only	Free	No change	No change	On or before 12/31/2009	".

SEC. 1441. RATTAN WEBBING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.78	Rattan webbing (provided for in subheading 4601.91.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1442. TRACTOR BODY PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.79	Parts and accessories of bodies (including cabs) for tractors for agricultural use (provided for in subheadings 8708.29.10, 8708.29.15, 8708.29.25, or 8708.29.50)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1443. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 85 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.06	AC electric motors of an output exceeding 74.6 W but not exceeding 85 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1444. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 105 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.07	AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a motor mounting cooling ring (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1445. AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 95 W.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.08	AC electric motors of an output exceeding 74.6 W but not exceeding 95 W, single phase, each equipped with a capacitor and a speed control mechanism (provided for in subheading 8501.40.40)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1446. CERTAIN AC ELECTRIC MOTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.09	AC electric motors of an output exceeding 37.5 W but not exceeding 72 W, single phase; each equipped with a capacitor, a speed control mechanism, a motor mount of plastics and a self-contained gear mechanism for oscillation (provided for in subheading 8501.40.20)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1447. VISCOSE RAYON YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.54.03	Single yarn of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1448. CERTAIN TWISTED YARN OF VISCOSE RAYON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.54.04	Single yarn of viscose rayon, with a twist exceeding 120 turns/m (provided for in subheading 5403.32.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1449. ALLYL UREIDO MONOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412-00-3) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2007	".

SEC. 1450. SYNTHETIC ELASTIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.55.03	Bi-component staple fibers of elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1451. CERTAIN FIBERGLASS SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.19	Thin smooth nonwoven fiberglass sheets, approximately .0125 inches thick, comprised principally of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1452. HALOPHOSPHOR CALCIUM DIPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.33	Halophosphor calcium diphosphate; inorganic product of a kind used as luminophores (CAS No. 7790-76-3) (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2009	".

SEC. 1453. CERTAIN RAYON STAPLE FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.55.04	Viscose rayon filaments having a decitex of less than 5.0 and a multi-limbed cross-section, the limbs having a length-to-width aspect ratio of at least 2:1 (provided for in subheading 5504.10.00)	Free	No change	No change	On or before 12/31/2008	".

SEC. 1454. SYNTHETIC QUARTZ OR FUSED SILICA PHOTOMASK SUBSTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.60	Synthetic fused silica (100 percent SiO^2) photomask blank substrates in squares having a surface area of 150 cm^2 or more but not over 522 cm^2 and a thickness of 2.2 mm or more but not over 6.45 mm (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2008	".

SEC. 1455. CERTAIN INTEGRATED MACHINES FOR MANUFACTURING PNEUMATIC TIRES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Machines for molding or forming pneumatic tires, the forgoing containing in a single housing both components for processing rubber, for positioning and assembling tire components (including but not limited to belts, cords, and other reinforcing materials) and for curing “green tires” to produce finished pneumatic tires of heading 4011; parts of such machines (including molds); or molds entered separately (provided for in 8477.59.80, 8477.90.85, or 8480.71.80, respectively)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1456. TRAMWAY CARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.26.01	Tramway cars imported pursuant to contract by or on behalf of the City of Seattle (provided for in subheading 8603.10.00)	Free	No change	No change	On or before 12/31/2009	...
	9902.26.02	Parts imported pursuant to contract by or on behalf of the City of Seattle, to be used in the tramway cars described in heading 9902.26.01, whether or not such parts are principally used as parts of such articles and whether or not covered by a specific provision within the meaning of additional United States rule of interpretation 1(c) (however: provided for in the tariff schedule)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1457. CERTAIN ARTIFICIAL FILAMENT SINGLE YARN (OTHER THAN SEWING THREAD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.26.12	Artificial filament single yarn (other than sewing thread), not put up for retail sale, of viscose rayon, untwisted or with a twist not exceeding 120 turns/m (provided for in subheading 5403.31)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1458. CERTAIN ELECTRICAL TRANSFORMERS RATED AT 25VA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.05	120 volt/60 Hz electrical transformers, each with dimensions of 77 mm by 61 mm by 50 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 25VA (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2009	”.

SEC. 1459. CERTAIN ELECTRICAL TRANSFORMERS RATED AT 40VA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.06	120 volt/60 Hz electrical transformers, each with dimensions of 80 mm by 71 mm by 59 mm, containing a layered and uncut round core with two balanced bobbins, the foregoing rated at 40VA (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2009	”.

CHAPTER 2—REDUCTIONS

SEC. 1461. FLOOR COVERINGS AND MATS OF VULCANIZED RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.54	Floor coverings and mats of vulcanized rubber (provided for in subheading 4016.91.00)	2.17%	No change	No change	On or before 12/31/2009	”.

SEC. 1462. MANICURE AND PEDICURE SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.55	Manicure and pedicure sets, and combinations thereof, whether or not shrink-wrapped for retail display, the foregoing other than such sets or combinations in leather cases or other immediate cases or containers (provided for in subheading 8214.20.90)	2.3%	No change	No change	On or before 12/31/2009	”.

SEC. 1463. NITROCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.56	Cellulose nitrate (nitrocellulose) (CAS No. 9004-70-0) (provided for in subheading 3912.20.00)	4.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1464. SULFENTRAZONE TECHNICAL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.25.57	N-[2,4-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]phenyl]methanesulfona- mide (Sulfentrazone) (CAS No. 122836-35-5) (provided for in subheading 2935.00.75)	1.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1465. CLOCK RADIO COMBOS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.58	Radiobroadcast receivers capable of operating without an external source of power, incorporating a clock or clock timer (provided for in subheading 8527.19.50)	0.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1466. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEARS 2007–2008.—

(1) IN GENERAL.—Heading 9902.03.11 of the Harmonized Tariff Schedule of the United States (relating to Thiamethoxam Technical) is amended—

(A) by striking "3.0%" and inserting "Free"; and

(B) by striking "12/31/2009" and inserting "12/31/2008".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2007.

(b) CALENDAR YEAR 2009.—

(1) IN GENERAL.—Heading 9902.03.11, as amended by subsection (a), is further amended—

(A) by striking "Free" and inserting "1.8%"; and

(B) by striking "12/31/2008" and inserting "12/31/2009".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2009.

SEC. 1467. STAPLE FIBERS OF VISCOSE RAYON, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.59	Staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning (provided for in subheading 5504.10.00)	3.4%	No change	No change	On or before 12/31/2009	".

SEC. 1468. CERTAIN MEN'S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.60	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	12.8%	No change	No change	On or before 12/31/2009	".

SEC. 1469. CERTAIN FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.61	Men's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over $20/pair, not covering the ankle, designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20)	15.2%	No change	No change	On or before 12/31/2009	".

SEC. 1470. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.62	Acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning (provided for in subheading 5503.30.00)	3.7%	No change	No change	On or before 12/31/2009	".

SEC. 1471. CERTAIN WOMEN'S FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.63	Footwear for women with outer soles of rubber or plastics and uppers of textile materials other than of vegetable fibers, with open toes or open heels or of the slip-on type (provided for in subheading 6404.19.30)	1.5%	No change	No change	On or before 12/31/2009	".

SEC. 1472. NUMEROUS OTHER SEALS MADE OF RUBBER OR SILICONE, AND COVERED WITH, OR REINFORCED WITH, A FABRIC MATERIAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.64	Seals of textile material or fabric covering or reinforcing a core of rubber or silicone, the foregoing designed for use in airplanes (provided for in subheading 5911.90.00)	3.0%	No change	No change	On or before 12/31/2009	".

SEC. 1473. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.65	Tetrakis(2,4-di-tert-butylphenyl) 4,4'-biphenyldiphosphinate (CAS No. 38613-77-3) (provided for in subheading 2931.00.30)	3.6%	No change	No change	On or before 12/31/2009	".

SEC. 1474. GLYCINE, N,N-BIS[2-HYDROXY-3-(2-PROPENYLOXY)PROPYL]-, MONOSODIUM SALT, REACTION PRODUCTS WITH AMMONIUM HYDROXIDE AND PENTAFLUOROIODOETHANE-TETRAFLUOROETHYLENE TELOMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.66	Glycine, N,N-bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylene telomer (CAS number 220459-70-1) (provided for in subheading 3809.92.50)	1.1%	No change	No change	On or before 12/31/2009	".

SEC. 1475. DIETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.67	Diethyl ketone (CAS No. 96-22-0) (provided for in subheading 2914.19.00)	1.3%	No change	No change	On or before 12/31/2009	".

SEC. 1476. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.68	*O,S*-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.44)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1477. FLUMIOXAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.69	2-[7-Fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione (Flumioxazin)(CAS No. 103361–09–7) (provided for in subheading 2934.99.15)	5.3%	No change	No change	On or before 12/31/2009	”.

SEC. 1478. GARENOXACIN MESYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.70	1-Cyclopropyl-8-(difluoromethoxy)-7-[(1R)-1-methyl-2,3-dihydro-1H-5-isoindolyl]-4-oxo-1,4-dihydroquinoline-3-carboxylic acid monoethanesulfonate monohydrate (Garenoxacin mesylate) (CAS No. 223652–90–2) (provided for in subheading 2933.49.26)	3.1%	No change	No change	On or before 12/31/2009	”.

SEC. 1479. BUTYLATED HYDROXYETHYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.71	2,6-Di-*tert*-butyl-4-ethylphenol (CAS No. 4130–42–1) (provided for in subheading 2907.19.20)	2.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1480. CERTAIN AUTOMOTIVE CATALYTIC CONVERTER MATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.72	Catalytic converter mats of ceramic fibers containing over 65 percent by weight of aluminum oxide, the foregoing 4.7625 mm or more in thickness, in bulk, sheets or rolls and designed for motor vehicles of heading 8703 (provided for in subheading 6806.10.00)	1.5%	No change	No change	On or before 12/31/2009	”.

SEC. 1481. 3,3′-DICHLOROBENZIDINE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.73	3,3′-Dichlorobenzidine dihydrochloride ([1,1′-biphenyl]-4,4′-diamino, 3,3′-dichloro-) (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	5.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1482. TMC114.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.74	3-[4-Aminobenzensulfonyl)isobutylamino]-1-[benzyl-2-hydroxypropyl]carbamic acid. hexahydrofuro[2,3-b]furan-3-yl ester ethanolate (CAS No. 206361–99–1) (provided for in subheading 2932.99.61)	6.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1483. BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.75	Biaxially oriented polypropylene film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<50 ppm) polymer resin (CAS No. 9003–07–0) (provided for in subheading 3920.20.00)	3.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1484. BIAXIALLY ORIENTED POLYETHYLENE TEREPHTHALATE DIELECTRIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.25.76	Biaxially oriented polyethylene terephthalate film, certified by the importer as intended for use in capacitors and as produced from solvent-washed low ash content (<300 ppm) polymer resin (CAS No. 25038–59–9) (provided for in subheading 3920.62.00)	3.4%	No change	No change	On or before 12/31/2009	”.

SEC. 1485. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.66	Child carriers, chain tension adjustors, chain covers, mechanical grips with 2.223 cm internal diameter, air horns, wide-angle reflectors, saddle covers of plastics, chain tensioners, toe clips, head sets or seat posts, all the foregoing designed for use on bicycles (provided for in subheading 8714.99.80)	9.2%	No change	No change	On or before 12/31/2009	”.

SEC. 1486. CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.69	Bicycle wheel rims (provided for in subheading 8714.92.10)	1.8%	No change	No change	On or before 12/31/2009	”.

SEC. 1487. BIFENTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.72	(2-Methyl[1,1′-biphenyl]-3-yl)methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657–04–3) (provided for in subheading 2916.20.50)	0.7%	No change	No change	On or before 12/31/2009	”.

SEC. 1488. REDUCED VAT 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.24.92	Reduced Vat 1 (CAS No. 207692–02–2) (provided for in subheading 3204.15.40)	1.9%	No change	No change	On or before 12/31/2009	”.

SEC. 1489. 4-CHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.24	p-Chlorobenzonitrile (CAS No. 623-03-0) (provided for in subheading 2926.90.14)	1.5%	No change	No change	On or before 12/31/2009	".

SEC. 1490. NAIL CLIPPERS AND NAIL FILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.52	Nail nippers and clippers and nail files (provided for in subheading 8214.20.30)	3.2%	No change	No change	On or before 12/31/2009	".

SEC. 1491. ELECTRIC AUTOMATIC SHOWER CLEANERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.08	Electromechanical bath or shower cleaner devices, each designed to dispense a dilute solution of bleach substitutes and detergents using a button-activated, battery-powered piston pump controlled by a microchip to release a measured quantity of such solution (provided for in subheading 8509.80.00)	2.1%	No change	No change	On or before 12/31/2009	".

SEC. 1492. MESOTRIONE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.80	2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione (Mesotrione) (CAS No. 104206-82-8) (provided for in subheading 2930.90.10)	6.04%	No change	No change	On or before 12/31/2006	".

SEC. 1493. CERTAIN CRANK-GEAR AND OTHER BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.24.70	Crank-gear and parts thereof (other than cotterless-type crank sets and parts thereof) (provided for in subheading 8714.96.90)	6.1%	No change	No change	On or before 12/31/2009	".

Subtitle B—Existing Suspensions and Reductions

SEC. 1501. EXTENSIONS OF EXISTING SUSPENSIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS.—Each of the following headings is amended by striking the date in the effective period column and inserting "12/31/2009":

(1) Heading 9902.02.29 (relating to 10,10′-oxybisphenoxarsine).

(2) Heading 9902.84.88 (relating to certain manufacturing equipment).

(3) Heading 9902.02.48 (relating to 1,5-Naphthalenedisulfonic acid, 2-[[8- [[4-[[3-[[[2-(ethenylsulfonyl)ethyl] amino]carbonyl]phenyl]amino]-6-fluoro-1,3,5-triazin- 2-yl]amino]-1-hydroxy- 3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30).

(4) Heading 9902.02.47 (relating to cuprate(3-), [2-[[[[3-[[4-[[2-[2- (ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-κ.o)-5-sulfophenyl]azo-κ.n2]phenylmethyl]azo-κ.n1]-4-sulfobenzoato(5-)-κ.o], trisodium).

(5) Heading 9902.02.44 (relating to 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt).

(6) Heading 9902.02.46 (relating to 7,7′-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt).

(7) Heading 9902.03.79 (relating to thiophanate-methyl fungicide 70 percent wettable powder).

(8) Heading 9902.84.81 (relating to certain manufacturing equipment).

(9) Heading 9902.84.91 (relating to certain sawing machines).

(10) Heading 9902.84.85 (relating to certain extruders used in the production of radial tires).

(11) Heading 9902.84.83 (relating to certain manufacturing equipment).

(12) Heading 9902.28.20 (relating to ammonium bifluoride).

(13) Heading 9902.05.05 (relating to p-acetanisole).

(14) Heading 9902.04.15 (relating to mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino)propylamide, dimethylsulfate, quaternized and polyricinoleic acid).

(15) Heading 9902.03.21 (relating to 12-hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized).

(16) Heading 9902.03.24 (relating to 2-oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester).

(17) Heading 9902.02.49 (relating to p-(trifluoromethyl benzaldehyde)).

(18) Heading 9902.32.22 (relating to Pigment Red 187).

(19) Heading 9902.32.72 (relating to Solvent Blue 104).

(20) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(21) Heading 9902.02.25 (relating to electrical radio broadcast receivers not combined with a clock).

(22) Heading 9902.02.24 (relating to electrical radio broadcast receivers combined with a clock).

(23) Heading 9902.02.23 (relating to hand-held radio scanners).

(24) Heading 9902.01.36 (relating to sodium methylate powder).

(25) Heading 9902.01.41 (relating to allyl isosulfocyanate).

(26) Heading 9902.02.87 (relating to asulam sodium salt).

(27) Heading 9902.01.92 (relating to ink jet textile printing machinery).

(28) Heading 9902.04.21 (relating to Cyan 1 special liquid feed).

(29) Heading 9902.04.19 (relating to Fast Yellow 2 Stage).

(30) Heading 9902.29.91 (relating to methyl-4-trifluoromethoxyphenyl-*N*-(chlorocarbonyl)).

(31) Heading 9902.01.85 (relating to certain epoxy molding compounds).

(32) Heading 9902.01.14 (relating to 5-MPDC).

(33) Heading 9902.01.60 (relating to 2-mercaptoethanol).

(34) Heading 9902.01.61 (relating to bifenazate).

(35) Heading 9902.01.59 (relating to terrazole).

(36) Heading 9902.03.89 (relating to artichokes prepared or preserved otherwise than by vinegar or acetic acid, not frozen).

(37) Heading 9902.01.62 (relating to fluoropolymers containing 95 percent or more by weight of the 3 monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride).

(38) Heading 9902.33.63 (relating to 3-(ethylsulfonly)-2-pyridinesulfonamide).

(39) Heading 9902.03.22 (relating to 40 percent polymer acid salt/polymer amide 60 percent butyl acetate).

(40) Heading 9902.01.55 (relating to (Z)-(1RS,3RS)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid).

(41) Heading 9902.01.57 (relating to (S)-alpha-hydroxy-3-phenoxybenzeneacetonitrile).

(42) Heading 9902.02.98 (relating to polytetramethylene ether glycol).

(43) Heading 9902.02.99 (relating to cis-3-hexen-1-ol).

(44) Heading 9902.01.75 (relating to Acid Black 172).

(45) Heading 9902.01.76 (relating to 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino) and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-).

(46) Heading 9902.05.22 (relating to fenpropathrin).

(47) Heading 9902.01.64 (relating to 2-azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)-(ezetimibe)).

(48) Heading 9902.01.38 (relating to p-methylacetophenone).

(49) Heading 9902.01.35 (relating to 2-phenylbenzimidazole-5-sulfonic acid).

(50) Heading 9902.05.04 (relating to methyl cinnamate).

(51) Heading 9902.01.43 (relating to thymol).

(52) Heading 9902.01.40 (relating to menthyl anthranilate).

(53) Heading 9902.01.42 (relating to 5-methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate).

(54) Heading 9902.29.25 (relating to 2-phenylphenol).

(55) Heading 9902.38.10 (relating to mixtures of sodium salts).

(56) Heading 9902.01.47 (relating to helium).

(57) Heading 9902.03.87 (relating to certain 12V lead-acid storage batteries).

(58) Heading 9902.01.01 (relating to bitolylene diisocyanate (TODI)).

(59) Heading 9902.04.14 (relating to 1,1'-(methylimino) dipropan-2-ol).

(60) Heading 9902.28.01 (relating to thionyl chloride).

(61) Heading 9902.02.14 (relating to Mondur P).

(62) Heading 9902.02.16 (relating to P-phenylphenol).

(63) Heading 9902.32.12 (relating to DEMT).

(64) Heading 9902.02.15 (relating to Bayowet FT-248).

(65) Heading 9902.29.23 (relating to PNTOSA).

(66) Heading 9902.04.03 (relating to Baysilone Fluid).

(67) Heading 9902.32.62 (relating to iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes).

(68) Heading 9902.32.85 (relating to bis(4-fluorophenyl) methanone).

(69) Heading 9902.29.37 (relating to polymethine photo-sensitizing dyes).

(70) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(71) Heading 9902.85.42 (relating to certain cathode ray tubes).

(72) Heading 9902.85.41 (relating to certain cathode ray tubes).

(73) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio)methyl]phenol).

(74) Heading 9902.32.30 (relating to 4-[[4.6-bis(octylthio)-1,3,5-traizine-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(75) Heading 9902.03.51 (relating to Disperse Blue 77).

(76) Heading 9902.01.65 (relating to p-cresidine sulfonic acid).

(77) Heading 9902.01.66 (relating to 2,4 disulfo benzaldehyde).

(78) Heading 9902.01.68 (relating to benzenesulfonic acid, 3-[(ethylphenylamino) methyl]-).

(79) Heading 9902.01.67 (relating to m-hydroxybenzaldehyde).

(80) Heading 9902.02.38 (relating to 2 amino 5 sulfobenzoic acid).

(81) Heading 9902.02.37 (relating to 2-amino-6-nitrophenol-4-sulfonic acid).

(82) Heading 9902.02.39 (relating to 2,5 bis benzene sulfonic acid).

(83) Heading 9902.02.40 (relating to 4 [(4 amino phenyl) azo] benzene sulfonic acid, monosodium salt).

(84) Heading 9902.02.41 (relating to 4-[(4-aminophenyl) azo] benzenesulfonic acid).

(85) Heading 9902.05.03 (relating to trimethyl cyclo hexanol).

(86) Heading 9902.01.39 (relating to 2,2-dimethyl-3-(3-methylphenyl)proponal).

(87) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).

(88) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(89) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).

(90) Heading 9902.02.95 (relating to 2-propenoic acid, polymer with diethenylbenzene).

(91) Heading 9902.29.59 (relating to *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine).

(92) Heading 9902.29.17 (relating to 2,6-dichloroaniline).

(93) Heading 9902.02.85 (relating to 3, 4-dichlorobenzonitrile).

(94) Heading 9902.29.58 (relating to *O*,*O*-diethyl phosphorochlorodothioate).

(95) Heading 9902.02.92 (relating to 1,2-benzenedicarboxaldehyde).

(96) Heading 9902.33.92 (relating to 2,2-dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-*c*] pyrimidine).

(97) Heading 9902.29.26 (relating to 1,3-dimethyl-2-imidazolidinone).

(98) Heading 9902.02.96 (relating to N-[3-(1-ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenzamide (isoxaben)).

(99) Heading 9902.02.90 (relating to halofenozide).

(100) Heading 9902.02.89 (relating to propanamide, N-(3, 4-dichlorophenyl)-.

(101) Heading 9902.29.61 (relating to quinoline).

(102) Heading 9902.05.17 (relating to tebufenozide).

(103) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).

(104) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).

(105) Heading 9902.02.94 (relating to methacrylamide).

(106) Heading 9902.32.87 (relating to fenbuconazole).

(107) Heading 9902.29.02 (relating to 2-acetylnicotinic acid).

(108) Heading 9902.29.06 (relating to diphenyl sulfide).

(109) Heading 9902.02.12 (relating to difenacanazole).

(110) Heading 9902.84.89 (relating to certain manufacturing equipment.

(b) EXTENSIONS AND OTHER MODIFICATIONS.—

(1) SNOWBOARD BOOTS.—Heading 9902.64.04 is amended—

(A) by striking the article description and inserting the following: "Ski boots, cross country ski footwear or snowboard boots, the foregoing valued over $12/pair, with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials (provided for in subheading 6404.11.90)";

(B) by striking "4%" and inserting "Free"; and

(C) by striking "12/31/2006" and inserting "12/31/2009".

(2) BENTAZON.—Heading 9902.05.10 (relating to Bentazon) is amended—

(A) by striking "(bentazon, sodium salt)" and inserting "(Bentazon, sodium salt)"; and

(B) by striking "12/31/2006" and inserting "12/31/2009".

(3) METHYL N-(2-[[1-(4-CHLOROPHENYL)-1H-PYRAZOL-3-YL]-OXYMETHYL]PHENYL)-N-METHOXYCARBANOSE (PYRACLOSTROBIN).—Heading 9902.01.21 (relating to methyl *N*-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]phenyl)-*N*-methoxycarbanose (Pyraclostrobin)) is amended—

(A) by striking the article description and inserting the following: "Methyl N-(2-[[1-(4-chlorophenyl)pyrazol-3-yl]oxymethyl]phenyl)-(N-methoxy)carbamate (Pyraclostrobin) (CAS No. 175013-18-0) (provided for in subheading 2933.19.23)";

(B) by striking “Free” and inserting “6%”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(4) EXTENSION AND MODIFICATION RELATING TO COMBED CASHMERE.—

(A) IN GENERAL.—Heading 9902.03.01 (relating to yarn of combed Kashmir (cashmere) or yarn of camel hair) is amended by striking the date in the effective period column and inserting “12/31/2009”.

(B) OTHER MODIFICATIONS.—Heading 9902.03.02 is amended—

(i) by striking “of 6 run or finer (equivalent to 19.35 metric yarn system)” and inserting “of 19.35 metric yarn count or finer”; and

(ii) by striking “12/31/2006” and inserting “12/31/2009”.

(5) FLUOROBENZENE.—Heading 9902.03.05 (relating to fluorobenzene) is amended—

(A) by striking “2903.69.70” and inserting “2903.69.80”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(6) CERTAIN NEUTRALIZED PHOSPHATED POLYESTER POLYMER.—Heading 9902.03.25 (relating to 50 percent amine neutralized phosphated polyester polymer) is amended—

(A) by striking “50 percent solvesso 100” and inserting “in solvesso 100”;

(B) by striking “P-99-1218,”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(7) VINCLOZOLIN.—Heading 9902.01.19 (relating to Vinclozolin) is amended—

(A) by striking “oxazolidineidione (vinclozolin)” and inserting “oxazolidinedione (Vinclozolin)”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(8) FAST YELLOW 746 STAGE.—Heading 9902.04.26 (relating to Fast Yellow 746 Stage) is amended—

(A) by striking “Bipyridirium” and inserting “Bipyridinium”;

(B) by inserting “(Fast Yellow 746 Stage)” after “salt”; and

(C) by striking “12/31/2006” and inserting “12/31/2009”.

(9) YELLOW 1 STAGE.—Heading 9902.04.24 (relating to Yellow 1 Stage) is amended—

(A) by inserting “(Yellow 1 Stage)” after “salt”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(10) MAGENTA 3B–OA STAGE.—Heading 9902.04.28 (relating to magenta 3B–OA stage) is amended—

(A) by inserting “(Magenta 3B–OA Stage)” after “salts”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(11) CERTAIN ARTICHOKES.—Heading 9902.03.90 (relating to artichokes prepared or preserved by vinegar or acetic acid) is amended—

(A) by striking “7.5%” and inserting “7.9%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(12) TEXTURED ROLLED GLASS SHEETS.—Heading 9902.70.03 (relating to textured rolled glass sheets) is amended—

(A) by striking “Free” and inserting “0.7%”; and

(B) by striking “12/31/2003” and inserting “12/31/2009”.

(13) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—

(A) by inserting “(CAS No. 12539-23-0)” after “organic fatty acid”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(14) MIXTURES OF SODIUM SALTS.—Heading 9902.29.83 is amended—

(A) by inserting “, whether or not in water” after “iminodisuccinic acid”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(15) A CERTAIN ULTRAVIOLET DYE.—Heading 9902.28.19 is amended—

(A) by inserting “(CAS No. 313482-99-4)” after “-methyl ester”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(16) CARFENTRAZONE.—Heading 9902.01.54 is amended—

(A) by striking “4.9%”and inserting “Free”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(17) CERTAIN EDUCATIONAL DEVICES.—Heading 9902.85.43 is amended—

(A) by striking “1.67%” and inserting “0.55%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(18) CYHALOFOP.—Heading 9902.02.86 is amended—

(A) by striking “Free” and inserting “1.5%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(19) α,α,α-TRIFLUORO-2,6-DINITRO-*p*-TOLUIDINE.—Heading 9902.05.33 is amended—

(A) by striking “Free” and inserting “2.6%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(20) CERTAIN MIXTURES OF FLORASULAM.—Heading 9902.02.88 is amended—

(A) by striking “Free” and inserting “1.5%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(21) METHOXYFENOZIDE.—Heading 9902.32.93 is amended—

(A) by striking “Free” and inserting “1.0%”; and

(B) striking “12/31/2006” and inserting “12/31/2009”.

(22) MYCLOBUTANIL.—Heading 9902.02.91 is amended—

(A) by striking “1.9%” and inserting “3.0%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(23) FLUOROXYPYR.—Heading 9902.29.77 is amended—

(A) by striking “1.5%” and inserting “2.5%”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(24) PRO-JET BLACK 263 STAGE.—Heading 9902.03.09 is amended—

(A) by striking the article description and inserting “[[Substituted naphthalenylazol] alkoxyl phenyl azo] carboxyphenylene, lithium salt (PMN No. P–00–351) (provided for in subheading 3204.14.30)”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(25) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by inserting “(Ethalfluralin)” after “benzenamine”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(26) DIRECT BLACK 175.—Heading 9902.03.56 is amended by striking “subheading 3204.12.50” and inserting “subheading 3204.14.50”.

(27) CERTAIN ORGANIC PIGMENTS AND DYES.—Heading 9902.32.07 is amended—

(A) by inserting “, and excluding the dyestuff bearing the CAS No. 6359-10-0” after “fluorescent pigments and dyes”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

(28) COPPER 8-HYDROXYQUINOLINE (OXINE COPPER).—Heading 9902.02.31 is amended—

(A) in the article description, by striking “Copper 8-quinolinolate (oxine copper)” and inserting “Copper 8-hydroxyquinoline (oxine copper)”; and

(B) by striking “12/31/2006” and inserting “12/31/2009”.

Subtitle C—Effective Date

SEC. 1511. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

TITLE II—RELIQUIDATIONS

SEC. 2001. RELIQUIDATION OF CERTAIN ENTRIES OF CERTAIN SMALL DIAMETER CARBON AND ALLOY SEAMLESS STANDARD, LINE AND PRESSURE PIPE FROM ROMANIA.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate the entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania produced by S.C. Silcotub S.A. (Silcotub), imported by Duferco Steel, Inc., listed in subsection (b) in accordance with the final results of the antidumping duty administrative review of the Department of Commerce (68 Fed. Reg. 12672 (March 17, 2003)) and Message No. 3087205, dated March 28, 2003, issued by the Bureau of Customs and Border Protection; and

(2) refund any antidumping duties with interest which were previously paid on such entries not later than 90 days after the date of reliquidation.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port	Entry number	Date of entry	Port
558–1171537–8 ..	01/20/01	Houston	558–2014403–2 ..	07/24/00	Mobile

SEC. 2002. CERTAIN ENTRIES OF PASTA.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection of the Department of Homeland Security shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) in accordance with Department of Commerce case A–475–818 for the period 7/1/2001 through 6/30/2002 under Customs Service message numbered 4068201.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Bureau of Customs and Border Protection within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation	Entry number	Date of entry	Date of liquidation	Entry number	Date of entry	Date of liquidation
FD630105373	07/06/2001	11/22/2002	FD630114128	08/15/2001	11/22/2002	FD630133987	11/29/2001	11/22/2002
FD630105399	07/06/2001	11/22/2002	FD630114110	08/21/2001	11/22/2002	FD630134043	12/05/2001	11/22/2002
FD630105415	07/06/2001	11/22/2002	FD630116537	08/22/2001	11/22/2002	FD630136972	12/14/2001	11/22/2002
FD630110282	07/26/2001	11/22/2002	FD630122402	09/26/2001	11/22/2002	FD630136998	12/14/2001	11/22/2002
FD630110274	07/26/2001	11/22/2002	FD630123533	10/03/2001	11/22/2002	FD630136980	12/14/2001	11/22/2002
FD630110860	07/30/2001	11/22/2002	FD630126577	10/17/2001	11/22/2002	FD630137806	12/14/2001	11/22/2002
FD630112338	08/09/2001	11/22/2002	FD630129712	10/31/2001	11/22/2002	FD630137822	12/27/2001	11/22/2002
FD630115208	08/15/2001	11/22/2002	FD630132088	11/20/2001	11/22/2002	FD630137814	12/27/2001	11/22/2002

SEC. 2003. CLARIFICATION OF RELIQUIDATION PROVISION.

(a) INCLUSION OF INTEREST.—The term "any amounts owed" in section 1511(b) of the Miscellaneous Trade and Technical Corrections Act of 2004 (118 Stat. 2542; Public Law 108–429), includes interest accrued from the date of deposit of duties made in connection with entries described in section 1511(c) of that Act, to the date of the reliquidation of the entries pursuant to section 1511 of that Act.

(b) RELIQUIDATIONS WITH INTEREST.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, to the extent that the entries listed in section 1511(d) of the Act referred to in subsection (a) were reliquidated by the Bureau of Customs and Border Protection, before the date of the enactment of this Act, without the payment of interest required under subsection (a), the Bureau shall, within 90 days after the date of the enactment of this Act, reliquidate the affected entries with the interest required under subsection (a), calculated at the interest rates provided for in section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)).

SEC. 2004. RELIQUIDATION OF CERTAIN DRAWBACK CLAIM.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Bureau of Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim described in subsection (c).

(b) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (c) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(c) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following: drawback claim number, AA6–0303556–6, filed on December 2, 1997.

SEC. 2005. PAYMENT OF INTEREST ON AMOUNTS OWED PURSUANT TO RELIQUIDATION OF CERTAIN ENTRIES.

(a) AMENDMENTS.—Sections 1404(b), 1405(b), and subsection (c) of each of sections 1408 through 1411 of the Tariff Suspension and Trade Act of 2000 (Public Law 106–476; 19 U.S.C. 1654 note) and subsection (c) of each of sections 1517 through 1536 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 19 U.S.C. 1654 note) are amended by inserting ", with interest provided for by law on the liquidation or reliquidation of the entries," after "under subsection (a)".

(b) RELIQUIDATION AND PAYMENT OF INTEREST.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall—

(1) reliquidate each of the entries specified in the provisions of law amended by subsection (a); and

(2) provide payment of interest owed by the United States by reason of the amendments made by subsection (a) for the period beginning on the date of deposit of estimated duties and ending on the date of reliquidation under paragraph (1).

TITLE III—TECHNICAL CORRECTIONS AND OTHER PROVISIONS

Subtitle A—Technical Corrections

SEC. 3001. AMENDMENTS TO THE HTS.

(a) CORRECTIONS TO THE COLUMN 1 SPECIAL RATE OF DUTY COLUMN.—Each of the following headings is amended by striking "Free" in the column 1 special rate of duty column and inserting "No change":

(1) Heading 9902.01.59.
(2) Heading 9902.01.60.
(3) Heading 9902.01.61.
(4) Heading 9902.01.86.
(5) Heading 9902.01.87.
(6) Heading 9902.01.90.
(7) Heading 9902.01.91.
(8) Heading 9902.03.20.
(9) Heading 9902.03.40.
(10) Heading 9902.03.41.
(11) Heading 9902.03.43.
(12) Heading 9902.04.05.
(13) Heading 9902.04.06.
(14) Heading 9902.04.07.
(15) Heading 9902.05.18.
(16) Heading 9902.05.19.
(17) Heading 9902.05.21.
(18) Heading 9902.05.35.
(19) Heading 9902.28.01.
(20) Heading 9902.29.03.

(b) CORRECTIONS TO THE COLUMN 2 RATE OF DUTY COLUMN.—Each of the following headings is amended by striking "Free" in the column 2 rate of duty column and inserting "No change":

(1) Heading 9902.03.78.
(2) Heading 9902.05.08.

(3) Heading 9902.05.09.

(4) Heading 9902.05.10.

(c) ADDITIONAL CORRECTIONS.—

(1) The article description for heading 9902.01.12 is amended—

(A) by striking "32846-21-2), acid red" and inserting "66786-14-5), acid red"; and

(B) by striking "67786-14-5) (provided for" and inserting "32846-21-2) (provided for".

(2) Heading 9902.01.49 is amended to read as follows:

"	9902.01.49	(S)-α,-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclo- propanecarb- oxylate (Deltamethrin) (CAS No. 52918-63-5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25).	Free	No change	No change	On or before 12/31/2009	".

(3) The article description for heading 9902.01.61 is amended by striking "methoxy-[1,1-" and inserting "methoxy-[1,1′-".

(4) The article description for heading 9902.01.69 is amended—

(A) by striking "2-8 percent water" and inserting "2-8 percent by weight of water"; and

(B) by striking "denier" and inserting "decitex".

(5) The article description for heading 9902.01.75 is amended—

(A) by striking "Acid black 194" and inserting "Acid Black 172"; and

(B) by striking "subheading 3204.12.20" and inserting "subheading 3204.12.45".

(6) The article description for heading 9902.01.90 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(7) The article description for heading 9902.01.91 is amended by striking "between 4 and 68" and inserting "from 4 through 68".

(8) Heading 9902.02.17 is amended to read as follows:

"	9902.02.17	Boots with outer soles and uppers of rubber, extending above the ankle but below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92.90)	Free	No change	No change	On or before 12/31/2009	".

(9) The article description for heading 9902.02.28 is amended—

(A) by striking "polymide" and inserting "polyimide"; and

(B) by striking "3911.90.35 or".

(10) The article description for heading 9902.02.59 is amended by striking "A mixture" and inserting "Mixture".

(11) The article description for heading 9902.02.65 is amended—

(A) by striking "bis(3" and inserting "bis(3′"; and

(B) by striking "4-amino-)" and inserting "4-amino-))".

(12) The article description for headings 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.88, and 9902.84.89 are each amended—

(A) by inserting "4011.62.00," after "4011.61.00,"; and

(B) by striking "or parts thereof" and inserting "and parts thereof".

(13) The article description for heading 9902.03.40 is amended by striking "subheading 2835.29.50" and inserting "subheading 2931.00.30".

(14) Heading 9902.03.60 (relating to acid black 172) is repealed.

(15) The article description for heading 9902.03.99 is amended by striking "subheading 2933.99.12" and inserting "subheading 2933.99.22".

(16) Heading 9902.04.02 is amended to read as follows:

"	9902.04.02	Polysiloxane, dimethyl (CAS No. 63148-62-9) solution, greater than 85 percent, with less than 15 percent paraffin (mineral) oil (CAS No 8042-47-5), less than 5 percent magnesium stearate (CAS No. 557-04-0) and less than 5 percent finely dispersed metal ethoxylated phosphoric ester (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	".

(17) Heading 9902.05.21 is repealed.

(18) Heading 9902.05.29 is amended to read as follows:

"	9902.05.29	3-[2-Chloro-4-(trifluoromethyl)-phenoxy]benzoic acid, sodium salt (CAS No. 95251-52-8) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	".

(19) Heading 9902.29.26 is amended by striking the chemical name in the article description and inserting "1,3-Dimethyl-2-imidazolidinone".

(20) The article description for heading 9902.84.14 (relating to ceiling fans) is amended by striking "8414.51.00" and inserting "8414.51.30".

(21) The article description for heading 9902.86.11 is amended by striking "specifications each, having" and inserting "specifications, each having".

SEC. 3002. TECHNICAL CORRECTION TO THE TARIFF ACT OF 1930.

Section 516A(g)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 151a(g)(1)(B)) is amended by striking "or (vi)" and inserting "(vi), or (vii)".

SEC. 3003. AMENDMENTS TO THE PENSION PROTECTION ACT OF 2006.

(a) IN GENERAL.—Subtitle A of chapter 1 of title XIV of the Pension Protection Act of 2006 (Public Law 109-280) is amended—

(1) in section 1412—

(A) by striking "vehicles provided for in" and inserting "vehicles of"; and

(B) by striking "in that" and inserting "over";

(2) in section 1413, by amending the article description to read as follows: "Acrylic or modacrylic filament tow (provided for in subheading 5501.30.00)";

(3) in section 1414, by amending the article description to read as follows: "Acrylic or modacrylic staple fibers, carded combed or otherwise processed for spinning (provided for in subheading 5506.30.00)";

(4) in section 1418, by striking "vinegar" and inserting "vinegar,";

(5) in section 1420, by striking "vinegar" and inserting "vinegar,";

(6) in section 1433, by striking "90-04-4" and inserting "90-04-0";

(7) in section 1456, by striking "2929.90.20" and inserting "2928.00.25";

(8) in section 1510, by inserting "in solvents" after "Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked";

(9) in section 1511, by amending the article description to read as follows: "Polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents (provided for in subheading 3824.90.28)";

(10) in section 1518, by striking "4402.12.80" and inserting "4202.12.80";

(11) in section 1542, by striking "hair" and inserting "hair,";

(12) in section 1548, by striking "10^7" and inserting "10^{-7}";

(13) in section 1549, by striking "10^7" and inserting "10^{-7}";

(14) in section 1555, by striking "2933.39.91" and inserting "2933.39.20";

(15) in section 1572, by striking ", rubber, or synthetic" and inserting "or rubber";

(16) in section 1597—

(A) in the heading, by striking "**work footwear**" and inserting "**house slippers**"; and

(B) by striking "; Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)";

(17) in section 1598, by striking "50 mm" and inserting "60 mm";

(18) in section 1605—

(A) in the article description, by striking "Device" and inserting "Display"; and

(B) in the heading, by striking "**device**" and inserting "**display**";

(19) in section 1606—

(A) in subsection (a), by striking "facilities" and inserting "facilities,"; and

(B) in subsection (b), by striking "reactors" and inserting "reactors,";

(20) by adding at the end of such subtitle the following:

“SEC. 1607. CERTAIN SPORTS FOOTWEAR FOR WOMEN.

“Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.90.01	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like, all the foregoing with outer soles of rubber or plastics and uppers of textile materials for women (provided for in subheading 6404.11.20)	Free	No change	No change	On or before 12/31/2009	”

; and

(21) in section 1621, by striking “December 31, 2006” and inserting “March 31, 2007”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply as if included in the enactment of the Pension Protection Act of 2006 (Public Law 109-280).

SEC. 3004. NMSBA

(a) IN GENERAL.—Section 1434 (b) and (c) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2524) are amended to read as follows:

“(b) CALENDAR YEAR 2005.—

“(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a), is amended—

“(A) by striking “0.28%” and inserting “0.16%”; and

“(B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

“(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2005, and before January 1, 2006.

“(c) CALENDAR YEARS 2006 THROUGH 2008.—

“(1) IN GENERAL.—Heading 9902.05.30, as added by subsection (a) and amended by subsection (b), is further amended—

“(A) by striking “0.16%” and inserting “1.1%”; and

“(B) by striking “On or before 12/31/2005” and inserting “on or before 12/31/2008”.

“(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to goods entered on or after January 1, 2006.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect as if included in the enactment of section 1434 of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429).

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any good—

(A) that was made on or after January 1, 2005 and before the date of the enactment of this Act; and

(B) with respect to which there would have been a lower rate of duty if the amendment made by this subsection applied to such entry or withdrawal, shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

SEC. 3005. CERTAIN MONOCHROME GLASS ENVELOPES.

(a) AMENDMENT TO SUBHEADING 7011.20.40.—The article description of subheading 7011.20.40 is amended to read as follows: “Monochrome glass envelopes, the foregoing certified by the importer as being for actual use in automatic data processing machine data or graphic display cathode ray tubes”.

(b) CONFORMING AMENDMENTS.—(1) Subheading 7011.20.40, as amended by subsection (a), is redesignated as subheading 7011.20.45.

(2) Subheading 7011.20.80 is redesignated as subheading 7011.20.85.

(3) Heading 9902.02.97 is amended in the article description column by striking “7011.20.80” and inserting “7011.20.85”.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (b)(2), apply to subheading 7011.20.80,

applies to the corresponding rate of duty set forth in subheading 7011.20.85 (as added by subsection (b)(2)).

SEC. 3006. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

(a) IN GENERAL.—Chapter 85 is amended by striking subheadings 8505.19.10, 8505.19.20, and 8505.19.30 and inserting the following new subheadings, with the article description for subheading 8505.19 having the same degree of indentation as the article description for subheading 8505.11.00:

“	8505.19	Other:				
	8505.19.10	Flexible magnets	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.20	Composite goods containing flexible magnets	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	
	8505.19.30	Other	4.9%	Free (A, AU, BH, CA, CL, E, IL, J, JO, MA, MX, P, SG)	45%	”.

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429), that—

(1) takes effect on or after such date of enactment; and

(2) would, but for the amendment made by this section, apply to subheading 8505.19, applies to the corresponding rate of duty set forth in subheadings 8505.19.10, 8505.19.20, and 8505.19.30 of such Schedule (as added by subsection (a)).

(c) APPLICABILITY.—The amendments made by this section shall take effect as if included in the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429).

SEC. 3007. CELLAR TREATMENT OF WINE.

Section 5382(a)(1)(A) of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended by striking “stabilize” and inserting “correct or stabilize”.

Subtitle B—Other Provisions

SEC. 3011. CONSIDERATION OF CERTAIN CIVIL ACTIONS DELAYED BECAUSE OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) IN GENERAL.—Notwithstanding any period of limitations, lapse of time, or any other provision of law, the United States Court of International Trade shall treat any civil action contesting the denial of a protest described in subsection (b) as having been filed in accordance with section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) and within the time limit provided in section 2636 of title 28, United States Code.

(b) AFFECTED PROTESTS.—The protests referred to in subsection (a) are as follows:

Entry Number	Protest Number	Protest Date	Denial Date
2704-442-1562415-4	2704.01.100001	12/22/00	03/23/01
2704-442-1559965-3	2704.00.103269	12/12/00	03/23/01
2704-442-1561096-3	2704.00.103270	12/12/00	03/23/01
2704-442-1562411-3	2704.01.100002	12/22/00	03/23/01
2704-442-1562408-9	2704.01.100003	12/22/00	03/23/01
2704-442-1562416-2	2704.01.100009	12/22/00	03/23/01
2704-442-1564132-3	2704.01.100033	01/03/01	03/23/01
2704-442-1564387-3	2704.01.100034	01/03/01	03/23/01
2704-442-1564389-9	2704.01.100035	01/03/01	03/23/01
2704-442-1564390-7	2704.01.100036	01/03/01	03/23/01
2704-442-1564870-8	2704.01.100038	01/03/01	03/23/01
2704-442-1565099-3	2704.01.100039	01/03/01	03/23/01
2704-442-1563549-9	2704.01.100042	01/03/01	03/23/01
2704-442-1554152-3	2704.01.100043	12/22/00	03/23/01
2704-442-1562418-8	2704.01.100072	12/22/00	03/27/01
2704-442-1562419-6	2704.01.100073	12/22/00	03/27/01
2704-442-1562872-6	2704.01.100074	12/22/00	03/27/01
2704-442-1570239-8	2704.01.100392	02/09/01	03/23/01
2704-442-1570423-8	2704.01.100400	02/06/01	03/27/01
2704-442-1570431-1	2704.01.100401	02/06/01	03/27/01
2704-442-1571191-0	2704.01.100403	02/06/01	04/05/01
2704-442-1565424-3	2704.01.100411	02/05/01	03/27/01
2704-442-1565513-3	2704.01.100422	02/05/01	03/26/01
2704-442-1565516-6	2704.01.100423	02/05/01	03/23/01
2704-442-1565518-2	2704.01.100424	02/05/01	03/23/01
2704-442-1566265-9	2704.01.100425	02/05/01	03/23/01
2704-442-1567197-3	2704.01.100427	02/05/01	03/23/01
2704-442-1573049-8	2704.01.100723	03/13/01	04/05/01
2704-442-1572011-9	2704.01.100725	03/13/01	04/05/01
2704-442-1572003-6	2704.01.100726	03/13/01	04/05/01
2704-442-1572000-2	2704.01.100727	03/13/01	04/05/01
2704-442-1571470-8	2704.01.100728	03/13/01	04/05/01

SEC. 3012. EFFECTIVE DATE OF MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.

Section 1206(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(c)) is amended by striking "15th" and inserting "30th".

TITLE IV—EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF VIETNAM

SEC. 4001. FINDINGS.

Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H.W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam's business and investment climate.

(6) Vietnam has completed its negotiations to join the World Trade Organization (WTO). On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments. On November 7, 2006, the WTO General Council approved Vietnam's membership. Vietnam's National Assembly ratified Vietnam's WTO accession commitments on November 28, 2006, and Vietnam will become the 150th Member of the WTO 30 days thereafter.

(7) On November 13, 2006, the Department of State removed Vietnam from its list of Countries of Particular Concern (CPC) for severe violations of religious freedom. In reaching this determination, the Department of State cited significant improvements in Vietnam toward advancing religious freedom, though problems remain that merit immediate attention and important work remains to be done to fully protect religious freedom in Vietnam.

SEC. 4002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF THE APPLICABILITY OF TITLE IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 4003. PROCEDURE FOR DETERMINING PROHIBITED SUBSIDIES BY VIETNAM.

(a) AUTHORITY OF TRADE REPRESENTATIVE.—The Trade Representative may conduct proceedings under this section to determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, if such proceedings are begun, and consultations under section 4004 are initiated, during the 1-year period beginning on the date on which Vietnam accedes to the World Trade Organization.

(b) PETITIONS.—

(1) FILING.—Any interested person may file a petition with the Trade Representative requesting that the Trade Representative make a determination under subsection (a). The petition shall set forth the allegations in support of the request.

(2) REVIEW BY TRADE REPRESENTATIVE.—The Trade Representative shall review the allegations in any petition filed under paragraph (1) and, not later than 20 days after the date on which the Trade Representative receives the petition, shall determine whether to initiate proceedings to make a determination under subsection (a).

(3) PROCEDURES.—

(A) DETERMINATION TO INITIATE PROCEEDINGS.—If the Trade Representative makes an affirmative determination under paragraph (2) with respect to a petition, the Trade Representative shall publish a summary of the petition in the Federal Register and notice of the initiation of proceedings under this section.

(B) DETERMINATION NOT TO INITIATE PROCEEDINGS.—If the Trade Representative determines not to initiate proceedings with respect to a petition, the Trade Representative shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of those reasons, in the Federal Register.

(c) INITIATION OF PROCEEDINGS BY OTHER MEANS.—If the Trade Representative determines, in the absence of a petition, that proceedings should be initiated under this section, the Trade Representative shall publish in the Federal Register that determination, together with the reasons therefor, and notice of the initiation of proceedings under this section.

SEC. 4004. CONSULTATIONS UPON INITIATION OF INVESTIGATION.

If the Trade Representative initiates a proceeding under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative, on behalf of the United States, shall, on the day on which notice thereof is published under the applicable subsection, so notify the Government of Vietnam and request consultations with that government regarding the subsidy.

SEC. 4005. PUBLIC PARTICIPATION AND CONSULTATION.

(a) PUBLIC PARTICIPATION.—In the notice published under subsection (b)(3)(A) or (c) of section 4003, the Trade Representative shall provide an opportunity to the public for the presentation of views concerning the issues—

(1) within the 30-day period beginning on the date of the notice (or on a date after such period if agreed to by the petitioner), or

(2) at such other time if a timely request therefor is made by the petitioner or by any interested person,

with a public hearing if requested by an interested person.

(b) CONSULTATION.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and with the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), with respect to whether to initiate proceedings under section 4003 and, if proceedings are conducted, with respect to making the determination under subsection (c).

(c) DETERMINATION.—After considering all comments submitted, and within 30 days after the close of the comment period under subsection (a), the Trade Representative shall determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry. The Trade Representative shall publish that determination in the Federal Register, together with the justification for the determination.

(d) RECORD.—The Trade Representative shall make available to the public a complete record of all nonconfidential information presented in proceedings conducted under this section, together with a summary of confidential information so submitted.

SEC. 4006. ARBITRATION AND IMPOSITION OF QUOTAS.

(a) ARBITRATION.—If, within 60 days after consultations are requested under section 4004, in a case in which the Trade Representative makes an affirmative determination under section 4005(c), the matter in dispute is not resolved, the Trade Representative shall request arbitration of the matter under the Dispute Settlement Understanding.

(b) IMPOSITION OF QUOTAS.—

(1) IN GENERAL.—The Trade Representative shall impose, for a period of not more than 1 year, the quantitative limitations described in paragraph (2) on textile and apparel products of Vietnam—

(A) if, pursuant to arbitration under subsection (a), the arbitrator determines that the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry; or

(B) if the arbitrator does not issue a decision within 120 days after the request for arbitration, in which case the limitations cease to be effective if the arbitrator, after such limitations are imposed, determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry.

(2) LIMITATIONS DESCRIBED.—The quantitative limitations referred to in paragraph (1) are those quantitative limitations that were in effect under the Bilateral Textile Agreement during the most recent full calendar year in which the Bilateral Textile Agreement was in effect.

(c) DETERMINATION OF COMPLIANCE.—If, after imposing quantitative limitations under subsection (b) because of a prohibited subsidy, the Trade Representative determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, the quantitative limitations shall cease to be effective on the date on which that determination is made.

SEC. 4007. DEFINITIONS.

In this title:

(1) BILATERAL TEXTILE AGREEMENT.—The term "Bilateral Textile Agreement" means the Agreement Relating to Trade in Cotton, Wool, Man-Made Fiber, Non-Cotton Vegetable Fiber and Silk Blend Textiles and Textile Products Between the Governments of the United States of America and the Socialist Republic of Vietnam, entered into on July 17, 2003.

(2) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) INTERESTED PERSON.—The term "interested person" includes, but is not limited to, domestic firms and workers, representatives of consumer interests, United States product exporters, and any industrial user of any goods or services that may be affected by action taken under section 4006(b).

(4) PROHIBITED SUBSIDY.—

(A) IN GENERAL.—The term "prohibited subsidy" means a subsidy described in article 3.1 of the Agreement on Subsidies and Countervailing Measures.

(B) SUBSIDY.—The term "subsidy" means a subsidy within the meaning of article 1.1 of the Agreement on Subsidies and Countervailing Measures.

(C) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term "Agreement on Subsidies and Countervailing Measures" means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(5) TEXTILE OR APPAREL PRODUCT.—The term "textile or apparel product" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

TITLE V—HAITI

SEC. 5001. SHORT TITLE.

This title may be cited as the "Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006".

SEC. 5002. TRADE BENEFITS FOR HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

"SEC. 213A. SPECIAL RULES FOR HAITI.

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE 1-YEAR PERIOD.—

"(A) IN GENERAL.—The term "applicable 1-year period" means each of the 1-year periods described in subparagraphs (B) through (F).

"(B) INITIAL APPLICABLE 1-YEAR PERIOD.—The term 'initial applicable 1-year period' means the 1-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

"(C) SECOND APPLICABLE 1-YEAR PERIOD.—The term 'second applicable 1-year period' means the 1-year period beginning on the day after the last day of the initial applicable 1-year period.

"(D) THIRD APPLICABLE 1-YEAR PERIOD.—The term 'third applicable 1-year period' means the 1-year period beginning on the day after the last day of the second applicable 1-year period.

"(E) FOURTH APPLICABLE 1-YEAR PERIOD.—The term 'fourth applicable 1-year period' means the 1-year period beginning on the day after the last day of the third applicable 1-year period.

"(F) FIFTH APPLICABLE 1-YEAR PERIOD.—The term 'fifth applicable 1-year period' means the 1-year period beginning on the day after the last day of the fourth applicable 1-year period.

"(2) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

"(b) APPAREL ARTICLES.—

"(1) IN GENERAL.—In addition to any other preferential treatment under this title, apparel articles described in paragraph (2) of a producer or entity controlling production that are imported directly from Haiti shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in paragraphs (2) and (3), if Haiti has met the requirements of subsections (d) and (e).

"(2) APPAREL ARTICLES DESCRIBED.—

"(A) IN GENERAL.—In any applicable 1-year period, apparel articles described in this paragraph are apparel articles that are wholly assembled, or are knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, only if, for each entry in the applicable 1-year period, the sum of—

"(i) the cost or value of the materials produced in Haiti or one or more countries described in subparagraph (C), or any combination thereof, plus

"(ii) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or one or more countries described in subparagraph (C), or any combination thereof,

is not less than the applicable percentage (as defined in subparagraph (E)(i)) of the declared customs value of such apparel articles.

"(B) DEDUCTIONS.—In calculating cost or value under subparagraph (A)(i), there shall be deducted the cost or value of—

"(i) any foreign materials that are used in the production of the apparel articles in Haiti; and

"(ii) any foreign materials that are used in the production of the materials described in subparagraph (A)(i).

"(C) COUNTRIES DESCRIBED.—The countries referred to in subparagraph (A) are the following:

"(i) The United States.

"(ii) Any country that is a party to a free trade agreement with the United States that is in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of

2006, or that enters into force under the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.).

“(iii) Any country designated as a beneficiary country under section 213(b)(5)(B) of this Act.

“(iv) Any country designated as a beneficiary country under section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)), if a finding has been made by the President or the President's designee, and published in the Federal Register, that the country has satisfied the requirements of section 113 of the African Growth and Opportunity Act (19 U.S.C. 3722).

“(v) Any country designated as a beneficiary country under section 204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)).

“(D) ANNUAL AGGREGATION.—

“(i) INITIAL APPLICABLE 1-YEAR PERIOD.—In the initial applicable 1-year period, the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the initial applicable 1-year period by aggregating—

“(I) the cost or value of materials under clause (i) of subparagraph (A), and

“(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the initial applicable 1-year period.

“(ii) OTHER APPLICABLE 1-YEAR PERIODS.—In each of the second, third, fourth, and fifth applicable 1-year periods, the requirements under subparagraph (A) relating to applicable percentage may also be met for articles of a producer or an entity controlling production that enter during the applicable 1-year period by aggregating—

“(I) the cost or value of materials under clause (i) of subparagraph (A), and

“(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

“(iii) DEDUCTIONS.—In calculating cost or value under clause (i)(I) or (ii)(I), there shall be deducted the cost or value of—

“(I) any foreign materials that are used in the production of the apparel articles in Haiti; and

“(II) any foreign materials that are used in the production of the materials described in clause (i)(I) or (ii)(I) (as the case may be).

“(iv) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—(I) The entry of a woven apparel article receiving preferential treatment under paragraph (4) is not included in an annual aggregation under clause (i) or (ii).

“(II) Entries of articles receiving preferential treatment under paragraph (5) are not included in an annual aggregation under clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

“(III) Entries of apparel articles that receive preferential treatment under any provision of law other than this subsection or are subject to the ‘General’ column 1 rate of duty under the HTS are not included in an annual aggregation under clause (i) or (ii) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.

“(E) DEFINITIONS.—In this paragraph:

“(i) APPLICABLE PERCENTAGE.—The term “applicable percentage” means—

“(I) 50 percent or more during the initial applicable 1-year period, the second applicable 1-year period, and the third applicable 1-year period;

“(II) 55 percent or more during the fourth applicable 1-year period; and

“(III) 60 percent or more during the fifth applicable 1-year period.

“(ii) FOREIGN MATERIAL.—The term ‘foreign material’ means a material produced in a country other than Haiti or any country described in subparagraph (C).

“(F) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—

“(i) IN GENERAL.—The Bureau of Customs and Border Protection of the Department of Homeland Security shall develop and implement methods and procedures to ensure ongoing compliance with the requirements set forth in subparagraphs (A) and (D).

“(ii) NONCOMPLIANCE.—If the Bureau of Customs and Border Protection finds that a producer or an entity controlling production has not satisfied such requirements in any applicable 1-year period, either for individual entries entered pursuant to subparagraph (A) or for entries entered in aggregate pursuant to subparagraph (D), then apparel articles described in subparagraph (A) of that producer or entity shall be ineligible for preferential treatment under paragraph (1) during any succeeding applicable 1-year period until—

“(I) the cost or value of materials under clause (i) of subparagraph (A), plus

“(II) the direct costs of processing operations under clause (ii) of subparagraph (A),

of that producer or entity controlling production, is not less than the applicable percentage under subparagraph (E)(i), plus 10 percent, of the aggregate declared customs value of all apparel articles of that producer or entity controlling production that are wholly assembled, or are knit-to-shape, in Haiti and are entered during the preceding applicable 1-year period.

“(iii) RETROACTIVE APPLICATION OF DUTY-FREE TREATMENT.—If—

“(I) a producer or an entity controlling production is ineligible for preferential treatment under paragraph (1) in an applicable 1-year period because that producer or entity controlling production did not satisfy the requirements of subparagraph (A) or (D), and

“(II) that producer or entity controlling production satisfies the requirements of clause (ii) of this subparagraph in that applicable 1-year period,

then, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the Bureau of Customs and Border Protection determines that subclause (II) applies, the entry of any articles—

“(aa) that was made during that applicable 1-year period, and

“(bb) with respect to which there would have been preferential treatment under paragraph (1) if the producer or entity controlling production had satisfied the requirements in subparagraph (A) or (D) (as the case may be),

shall be liquidated or reliquidated as though such preferential treatment under paragraph (1) applied to such entry.

“(G) FABRICS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—

“(i) IN GENERAL.—For purposes of determining the applicable percentage under subparagraph (A) or (D), there may be included in that percentage—

“(I) the cost of fabrics or yarns to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA; and

“(II) the cost of fabrics or yarns that are designated as not being available in commercial quantities for purposes of—

“(aa) section 213(b)(2)(A)(v) of this Act,

“(bb) section 112(b)(5) of the African Growth and Opportunity Act,

“(cc) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act, or

“(dd) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement that enters into force under the Bipartisan Trade Promotion Authority Act of 2002,

without regard to the source of the fabrics or yarns.

“(ii) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

“(I) any fabric or yarn described in clause (i)(I) was determined to be eligible for preferential treatment, or

“(II) any fabric or yarn described in clause (i)(II) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

“(3) QUANTITATIVE LIMITATIONS.—The preferential treatment described in paragraph (1) shall be extended, during each of the applicable 1-year periods set forth in the following table, to not more than the corresponding percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the most recent 12-month period for which data are available:

....	**“During the:**	**the corresponding percentage is:**
....	“initial applicable 1-year period.	1 percent.
....	“second applicable 1-year period.	1.25 percent.
....	“third applicable 1-year period.	1.5 percent.
....	“fourth applicable 1-year period.	1.75 percent.
....	“fifth applicable 1-year period.	2 percent.

No preferential treatment shall be provided under paragraph (1) after the last day of the fifth applicable 1-year period.

“(4) SPECIAL RULE FOR WOVEN APPAREL.—In the case of apparel articles classifiable under chapter 62 of the HTS (other than articles classifiable under subheading 6212.10 of the HTS), as in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement

Act of 2006, that do not qualify for preferential treatment under paragraph (1) because they do not meet the percentage requirements under paragraph (2)(A), (2)(B), or (2)(D), the preferential treatment under paragraph (1)—

"(A) shall be extended, in addition to the quantities permitted under paragraph (3) to—

"(i) not more than 50,000,000 square meter equivalents of such apparel articles for the initial applicable 1-year period;

"(ii) not more than 50,000,000 square meter equivalents of such apparel articles for the second applicable 1-year period; and

"(iii) not more than 33,500,000 square meter equivalents for the third applicable 1-year period; and

"(B) may not be extended to such apparel articles after the last day of the third applicable 1-year period.

"(5) SPECIAL RULE FOR BRASSIERES.—The preferential treatment under paragraph (1) shall, subject to the limitations under paragraph (3), be extended to any article classifiable under heading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in Haiti or the United States, or both, without regard to the source of the fabric or components from which the article is made, and if Haiti has met the requirements of subsections (d) and (e).

"(c) SPECIAL RULE FOR CERTAIN WIRE HARNESS AUTOMOTIVE COMPONENTS.—

(1) IN GENERAL.—Any wire harness automotive component that is the product or manufacture of Haiti and is imported directly from Haiti into the customs territory of the United States shall enter the United States free of duty, during the 5-year period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006, if Haiti has met the requirements of subsection (d) and if the sum of—

"(A) the cost or value of the materials produced in Haiti or one or more countries described in subsection (b)(2)(C), or any combination thereof, plus

"(B) the direct costs of processing operations (as defined in section 213(a)(3)) performed in Haiti or the United States, or both,

is not less than 50 percent of the declared customs value of such wire harness automotive component.

"(2) WIRE HARNESS AUTOMOTIVE COMPONENT.—For purposes of this subsection, the term "wire harness automotive component" means any article provided for in subheading 8544.30.00 of the HTS, as in effect on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

"(d) ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

"(A) has established, or is making continual progress toward establishing—

"(i) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

"(ii) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

"(iii) the elimination of barriers to United States trade and investment, including by—

"(I) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

"(II) the protection of intellectual property; and

"(III) the resolution of bilateral trade and investment disputes;

"(iv) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

"(v) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

"(vi) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

"(B) does not engage in activities that undermine United States national security or foreign policy interests; and

"(C) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

"(2) TIME LIMIT FOR DETERMINATION..—The President shall determine whether Haiti meets the requirements of paragraph (1) not later than 90 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

"(3) CONTINUING COMPLIANCE.—If the President determines that Haiti is not making continual progress in meeting the requirements described in paragraph (1)(A), the President shall terminate the preferential treatment under this section.

"(e) CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.—

"(1) IN GENERAL.—The preferential treatment under subsection (b)(1) shall not apply unless the President certifies to Congress that Haiti is meeting the following conditions:

"(A) Haiti has adopted an effective visa system, domestic laws, and enforcement procedures applicable to articles described in subsection (b) to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States.

"(B) Haiti has enacted legislation or promulgated regulations that would permit the Bureau of Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country.

"(C) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, on the total exports from and imports into that country of articles described in subsection (b), consistent with the manner in which the records are kept by Haiti.

"(D) Haiti agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing.

"(E) Haiti agrees to require all producers and exporters of articles described in subsection (b) in that country to maintain complete records of the production and the export of such articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

"(F) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, documentation establishing the country of origin of articles described in subsection (b) as used by that country in implementing an effective visa system.

"(2) DEFINITION OF TRANSSHIPMENT.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under this section.

"(f) REGULATIONS.—The President shall issue regulations to carry out this section not later than 180 days after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate in preparing such regulations.".

SEC. 5003. ITC STUDY.

The International Trade Commission shall, not later than 18 months after the date of the enactment of this Act, submit a report to Congress on the effects of the amendments made by this Act on the trade markets and industries, involving textile and apparel articles, of Haiti, the countries described in clauses (ii) and (iii) of section 213A(b)(2)(C) of the Caribbean Basin Economic Recovery Act (as added by section 5002 of this Act), and the United States.

SEC. 5004. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), the Bureau of Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as added by section 5002 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of such articles from Haiti.

SEC. 5005. TECHNICAL AMENDMENTS.

(a) CBI.—Section 213(b)(2)(A)(v) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)(v)) is amended by adding at the end the following new subclause:

"(III) If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subclause (I) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.".

(b) ATPA.—Section 204(b)(3)(B) of the Andean Trade Preference Act (19 U.S.C. 3202(b)(3)(B)) is amended by adding at the end the following new clause:

"(viii) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL

QUANTITIES.—If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under clause (i)(III) or (ii) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.".

SEC. 5006. EFFECTIVE DATE.

This title and the amendments made by this title apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE VI—AFRICAN GROWTH AND OPPORTUNITY ACT

SEC. 6001. SHORT TITLE.

This title may be referred to as the "Africa Investment Incentive Act of 2006".

SEC. 6002. PREFERENTIAL TREATMENT OF APPAREL PRODUCTS OF LESSER DEVELOPED COUNTRIES.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g);

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The" and inserting "Subject to subsection (c), the" ; and

(B) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(3) by inserting after subsection (b) the following new subsection:

"(c) LESSER DEVELOPED COUNTRIES.—

"(1) PREFERENTIAL TREATMENT OF PRODUCTS THROUGH SEPTEMBER 30, 2012.—

"(A) PRODUCTS COVERED.—In addition to the products described in subsection (b), and subject to paragraph (2), the preferential treatment described in subsection (a) shall apply through September 30, 2012, to apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles, in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means—

"(i) 2.9285 percent for the 1-year period beginning on October 1, 2005; and

"(ii) 3.5 percent for the 1-year period beginning on October 1, 2006, and each 1-year period thereafter through September 30, 2012.

"(2) SPECIAL RULES FOR PRODUCTS IN COMMERCIAL QUANTITIES IN AFRICA.—

"(A) PETITION PROCESS.—Upon a petition filed by an interested party (which may include a foreign manufacturer), the Commission shall determine whether a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries.

"(B) EFFECT OF AFFIRMATIVE DETERMINATION.—

"(i) DETERMINATION OF QUANTITY AVAILABLE.—If the Commission determines under subparagraph (A) that a fabric or yarn produced in beneficiary sub-Saharan African countries is available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries, the Commission shall determine the quantity of the fabric or yarn that will be so available in lesser developed beneficiary sub-Saharan African countries in the applicable 1-year period beginning after the determination is made.

"(ii) DETERMINATIONS.—In each case in which the Commission determines that a fabric or yarn is available in commercial quantities under subparagraph (A) for an applicable 1-year period, the Commission shall determine, before the end of that applicable 1-year period—

"(I) whether the fabric or yarn produced in beneficiary sub-Saharan African countries will be available in commercial quantities in the succeeding applicable 1-year period; and

"(II) if so, the quantity of the fabric or yarn that will be so available in that succeeding 1-year period, subject to clause (iii).

"(iii) DETERMINATION REGARDING IMPORTED ARTICLES.—After the end of each applicable 1-year period for which a determination under clause (i) is in effect, the Commission shall determine to what extent the quantity of the fabric or yarn determined under clause (i) to be available in commercial quantities for use by lesser developed beneficiary sub-Saharan African countries was used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period. To the extent that the quantity so determined was not so used, then the Commission shall add to the quantity of that fabric or yarn determined to be available in the next applicable 1-year period the quantity not so used in the preceding applicable 1-year period.

"(C) DENIM.—Denim articles provided for in subheading 5209.42.00 of the Harmonized Tariff Schedule of the United States shall be deemed to have been determined to be in abundant supply under subparagraph (A) in an amount of 30,000,000 square meter equivalents for the 1-year period beginning October 1, 2006.

"(D) PRESIDENTIAL AUTHORITY TO RESTRICT IMPORTS.—

"(i) IN GENERAL.—Subject to clause (ii), the President may by proclamation provide that apparel articles otherwise eligible for preferential treatment under paragraph (1) that contain a fabric or yarn determined to be available in commercial quantities under subparagraph (A) may not receive such preferential treatment in an applicable 1-year period unless—

"(I) the fabric or yarn in such articles was produced in 1 or more beneficiary sub-Saharan African countries; or

"(II) the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(ii) MANDATORY RESTRICTION.—If a fabric or yarn is determined to be available in commercial quantities under subparagraph (A) in an applicable 1-year period, and for 2 consecutive applicable 1-year periods the quantities determined to be so available are not used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered during those 2 applicable 1-year periods, then beginning in the succeeding applicable 1-year period, apparel articles containing that fabric or yarn are ineligible for preferential treatment under paragraph (1) in any succeeding applicable 1-year period unless the Commission has determined that the quantity of the fabric or yarn determined under subparagraph (B) (or (C), as the case may be) to be available in lesser developed beneficiary sub-Saharan African countries for that applicable 1-year period has already been used in the production of apparel articles receiving preferential treatment under paragraph (1) that were entered in that applicable 1-year period.

"(E) PROCEDURES.—The Commission shall use the procedures prescribed in subsection (b)(3)(C)(iv) for the Secretary of Commerce in making determinations under this paragraph.

"(3) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

"(A) any fabric or yarn described in paragraph (2)(A) was determined to be eligible for preferential treatment, or

"(B) any fabric or yarn described in paragraph (2)(B) was designated as not being available in commercial quantities,

on the basis of fraud, the President may remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.

"(4) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(3)(C) applies to apparel articles eligible for preferential treatment under this subsection to the same extent as that subsection applies to apparel articles eligible for preferential treatment under subsection (b)(3).

"(5) DEFINITIONS.—In this subsection:

"(A) APPLICABLE 1-YEAR PERIOD.—The term 'applicable 1-year period' means each of the 12-month periods beginning on October 1 of each year and ending on September 30 of the following year.

"(B) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(C) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

"(D) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—The term 'lesser developed beneficiary sub-Saharan African country' means—

"(i) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

"(ii) Botswana; and

"(iii) Namibia.".

(b) ADDITIONAL PREFERENTIAL TREATMENT.—Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended by adding at the end the following new paragraph:

"(8) TEXTILE ARTICLES ORIGINATING ENTIRELY IN ONE OR MORE LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Textile and textile articles classifiable under chapters 50 through 60 or chapter 63 of the Harmonized Tariff Schedule of the United States that are products of a lesser developed beneficiary sub-Saharan African country and are wholly formed in one or more such countries from fibers, yarns, fabrics, fabric components, or components knit-to-shape that are the product of one or more such countries.".

(c) TECHNICAL AMENDMENT.—Section 112(e)(3) of the African Growth and Opportunity Act (as redesignated by subsection (a)(1) of this section) is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

SEC. 6003. TECHNICAL CORRECTIONS.

Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended as follows:

(1) Subsection (b)(5) is amended by adding at the end the following new subparagraph:

"(C) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that any fabric or yarn was determined to be eligible for preferential treatment under subparagraph (A) on the basis of fraud, the President is authorized to remove that designation from that fabric or yarn with respect to articles entered after such removal.".

(2) Subsection (f), as redesignated by section 6002(a)(1), is amended by adding at the end the following:

"(5) ENTER; ENTERED.—The terms 'enter' and 'entered' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.".

SEC. 6004. EFFECTIVE DATE FOR AGOA.

Subsection (g) of section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721), as redesignated by section 6002(a)(1), is amended by striking "2008" and inserting "2015".

TITLE VII—ANDEAN TRADE PREFERENCE ACT

SEC. 7001. SHORT TITLE.

This title may be cited as the "Andean Trade Preferences Extension Act".

SEC. 7002. ATPA EXTENSION.

(a) TEMPORARY EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking "December 31, 2006" and inserting "June 30, 2007".

(b) CONDITIONAL EXTENSIONS.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206), as amended by subsection (a), is further amended—

(1) by striking "No" and inserting "(a) TERMINATION.—Subject to subsection (b), no"; and

(2) by adding at the end the following:

"(b) CONDITIONAL EXTENSIONS.—Duty-free treatment and other preferential treatment under this title shall remain in effect with respect to a beneficiary country, during the period beginning on July 1, 2007, and ending on December 31, 2007, only if on or before June 30, 2007—

"(1) an implementing bill with respect to a trade agreement with that country has been enacted into law pursuant to the Bipartisan Trade Promotion Authority Act of 2002; and

"(2) the President determines that the legislature of that country has approved such trade agreement.".

SEC. 7003. TECHNICAL AMENDMENTS.

Section 204(b)(3)(B) Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in clause (iii)(II), by striking "The preferential" and inserting "Subject to section 208, the preferential"; and

(2) in clause (v)(II), by striking "During" and inserting "Subject to section 208, during".

TITLE VIII—GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM

SEC. 8001. LIMITATIONS ON WAIVERS OF COMPETITIVE NEED LIMITATION.

Section 503(d)(4)(B) of the Trade Act of 1974 (19 U.S.C. 2463(d)(4)(B)) is amended—

(1) by striking "The President" and inserting "(i) The President";

(2) by striking "(i) had" and inserting "(I) had" and by striking "(ii) had" and inserting "(II) had"; and

(3) by adding at the end the following new clause:

"(ii) Not later than July 1 of each year, the President should revoke any waiver that has then been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States (directly or indirectly) during the preceding calendar year a quantity of the article—

"(I) having an appraised value in excess of 1.5 times the applicable amount set forth in subsection (c)(2)(A)(ii) for that calendar year; or

"(II) exceeding 75 percent of the appraised value of the total imports of that article into the United States during that calendar year.".

SEC. 8002. EXTENSION OF GSP PROGRAM.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2006" and inserting "December 31, 2008".

The SPEAKER pro tempore. Pursuant to House Resolution 1100, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider H.R. 6406. This is the companion bill which will be combined with the tax and trade bill to be sent back to the Senate. It was originally structured as H.R. 6406, and it approves several trade measures that really are important to the livelihoods of millions of people, both in developing countries and in the U.S. and affects the global marketplace.

Mr. Speaker, today the House is considering H.R. 6406 to approve several trade measures that are vitally important to the livelihoods of millions of people in developing countries or are necessary to keep U.S. manufacturers and exporters competitive in the global marketplace.

This bill would extend several existing trade preferences for developing countries. The longstanding Generalized System of Preferences, or GSP, which expires at the end of this year, provides duty-free treatment to nonsensitive products from developing countries. This bill extends GSP, adjusting it to ensure that benefits are targeted toward countries that are not competitive. It's important to note that the GSP extension applies the same rules to all countries equally.

The bill would also extend and enhance the African Growth and Opportunities Act, or AGOA, which provides trade preferences to sub-Saharan Africa. This bill would extend the current duty-free benefits on African apparel using third-country fabric through 2012.

The bill grants a six-month extension of preferences to the Andean countries, and allows another six-month extension for each country if a trade promotion agreement with that country is approved. This approach keeps our democratic allies whole while creating an incentive to complete the transition to a mature trading relationship by implementing the trade agreements that have been negotiated and concluding agreements with the other Andean countries.

The bill would also provide modest new trade preferences for Haiti to create jobs in that desperately poor country by encouraging Haiti to use more U.S. and hemispheric inputs. Haiti's poverty is equivalent to the poorest countries in Africa, and yet Haiti has never received U.S. trade preferences like the AGOA benefits.

The second major component of the bill grants permanent normal trade relations, or PNTR, to Vietnam. The bill also creates a mechanism to ensure that Vietnam abides by its obligations to end all prohibited subsidies to its textile sector. Vietnam has completed all the steps necessary to become a member of the World Trade Organization. The Vietnamese National Assembly ratified the implementing package, and the country will officially become a member at the end of the month. A majority of House members supported identical language granting PNTR to Vietnam last month.

Lastly, the bill includes 500 Miscellaneous Trade Bill provisions that went through the usual rigorous vetting process to ensure they are noncontroversial. These provisions suspend duties on products that are not produced in the United States and are usually traded in small volumes. This bill helps lower costs for U.S. manufacturers, retailers, and consumers.

This bill is responsible, bipartisan legislation that deserves support. Providing assistance to these poor countries not only helps to create stronger trading partners in the future but is also our responsibility as one of the world's strongest economies to create humanitarian opportunities through trade. I urge passage of this legislation.

Mr. Speaker, I ask unanimous consent that the remainder of my time until I reclaim my time be provided to the gentleman from Florida who I would usually describe as the chairman of the Trade Subcommittee. Mr. SHAW, however, deserves a bit fuller description.

He came to Congress in 1981. He joined the Ways and Means Committee in the 100th Congress. He joined in 1988 and then became chairman of the Trade Subcommittee in January of 2005. He is the author of the Haiti Economic Opportunity Act. He was chairman of the Human Resources Subcommittee from 1995 until 1998, and one of his major achievements, as far as I am concerned, was the 1996 welfare reform bill, historic and unprecedented. He was chairman and is chairman of the Florida delegation since 1996. And as the proud grandfather of two, I am amazed to say he is the father of four and the grandfather of 15; and I cannot imagine if my two were 15. And so it is my pleasure to turn the time over to the gentleman from Florida (Mr. SHAW).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I really think that trade, if done right, is so important to our great country and to the world. The people expect us to be able to use our technology to assist them in improving their quality of life.

And I think that is possible, regardless of whether we are Republicans or Democrats, to remove those impediments that keep us apart because they think in the interest of protecting American jobs, increasing American jobs, helping developing countries, that those are the basic things that, whether you are Democrat or Republican, that you have to believe in.

We have some countries that are in deep trouble in these bills, and in each of these cases we have been able to work out the language so not only are we concerned that we have sound trading policies, but we also protect the environment and protect the rights of workers that live in these developing countries.

□ 1745

For some of these countries, the African Growth and Opportunity bill has provided new and great opportunities that people in Sub-Saharan Africa never dreamed that could happen. The Indian countries, of course, have been successful in getting their people to concern itself with agriculture and fighting the drug trade.

But most of you know, notwithstanding all of the countries that are going to be affected, that all of us have in our hearts a little compassion for the pain that for decades the poor people in Haiti have been suffering. It really amazes me how there has been concern from the textile industry about this little country, Haiti. And I said that God should be so good to the people in Haiti that their exports could be a threat to the United States of America. That is not going to happen. I know that there are concerns that people have, but if there is any country in the world that has suffered, it has been the people in Haiti, the poorest country that we have in this continent and one that the international community has ignored.

It is not just that we hope that this country will be able to pick up the pieces and maintain this democracy, but we hope by showing the United States has an interest and is willing to invest in this country, it might serve as a signal for other industrialized countries to come to the assistance and, indeed, maintain the trade with Haiti that has not only suffered in poverty but has really suffered as demons and military people have exploited them and denied them the opportunity to live in a democracy.

They are on their way back. We hope that the new government will be able to fulfill all the dreams and promises that they have talked about.

But right now I would like to yield the balance of my time to a person who has dedicated his life to public service. He has served this Congress so well over the years. We on the Ways and Means Committee have depended on his wisdom and his guidance not only in trade but in so many other subjects. And now he moves on to the other body, and as I said earlier, his presence in the other body can only increase their prestige and the intellect as he has served us so well here.

Mr. Speaker, with the permission of the Members and the Chair, I yield the balance of my time to the distinguished gentleman from Maryland, the Honorable BEN CARDIN, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. KIRK). Without objection, the gentleman from Maryland will control the time.

There was no objection.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, at this time I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to H.R. 6406. And while I believe in free trade between free people, this bill would extend trading rights to the dictatorship of Vietnam and other questionable countries.

Why are we doing this? We are told that, of course, increasing commerce with such dictatorships will eventually lead that dictatorship to evolve into a more docile or a more democratic society. That has not worked. It has created a monster in China. Why is there any reason for us to think it won't do the same in Vietnam?

The Vietnamese themselves have been pleading with us not to grant Most Favored Nation status; basically permanent normal trade status is what we are talking about tonight.

I include this letter in the RECORD. It is a letter to the President of the United States from 28 leading Vietnamese, who probably will end up in prison, discussing how their country is not free, that the people there have none of the liberties that we are talking about and that such trade would go in the opposite direction rather than making the leadership of the dictatorship more open to reforms.

A Call for Democracy—Open Letter to President George W. Bush on the Occasion of His Trip to Vietnam To Attend the APEC Summit in November 2006

VIETNAM,
November 14, 2006.

DEAR MR. PRESIDENT: On behalf of all Vietnamese people who struggle for democracy and freedom in Vietnam we warmly welcome you to our country on the occasion of your trip to Hanoi to attend the Asian Pacific Economic Cooperation (APEC) Summit.

When arriving in Vietnam, you will see, in addition to the natural beauty of our country, many high-rise buildings and splendid mansions belonging to the elite of the Vietnamese Communist Party and wealthy businessmen. However, you won't see the poverty of the majority of Vietnamese people who live in the countryside or in suburban areas. You will not be allowed to see the impoverished farmers who keep on coming to Hanoi to protest against the confiscation of their land year after year, their plight unheard.

Mr. President:

The Vietnamese people have no free elections. In Vietnam, the Communist Party chooses all candidates prior to an election, and people who are not chosen by the Communist system cannot run in an election. Since all candidates are nominated by the Party, from the People's Committee at the village level to the National Assembly, elections are only a ploy used by the regime to disguise their intentions. This is the reason why people's legitimate complaints are never addressed.

The Vietnamese people have no freedom of the press, and therefore freedom of speech is severely limited. Although Vietnam currently has more than 600 newspapers, all are owned and controlled by the Party. Until now, no private newspaper has ever been allowed to appear. Vietnam has one of the strictest systems of control over public use of the Internet in the world. Many web sites with information on freedom and democracy are not available in Vietnam.

The Vietnamese people do not have freedom of religion and worship. Religious organizations which were not established by the state, such as the Unified Buddhist Church of VietNam, the Hoa Hao Buddhist Church, the Cao Dai Congregation and the Mennonite Church of Vietnam, are all prohibited from operating. Many Buddhist monks and Christian priests are placed under "administrative restrictions," i.e. under detention in their own pagodas or churches.

Recently, due to pressure from the United States, the European Union, and other countries and international organizations, the Vietnamese government released some prisoners of conscience. Nevertheless, hundreds of political dissidents are still detained or placed under "administrative restriction" based on Decree 31–CP which allows anyone to be detained up to two years without a court order.

Corruption in the Communist Party of Vietnam is at an epidemic level. Vietnam is classified as one of the most corrupt countries in the world but nobody within Vietnam dares to point that out because we don't have freedom of the press. The most corrupt people are high-ranking members of the Vietnamese Communist Party themselves.

Despite legal restrictions, the Vietnamese people still seek real democracy and freedom. Among the appeals is the "Call for Democracy for Vietnam" issued by the Unified Vietnamese Buddhist Congregation in 2001, the "Nine Steps towards Democracy in Vietnam" by the Non-Violent Movement for Human Rights in 2005, and most recently the "Declaration for Democracy and Freedom" courageously released on April 8, 2006 by 118 private citizens inside Vietnam.

Mr. President:

You have said many times that spreading democracy is one of your great goals. We found it very encouraging when you said that you always side with those who fight for freedom in the world and will support them in this effort. We hope, therefore, that you will use your forthcoming visit to encourage the Communist leaders of Vietnam to adopt real democracy. In order to implement this policy, first and foremost they would have to discard Article 4 of the Vietnam constitution which gives absolute power to the Vietnam Communist Party, repeal the 31-CP Decree, release all political dissidents currently detained in prisons or under house arrest, and move resolutely in restoring the freedom of the press, freedom of religion, and freedom to form organizations and political parties, and freedom to stand for election.

With our best wishes for a successful trip and for good health and happiness to you and Mrs. Bush, we remain,

Yours most respectfully,

Engineer Nguyen Phuong Anh (Hanoi).
Retired Colonel Pham Que Duong (Hanoi).
Engineer Bach Ngoc Duong (Hanoi).
Lawyer Nguyen Van Dai (Hanoi).
Catholic Father Nguyen Huu Giai (Thua Thien).
Mr. Nguyen Thanh Giang, Ph.D. (Hanoi).
Engineer Do Nam Hai (Saigon).
Mr. Tran Van Hoa (Quang Ninh).
Mr. Nguyen Ho (Former Labor Union Leader, Saigon).
Professor Nguyen Chinh Ket (Saigon).
Professor Tran Khue (Saigon).
Retired Major Colonel Tran Anh Kim (Thai Binh).
Mr. Le Quang Liem (Hoa Hao Buddhist Leader, Saigon).
Catholic Father Phan Van Loi (Hue).
Catholic Father Nguyen Van Ly (Hue).
Mr. Cao Van Nham (Hai Phong).
Lawyer Le Thi Cong Nhan (Hanoi).
Pastor Ngo Hoai No (Evangelical Missionary League, Saigon).
Technician Nguyen Phong (Hue).
Pastor Nguyen Hong Quang (Mennonite Church of Vietnam, Saigon).
Retired Army Officer Vu Cao Quan (Hai Phong).
Mr. Nguyen Dan Que, MD (Saigon).
Mr. Pham Hong Son, MD (Hanoi).
Venerable Thich Nu Dam Thoa (Senior Buddhist Nun, Bac Giang).
Writer Tran Khai Thanh Thuy (Hanoi).
Writer Hoang Tien (Hanoi).
Catholic Father Chan Tin (Saigon).
Journalist Nguyen Khac Toan (Hanoi).

Also let me note this: If not for the cause of freedom and justice, which we are supposedly fighting for in Iraq right now, we at least should back up our own military troops who gave their lives in Vietnam. The Vietnamese have never come clean with us on the POW issue. Ask SAM JOHNSON, who is one of our own colleagues. Yes, they have given us us the right to dig, but they have kept from us all of the prison records of those POWs who we knew were alive and in captivity. They have refused time and again. Until they come clean on POWs, until there is some reform that shows they are going in the right direction, it is wrong, it is morally wrong for us to extend this Permanent Normal Trading Status for this type of dictatorship.

And, in fact, we know what it is all about. It is not trying to evolve Vietnam into a more democratic society. It is about our big businessmen sacrificing the interests of American workers by chasing cheap labor, cheap labor under dictatorships where they don't have a right to stand up for their own rights.

I ask that this bill be defeated.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. This legislation would extend permanent normal trade relations to Vietnam. That is necessary for the United States to be able to benefit from Vietnam's entering the World Trade Organization, and Vietnam is entering the World Trade Organization. It will give U.S. manufacturers and producers more access to the market in Vietnam, which is the fastest growing economy in Southeast Asia. It also provides stronger protection for American companies in regards to intellectual property rights.

But I want to make it clear no one should interpret the passage of Permanent Normal Trade Relations for Vietnam as a clean bill of health on their human rights. Vietnam has a long way to go in dealing with human rights issues. Yes, we are pleased that the State Department has removed them from a country of particular concern as it relates to religious freedom. That is an important step forward. But when you look at the list of issues that still remain in Vietnam on human rights, it is a matter of concern for our country.

Vietnam fails to provide its citizens with any meaningful vote, and the government censors domestic media sources, blocks foreign radio broadcasts and Web sites, and denies its people the right to form independent organizations, including independent unions representing working people. The government also routinely cracks down harshly on antigovernment protesters.

We cannot let these shortcomings go unchallenged. PNTR should not be stopped. That is not the right tool for us to deal with those issues. Vietnam is entering the World Trade Organization. We need to be part of that. We need to engage Vietnam. We need to look for new ways in which we can have Vietnam deal with these human rights issues. It is a good step that Vietnam is entering the World Trade Organization. That is going to be helpful for us in dealing with the human rights issues.

I think we need to take note that Vietnam has taken some important steps in the right direction and that we need to make sure that they continue with their entry into the WTO, that more is expected, and that they will adhere to the rule of law. And countries with open economies are more likely to have more open societies.

I also support the provisions in this bill that deal with trade preferences for Haiti and Africa. Haiti is the poorest country in our hemisphere. We have a moral obligation to do all that we can to raise the standard of living of its people, our neighbors in the Caribbean, and to support the fragile democracy. The administration of Haiti offers a hope of an improved standard of living for the Haitian people, but only if the United States is prepared to engage with trade and investment and support Haiti with assistance. We have a chance with this legislation to do exactly that.

The countries of Sub-Saharan Africa also merit and need stronger trade and investment relationship and our support. The AGOA program has had wide support in this Congress and has been highly successful since its inception more than 6 years ago. Since its passage in the spring of 2000, U.S. imports from eligible African countries have increased by more than 300 percent. AGOA has attracted over $340 million in new investment, and it has helped to create thousands of new jobs in Africa. Thirty-seven African countries now participate in AGOA. I hope that others, including Liberia, will soon be eligible. African exports to the United States under AGOA totaled $38 billion in 2005, an increase of more than 300 percent since 2002. The list goes on and on and on where we have been able to see economic progress through AGOA.

The problem is that we can do more and should do more. This bill includes a 6-year extension of the third-country fabric provision, the longest extension for this provision in the history of the AGOA program. It also extends other benefits in the textile and apparel sector from 2008 to 2015, a major improvement.

Mr. Speaker, these provisions will help the African workers and businesses compete against China and other competitors, including competitors who suppress their workers' rights and provide subsidies to their industries. That is in the interest of the United States and our manufacturers and producers to have that type of competition from Sub-Saharan Africa.

It is for all these reasons that this is a well-balanced bill that will advance U.S. interests, and I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I think it is very clear that we clarify exactly what we are talking about with Vietnam. We are simply making what we have been doing every year as a permanent-type position so we don't have to come back and vote on it every year. And what do we get for it? We get access to their markets. So this is something that is to the benefit of the United States, and it is not giving any free trade agreement or any special deal to Vietnam. And I think people that are watching this debate tonight should be very much aware of that.

Mr. Speaker, at this time I yield 3 minutes to a valued member of the Ways and Means Committee, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank Chairman SHAW for yielding.

I rise in strong support of H.R. 6406, which includes the legislation I introduced to extend permanent normal trade relations to Vietnam.

Mr. Speaker, the bottom line here is economic growth and jobs. Fully 95 percent of the world's population lives outside the United States, and the global economy is projected to grow at three times the rate of the U.S. economy. We must, we must, continue to take steps to make sure that American farmers, businesses, and service providers remain leaders in the international marketplace and that our products have fair and open access to foreign markets.

As was said by Mr. CARDIN, Vietnam is the fastest growing economy in Southeast Asia. It continues to grow in significance as a United States trading partner. By giving Vietnam PNTR status, our businesses and farmers will be able to take advantage of increased market access opportunities that the Vietnamese have offered in return. And increased market access in Vietnam will also help provide our companies a competitive sourcing counterbalance to China in this region.

Without passage of this legislation, U.S. companies will not be able to take advantage of the Vietnamese concessions. And the United States will not be able to engage in dispute settlement cases with Vietnam in the World Trade Organization. So not to pass this legislation with respect to Vietnam, extending PNTR to Vietnam, is a lose-lose situation.

Mr. Speaker, I would like to thank Chairman THOMAS and Chairman SHAW for their leadership and key efforts in crafting this package and also for including Vietnam PNTR. The House is truly losing two legislative giants, and it has been a great privilege to serve with Chairman THOMAS and Chairman SHAW on the Ways and Means Committee.

I also want to thank my friends on the other side of the aisle, Ranking Member RANGEL and Mr. CARDIN, for working on this important package in a bipartisan way. It has also been a great privilege to serve with you, and we are going to miss you, BEN, when you move to the other body.

I also want to thank Representative THOMPSON for his bipartisan support, his steadfast support, and hard work on this important legislation.

Mr. Speaker, I urge my colleagues to support passage of H.R. 6406.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), one of the senior members of the Ways and Means Committee and one of the most active on trade issues.

Mr. LEVIN. Mr. Speaker, I want to join in congratulating the three mentioned Members for their service. I also want to try to give this bill some perspective. It is going to be a bit different than expressed before this.

I just want to assure everybody in terms of process that as far as I am concerned, and I know Mr. RANGEL joins me and I think many others, we are not going to bring legislation to the floor the way this has been brought to this floor tonight. Some of these bills have not had any hearings. This is a last-minute effort and we are under the gun because there is a need to extend or at least consider the extension of some of the provisions. Otherwise, they go out of operation, and that would be unfortunate. So in terms of process, I want to assure everybody there is going to be a more open procedure, and, indeed, I think that can lead to a more bipartisan procedure on key trade issues.

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There is also going to be a very clear approach by the majority to these trade issues.

I want to talk about a few of the details because we haven't had much discussion of them on the floor. Three of these components involve extension of present programs. The GSP program has a 2-year extension. If we don't act, it goes out of existence. It has been in existence for decades. It has worked to our mutual benefit. There are within the GSP structures a core labor standard provision and it has been invoked in petitions by various people. So we are going to extend it. By the way, there is a waiver provision here and it is very possible that the administration will decide to no longer grant the waiver. But this legislation doesn't affect that, really. It simply expresses the opinion here that they should. They don't have to, and our committee, I am sure, is going to look into the merits of this, including as it might affect India.

The second is AGOA, the African Growth and Opportunity Act. We are extending it. I think most people believe it has worked on both sides, for African countries and by and large for us, not that there are no problems, but as a result of the fabric provision, Africa can now compete more than anything else with China. And if we don't give Africa that chance because of the end of the system that regulated fabrics, the Chinese would continue and increase their role in terms of that. There is a cap on the apparel provision. Everybody should understand that. There is some increase in it, not very large over it historically, and Africa has not met the cap.

So when you balance these provisions relating to this extension, I think it makes sense to extend the AGOA act, and it passed the last time it was up by voice vote.

Thirdly, the Andean preference, also under GSP. What this legislation does is to create a kind of a linkage that we will not allow as a majority. I think I can say that safely. It links it to the enactment, to the putting together and the passage of an FTA with four Andean countries. Many of us don't agree with what was put together for Peru and for Colombia, and I want that very clear. We don't agree with the Peruvian and Colombia-U.S. FTA as it was negotiated. It cannot pass in my judgment and in the judgment of many others as it was negotiated. It is going to have to be renegotiated. So this effort to put a little leverage on this Congress and the other countries under this new majority is simply not going to work.

So I urge support of this bill because I think the three preferences, if you want to call it, the three provisions, need to be extended, the GSP, the African and also the Andean.

Let me spend just a couple of minutes, because we need to talk about details, about Haiti and about Vietnam. Briefly about Vietnam. They are going into the WTO without Permanent Normal Trade Relations with the U.S. We can't stop that as I understand it, and I think that is true. So we are not going to help out, in my judgment, on balance by simply saying that they go in without us and we will not get the provisions of their entry into the WTO. It is not two-sided in this respect.

Lastly, let me say a word about Haiti. There is some controversy over it. But, look, it has been carefully crafted. A lot of people have worked very hard on this, taking into account the needs of Haiti and the needs of our workers and our companies. There is in there a cap. Right now Haiti, their imports here represent a small part of our apparel industry. It is very small. In order for Haiti to get on its feet, it is going to have to be able to have a larger export industry. The people have worked on this and this has been bipartisan, have tried to balance this, and I want to finish by pointing this out. Under this agreement, the core labor standard provisions that we worked hard to elevate over the years remain. And so if there is exploitation of workers in Haiti, there will be an ability of us to get at that problem, either by petition or, as I remember it, we can initiate that.

So it is important in terms of our relationships and our economic development, both Haitian and Americans, on balance that we pass this Haiti bill. We need to move this ball forward, and I close with this assurance. Processwise, it is going to be much more open, much more in advance, and I hope bipartisan. And substantively, there is going to be a new day.

Mr. SHAW. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, economic growth through increased trade and investment is one of our most effective tools in our arsenal for fighting poverty around the world. It also creates opportunity at home by opening foreign markets to U.S. agriculture, goods and services. The legislation before us today extends several trade preference programs which benefit millions of workers in African, Andean and developing countries around the world. It also extends Permanent Normal Trade Relations to Vietnam which will officially join the World Trade Organization later this month. Vietnam's membership in the WTO will bring substantial economic benefits to American consumers, farmers, businesses and workers only if we approve this measure. Without PNTR, farmers, firms and consumers in the U.S. will not be able to take full advantage of Vietnam's WTO commitments. U.S. agricultural exports to Vietnam exceeded $192 million last year and represented nearly 17 percent of our total exports to the country. PNTR will reduce tariffs to 15 percent or less on most agricultural exports. Vietnam has also agreed to allow imports of all U.S. beef from animals under 30 months of age. Today's legislation paves the way for greater economic and strategic cooperation between our Nation and the many countries that will benefit from a broader trade relationship.

Mr. Speaker, I would also like to thank Chairman THOMAS for his work on this legislation. I urge its passage.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California, MAXINE WATERS.

Ms. WATERS. Mr. Speaker and Members, I thank the gentleman from Maryland and the Senator-elect for this time.

I rise reluctantly to support this trade bill. I say "reluctantly" because the bill includes several different trade provisions, each of which deserves to be considered on its own merit. These provisions should not be lumped together as a single bill and brought to the floor with no opportunity for meaningful debate or amendments. However, I strongly support the HOPE bill which provides duty-free treatment for apparel imports from Haiti, the most impoverished country in the Western Hemisphere.

On May 14, Rene Preval was sworn in as the democratically elected President of Haiti following a period of political instability and violence that lasted over 2 years. Now President Preval needs to provide economic opportunity for the Haitian people.

The HOPE bill will enable Haiti to manufacture apparel products for export to the United States. These trade benefits would only apply as long as Haitian apparel products do not exceed 2 percent of U.S. apparel imports. While these benefits are small by American standards, they will create jobs and promote economic development in this very small, impoverished country.

I would urge my colleagues to support the bill, given all of the questions they may have about the bill. I have worked very closely with the problems of Haiti and I think that we need to give them a chance. I, too, am concerned about whether or not workers will be exploited, but we can keep a close eye on that. Some of us are involved in a CODEL to Haiti as soon as we close down this floor and leaving tomorrow morning where we will be talking with President Preval and parliamentarians. Their greatest hope and their greatest desire is to get support of this trade bill tonight and to give them this HOPE program. Let's just give them a chance, again, despite whatever questions we may have.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, first let me thank the gentleman from Florida for his incredibly distinguished service over the years. We will miss him so, so much.

Mr. Speaker, today I rise in strong opposition to the Haiti trade bill which is included in the package. Folks, if you want to see more "made in China" labels in your clothes, this bill is for you. It is clearly a bill that will help China and their textile industry take advantage of Haiti at the expense of the U.S. industry and the Haitians, I might add.

Mr. Speaker, the U.S. textile industry has been raising alarms about Asia in general and China in particular. Last year we succeeded in getting new limits on Chinese imports. But this harmful bill would allow Haiti to ship millions of dollars; worth of textile and apparel products to the U.S. duty-free from China, products made with Chinese fabrics and Chinese yarns. Not only does the bill increase the legal duty-free import limits for Chinese goods, it vastly increases loopholes that give the Chinese more incentive to transship illegal textile goods through Haiti into the U.S. duty-free. There is no doubt in my mind that this places at risk many of the 700,000 textile and apparel jobs we have remaining in our country.

U.S. Customs have repeatedly told us they have strong concerns with the rule of origin proposal. They know it cannot be enforced. Again, the benefits will go to China rather than Haiti. Last year alone, U.S. Customs seized over $100 million in illegal textile goods. Our Customs officials are catching more and more transshipments. If we are seizing $100 million in illegal goods, think how many we have not been able to catch and how this Haiti bill will vastly increase the number of goods getting into the country.

Let's think about it for a minute. We are considering legislation that includes a dramatic change in the yarn-forward rule of origin that U.S. Customs tell us they cannot enforce, which means more illegal textile goods will enter the U.S. No congressional hearings have been held on the bill. The U.S. industry has not even had an opportunity to provide input or feedback on the proposal. Why in the world would we bring this up for a vote when the problems with this bill are strikingly apparent?

The U.S. textile and apparel industry is vital to the economic security and national security of our Nation. The industry has contributed $120 billion to our GDP and supplied more than 8,000 products to our Nation's military.

□ 1815

U.S. textile sector is also one of the Nation's most competitive manufacturing industries that has invested more than $30 billion in new plants and equipment over 10 years. If you care about preserving the strong manufacturing sector in the future, an industry that provides good-paying jobs to American citizens, no way you can support the bill.

Folks, this is a simple choice. It is about doing the right thing. It is about preserving American textile jobs and American textile businesses. We cannot and must not allow these flawed policies. We want to help Haiti, but we are helping China.

The SPEAKER pro tempore (Mr. KUHL of New York). The time of the gentleman has expired.

Mr. HAYES. May I ask for an additional 20 seconds?

Mr. SHAW. I don't have it.

Mr. CARDIN. Mr. Speaker, I will be glad to give my friend the 20 seconds he wanted.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 20 seconds.

Mr. HAYES. I thank the gentleman for his courtesy. Again, I thank Chairman SHAW.

This does not help Haitians. This helps Chinese. We want to help the Haitians, but by giving more jobs to China and allowing more goods to come in, the well-intentioned folks, and I applaud their support because I support their desire to help the Haitians, they do not accomplish it with this bill.

Again I thank Mr. SHAW, Chairman THOMAS, and Senator CARDIN for their courtesy.

Mr. SHAW. Mr. Speaker, I yield myself such time in order to read a paragraph into the RECORD. This is a letter dated December 8 from the United States Customs and Border Protection.

Mr. Speaker, the commissioner in this letter says: "As the customs and border protection official ultimately charged with our trade facilitation and enforcement efforts, including protecting United States industry against unfairly traded textile imports, we can and will enforce this legislation, if enacted. I was disturbed to learn that some interests are characterizing the

Customs and Border Protection's position as opposed to the package of legislation. That is not the case."

Of course, he was referring to the legislation that is before the body at this time.

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, December 8, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for contacting us with an opportunity to clarify the views of U.S. Customs and Border Protection (CBP) on H.R. 6346 and its predecessor H.R. 6142 which contain various free trade agreement provisions related to Permanent Normal Trade Relations (PNTR) for Vietnam, Generalized System of Preferences (GSP), the Andean Trade Promotion and Drug Eradication Act (ATPDEA), the African Growth and Opportunity Act (AGOA), the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act, and various tariff measures.

As the CBP official ultimately charged with our trade facilitation and enforcement efforts, including protecting U.S. industry against unfairly traded textile imports, we can and will enforce this legislation, if enacted. I was disturbed to learn that some interests are characterizing CBP's position as opposed to the package of legislation. That is not the case.

Every major change to trade laws poses enforcement challenges for our agency, and this legislation is no different. Simply acknowledging these challenges however does not constitute agency opposition to the legislation as a whole nor to the underlying agreements nor do they pose insurmountable obstacles to textile enforcement. I want to assure you that CBP remains committed to enforcing all textile trade laws that impact the domestic industry.

I appreciate the opportunity to respond and clarify the agency's position, please do not hesitate to contact me if I may be of further assistance.

Sincerely,

W. RALPH BASHAM,
Commissioner.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished gentleman of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I wanted to take a minute to thank Chairman SHAW for his leadership, not only in opening markets around the world to American products and services, but his leadership over the years on key issues like Social Security and others.

I think it is appropriate for Mr. HAYES to raise the issues of enforcement. If there is a common ground among Republicans and Democrats in this body, it is to strongly enforce free trade agreements and the benefits programs, and we, I know, can work together on that in this next session. I strongly support this bill.

America is the world's largest consumer of goods. We are also the largest seller of goods. It gives us an opportunity to open new markets and the power also to help other countries be lifted out of poverty.

This bill extends to our neighbors and friends in sub-Saharan Africa, Haiti, the Andean region of Latin America trade benefits to help stimulate economic growth and provide jobs for their people. It supports businesses and workers here in the United States by giving them a break on a necessary tariff so we are able to pass more of their dollars back to their employers and customers. It helps ensure American companies won't be left behind while our competitors overseas benefit from Vietnam's recent entry into the global trading system.

As a Representative of the 8th District of Texas, I tell you we see billions of dollars of cargo and goods come into our State, as well as shipping. It creates tens of thousands of jobs. It is key to our livelihood. Under a long-standing bipartisan program, our Latin American neighbors Peru, Colombia, Bolivia and Ecuador currently receive trade benefits that have reached many, many thousands of jobs in the region, meaningful jobs. They offer an alternative to the drug trade and guerrilla warfare and contribute to the stabilization and economic growth in the region, all of which are in America's interests.

We must continue the Andean program over the short term to encourage approval of already negotiated trade promotion agreements with Peru and Colombia that are critical to our region.

I strongly support this measure.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman and also for his years of dedicated service to this institution. He will truly be missed.

Mr. Speaker, regrettably I rise to oppose this legislation, in particular the portion that would grant permanent trade relationship with Vietnam. I do so for one very particular reason. According to the National League of POW/MIA families, there are currently 1,798 personnel missing, still missing, from a Vietnam war that ended about 35 years ago.

These families have continued to meet with resistance from the communist Vietnamese Government and have failed to allow them to adequately search for their loved ones. Yet today, this legislation will reward that country and that government. I believe that is unacceptable. I think we should be talking about how to reward Vietnam for its good conduct if they were to cooperate fully with the efforts to recover these individuals.

We have within the Department of Defense an office that is called the Defense POW Missing Personnel Office, whose sole purpose is to help account for these missing personnel that we lost during that conflict. Yet of the hundreds of individuals that accompanied President Bush on his visit to Vietnam last month, the director of that organization was excluded from the visit. What does this say to the Vietnamese Government? I think it says we are not serious about the issue.

Today, I think we can honestly say that if we intend to honor those who gave their lives and their sacrifice for our country, we should be willing to confront the Government of Vietnam concerning these missing POW/MIAs. Until Vietnam fully cooperates in that effort with these families to recover their loved ones, I cannot support the normalization on a permanent basis of trade relations with that country, and I would urge my colleagues to do likewise.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SIMMONS), who will certainly be missed next year.

Mr. SIMMONS. I thank the gentleman for his courtesy. I rise in support of extending permanent trade relations to Vietnam. I do this as somebody, who as a Vietnam veteran, served in that country for almost 4 years, and who 3 years ago returned to Vietnam with the assistance of the Vietnamese Government to look for the crash site and remains of Captain Arnold Holm from Waterford, Connecticut, who went down in 1972.

We spent a week with the Vietnamese looking for the crash site, did not find it. But just this year, with continued effort, located the crash site 200 meters from the location in the jungle where my wife and I and others were looking. This legislation is about more than just economics, although the economics are important. This legislation is about working with the Vietnamese to heal the wounds of the war that ended 30 years ago.

I personally have experienced the support of the Vietnamese Government in this initiative. I know that support will continue. As a Vietnam veteran, I urge my colleagues to support this legislation.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if I might first start by saying, the past 2 years I have had the honor of being the ranking Democrat on the Trade Subcommittee of the Ways and Means Committee. I want to thank Mr. SHAW for his help and cooperation during these past 2 years. I think that we have acted responsibly on many initiatives, but, more importantly, we have had an opportunity to talk directly with trade representatives from many other countries in an effort to move forward trade with the United States.

I want to thank Tim Reif, the staff director on the Democratic side, for his help during all this period of time. It was a new subcommittee for me, and I can tell you I could not have done it without the help of our staff, Mr. Reif and the others.

On a personal note, this will be my last opportunity to speak on the floor of this body, and I want to thank my constituents in the Third Congressional District of Maryland for giving me the opportunity to serve in this body during the past 20 years; 18 of those years I have served on the Ways and Means Committee. The voters of Maryland have now given me the opportunity to move to the other body.

I want to thank all of the Members that I have served with over these past 20 years. This is an incredible body of the people's House in which the Members truly are concerned about the traditions of this body and the work that we do.

I have had a chance to serve with many Members on the Ways and Means Committee, and we don't always agree on issues. I know that BILL THOMAS will be leaving and CLAY SHAW will be leaving this body also. Both carried the tradition of the Ways and Means Committee in this body of doing what they thought was right, not only to advance a policy for this Nation, but to make sure that anything that came out of our committee lived up to the highest standards of the Ways and Means Committee and was drafted properly, and there was no misunderstanding of the intentions of what we were trying to do.

Many times that was difficult to be done, and I just want to congratulate Mr. THOMAS for carrying out that awesome responsibility as Chair of the Ways and Means Committee. I can tell you that I have enjoyed every moment in this body, even those difficult evenings. This is truly a unique opportunity, to be given the opportunity to serve in this great body.

Once again, I want to thank the courtesies that I have received from each of the Members, and, again, thank the people from Maryland for giving me this opportunity.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at this time I do rise in very strong support of H.R. 6406, which is a shining example of how international trade can help the world's poorest people by creating jobs in impoverished nations, also bettering the lives of Americans by reducing costs, creating export opportunities for United States business, and offering United States consumers more choices at lower prices.

Living in Florida, I am especially sensitive to the plight of the Haitian people. This legislation includes the Haitian Hemispheric Opportunity through Partnership Encouragement, also known as the HOPE Act, which is aimed at helping our desperately poor neighbors. This is an act that was created in a bipartisan way with many Members on each side of the aisle participating, and I was very, very pleased to be a part of that.

This HOPE Act contains modest provisions to allow Haiti's struggling apparel sector to create jobs and to better integrate the United States and other hemispheric textile industries, such as in Central America. This legislation is critical to help Haiti build an economy to sustain its very young and very fragile democracy and give the Haitian people hope and purpose to cease conflict and embrace a better tomorrow.

In this way, the benefits included in the HOPE Act could have a tangible and meaningful impact on the people of Haiti, but would have a very minimal, even, I might say, trivial impact on the United States markets.

For example, Haiti's benefit in the first year capped at 1 percent of the United States apparel imports, 1 percent of the imports, a level less than the current 1 percent of the current apparel imports from Haiti. I think one thing is abundantly clear, and we can see it all over the globe, whether you look in Haiti. You cannot sustain a democracy without an economy. That is black letter law as far as I am concerned. In order for this democracy to flourish, it is going to be absolutely necessary that we do help them as best we can to build their economy.

I also draw the Members' attention to the short-term extension of unilateral trade benefits for Peru, Colombia, Ecuador, yes, and even Bolivia. The United States signed bilateral trade promotion agreements with Peru and Colombia, and I would greatly prefer that we were approving these bilateral agreements today rather than simply extending the current benefits. But the administration did not submit the implementing packages for these agreements for congressional consideration before the preferences expired, so we must ensure that our allies are not harmed economically while the Congress completes its process, and, hopefully, this will be early next year.

This bill provides a seamless tradition for extending the trade preferences for 6 months, yet it maintains an incentive for everyone to quickly approve and implement the trade agreements by providing an additional 6 months of benefits only if the legislatures here and there approve their respective agreements. This approach also encourages Ecuador and Bolivia to follow the lead of Peru and Colombia to include comprehensive and commercially meaningful trade promotion agreements within that year.

I certainly support this bill, and if I may, as a point of personal privilege, want to thank all that I have had the privilege of working with throughout so many years on the Ways and Means Committee. It has been an honor, not only to serve in this body, but particularly to serve on this particular committee.

□ 1830

The gentleman from Maryland and I have been close friends for many, many years, as I have with soon-to-be Chairman RANGEL on the other side of the aisle. We have had our differences here on the floor, but never off of the floor, and it has been a tremendous, tremendous opportunity for me to be able to work. And also to watch the skilful work of Chairman THOMAS. Sometimes he gets a little prickly and a little hard to work with, but he always ends up doing the right thing, and it has been a privilege to serve with him too.

This will be the last time that I will be able to appear on this floor, but thank you for the great opportunity to serve the people of the 22nd Congressional District of Florida and the people of the United States of America, the greatest country on the face of this Earth.

Mr. Speaker, I yield the balance of my time to the gentleman from California, Chairman THOMAS.

Mr. THOMAS. Mr. Speaker, unaccustomedly, the gentleman from Florida has handled the substance of the bill, so I am not going to talk about the substance, which means I normally don't have very much to talk about if I don't talk about the substance.

This is kind of unique, because normally at the end of a session and at the end of a committee's legislative responsibilities, one or two people may be retiring, but, frankly, six members of the Ways and Means Committee will not be in the 110th Congress. Some have left willingly, some unwillingly. Here we are with three of us at the end of this particular bill, which will be the last legislative responsibility of the committee.

I, too, I want to thank the gentleman from Maryland. Based upon my knowing him and the extremely difficult position he found himself in, moving over to the Senate, if anyone is walking close to him, I wouldn't be surprised to hear him humming, "free at last, free at last." He is going to be able to go over and completely exercise his legislative beliefs and structure. I know how difficult it has been for him in this constraint, because he has been, in words that I think are significant compliments, a legislator, as best he could be in the environment. I look forward to watching him continue his career over in the Senate.

My colleague from Florida, who became the chairman of the Trade Subcommittee, I was on the Trade Subcommittee for a long time but I was never chair, so I envied him in that role, has a number of opportunities in front of him.

It is always customary to thank those people that everyone sees, obviously Angela Ellard, chief counsel on the Trade Subcommittee, and Alex Brill, chief counsel for the committee. But I want to just take a minute, because people don't realize that there are a lot of people who even a lot of the Members never see, who are absolutely essential to make this place work.

One of them is in Leg Counsel. His name is Ed Grossman. He has made it possible for this committee to work, year after year after year. Ed Grossman told his wife-to-be that they would have their honeymoon after he finished a Ways and Means bill, and she still married him.

Tom Barthold over at the Joint Committee on Taxation, Reggie Greene, who helps the Ways and Means Committee work, and a long list of others. I just want to indicate that the people who are in front of the cameras and who do the talking could not do the job without all those people that you can't see.

So, it comes to a point now where I say this willingly, but I do say it with mixed emotions:

Mr. Speaker, I relinquish my time, forever.

CALL OF THE HOUSE

Mr. THOMAS. Mr. Speaker, pursuant to clause 7 of rule XX, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 538]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1904

The SPEAKER pro tempore (Mr. BOEHNER). On this rollcall, 373 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TRADE LAWS MODIFICATION

Mr. SHAW. Mr. Speaker, it is now my privilege to yield the balance of my time to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

The SPEAKER. I thank the gentleman from Florida.

Mr. Speaker, later tonight I expect that this House will adjourn sine die. This is the last day that we will be together on this floor during my Speakership, and so with your indulgence I would like to make a few brief comments.

Eight years ago, you elected me as your Speaker. I said at the time that it was not a job which I sought, but it was one which I would embrace with enthusiasm and determination. Each day since then, I have tried to do my best. The challenges have been great, but so too has been the honor of serving this institution and each of you.

At this time of transition I have been reflecting upon the many things for which I am deeply grateful. First of all, for my wonderful wife Jean, for her encouragement and for accepting the sacrifices that have allowed me to run for public office. I don't think she ever got quite used to the attention that the Speakership has brought, but she handled every moment with certainly grace and good cheer. And I also thank my son Josh and my son Ethan and my daughter-in-law Heidi, and I thank all of them for their love and support.

I am grateful to the unbelievable people of the 14th District of Illinois for the trust that they have placed in me over these many years. They are the most down-to-earth, honest, and wonderful people I have ever known, and I am honored to serve them in this great House.

I thank all the Members, all of you, for the countless courtesies that you have extended to me over the years, and for electing me to be your Speaker. I am immensely proud of this House of Representatives, and I am grateful for what we have accomplished.

Together, we reformed welfare, we cut taxes, and small businesses grew all over this Nation, and we expanded trade and we saw the Dow Jones break record after record as the economy grew to new heights. And our policies yielded near record low unemployment and near record low interest rates.

And we mourned on 9/11 when our country was savagely attacked; but then I remember we stood together shoulder to shoulder on the steps of the front of this Capitol, and we promised to the American people to protect this Nation as best we could from further attack. And then from somewhere in the back broke out a verse of God Bless America, and everybody joined in song. And I will never forget that moment, and chills went down my back, and I knew that this country's greatness would survive. And by the grace of God and the leadership and help of our President, we have been successful.

During my tenure we have challenged the Washington notion that government has a claim to the earnings of all Americans, and I believe as I did when I came here 20 years ago that government should work for the people and not the other way around.

As a body we have gathered together in celebration to award Congressional Gold Medals to giants like Pope John Paul II and Rosa Parks and Billy Graham. And we have gathered together in the great Rotunda of this building in mourning to pay our respects to a great leader, Ronald Reagan. I am proud to have been a part of this unique time in the history of our country.

Few people understand what support it takes to run this House of Representatives, and I am grateful for the legions of dedicated individuals who serve the House day in and day out. The Speaker has a huge core of people, mostly behind the scenes, who make this institution run. I could have not done this job without the officers of the House, the staff who serves them, and those who have served in Members' offices and committee offices and leadership offices, and the Speaker's Office. And I want to personally highlight a few who make this institution work.

Bill Livingood is the longest serving officer today in this House.

I also want to thank the U.S. Capitol Police for their daily diligence in protecting us. Some of us remember that day in July in 1998 when somebody broke into this Capitol, and in an action right outside the office that my family happened to be in, that I served in at that time, that two of our police officers were shot and killed, and to protect us. I will never forget that day.

Jay Eagen, the Chief Administrative Officer of the House, has done an incredible job in managing the financial and operational affairs here.

Father Dan Coughlin, the Chaplain of the House, has been a healer and has led us in a quiet way. Father Dan arrived at a time of turmoil, some of you may remember. A reporter asked him whether or not he was prepared to step into this lion's den. He looked at them and quietly responded and he said, "Well, my name is Daniel."

Karen Haas, the Clerk of the House, loves this institution and has inspired countless people to have the same respect for this Chamber and the legislative operations as she does.

John Sullivan, the Parliamentarian, has given us wise and steady guidance with an even temperament.

And Admiral John Eisold, our attending physician, whose leadership during the anthrax crisis calmed the fears of anxious Members and staff.

Alan Hantman, the Architect of the Capitol, and his staff who are responsible for maintaining this beautiful monument, the place that we work in, but the epitome of freedom to the world.

During my tenure as Speaker, we created the Office of Interparliamentary Affairs, ably headed by Martha Morrison, so that we could more effectively interact with our legislative colleagues around the world as together we try and share the blessings of democracy with those who have been oppressed by tyranny, and are only now enjoying the fruits of freedom.

We also reinstituted the Office of the Historian, headed by Dr. Remini and his deputy, Fred Beuttler, and they are commended for their hard work.

And I want to especially thank Pope Barrow and his staff in the Legislative Counsel's Office; Peter LeFevre and his staff in the Law Revision Counsel's Office. You didn't even know we had that office, did you? Geraldine Gennet and her staff in the House General Counsel's Office have helped us negotiate through some difficult constitutional issues and have been our legal guardians.

□ 1915

And Curt Coughlin and his staff in the Office of Emergency Planning who have become so important to us in the post-9/11 world.

I am especially grateful to the dedicated individuals who served me so well over the years. I have been so blessed to have a dedicated and talented team, from my Illinois district offices, my 14th District Office here in Washington, and to the staff in the Office of Speaker. And while they are not employees of the House, I also want to thank those over at the NRCC who have helped me fulfill my responsibilities as a party leader.

I hope each of them knows of my personal gratitude for their service. They have spent many long days and many long nights working to make this a better country, and I know they have sacrificed time with their family and friends to do so. On behalf of a grateful Speaker, I want to thank them all for their service.

In particular, I want to thank my chief of staff, Scott Palmer. Scott has been with me since 1986 when I first came to Congress. Scott, you and Mike Stokke and Sam Lancaster and Bill Hughes and so many others have given so much of your time. I am so proud of what we have accomplished together.

Next month we will begin a new Congress. Power will change without a shot being fired, peacefully, as the Founding Fathers envisioned. Those of us on this side of the aisle will become the loyal opposition, and the gentlewoman from California (Ms. PELOSI) will assume the duties as our Speaker. I know she will do so with skill and grace and that she will bring honor to this institution.

In a few short months, the Capitol Visitor's Center will be completed. In that center the work of this Congress will be described to future generations. Visitors will view an introductory film entitled, "Out of Many, One. E Pluribus Unum."

In my first speech as your Speaker, I said that solutions to problems cannot be found in a pool of bitterness. The framers expected the floor of this House to be a place of passionate debate, a place where competing ideas and philosophies clash, a crucible where many ideas can be blended together to forge a strong Nation. But this floor should also be a place of civility and mutual respect and a place where statesmanship and not just electoral politics guide our decisions. President Reagan is right: "There is no limit to what can be accomplished if you don't mind who gets the credit."

Eight years ago I broke with tradition and gave my inaugural speech from this microphone in the well of the House and not from the Speaker's chair. I did so because I said "my legislative home is here on this floor with so many of you, and so is my heart."

Sitting in the Speaker's chair is an honor I will always cherish. But I believe there is actually an even greater honor.

It is one that each of you shares with me. It is bestowed upon us by the citizens of this country, one by one, as they go into the voting booth and elect us with their sacred ballot. It is the honor of raising our hands and taking the oath as a Member of this House of Representatives and then to sit on one of these benches.

So on January 4, I will be privileged to rejoin you on these benches, where my heart is, here on the floor of this great House.

May God bless each of you, may God bless this People's House, and may God bless the United States of America.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Mr. Speaker.

Mr. Speaker, I rise tonight to salute DENNIS HASTERT, Speaker DENNIS HASTERT, the longest serving Republican Speaker in history.

And long may that record stand.

This record is a testament to DENNIS HASTERT's leadership within the Republican Conference, in this Congress and in this country.

But DENNIS's public service began long ago. He spent 16 years as a teacher and a coach at Yorkville High School in Illinois, and that is the best kind of public service, shaping the minds of our young people. Then he went into politics, and after 6 years in the Illinois State House, he came to the U.S. House of Representatives in 1986. In 1999, DENNIS HASTERT's colleagues elected him Speaker of the House, the third highest official in the United States of America.

While we have often, from time to time, disagreed on issues, we agree on the importance of public service, the kind of public service that has been the hallmark of Speaker HASTERT's career, whether in the classroom or in the House.

Mr. Speaker, I know I speak for many people in this room and across the country when I thank you for one thing in particular: Rosa Parks made history a long time ago and changed America. She also made history when she was the first African American woman to lie in state in the Capitol of the United States. That honor would not have been possible without your leadership, and we are very, very grateful.

I, too, want to join the Speaker in acknowledging the Hastert family, Jean and Ethan and Joshua, and the entire family for sharing DENNIS with us. We know the sacrifices are great, and I want to acknowledge them as well.

My colleagues in Congress, we hold the title of "Honorable" because we serve in Congress. We hold the title of "Honorable" by virtue of our office. DENNIS HASTERT holds it by virtue of his character. I salute him for service to our Nation and look forward to many more opportunities. Happily, he is staying with us for us all to work together.

In your remarks, Mr. Speaker, you referenced that very sad evening when we joined together on the steps of the Capitol and sang "God Bless America." Among God's many blessings to this country, to America, is the service and leadership of Speaker DENNIS HASTERT.

Thank you, Mr. Speaker.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 6406, the Omnibus Trade Act. Overall I believe the bill provides many important benefits for consumers and businesses in the United States.

While Vietnam has not fully evolved into the kind of free society I would like to see, the improvement of relations between the United States and Vietnam is a welcome development. That is why I support the extension of presidential authority to grant permanent normal trade relations with Vietnam. Implementing normal trade relations is an important step toward ensuring that American business and agriculture will be able to benefit from a full and open market—a goal that is enhanced by Vietnam's inclusion into the World Trade Organization (WTO). It will also ensure that Congress and the Bush administration have the ability to enforce important commitments, including intellectual property protections and the elimination of trade distorting subsidies that ultimately do injury to American producers and consumers alike.

I have supported a number of efforts to expand access to foreign markets for exports as part of a long-term strategy to strengthen our domestic economy. While expanding markets for businesses and farmers is critical, it needs to be carefully monitored and responsibly implemented. As structured, I believe the agreement with Vietnam largely meets this test.

With respect to extending trade benefits to Andean countries, I have some concerns with the approach taken in this legislation. It puts important assistance programs at risk and is another example of the current Congressional leadership engaging in partisan political posturing instead of legislating in the very best interests of the American people and the governments and peoples affected by this bill. If the version of the bill is passed into law, I think it likely will be necessary to revisit this issue in the upcoming Congress.

While this bill is largely about the liberalized exchange of goods and services, it is also about building a stronger relationship with countries around the globe. Expanding our commercial relationships can help the United States gain support for initiatives in other areas, such as conflict resolution and reduction of poverty. I urge passage of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, despite my reservations regarding the lack of deliberation and transparency in how this bill has come to the floor, I nevertheless rise in support of H.R. 6406, however, I believe there are serious concerns regarding the process and the fairness of this administration trade bill.

This bill includes several important provisions which promote the competitiveness of the United States in the global economy, ensure greater economic opportunities for the United States, and to foster broader U.S. national interests, especially in helping the people of Haiti overcome the poverty with which many of them are afflicted. Indeed, the inclusion of the provisions relating to Haiti is the main reason I support this bill.

This legislation includes several key trade measures, such as crucial provisions to expand trade with Haiti, the poorest country in the Western Hemisphere. Without the increased economic engagement with Haiti that this legislation provides, Haiti's situation will undoubtedly worsen, undermining broader U.S. goals for the region.

This legislation also renews several expiring longstanding U.S. trade programs that are important for promoting economic opportunities in the United States, as well as in developing countries in Africa and elsewhere. The programs include the Generalized System of Preferences (GSP), the Andean Trade Preference Act (ATPA), and provisions of the African Growth and Opportunity Act (AGOA).

This legislation would also authorize Permanent Normal Trade Relations (PNTR) with Vietnam, which is critical to ensure that U.S. companies, farmers and workers will be able to benefit fully from the market-opening commitments that U.S. negotiators secured from Vietnam. It will also ensure that the U.S. Government has the ability to enforce Vietnam's WTO commitments. Without this legislation, the United States would be put at a severe competitive disadvantage and would be denied rights to enforce Vietnam's WTO commitments when it joins the WTO in early January 2007.

The Haitian HOPE Act encourages hemispheric integration and promotes the use of U.S. and other trade bill inputs in apparel assembled in Haiti. The Haitian HOPE Act will help Haiti while expanding opportunities for U.S. textile interests. Just over two-thirds of Haitian apparel exports to the United States are assembled from U.S. and CBI fabric, made from U.S. yarn. The Haitian HOPE Act encourages this partnership to continue to thrive, rather than to switch to China. President Preval needs our help and this bill can do a lot for the struggling people of Haiti.

Put simply, H.R. 6406 would provide new economic opportunities for the world's poorest people. H.R. 6406 is one of the most important humanitarian steps that Congress can take for some of the poorest countries in the world, including some of the nations of sub-Saharan Africa, Haiti, and the Andean countries. One of the best ways to lift people out of poverty is to promote economic activity through increased trade and investment.

There are 314 million sub-Saharan Africans living in poverty, which is nearly half the African population. Likewise, Haiti is the poorest country in the Western Hemisphere, with over 80 percent of its population living in abject poverty.

The textile provisions for sub-Saharan Africa and Haiti will bring economic opportunities to these least developed countries and, in the case of Haiti, also expand opportunities for U.S. textile and apparel interests.

The Haiti/AGOA provisions will greatly benefit those countries while having a minimal impact on overall U.S. imports of apparel and U.S. domestic markets. Apparel imports from Africa and Haiti barely register in U.S markets while millions of workers in Peru, Colombia, Bolivia and Ecuador owe their livelihoods to the Andean trade preferences.

In addition to Haiti, other nations in Latin America will also benefit from this bill. Peru and Colombia have extended their hands in economic cooperation by negotiating comprehensive, commercially meaningful trade promotion agreements. However, the Administration did not submit for Congressional consideration these two agreements with democratically elected governments before the expiration of preferences. It would add insult to injury if Congress does not provide a short-term extension of preferences until the agreements can be considered early next year.

Similarly, extending trade preferences to Ecuador and Bolivia will encourage those countries to follow the lead of Peru and Colombia and act quickly to conclude trade promotion agreements with the United States.

Furthermore, granting PNTR to Vietnam furthers bilateral relations, fosters economic growth, and will serve as a catalyst for much needed political reforms in Vietnam. Granting permanent normal trade relations (PNTR) status to Vietnam represents a significant milestone in our efforts to mend the wounds of one of the most divisive conflicts in our nation's history .

Vietnam's membership in the World Trade Organization (WTO) will serve as a catalyst for continued economic and political reform in Vietnam. The State Department's 2005 Human Rights report notes that economic developments in Vietnam are a "major influence on the human rights situation, and economic reforms and the rising standard of living continue to reduce "government control over, and intrusion into, daily life" in that country. However, I do continue to express grave concern about Vietnam's continuing Human Rights Violations.

Vietnam will officially join the WTO later this month, and its membership will bring substantial economic benefits to American businesses, farmers, workers, and consumers. However, if PNTR is not granted before Vietnam joins the WTO, the United States would not be able to take full advantage of many of Vietnam's WTO commitments until PNTR is approved.

For all of these reasons, and especially for the benefit of the people of Haiti, I rise in support of H.R. 6406.

Mr. BLUMENAUER. Mr. Speaker, I support H.R. 6406 and the various trade bills it includes. Unfortunately, I cannot be present to vote in favor of it because of a prior engagement in my district. However, this legislation is a good example of how honest trade can help American consumers, workers, and businesses and promote growth in poor countries at the same time.

Honest and fair trade will help the U.S. and other countries grow more prosperous and stable. Trade barriers, quotas, and restrictions hurt all but a select few by raising prices for consumers, limiting efficiency, and restricting the ability of developing countries to improve their economies. I am pleased that this legislation moves us toward more open markets in a number of significant areas.

Extending the Generalized System of Preferences, the Andean Trade Preference Act, and the AGOA third party fabric rule, as well as establishing trade preferences for Haiti, promotes jobs and growth in some of the world's poorest countries, part of a strategy to help move countries toward self-sufficiency and giving workers more options and bargaining power. At the same time, preferences support and preserve manufacturing jobs here in the United States as it makes many of their inputs cheaper. So too are consumer products from these countries less expensive, giving Americans more purchasing power. I recognize the concerns that many people have expressed over changes being made to these programs and I look forward to working with Chairman RANGEL in the upcoming Congress to strengthen them to ensure that they are as effective and fair as possible

I spoke the first time we considered the Vietnam bill about the benefits of granting permanent normal trade relations to Vietnam. Vietnam has agreed to open their markets to U.S. manufactured goods, services, and agricultural commodities, including key Oregon products such as beef and pears, while imports from Vietnam are also important to supporting many jobs in Oregon at companies like Nike and Intel. Perhaps most importantly, this bill will contribute to reform in Vietnam and the process of U.S.-Vietnam normalization.

Finally, this legislation includes important tariff relief provisions for the bike industry, allowing the duty-free import of certain specialty bicycle parts not produced in the United States, and for my hometown of Portland, Oregon, facilitating the import of streetcars for our local public transit system, at a time when there's no domestic supplier, saving money for Portland taxpayers. I particularly appreciate the help of Jennifer McCadney of the Ways and Means staff for making the inclusion of these provisions possible.

For too many Americans, trade has been a source of insecurity and inequality, instead of growth. For too long, critical questions of how the United States engages in an increasingly global economy have been used as partisan and political wedges. We must develop an honest trade policy that can be broadly supported by Americans of all political stripes and that reflects the concerns that I hear from Oregonians. While this will be a long-term process, this legislation meets that basic test and moves us in the right direction. I urge my colleagues to support it.

Mr. WOLF. Mr. Speaker, I reluctantly rise in opposition to this omnibus trade bill, which includes a provision to grant permanent normal trade relations for the government of Vietnam.

While I support this trade bill's important benefits to the people of developing countries such as Haiti and those affected by the African Growth Opportunity Program, I deeply regret the decision to extend permanent normalization of trade relations to Vietnam, a country which continues to violate the human rights of its own citizens.

I believe it is a grave error to include this PNTR provision within the trade bill. The Vietnam government has failed to prove to the world that it values democracy and the freedom of its own citizens.

The government of Vietnam is one of the most egregious human rights abusers in the world. According to the 2005 State Department human rights report, here are just some of the human rights problems reported at the hands of the Vietnamese government:

Police abuse of suspects during arrest, detention, and interrogation; harsh prison conditions; arbitrary detention or restriction of the movement of persons for peaceful expression of political and religious views; denial of the right to fair and expeditious trials; imprisonment of persons for political and religious activities; restrictions on freedoms of speech, press, assembly, and association; restrictions on religious freedom; restrictions on freedom of movement; prohibition of the establishment and operation of human rights organizations; violence and discrimination against women; trafficking in women and children; and child labor abuse.

The State Department's report says that Vietnam's "human rights record remained unsatisfactory."

I receive reports almost daily confirming that these human rights abuses are continuing to occur. I am contacted every week by Vietnamese-Americans in my congressional district who are concerned for their families and friends in Vietnam who face repression and torture as they stand up for democracy and freedom.

The government of Vietnam also continues its harassment of people of faith.

For Catholics, Vietnam retains the ability to choose all bishops and screen all seminarians. Charitable and educational activities are severely restricted.

For Protestants, individual churches affiliated with Mennonite, Baptist, and 7th Day Adventist denominations have been allowed to register. However, churches with dissident pastors are not allowed to register nor are churches outside Ho Chi Minh City.

In the Central Highlands in 2001, authorities closed 1,250 religious sites in this region. As reported by Human Rights Watch, Protestants who refuse to affiliate with the Southern Evangelical Church of Vietnam and seek independent status are accused of "sowing division." Individuals are harassed, literature confiscated, leaders are detained and interrogated and pressured to give up their faith tradition.

In the Northwest Provinces, forced renunciations of faith continued in the last year. Hmong Protestants in the Northwest Provinces have encountered the most problems in seeking legal recognition, as Vietnamese authorities have refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the region. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles, including some overt harassment.

For the Unified Buddhist Church of Vietnam, UBCV leaders Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. At least 13 other senior UBCV monks remain under some form of administration probation or actual "pagoda arrest."

At the time that the report was printed, the State Department estimates that there were six religious prisoners and 15 other individuals being held in some form of administrative detention on account of their religious beliefs. According to experts this number is likely to be higher.

While pressure on the government of Vietnam has begun to move the government to change its abusive practices, life for the average person in Vietnam continues to be grim.

I am extremely disappointed to hear that the issues of human rights and international religious freedom were not a priority during the President's trip to Vietnam in November despite ongoing and widespread human rights abuses.

The people of Vietnam deserve our support. It is a tragic error to reward the government of Vietnam with normal trade relations while the people of Vietnam continue to be exploited.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I strongly support free trade with free nations. I can not in good conscience support free trade with a totalitarian regime like Vietnam which imprisons political dissidents, suppresses religious freedom and violates even the most basic of human rights.

I will continue to strongly advocate for an Andean Free Trade Agreement, and I will continue to voice my support for free trade with the impoverished nation of Haiti, which desperately needs the economic opportunities the United States can provide.

Although I would have eagerly voted to extend the trade agreements with Andean nations and Haiti, I am very disappointed that the Vietnam trade agreement was attached to this vote. Economic opportunities with the United States should be with nations who uphold some basic human rights.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed to have to speak against this trade proposal today. I am from one of the most trade dependent states in the country and I have always supported the expansion of trade opportunities and fair trade agreements. I am well aware of how complex and interrelated the global economy is today and how important it is that we remain engaged with our trading partners to bring down trade barriers. I support Permanent Normal Trade Relations for Vietnam and many other provisions in this package.

However, I have a duty to speak out against this bill, because it proposes to continue unfair trade concessions to select Andean nations in exchange for absolutely nothing. I am speaking of the extension of the Andean Trade Preferences Act, which has been rolled into this package. ATPA is not a trade agreement—it is a one-sided proposition that writes off the interests of American farmers under the false premise that South American drug lords are going to give up lucrative cocaine production if they simply had the opportunity to export legitimate products duty free into the United States. It is fundamentally unfair for American farmers and has had dramatic repercussions in my district in Central Washington state.

One of the Peruvian products that have benefited most from the ATPA windfall is asparagus, which grows in the sandy coastal areas of Peru—not the mountain highlands where coca is produced. Since the implementation of the Andean Trade Preferences Act in 1991, imports of fresh Peruvian asparagus have soared from 2,800 metric tons to well over 55,631 metric tons. Similarly, imports of frozen asparagus from Peru have increased more than twenty times. This flood of duty-free imports has been devastating for American asparagus growers in the major production areas of Washington, Michigan, and California. It has also decimated much of the domestic asparagus processing capacity. In fact, facing a flood of inexpensive Peruvian imports, many asparagus processors simply closed their U.S. operations and reopened down in Peru.

Perhaps if you are not from an asparagus production area in this country, you may think this trade-off is worth it if it results in less narcotics production. The unfortunate reality is that this policy has failed. According to the White House Office of National Drug Policy, coca cultivation in Peru has increased to 94,000 acres—the highest level in eight years. The International Trade Commission noted that any impact to narcotics trade from ATPA is "small" and "indirect." Yet the impact to the American asparagus producer is the exact opposite. Nevertheless, here we are, asking American farmers to sacrifice their livelihoods for another six to twelve months under this bill to pursue a wholly unrelated anti-narcotics strategy.

Mr. Speaker, I regret that we are once again putting the interests of a handful of large industrial asparagus exporters in Peru ahead of our own farmers in Washington, Michigan, and California. It is an unfair policy that sends the wrong message at a time when we need to revive momentum for expanding global trade opportunities. I must therefore oppose this flawed legislation.

Mr. MEEK of Florida. Mr. Speaker, I rise today in support of H.R. 6406, a comprehensive trade package that has great potential to create tens of thousands of new jobs in the Haitian textile industry.

While the provisions in this bill are not as strong as in the legislation I introduced, I am relieved that after years of empty promises and delay that the Republican-controlled Congress finally has allowed a bill to come to the House floor that helps Haiti.

I have traveled to Haiti a half dozen times since entering the Congress. And on these trips I have met with Haitian business leaders who have told me time and again that the textile industry has suffered greatly and is inching closer to collapse.

The Haitian garment industry currently employs a mere 12,000 people—a tiny fraction of what it once was. In Port-au-Prince, the capital, 15 factories have closed in the last 2 years. By failing to act, Congress and the Bush Administration have enabled Haiti's miserable situation.

This bill is significant because one tenth of Haiti's national income comes from its textile exports. While the vast majority of Haitians live off less than $2 a day, the average Haitian garment worker earns twice that. Bread-winners in Haiti often support large extended families; grandparents, aunts and uncles, cousins, children, and their children's children often live under one roof.

Industry analysts estimate that the HOPE Act could generate as many as 30,000 new jobs. Haitians working in these textile jobs would not only possess the buying power to help stimulate the national economy, but the trickle down would directly impact the lives of tens of thousands of other people in this hemisphere's poorest country. Haitians need to return to work, and that's why I've supported granting Haiti preferential trade status for years.

The HOPE bill has the potential to revive this vital sector of the Haitian economy by allowing apparel assembled in Haiti using third-country fabrics duty-free access to the United States market. It is a scaled down version of The Haiti Economy Recovery Opportunity (HERO) bill, H.R. 4211, which I introduced in the House in 109th Congress.

It has taken this Congress far too long to act, but perhaps, at long last, help for Haiti is finally on the way.

Mr. THOMPSON of California. Mr. Speaker, as a combat Vietnam veteran, I have a strong personal understanding of why granting Permanent Normal Trade Relations status to Vietnam is so important for both our country and theirs. Reconciliation with our former adversary has been a long and on-going effort, and today we are taking a long step toward furthering that process.

This process began more than a decade ago when we lifted the trade embargo on Vietnam in recognition of the cooperation received from Vietnam in POW/MIA accounting. In May, the United States and Vietnam signed a bilateral WTO accession agreement, which was required as part of Vietnam's bid to join the WTO.

For the United States to participate in this trade agreement, Congress must pass legislation granting PNTR to Vietnam.

Mr. Speaker, it's important to understand that congressional approval of PNTR for Vietnam is a necessary step toward maintaining our competitive edge in the 21st century global economy.

By passing PNTR, farmers, ranchers, businesses, manufacturers and consumers will be able to take full advantage of Vietnam's rapidly expanding economy.

The facts speak for themselves: Vietnam has become our fastest growing export market in Asia. In just the last five years, trade between the U.S. and Vietnam has increased more than 400 percent, going from under $1 billion a year to $7.8 billion.

If we fail to pass PNTR, we are putting ourselves at a distinct disadvantage because we will be the only WTO member country that will not have access to Vietnam's booming economy.

Foreign competitors will get the benefit of lower trade barriers—benefits we negotiated—as U.S. farmers, manufacturers and businesses watch from the sidelines.

Also, granting PNTR status to Vietnam advances our interests in areas other than trade.

PNTR will promote ongoing internal reforms within Vietnam. WTO membership will require Vietnam to adhere to WTO rules of law and provide greater transparency where trade matters are concerned. Vietnam's laws and regulations that affect foreign trade and investment will need to be published and made publicly available.

In addition, Vietnam has been cooperative with our efforts to achieve full accounting of U.S. soldiers missing in action.

Enactment of PNTR will further this good working relationship.

Mr. Speaker, today, we have an opportunity to expand our economy and improve American prosperity. We also have an opportunity to eliminate the remnants from a war that ended more than three decades ago.

I urge my colleagues to support H.R. 6406.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in opposition to this bill which includes establishing permanent normal trade relations with Vietnam.

I have serious concerns about establishing PNTR with Vietnam without mandating essential human rights protections.

Despite the fact that the President removed Vietnam from the list of "Countries of Particular Concern, which happened to coincide with his trip to Vietnam, reports from people inside the country continue to cite ongoing harassment by the government on the basis of religion and political beliefs.

In addition to the Government of Vietnam's human rights violations against its own people, in August, the Government of Vietnam arrested and held a U.S. citizen, Cong Thanh Do—on false charges. Only with the efforts of many U.S. officials was Mr. Do released.

The Government of Vietnam arrested and imprisoned Mr. Do, a U.S. citizen, on false charges even when it was trying to convince the U.S. Congress to grant it permanent normal trade relations.

What practices will the Government of Vietnam engage in when they are not trying to convince the U.S. Congress to pass PNTR?

I think it would be irresponsible for this Congress to establish permanent normal trade relations with the Government of Vietnam at this time, without including critical human rights protections.

There is concern on both sides of the aisle about the continued human rights violations by the Government of Vietnam.

I urge my colleagues to oppose this bill until critical human rights protections are included.

Ms. ZOE LOFGREN of California. Mr. Speaker, unfortunately the Republican Chairman of the Ways and Means Committee introduced a 259-page trade bill that was delivered too late for most of us to really study. Many of us have not had a chance to thoroughly read the bill, let alone participate in committee hearings or a markup on the bill.

Even though we are on the House floor tonight getting ready to vote on a bill we know very little about.

Tucked away on page 74 of this 259-page bill is what appears to be a small provision on extending permanent normal trade relations (PNTR) with Vietnam, a bill that failed in the House last month.

Although I support some provisions in the bill before us, I am voting against H.R. 6406 because the PNTR provision does not do anything to improve human rights conditions in Vietnam.

We have a unique opportunity to significantly affect the state of human rights and political and religious freedom in Vietnam. It is a mistake not to use the leverage of PNTR to begin to gain these improvements in Vietnam.

Just two months ago, the Vietnamese government arrested my constituent, a U.S. citizen, Cong Thanh Do. Mr. Do had posted comments on the internet while at home in San Jose, California advocating that Vietnam undergo a peaceful transition to a multi-party democracy. For exercising his U.S. Constitutional right of free speech, the Vietnamese arrested him and held him in prison for 38 days in Vietnam without charges.

Other U.S. citizens have been imprisoned in Vietnam for what appear to be political reasons, including the sister of another one of my constituents, Thuong Nguyen "Cuc" Foshee, who was also released after pressure from U.S. legislators in the time before consideration of PNTR.

These Americans were freed, not because Vietnam had a sudden change of heart on human rights in their country, but precisely because they care so deeply about gaining permanent normal trade relations with the U.S. Given this experience, we know Vietnam is willing to make changes on human rights if we demand it in exchange for PNTR.

Sadly, although both Mr. Do and Ms. Foshee are free today and back in America, I am concerned about hundreds of Vietnamese nationals as well as other U.S. citizens imprisoned in Vietnam.

The Vietnamese government has repeatedly violated human rights. Hundreds of Vietnamese have been imprisoned, put under house arrest, or placed under intense surveillance for simply practicing their religion or speaking out about democracy and human rights in Vietnam.

Following his return to the U.S., Mr. Do provided me a disturbing list of over 130 Vietnamese nationals and U.S. citizens he believes are currently imprisoned in Vietnam as prisoners of conscience or harassed by the government for simply speaking about democracy and human rights.

In addition, groups such as the Human Rights Watch have published reports of 355 Montagnard prisoners of conscience currently imprisoned in Vietnam.

I am not alone in my concerns about Vietnam's human rights record. The Department of State, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect to Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in Vietnam.

I have been a supporter of international trade. But I also know that the Vietnamese Government would correct their behavior in order to perfect a trading relationship with the United States. Given the alarming human rights violations currently underway in Vietnam, it seems a mistake for our country to grant PNTR to Vietnam without requiring that the Vietnamese government make significant improvements in respecting human rights, free speech, and freedom of religion.

The United States of America has a long and honorable tradition of safeguarding freedom and human rights throughout the world, especially with our trading partners. We should not make an exception for Vietnam.

At a time when we are spending 8 to 10 billion dollars a month and shedding the blood of our American servicemen and women proclaiming the cause to be democracy for Iraq, how is it that we can fail to use our mere economic leverage to try to achieve human rights in Vietnam?

With Vietnam's strong interest in PNTR, Congress has a unique opportunity to bring about substantive improvements in human rights. We should not pass up this one-time opportunity by sneaking through PNTR in a 259-page bill that was just introduced yesterday in the last week of a lame duck Congress.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, I am voting in opposition to H.R. 6406. This legislation addresses multiple trade issues which will have an important impact on the rights of workers.

I strongly support extending the benefits of the Andean Trade Preferences program, and I would like to vote for its renewal. However, H.R. 6406 only extends the Andean Trade Preferences program for 6 months and then holds any future extension hostage to the passage of the Colombia and Peru free trade agreements. The model used to draft these free trade agreements has failed to protect workers, and any trade agreement with either nation will require substantial review.

Additionally, H.R. 6406 includes an extension of Permanent Normal Trade Relations to Vietnam. Workers in Vietnam are denied basic human and labor rights, including the freedom of association and the right to form independent unions. Vietnam should meet all of the core international labor standards before it receives an extension of Permanent Normal Trade Relations.

Sadly, this legislation mixes good ideas with bad ones. For example, we ought to have the opportunity to cast a clear up or down vote on the Andean Trade Preferences, rather than be forced to vote against it because it is tied to flawed trade agreements. This bill was hastily written and given inadequate time for debate. While I support trade, we must ensure that our trade policy benefits working families, increases exports, decreases our trade deficit, and guarantees basic labor rights. Because this bill endangers these goals, I cannot support it.

The SPEAKER pro tempore (Mr. HAYES). All time for debate has expired.

Pursuant to House Resolution 1100, the bill is considered read, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 184, not voting 37, as follows:

[Roll No. 539]

AYES—212

Ackerman
Baird
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chocola
Clay
Cole (OK)
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
Dent.
Dicks
Doggett
Drake
Dreier
Ehlers
Emanuel
Emerson
Engel
Eshoo
Farr
Feeney
Ferguson
Flake
Fossella
Frelinghuysen
Garrett (NJ)
Gilchrest
Gonzalez
Goodlatte
Granger
Graves
Harman
Harris
Hart
Hastert
Hastings (FL)
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Keller
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder

Lowey
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Neal (MA)
Northup
Nunes
Olver
Ortiz
Osborne
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Schiff
Schmidt
Schwartz (PA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Simmons
Skelton
Smith (WA)
Snyder
Sullivan
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Udall (CO)
Upton
Van Hollen
Walden (OR)
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Young (AK)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

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Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Berry
Bilirakis
Bishop (UT)
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Carson
Carter
Chandler
Cleaver
Clyburn
Coble
Conaway
Costello
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Duncan
Edwards
Etheridge
Everett
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gingrey
Gohmert
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Higgins
Hinchey
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Inglis (SC)
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
King (NY)
Kingston
Kucinich
Langevin
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lynch
Markey
Marshall
McCotter
McHenry
McHugh
McIntyre
McKinney
McNulty
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neugebauer
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pitts
Platts
Poe
Pombo
Radanovich
Rahall
Regula
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Sherman
Sherwood
Shuster
Sires
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Tancredo
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Turner
Udall (NM)
Velázquez
Visclosky
Walsh
Wamp
Watt
Weldon (PA)
Westmoreland
Whitfield

NOT VOTING—37

Baker
Berman
Blumenauer
Burton (IN)
Conyers
Cubin
Davis, Jo Ann
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Jefferson
Johnson (IL)
Jones (NC)
Kolbe
McCrery
McMorris Rodgers
Melancon
Miller, Gary
Norwood
Nussle
Oberstar
Obey
Otter
Paul
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Watson
Waxman

☐ 1945

Mr. BACHUS and Mr. FRANK of Massachusetts changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, due to a preexisting commitment with constituents in my district, I missed two rollcall votes this evening. I ask that the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 536—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted "no";

For rollcall No. 539—Adoption of the Rule for H.R. 6406, a bill to modify temporarily certain rates of duty and make other technical amendments to the trade laws, and to extend certain trade preference programs—I would have voted "no."

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to section 2 of House Resolution 1100, the text of H.R. 6406, as passed by the House, will be appended to the engrossment of the House amendment to the Senate amendment to H.R. 6111.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6334. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4115. An act to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

CONFERENCE REPORT ON H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. HYDE. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 1101, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 7, 2006, at page 22861.)

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

Mr. MARKEY. Mr. Speaker, I would like to claim the time in opposition to the bill.

The SPEAKER pro tempore. Does the gentleman from California oppose the conference report?

Mr. LANTOS. Mr. Speaker, I do not oppose the bill.

The SPEAKER pro tempore. Pursuant to clause 8(d) of rule XXII, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the conference report to H.R. 5682.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the President has said that legislation to permit the establishment of civil nuclear trade with India is essential to establishing a new global partnership between the United States and India. The conference report before this House is the product of more than a year of effort by Members and staff of the House International Relations Committee and the Senate Foreign Relations Committee. It is based on the separate bills passed overwhelmingly in the House and the Senate and preserves the key provisions of both.

The conferees believe that this report represents a judicious balancing of competing priorities that encompass a broad range of subjects from U.S. policy in South Asia to the highly technical and complex world of nuclear export licenses. It is the product of months of discussions with the administration regarding virtually every section, and the conferees have gone to great lengths to accommodate the administration on its issues of concern.

I would like to express my appreciation for the cooperation of the Committee on Science, the Judiciary, Energy, Government Reform, Armed Services and Rules in helping expedite the consideration of this conference report. Their cooperation should not be interpreted as having any impact on their rights under the jurisdictional rules and precedents of the House.

I insert for the RECORD some correspondence related to this issue.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 5, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended. As you know, the Committee on Energy and Commerce has jurisdiction over Title II of the amended text.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a full referral on the bill. By agreeing to waive its consideration of the bill, however, the Committee on Energy and Commerce does not waive its jurisdiction over H.R. 5682.

Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, December 5, 2006.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5682, relating to nuclear energy cooperation between the United States and India. I agree that the Committee on Armed Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to seek appointment of conferees in the interest of concluding the conference on H.R. 5682. I agree that by foregoing the appointment of conferees, the Committee on Armed Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

HENRY HYDE,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
Washington, DC, December 5, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: I write concerning H.R. 5682, the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act of 2006, as amended.

I appreciate the fact that, although the Committee on Energy and Commerce has jurisdiction over substantial parts of Title II, you have been gracious enough not to exercise your Committee's right to a full referral on the bill, in order to expedite its consideration in the House consideration.

I acknowledge that by agreeing to waive its consideration of the bill, the Energy and Commerce Committee is not waiving any of its jurisdiction over the bill.

Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON ARMED SERVICES,
Washington, DC, December 5, 2006.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: On November 16, 2006, the Senate passed by unanimous consent S. 3709, the United States-India Peaceful Atomic Energy Cooperation Act. As you know certain provisions in S. 3709 fall within the jurisdiction of the Committee on Armed Services.

Our Committee recognizes the importance of S. 3709 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions and would otherwise be entitled to the appointment of conferees, the Committee on Armed Services will not seek appointment on S. 3709 given the time constraints.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the conference report on the House floor.

With best wishes.

Sincerely,

DUNCAN HUNTER,
Chairman.

COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 8, 2006.

Hon. HENRY. J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The House is scheduled to consider today the conference report on H.R. 5682, the "United States-India Peaceful Atomic Energy Cooperation Act." Thank you for consulting with the Committee on Government Reform regarding section 231 regarding the protection of confidentiality of information.

While I am unable to support the policy set forth in section 231, I will not object to H.R. 5682 moving to the floor. I do so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives in this bill or similar legislation in the future.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration, of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
December 8, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the conference report for H.R. 5682, the "United States-India Peaceful Atomic Energy Cooperation Act." Section 231, regarding the protection of confidentiality of information, is within the jurisdiction of your Committee.

In the interest of permitting this House to proceed expeditiously to consider the conference report for H.R. 5682, I appreciate your willingness to support this conference report moving to the floor. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter.

I appreciate you willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON SCIENCE
Washington, DC, December 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (H. Rpt. 109–721). The Science Committee has jurisdiction over Title II, United States Additional Protocol Implementation.

The Science Committee recognizes the importance of H.R. 5682 and the Conference Report and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

COMMITTEE ON INTERNATIONAL
RELATIONS,
December 8, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the jurisdictional interest of the Science Committee in H.R. 5682 as amended by the Senate, and the Conference Report to the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of2006 (H. Rpt. 109–721). I appreciate your willingness to work with me so that is important legislation can move expeditiously.

By allowing the Conference Report to be scheduled for floor consideration, I agree that the Committee on Science has not waived, reduced or otherwise affected the jurisdiction of the Science Committee, nor should this action be taken as precedent for other bills. I further agree that a copy of our exchange of letters will be included in the Congressional Record when the Conference Report is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

HENRY HYDE,
Chairman.

Mr. Speaker, this legislation provides the President with the authority he requires to permit the establishment of civil nuclear cooperation with India while also protecting the traditional congressional prerogatives in approving agreements of this type. It also strengthens the global nonproliferation regime by ensuring that India will become a full and active participant in efforts to prevent the spread of nuclear weapons capability, especially regarding Iran.

The conferees believe this conference report will pass overwhelmingly in both houses and quickly be signed by the President. Upon signing, the President will be able to proceed with the negotiation of a civil nuclear cooperation agreement with India that will become the cornerstone of a new and cooperative partnership between the U.S. and India, the world's two largest democracies.

Mr. Speaker, I strongly support this legislation and urge my colleagues to vote for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this conference report, and I yield myself such time as I may consume.

Mr. Speaker, India today is the preeminent state in South Asia. It is becoming a political and economic powerhouse of over 1.1 billion people with a thriving economy and a vibrant democracy. By these and other measures, India is a state that should be at the very center of our foreign policy and our attention. Regrettably, during the Cold War our two countries were unnaturally estranged by the dynamics of the international system. Slowly, during the 1990s our countries' interests began to converge and our relationship warmed.

Then, Mr. Speaker, 6½ years ago President Clinton made a historic trip to India and ushered in a new era of cooperation between our two great democratic nations. Washington and New Delhi have wisely built upon the foundations that President Clinton laid. Today they expand this mighty architecture of cooperation and friendship by approving, on a strongly bipartisan basis, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

With this legislation, the House of Representatives steps forth into the spotlight to offer its judgment on one critical element of this new relationship, civilian nuclear cooperation, and it establishes the process by which Congress will in the near future review and vote on the final agreement to implement such cooperation. This expansion of peaceful nuclear trade with India will usher in a new partnership between India and the United States based on our shared objective of preventing the spread of dangerous nuclear technology to countries and groups that would use it for evil purposes.

This is not the administration's bill, Mr. Speaker. Their original proposal sought to give the President complete authority to waive all restrictions under current law that would have complicated implementation of the U.S.-India nuclear trade and to severely limit congressional oversight by securing a preapproval for whatever agreement the U.S. and India conclude. There would have been no effective subsequent review by the Congress. By contrast, at our insistence, this legislation strikes the right balance between giving the President the necessary flexibility to negotiate the best agreement possible with New Delhi while at the same time preserving congressional oversight and the right of consent to the resulting agreement.

Mr. Speaker, this conference report follows the model laid out in the Hyde-Lantos legislation overwhelmingly approved by the House last July. It ensures that Congress will have the final word on whether or not the final agreement for cooperation with India can become law. This conference report will provide the President with only partial authority to waive current provisions of U.S. law to allow peaceful nuclear-related trade with India to take place. But cooperation could only take place after Congress has approved the agreement of cooperation itself.

Mr. Speaker, the legislation will help fashion a partnership with India to further U.S. nonproliferation goals. The passage of the conference report will also adopt the implementing legislation for the U.S.-IAEA additional protocol. That legislation will finally allow us to bring that protocol in force which will promote the U.S. goal of all states adopting the enhanced safeguards contained in the additional protocol.

Mr. Speaker, this is a historic day for this House and for the United States. I urge all of my colleagues to give their full support to this conference report and to help usher in a new day in U.S.-India relations.

Mr. Speaker, it is only fitting that on the last day of this session of Congress, Chairman HYDE is chairing a bipartisan agreement done with cooperation in both Chambers. H.R. 5682 represents the right way of legislating, ample preparation, consideration of all ideas, bipartisan cooperation, cordial relations with the other body, and keen attention to institutional prerogatives. It is especially fitting that it will be forever identified with the outgoing chairman of the House International Relations Committee. And if it weren't for his astonishing array of accomplishments, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act could easily become known as the crowning achievement of the gentleman from Illinois.

□ 2000

But the fact is, Mr. Speaker, this groundbreaking legislation is but one of the innumerable milestones in HENRY HYDE's impressive record of public service. HENRY is retiring from Congress after choosing not to seek a 17th consecutive term. He would have loved to stay with us longer, but as he recently told an interviewer, Father Time and Mother Nature have a way of beating up on me.

By contrast, Mr. Speaker, I am confident that history will be kind to HENRY HYDE. A member of the International Relations Committee since 1982, HENRY has been a key figure in crucial debates and decisions about war and peace, international arms control, the expansion of NATO, United Nation's reform, and halting the spread of HIV/AIDS, which he has astutely compared to the bubonic plague in its tragic scope.

HENRY has also served with great distinction on the Judiciary and the Intelligence Committees, but I will let another speak to his achievements there, and of course the continued, devoted support by his constituents through 16 terms in Congress speak volumes about his work on behalf of his district.

It was in the political caldron of Chicago that HENRY HYDE became entranced with politics early in life. He grew up as an Irish Catholic Democrat, but strayed from the faith in time to vote for Dwight David Eisenhower for President, so he became a Republican sometime in the 1940s.

But, Mr. Speaker, I prefer not to dwell on the things that divide me from my dear friend, HENRY HYDE. Rather, I would like to point out that both of us came of age during the Second World War, and this has formed our world views and forged our common value, and it is on this basis that we have often seen eye to eye and found ourselves shoulder to shoulder in struggles that consistently have been of service to our national security from the intricacies of key institutional agreements to the staggeringly complex issues involved in the fight against global terrorism.

HENRY has held a firm grip on the gavel in the International Relations Committee these past 6 years, through some of the most pivotal and riveting challenges of our times. He wielded his authority with fairness, intellectual honesty and no small amount of wit. As The Washington Post noted in 1998, he has managed to maintain a reputation for evenhandedness, for patience and restraint, a remarkable feat for someone known both for his savagely held beliefs and for his keen sense which way the wind blows.

Mr. Speaker, the International Relations Committee flourished under HENRY HYDE's direction. It will be daunting for me to take up the gavel as HENRY HYDE leaves us. Mr. Speaker, Anyone who knows him will understand how much HENRY will be missed in our committee and in this House.

Earlier this week, we commemorated HENRY's contributions by lending his name to a room in this very building of the Capitol. He will, therefore, always have a place here, and what is far more important, he will have a place in the hearts of his colleagues.

Some of us may disagree with some of his policies, but he is one of the institutional treasures around here, a true gentleman of the House.

Mr. Speaker, section 104(b)(2) requires that the President determine that India and the IAEA have completed all legal steps required prior to signature for an IAEA–India safeguards. That agreement must apply safeguards in perpetuity in accordance with IAEA standards, principles and practices. It references IAEA Board of Governors Document GOV/1621 (1973) as one of the IAEA guiding documents relating to standards for perpetuity of safeguards. I attach that document for the RECORD.

SAFEGUARDS

(b) THE FORMULATION OF CERTAIN PROVISIONS IN AGREEMENTS UNDER THE AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

MEMORANDUM BY THE DIRECTOR GENERAL

(1) A substantial number of Governors have urged that there should be a greater degree of standardization than in the past with respect to the duration and termination of such agreements as henceforth be concluded under the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968) for the application of safeguards in connection with nuclear material, equipment, facilities or non-nuclear material supplied to States by third parties. To achieve this, it is recommended that the following two concepts should be reflected in these agreements:

(a) That the duration of the agreement should be related to the period of actual use of the items in the recipient State; and

(b) That the provisions for terminating the agreement should be formulated in such a way that the rights and obligations of the parties continue to apply in connection with supplied nuclear material and with special fissionable material produced, processed or used in or in connection with supplied nuclear material, equipment, facilities or non-nuclear material, until such time as the Agency has terminated the application of safeguards thereto, in accordance with the provisions of paragraph 26 or 27 of the Agency's Safeguards System.

A short exposition with respect to the application of these concepts is annexed hereto.

(2) The proposed standardization would appear likely to facilitate the uniform application of safeguards measures. It is furthermore to be noted that the combined operation of the two concepts would be consistent with the application of the general principle embodied in paragraph 16 of the Agency's Safeguards System.

REQUESTED ACTION BY THE BOARD

(3) In bringing this matter to the Board's attention, the Director General seeks the views of the Board as to whether it concurs with the two concepts set out in paragraph 1 above.

ANNEX

(1) In the case of receipt by a State of source or special fissionable material, equipment, facilities or non-nuclear material from a supplier outside that State, the duration of the relevant agreement under the Agency's Safeguards System would be related to the actual use in the recipient State of the material or items supplied. This may be accomplished by requiring, in accordance with present practice, that the material or items supplied be listed in the inventory called for by the agreement.

(2) The primary effect of termination of the agreement, either by act of the parties or effluxion of time, would be that no further supplied nuclear material, equipment, facilities or non-nuclear material could be added to the inventory. On the other hand, the rights and obligations of the parties, as provided for in the agreement, would continue to apply in connection with any supplied material or items and with any special fissionable material produced, processed or used in or in connection with any supplied material or items which had been included in the inventory, until such material or items had been removed from the inventory.

(3) With respect to nuclear material, conditions for removal are those set out in paragraph 26 or 27 of the Agency's Safeguards System; with respect to equipment, facilities and non-nuclear material, conditions for removal could be based on paragraph 26. A number of agreements already concluded have prescribed such conditions in part, by providing for deletion from the inventory of nuclear material, equipment, and facilities which are returned to the supplying State or transferred (under safeguards) to a third State. The additional provisions contemplated would stipulate that items or non-nuclear material could be removed from the preview of the agreement if they had been consumed, were no longer usable for any nuclear activity relevant from the point of view of safeguards or had become practicably irrecoverable.

(4) The effect of reflecting the two concepts in agreements would be that special fissionable material which had been produced, processed or used in or in connection with supplied material or items before they were removed from the scope of the agreement, would remain or be listed in the inventory, and such special fissionable material, together with any supplied nuclear material remaining in the inventory, would be subject to safeguards until the Agency had terminated safeguards on that special fissionable and nuclear material in accordance with the provisions of the Agency's Safeguards System. Thus, the actual termination of the operation of the provisions of the agreement would take place only when everything had been removed from the inventory.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

First, let me begin by complimenting the gentleman from Illinois, Mr. HYDE. Like Mr. HYDE, I was born a Democrat and baptized a Catholic just 7 days later. So I know how big a decision it must have been to have abandoned that Democratic birthright. But he has been a historic figure in this institution. I want to associate myself with everything that the gentleman from California said about you.

But I do believe that this bill is a historic mistake. The world is looking at this institution this evening. It is wondering what in the world the United States is thinking in giving an exemption to the Nuclear Nonproliferation Act to a country which is a nonsignatory to the Nuclear Nonproliferation Treaty.

What is the signal that that will send to Pakistan? What is the signal that that will send to Iran, to Syria, to Egypt, to Venezuela, to North Korea? What is the signal that we are sending with regard to the entire nuclear nonproliferation regime which has served this world well since the 1960s?

I think that the message they are receiving is that there is going to be a double standard, and a double standard which, unfortunately, from my perspective, is going to lead to a rapid escalation of the development of nuclear weapons programs in country after country around the world.

Right now, India has a nuclear weapons program that experts estimate produces approximately 7 per year. Because the nuclear fuel, which this bill will make possible, frees up the domestic uranium supply in India, experts estimate that it will increase to 40 to 50 the number of nuclear weapons which India can produce per year, because we, the United States, in passing this legislation, will ensure the supply of their civilian nuclear energy needs.

Why should we care about that? Well, the reason that we should care about that is that Pakistan is now developing and building their own nuclear material production facility, which experts indicate will increase from two to three nuclear bombs per year to 40 to 50 nuclear bombs per year. That is what a nuclear arms race looks like. That is what the nuclear arms race between the United States and Soviet Union looked like in the 1950s, in the 1960s and in the 1970s, and what we are doing out here is pouring fuel onto this fire, rather than calling an international conference to bring together these parties and others in order to put in place a real nuclear weapons control regime. Instead we are turning a blind eye to the reality of what is going on in the South Asian continent.

So, ladies and gentlemen, this is a historic moment, a moment that we will look back on, not perhaps tomorrow, or next week, but 5 years from now, 10 years from now. People will point back to this night, this last night of the Republican control of Congress, this last night when the Republican-controlled House and Senate can produce for President Bush this anti-nuclear weapons control policy that he has been engaging in for the last 6 years and say this was the moment that crossed the line where ever country said to themselves, why should we, as signatories of the Nuclear Nonproliferation Treaty, abide by those rules when the United States selectively gives exemptions to countries that are not signatories to the nuclear nonproliferation policy.

You cannot preach temperance from a bar stool. The hypocrisy coefficient is at historic heights when the United States believes that the rest of the world will listen to us as we preach that they should not be interested in nuclear weapons, even as they are helping to facilitate the Indians in developing an ever greater capacity to produce nuclear weapons inspect that country.

Why should we care? We should care because A. Q. Khan, the nuclear Johnny Appleseed, the nuclear Pied Piper, who spread nuclear weapons from North Korea through the Middle East, is still living in Pakistan, living in a palace, still not in prison. His associates, his men, still walking the streets of Pakistan. Al Qaeda is headquartered in Pakistan, still unapprehended.

What is the message that we are sending? We are sending a message that the nuclear arms sellers are back on the road, selling to anyone who will purchase. That is the message that we are sending.

So tonight is a historic vote. It is a vote that will be looked back at as one of the most important that we have ever cast here in Congress. Sadly, it is not going to receive even a fraction of the attention which it deserves.

But I tell you this, ladies and gentlemen, when and if this nuclear war breaks out, we will look back. At least we should be able to say we tried, we really tried to put an end to the nuclear arms race on the South Asian continent. This is what this debate tonight is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the incoming ranking Republican on the International Relations Committee, the gentlewoman from Florida (Ms. Ros-Lehtinen).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my chairman for his leadership and for his time.

Mr. Speaker, as an original cosponsor of this legislation, Mr. Speaker, and as cochair of the Congressional Caucus on India and Indian Americans, I rise in support of H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. I would like to thank Chairman Hyde, as well as Ranking Member Lantos, for their dedicated work on this issue and for their willingness to work with me and so many members of our House International Relations Committee, as well as the House as a whole, to ensure that the conference report before us tonight achieves the difficult balance of expanding cooperation with our democratic ally, India, while also promoting U.S. global nonproliferation policy.

Because the conference report closely tracks the bill which was passed overwhelmingly by the House in July, I need not list its specific provisions, other than to say that it preserves the central features of the House text, such as ensuring that Congress retains its traditional role in approving nuclear cooperation agreements.

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Also in reinforcing the indispensable role of the nuclear suppliers' club in preventing proliferation and encouraging India's cooperation in stopping Iran's efforts to develop their nuclear weapons capability. It has been significantly strengthened by the inclusion of many important sections from the companion legislation approved by the Senate.

Let me address the larger and more important context in which this legislation should be viewed. By providing the legal foundation for civilian nuclear cooperation between the United States and India, it achieves a key step of the global partnership with India that was announced on July 18 of last year by President Bush and Prime Minister Singh. This far-sighted and historic initiative is a long-delayed recognition that the two largest democracies share an extraordinary array of common interests and that a closer and increasingly cooperative relationship between them holds enormous potential to promote the strategic partnerships and interests of both. If allowed to grow, it will undoubtedly produce a major realignment of the international system as a whole and an entirely positive one.

India and the United States have already traveled a long way toward building that new relationship. India stands alongside the United States in the effort to confront and eliminate the scourge of global terrorism and to reduce the instability and the conflict in South Asia and elsewhere. We look forward to expanding the areas of common interest and joint action. Nowhere is that cooperation more important, Mr. Speaker, than in stopping the spread of nuclear weapons.

I should note that this legislation affirms that India is a country that has demonstrated responsible behavior with respect to nonproliferation of technology related to weapons of mass destruction programs and the means to deliver them and that it is working with the United States in key foreign policy initiatives related to nonproliferation.

To further that goal, this legislation establishes as U.S. policy securing India's participation in the Proliferation Security Initiative, which is a cooperative arrangement among the world's powers to intercept the illicit movement of nuclear materials and other dangerous items by sea or air. India's cooperation would be a major addition to the world's efforts in this difficult but essential task. I am confident that her government will move quickly to assume a more prominent position among the initiative's growing ranks.

Lastly, Mr. Speaker, I am glad that this historic bill carries the name of Henry Hyde; a leader of great proportions, a mentor to so many of us, a man of principles, a living legend, our friend, Henry Hyde.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. Ackerman), a senior distinguished member of the International Relations Committee and one of our outstanding experts on U.S.-India relations.

Mr. ACKERMAN. Mr. Speaker, I thank Mr. Lantos, our soon-to-be chairman of the committee.

Mr. Speaker, today is truly a historic day for U.S.-India relations. Chairman Hyde, who deserves all of the accolades that he received today, has worked very hard, and, together with Ranking Member Lantos, they have done extraordinary work to bring before us a conference report that will transform our relationship with India and bring reality to the process of nuclear nonproliferation. I congratulate them both for their tremendous efforts and for their tremendous and enormous achievement.

Mr. Speaker, if you liked this bill in January, and you overwhelmingly did, then you are going to love this conference report. If you were worried about seeing the agreement before it was final, then you will love this conference report, because it gives Congress another chance to scrutinize and vote on approving the final deal.

If you wanted the IAEA to be able to inspect India's nuclear facilities, then you are for this conference report, because two-thirds of all of India's nuclear facilities will now be under IAEA safeguards. It is a no-brainer. Without this, we get to inspect zero; with this, two-thirds of India's nuclear facilities.

If you wanted India for the first time ever to commit to the MTCR guidelines, then you get that in this conference report.

If you wanted India for the first time ever to adhere to the Nuclear Suppliers Group guidelines, you get that in this conference report.

If you wanted to send a clear message to nuclear rogue states about how to behave, then you are for this conference report. You are for it because it shows that responsible nuclear powers are welcomed by the international community and not sanctioned.

If you wanted a broad, deep, enduring strategic relationship with India, then you are for this conference report.

For 30 years, U.S. policy towards India has been defined and constrained by our insistence on punishing India for its sovereign decision not to sign the Nuclear Nonproliferation Treaty. Truth be told, if India had conducted its nuclear tests a little earlier, it would have been treated the way we treat China and Russia and France and Britain and ourselves; in short, as a grandfathered member of the nuclear weapons club. But they did not test earlier, and nothing we have tried over the last 3 decades has convinced them to give up their nuclear weapons program, and nothing we say over the next 3 decades will convince them either.

India is a responsible nuclear power and deserves to be treated that way. The conference report before us does just that.

Critics have expressed concerns regarding the bill's impact on our nonproliferation policy, and clearly Iran and Pakistan and North Korea are looking for clues about what this deal means for them and their nuclear programs. Let them understand the message. If you want to be treated like India, be like India. Be responsible. Be a good international actor with regard to weapons of mass destruction technology. Be like India. Don't sell your technology to the highest bidder. Be like India. Don't provide it to terrorists. Be a democracy, a real democracy, such as India, and work with us on important foreign policy objectives, and not against us.

That is the message that we are going to send today.

Does it warm your heart and make you comfortable that Iran and North Korea signed the NPT, but they are now running away from their fully accepted and freely accepted obligations and away from IAEA inspections? India didn't sign the NPT, and yet it is embracing the IAEA and embracing nonproliferation norms and is a democracy. India's attitude should be recognized and commended, not criticized and condemned.

Practically speaking, there are only two options, and they are before us today: One is to vote "no" and continue the status quo, which means India goes on pursuing its national interests as it has been doing outside of the nonproliferation mainstream, and we get to inspect nothing. The other is to vote "yes," make the deal with India and get for the United States and the international community a window in perpetuity into two-thirds of India's existing nuclear facilities and all of its future civilian nuclear facilities.

The choice is clear. The conference report brings India into the nonproliferation mainstream and gets the United States and international community access to India's civilian nuclear facilities.

Mr. Speaker, it is time for a 21st century policy toward India, one that supports and encourages India's emergence as a responsible global power and solidifies the U.S.-India bilateral relationship for decades to come.

Not that it needs it, but the bill gives a great name, that of HENRY HYDE, to this remarkable piece of legislation. We salute you, Mr. Chairman.

I urge a "yes" vote on H.R. 5632.

Mr. HYDE. Mr. Speaker, I thank Mr. ACKERMAN for a brilliant statement, as well as his cordial sentiments.

Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on International Terrorism and Nonproliferation, who has an awful lot to do with the ultimate product that we are voting on today.

Mr. ROYCE. Mr. Speaker, I rise in support of the Henry J. Hyde bill.

I want to address a concern raised earlier by the gentleman from California. I share his concern about A.Q. Khan. But Dr. Khan is in Pakistan, and we would not do this deal for Pakistan, because Pakistan proliferates. India does not. The nuclear fuel and materials we and the world may sell India will be for the civilian sector only, not the military, and will be under strict international safeguards and inspections by the International Atomic Energy Agency.

While nuclear energy is controversial to us in the United States, it is not controversial in India. As in several other countries, nuclear energy is viewed as a critical technology, one that is central to uplifting hundreds of millions of impoverished Indians, because they need the electricity for their grid. So India will develop its nuclear energy sector, not as easily or quickly as without this deal, but it will nonetheless, and India will not relinquish its nuclear weapons at this point in time, which is understandable given its security situation.

Right now, because of existing restrictions, many Indians view the U.S. as blocking India's technological and developmental aspirations by opposing their acquiring nuclear material and technology for clean energy. This position does not make for a strong partnership.

With its growing economy, India is consuming more and more oil. It is competing on the world market, competing with American consumers, for limited hydrocarbon resources. This gives Americans an interest in helping India expand its nuclear power industry, which this legislation does. It also encourages India to move away from burning its highly polluting coal.

By passing this conference report, we take a big step towards internationalizing India's nuclear industry, which I believe would make it safer. Young Indian scientists and engineers in the nuclear field are interested in collaborating with their American counterparts. Today they are isolated. I would rather know more about India's nuclear work than less.

We have two options: either continue to try to box in India and hope for the best, and, as I mentioned, India will not relinquish its nuclear weapons now; or we make this move, engage India, and use our influence to move this increasingly important country in our direction, making India a true partner as we enter what will be a decades-long struggle against Islamic terrorism.

This is not an ideal agreement and the administration should be more aggressively pursuing an international fissile material cutoff, but it is a very good agreement, one that works through a very difficult nonproliferation situation to strengthen an important relationship.

So I urge my colleagues to support the conference report. I would also mention that during the course of the committee's five hearings on this agreement, Members closely scrutinized India's relationship with Iran, and I think it is fair to say that our committee helped influence India's thinking on Iran. We got India's support for two IAEA votes, voting twice at the IAEA to find Iran in noncompliance with its safeguard obligations and to report Iran to the Security Council.

Importantly, this bill preserves congressional oversight, and that was not the administration's preferred approach, and gives Congress another bite at the apple, requiring a joint resolution of approval of the nuclear cooperation agreement. So India knows that Congress is continuing to watch.

Mr. Speaker, I thank the gentleman for yielding me time. I again commend Chairman HYDE. We honor him tonight with the title of this bill.

Mr. MARKEY. Mr. Speaker, I yield 3⅙ minutes to the gentlelady from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding, and also for his very clear presentation tonight as to why this is such a bad bill and bad conference report.

First of all, let me just say, Mr. Speaker, that I had the privilege to visit India a few years ago with my distinguished colleague from New York (Mr. CROWLEY) and our distinguished colleague from Maryland (Mr. HOYER).

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I witnessed firsthand the brilliance and the spirit and the commitment to democracy of the Indian people, and like many of my colleagues, I strongly believe that it is in our country's interests to strengthen our relationship with India economically, politically and culturally.

But to suggest that we can do so only at the expense of the international nonproliferation standards, as this conference report for the India nuclear deal before us would, is really both dishonest and it is dangerous.

Mr. Speaker, as far as I am concerned, there is no country, and I mean no country, for which it should be acceptable to sacrifice our international standards.

The problem with this deal as it is currently written is that it will do lasting harm to more than 30 years of international efforts to stop the spread of nuclear weapons. This deal creates a double standard which undermines our efforts to stop countries like Iran and North Korea from developing nuclear weapons.

This deal creates incentives for withdrawing from the Nuclear Nonproliferation Treaty. Why have countries like Brazil and South Korea spend all these years playing by the rules and not building nuclear weapons in exchange for civilian technology when India gets both?

This deal sets a dangerous precedent. In explaining Beijing's rationale for potentially pursuing a deal with Pakistan, Professor Shen Dingli of China's Fudan University has already argued and said, if the U.S. can violate nuclear rules, then we can violate them also.

We should be fighting to save what is left of the international nonproliferation framework, not discarding it. There is no need to rush through with this conference report on the last day of this 109th Congress. We must go back to the drawing board and make sure this proposed nuclear cooperation agreement maintains international nonproliferation goals, and we can do this when the 110th Congress begins in January.

Ideally, India should formally commit to the goals and restrictions on the international nonproliferation framework and sign the Nuclear Nonproliferation Treaty. Short of that, we must insist on specific nonproliferation safeguards as specified in an amendment if you remember which I offered in this bill when it was considered in July.

This amendment basically would have required India to commit to the basic principles consistent with the NPT. Unfortunately, the amendment was not made in order.

The world is a dangerous place, Mr. Speaker. Nuclear weapons are pointed in all directions. Compliance with the Nuclear Nonproliferation Treaty is a basic standard that we should require in all nuclear deals and arrangements. This bill goes in the opposite direction. Without these commitments, we should reject this nuclear deal.

Finally, Mr. Speaker, I would just like to thank the chairman, Mr. HYDE, for his leadership and his fairness as chair of the International Relations Committee and specifically as it relates to HIV and AIDS and orphans and moms with children and the respect you have shown the minority. I wish you happiness and good luck and good health in this next chapter of your life.

Mr. HYDE. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the International Relations Committee, my good friend, a recognized expert on U.S.-India relations.

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from California (Mr. LANTOS) for yielding me this time.

I, too, want to rise in strong support of the Henry Hyde India Nuclear Energy Cooperation Act.

I want to commend my friend and chairman, who I have deep respect for, Chairman HYDE, and my soon-to-be Chair of the International Relations Committee, Mr. LANTOS, for their work they put into crafting this bipartisan conference report.

I would also like to commend the staff of both the House International Relations Committee and the Senate Foreign Relations Committee for the work they have done to reach a compromise on this deal before we end this 109th Congress.

We here in Congress are not the only ones who have been engaged in pushing forward this important cooperation agreement or this bilateral relationship. I must also recognize the work of the Indian American community for the incredible advocacy they have demonstrated and the incredible support they have demonstrated for this legislation.

This legislation creates a two-step process, and by passing the conference report today, we will have taken that very important first step.

The second step rests upon negotiations between the United States and India, as well as India and the International Atomic Energy Agency and with the Nuclear Suppliers Group.

I would like to be clear that this vote sets the stage for allowing cooperation, but the actual exchange of civilian nuclear cooperation will not take place until Congress is provided with the details of those relevant negotiations and takes a second up or down vote.

I urge my colleagues to end India's nuclear isolation and allow them to be brought into the nonproliferation tent with the rest of the responsible states who seek safe and efficient civilian nuclear technology. I have held the belief that this bill is not about nuclear weapons as much as it is about nuclear energy.

I urge my colleagues to begin building a pathway of cooperation in energy with India that will help the economy of India grow and help American business opportunities prosper.

India's booming and growing economy needs fuel, and plenty of it, to uplift the lives of hundreds of millions who live in abject poverty. There is not enough wood, enough gas or enough oil in this world to sustain that growth. The greenhouse gases which have been produced by expending those fuels would be an unwelcome byproduct.

Passing this legislation opens up a new pathway of opportunity for energy development that will lower greenhouse gases, provide reliable electricity and, strengthen India's economy.

I am proud that the U.S. will work with India to see India and the Indian people reach their full potential. If we expect India to be our ally in the 21st century, we must treat them as an equal, which is what the cooperation will demonstrate.

I trust my colleagues will recognize what our future with India holds and vote for final passage of this legislation.

I just want to point out to my good friend, the gentlewoman from California (Ms. LEE), who spoke about her amendment, it is impossible for India to sign the Nonproliferation Treaty because she has already detonated that weapon in the early 1970s. She would have to put those weapons away and say she would never develop them again and put them beyond use and verifiable use before she can sign the treaty. It simply is not going to happen.

They have demonstrated that they are a good player in this field, as Mr. ACKERMAN said. If you want to be like India and get this deal, act like India.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong opposition to this legislation.

Let the record show that if or when a mushroom cloud ever erupts over an American city, it will be traced back to this unwise vote in the United States Congress and to the bone-headed policy of this administration towards treaty obligations for Nunn-Lugar safeguards and the sale of nuclear materials to India.

When I was a boy, this country sold F-15s to Iran so that Iran could offset Soviet power in South Asia. Because we sold F-15s and other arms to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iranian power in the Middle East. Today, we have 135,000 troops in Iraq, in part because of that string of bad decisions.

Now we are told that to offset Chinese power in Asia, we should sell nuclear materials to India which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program.

If we approve this deal with India, it would encourage China to increase its nuclear arsenal. I submit to you that we Americans are one of the potential targets of that enhanced Chinese nuclear arsenal.

Even more worrisome is that an Indian nuclear buildup would further accelerate the Pakistani nuclear buildup.

While I have strong confidence in the stability of the Indian Government and in the stability of Indian democracy, I have much less faith in the stability of the Pakistani Government and of Pakistani democracy, especially of the Pakistani Government's ability to keep under control those nuclear weapons which it already has and the additional weapons it would build because of this Indian nuclear buildup.

If there is a military coup in Pakistan, we should be very, very concerned, not only about the stability of South Asia, but of the whole world. There have been three military coups in Pakistan since its independence in 1947.

Rather than approving nonsignatory states in violation of the nonproliferation treaties, the better course of action is to respect international agreements and to immediately bring to the Senate a total ban on nuclear testing and comprehensive treaties to curtail nuclear proliferation.

On the last night before our July recess, there were only 68 of us in this House who voted against approving the legislation to permit sales of nuclear materials to India. Tonight, on the last night of the 109th Congress, we are voting on the House-Senate conference report.

I ask, I implore more of my colleagues to join me to prevent adding fuel to the fire of nuclear proliferation in South Asia. This legislation, and the following sale of nuclear materials to India, blows out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear in this record and for history that the actions of this administration in containing nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation, which takes nuclear materials out of the open market which would otherwise have been available for sale to terrorists.

This administration has failed to support international treaties limiting nuclear weapons proliferation, and now it has proposed treaties with India that would sell India nuclear materials that would result in a nuclear arms race between India and China and India and Pakistan.

Compared to this, the resolution to go to war in Iraq was a piker. Let us pull back from the brink of this nuclear precipice.

Mr. HYDE. Mr. Speaker, I would ask Mr. LANTOS if he needs some additional time.

Mr. LANTOS. Yes, we do.

Mr. HYDE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. LANTOS), if that will help, for purposes of control.

Mr. LANTOS. We are very grateful for your gesture. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the committee, and I thank the distinguished chairman of the committee, and I believe this may be Mr. HYDE's last time as chairman on the International Relations Committee, and I want to offer to him my sincerest appreciation for his service to America. I have had the honor and privilege of serving with him on the Judiciary Committee, and I thank him for his service.

I thank Mr. LANTOS for the cooperative spirit that has been evidenced by this conference report and certainly congratulate him on his ascending to be Chair in this next Congress of the International Relations Committee.

I listened to Lee Hamilton and Jim Baker as they began to try to bridge the gap and the schism in the Iraq war. One of the most, or more stranger, recommendations for many was the engagement of Syria and Iran, for many were aghast that we would talk to those who have been so reckless in their relationship with the United States. I believe in engagement, but is it not interesting that a democracy, the largest, a nation that has embedded itself in democracy since its birth, India, is a friend of the United States, and yet we are hesitant to engage India.

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That is what this legislation represents. It is an engagement of a friend, working with them on the civilian use of nuclear power, addressing the concerns of enormous population and enormous poverty. Although the middle class of India is growing, this legislation will begin the engagement of a friend, and it will provide a fixture in the South Asian community that has both the capabilities to use nuclear materials in a friendly way and it will be an engagement of a friend with the United States.

I happen to be, of course, engaged with the people of Pakistan, and I am grateful that my amendment remained in this legislation that said that we continue to engage in the South Asian region with India and Pakistan. For even though there may be citing of the inequities or the issues as it relates to Pakistan, they too should be engaged with.

But what we are doing today is a start. And I am very grateful, Mr. LANTOS, that there are bridges and firewalls in this legislation. This legislation allows the vetting of India to begin. It allows the International Atomic Energy Agency to vet this program. And before the President goes forward, he must be convinced or she must be convinced that this is an appropriate step to make. If we can engage with Iran and Syria, though it is a difficult proposition for many, why not engage with a democracy and a friend who will benefit by the utilization of nuclear power? And so I would hope that we would look at this in a manner that says this is a good step for there is control over what is being utilized, unlike so many of those who have the access to nuclear power. I hope my colleagues will support this forward step and that they will see the checks and balances that are so necessary and continue to support the South Asia region that includes not only India but Pakistan.

Mr. MARKEY. Mr. Speaker, could you advise us how much time is remaining?

The SPEAKER pro tempore (Mr. HAYES). The gentleman has 6¼ minutes.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. A nuclear sword of Damocles hangs over the world. Fear and ignorance have placed it there. Separation from our brothers and sisters holds it there. Separation of our heads from our hearts leaves it there.

We have a moral responsibility to our children, our grandchildren, and the entire world to create a world free of nuclear weapons. We have moral obligations to lead the way towards total nuclear disarmament and nuclear abolition, to wrest from the unsteady hand of crass casualty that nuclear sword of Damocles, and save this planet as a place where we work out our destiny.

Only we can dissipate the advancing mushroom clouds by saying "no" to this bill, "no" to proliferation, "no" to nuclear testing, "no" to nuclear weapons, "no" to nuclear war, "no" to the destruction of our planet.

The spirit of the Founders which inhabits this institution was a spirit that believed in unity. We must believe in human unity as firmly as we believe in the unity of the United States. We must believe in the imperative of human unity as we believe in the imperative of our next breath, the imperative of the first breath which issues from all new life to come. And we do this by pursuing international cooperation towards abandoning nuclear ambitions, not furthering them. For God's sake, stop this sleepwalk into the nuclear valley of shadows. Wake up and vote against this bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts, and I join my colleagues in extending best wishes to Mr. HYDE on the new phase of his life.

If we really believe that nuclear proliferation and loose nukes are the greatest threat to world peace and security, as I do, as many of us do, then we should be holding on to every tool that we can find to prevent that threat. We should be working with India to strengthen the nuclear nonproliferation regime, not collaborating to destroy it.

There will be a time when the history of the spread of nuclear weapons of mass destruction is written, and we will look back and see when the last thread of the nuclear nonproliferation regime was shredded with this agreement.

We can talk at length about the details of this cooperative agreement, we can talk about what a good friend India is and how responsible they have been. We can talk about whether nuclear power is environmentally benign. But history will say, mark my words, with this agreement the world lost the last bit of an international tool to control the spread of nuclear weapons of mass destruction. The regime will have been killed. All we will have left is our ability to jaw-bone with our allies and to threaten our enemies. Countries will work out whatever deals they can, two by two. That is the future of the control of nuclear weapons of mass destruction. Countries will work out whatever deals they can, two by two. This is a very dangerous moment.

Mr. MARKEY. Could we get a final review here of where we are, Mr. Speaker?

The SPEAKER pro tempore (Mr. LAHOOD). There are 3½ minutes remaining.

Mr. MARKEY. I am the last speaker, so I reserve my time.

Mr. HYDE. Mr. Speaker, I believe I have the right to close the debate, so I am reserving my time. I have no further requests, so I will close.

Mr. LANTOS. Mr. Speaker, I yield myself the balance of our time.

I share my opponent's concern about the danger of nuclear proliferation. This legislation is the exact opposite of nuclear proliferation. It opens up for the first time in history all of India's current civilian nuclear plants and all future nuclear plants to international control. This is a control measure. It is a measure which will dramatically enhance the historic strategic cooperation between the democratic state of India and the United States of America. When historians will look at this historic vote we are about to take, they will view this as the most significant vote for democracy, peace, and control of nuclear weapons in the 21st century.

The Senate voted 85 to 15 for this legislation. It passed the House on a bipartisan basis, overwhelmingly. Tonight we have an opportunity to reaffirm that vote, and I urge all of my colleagues to vote for this legislation.

I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

This is an historically bad deal. President Bush has done a far better job in negotiating with the Congress to gain acceptance for this deal than he did with the Indians and getting them to accept the essentials of a real nuclear nonproliferation agreement.

In this agreement, as we send nuclear materials to India and free up so that the Russians and others can do so as well, here is what is not inspected: Six of India's plutonium-producing reactors will not be inspected. Their heavy-water production facets, not inspected. Plutonium separation facilities, not inspected. Uranium mines, not inspected. Uranium enrichment facilities, not inspected. In other words, their nuclear weapons program, not inspected.

This is the deal which we are cutting. This is the deal which the Congress is being asked tonight to bless. Do you know who would accept a deal like that? A.Q. Kahn would accept a deal like that for Pakistan. In fact, President Musharraf of Pakistan said to President Bush on his visit to Pakistan right after his visit to India, he said to President Bush, "I too would like that deal that you are offering to India." President Bush said, "We cannot give you that deal."

What are we going to say when China offers that deal to Pakistan? Because they will, ladies and gentlemen. What will we say when all of those plutonium-producing reactors are not inspected? What will we say in 2 years when the Russians offer that same deal to the Iranians? What will we say to the Russians, to the Iranians?

If we don't set the standard for nuclear nonproliferation here in the United States in our negotiations with our allies, do not expect there to be higher standards in the negotiations between the Chinese and their allies or the Russians and their allies. Wherever we set the standard, that is going to be the global standard. And when we turn to these other countries and we tell them, no, your standards are not high enough, they are going to call us hypocrites.

Ladies and gentlemen, it is an historic night, it is an historic vote. People will look back at this as the moment when the nuclear nonproliferation regime of the world was destroyed. Vote "no". Vote "no" for history. Vote "no" for your conscience. When you look back, this will be one of those moments when you are glad that you voted "no."

Mr. HYDE. Mr. Speaker, the arguments that have been made so ably by the gentleman from Massachusetts have been anticipated and, in my judgment, well met by Mr. ACKERMAN, Mr. LANTOS, Mr. CROWLEY, Ms. ROS-LEHTINEN, Mr. ROYCE, and others, so I will not consume the few moments we have left repeating them; suffice to say this is an excellent step forward. It recognizes the reality, the nuclear reality of India, and is a very progressive step. It is the conference report of the House bill and the Senate bill, both of which passed overwhelmingly, and so it is truly bipartisan and is something that ought to pass.

I would like to take this final opportunity to express, inadequately, I am afraid, my respect and admiration for Mr. LANTOS. I congratulate the Democratic Party in selecting him to head the International Relations Committee, because foreign policy is going to be critical in the coming months and the coming years, and the Congress could not be in better hands in that area than it is with Mr. LANTOS as chairman of the committee. He brings a grasp of history that is unequaled because he has lived through so much of it, as well as studied with high scholarship. So it is an honor and privilege and experience and an adventure to have served with him for so long and learned so much about foreign policy at his hand.

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I also want to say the staffs, both the Democratic and Republican staffs, are superior people.

In Camelot, King Arthur once said we are all of us tiny drops in a vast ocean, but some of them sparkle. Well, we have a lot of sparklers who are staffs of both Republicans and Democrats. Mr. Mooney, Tom Mooney, who is not only my friend and my chief of staff, but a brilliant administrator and student of foreign policy, has been especially helpful. I couldn't begin to express my appreciation to him.

Horace Mann, a great educator, once said a man should be ashamed to die until he has won some victory for humanity. I think every Member of Congress attains a victory for humanity every time Congress is in session and a vote is cast. Democracy is more than simply a set of rules as to how we elect people or how we litigate against each other; it ascribes individual worth to every human being, every member of the human family, and you in Congress are custodians of democracy. That is a very high calling.

To be in Washington as a representative of well over half a million people and to stand in the shadow of Jefferson and Lincoln and Washington is no small thing. I am proud to have had the honor and the privilege to serve with so many people who are so dedicated to the success and the flourishing of this great country.

I thank God for each one of you. My wish is that you all live to be a thousand years old and the last voice you hear will be mine.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. I thank the Rules Committee for making consideration of the conference report to accompany H.R. 5682, the "United States and India Nuclear Cooperation Promotion Act of 2006" in order.

The United States' relationship with India and Pakistan is of paramount importance to our Nation's political and economic future. With the receding of the Cold War's global divisions and the new realities of globalization and trans-national terrorism, we have embarked on a new era of promise, possibility and uncertainty. This means the United

States, the world's only superpower, bears an especially heavy responsibility to remain engaged in all regions of the world, with all nation-states. It is in the national interest for the United States to continue our policy of engagement, collaboration, and exchange which has served the Nation well in the past, particularly in the South Asia region.

It is important that we are considering this conference report today. I also want to thank my colleagues for adopting my amendment to H.R. 5682. My bipartisan amendment, which was endorsed and co-sponsored by Congressman BURTON, simply stated that the "South Asia region is so important that the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan."

Pakistan has been a critical ally in the global war on terror. Pakistan has been a good friend to the people of the United States. Although H.R. 5682 signals no change in this country's relationship with Pakistan, it is not difficult to understand why it may give pause to some supporters of Pakistan. This is another reason why it is vital for the United States to continue to engage both Pakistan and India in ongoing political engagement, economic and technological collaborations, and personal exchanges, which will bring the United States closer to these two vitally important democracies in the South Asia region and will bring India and Pakistan closer to each other.

Peaceful nuclear cooperation with India can serve multiple U.S. foreign policy objectives so long as it is undertaken in a manner that minimizes potential risks to the nonproliferation regime. This will be best achieved by sustained and active engagement and cooperation between the India and the United States.

This landmark legislation serves both our strategic interests and our long-standing nonproliferation objectives. We should heed the sage words of the Iraq Study Group which recommends engaging rather than abandoning the possibilities dialogue offers. Our engagement and subsequent abandonment of Iran has resulted in their current pursuit of nuclear technology. We should not make the same mistake in South Asia. We need to remain engaged with India and Pakistan so that they remain our most important allies rather than our adversaries.

We are on the path to fostering an enduring relationship of mutually beneficial cooperation with India. The new realities of globalization and interdependence have brought a convergence of interests between the world's largest democracy and the world's most powerful one. I accompanied President Clinton in his groundbreaking trip to India marking a new phase in the bonds that bind our two countries. This conference report builds on this relationship by permitting an invigorated relationship in the field of nuclear cooperation, an area of critical importance given India's increasing energy demands.

This conference report incorporates a host of important nonproliferation measures that will anchor India in the international nonproliferation framework by including: safeguards between India and the International Atomic Energy Agency (IAEA); end use monitoring of U.S. exports to India; and strengthening the Nuclear Suppliers Group, which are the group of countries that restrict nuclear proliferation throughout the world.

In addition, this conference report maintains Congressional oversight over the ongoing relationship of nuclear cooperation between U.S.-India. By implementing this legislation, we are furthering our critical nonproliferation objectives of advancing the IAEA's Additional Protocol by allowing the U.S. to become a party to this critical nonproliferation arrangement. We will enhance our nonproliferation policy and bolster our argument that the rest of the world should agree to this robust inspection regime.

In conclusion, I support the United States and India Nuclear Cooperation Promotion Act of 2006 with my Amendment, and this conference report. I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, the conference report on H.R. 5682 includes language implementing the "Additional Protocol" to the U.S. nuclear safeguards agreement with the International Atomic Energy Agency (IAEA). The other Body gave its advice and consent for the Additional Protocol in 2004, but without enactment passage of this implementing legislation the Additional Protocol cannot enter into force.

Following the 1991 Gulf War, IAEA member states took steps to strengthen the nuclear safeguards system. This led to the development of a model "Additional Protocol" to supplement safeguards agreements and amend verification arrangements. It is designed to improve the ability of the IAEA to detect clandestine nuclear weapons programs in non-nuclear-weapons states by providing the IAEA with increased information and expanded inspection access. As of March of 2006, 110 countries had signed additional protocols, including all the nuclear weapons states, and 78 countries have them in force.

The U.S. is not obligated to accept safeguards under the Nuclear Non-Proliferation Treaty or the Additional Protocol. However, the U.S. already allows safeguards to be placed on certain facilities and materials under a voluntary agreement with the IAEA. This underscores our support for the Nonproliferation Treaty. The U.S. signing the Additional Protocol demonstrates that adherence will not commercially disadvantage non-nuclear-weapons states. Under both the voluntary agreement and the Additional Protocol, the U.S. maintains a national security exclusion and the right to manage IAEA access to facilities or information of direct national security significance.

Enactment of this implementing legislation provides the President with authority to permit IAEA inspectors, accompanied by U.S. representatives, access to certain facilities and to information on activities in the U.S. It also authorizes the Department of Commerce and the Nuclear Regulatory Commission to develop implementing regulations and conduct training and trial inspections. Finally, the legislation sets forth procedures for the inspections, similar to those for the Chemical Weapons Convention, and establishes civil and criminal penalties for the failure of U.S. entities to provide such information.

Mr. Speaker, this legislation will strengthen our Nation's ability to advance the cause of universal acceptance of increased safeguards and for that reason I urge both Bodies to adopt the conference report and send it on to the President for his signature.

Among the many tributes to our beloved colleague, HENRY HYDE, this bill and what it can do for global nuclear security is among the most worthy.

Mr. BERMAN. Mr. Speaker, I'd like to commend Chairman HYDE, Ranking Member LANTOS and their excellent staffs for their hard work on his legislation.

I'd like to offer special thanks for their efforts to ensure that the conference agreement retains a provision I suggested, which would halt nuclear cooperation if the Indian government exports sensitive technologies that violate the guidelines of the Nuclear Suppliers Group and Missile Technology Control Regime.

This conference agreement—and the underlying nuclear deal with India—are far from perfect. I believe the Administration could have and should have pressed for a much better deal.

But having said that, it's important to keep in mind that this agreement is a major improvement over the Administration's original legislative proposal.

That bill would have cut Congress out of the process and put the nuclear deal with India on auto-pilot.

Among other things, this agreement preserves the right of Congress to vote on the final nuclear cooperation agreement with India—which is still under negotiation—before it goes into effect.

While I wish this conference agreement included some stronger nonproliferation provisions—including an amendment on fissile material I offered on the floor—I intend to vote "yes" because I believe the U.S.-India relationship is extremely important, and rejecting the bill at this point would be a major setback.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to this legislation and I do so because I believe this bill undermines the nuclear Non-Proliferation Treaty (NPT), lacks sufficient safeguards to prevent India from continuing to produce nuclear weapons, and threatens the stability of the region.

Mr. Speaker, there is no question that India is an important relationship for the United States to cultivate. India's booming economy, efforts to combat terrorism, and commitment to democracy means they will be a key strategic partner of ours for years to come. However, I do not believe the proper way to cultivate this relationship is by lifting the moratorium on nuclear trade with India.

We all know that India is not a signatory to the NPT, and yet we stand on the verge of rewarding a country operating outside the parameters of this vitally important treaty. This agreement loosens export control laws and clears the way to provide nuclear assistance. It does so without requiring India to limit its fissile material production and without establishing restrictions on the number of weapons they plan to produce. Also under the framework, 8 of India's 22 nuclear plants would be protected from inspection. These 8 plants just so happen to be the military facilities that will remain out of the purview of international inspection.

The Administration maintains that nuclear proliferation and the fear that terrorist organizations could acquire nuclear weapons, is the greatest threat to our Nation's security. But Mr. Speaker, passing this legislation today to allow the President to waive portions of the Atomic Energy Act will shred the NPT, the most successful agreement we have to guard against proliferation. If India, a nation operating their nuclear programs outside the NPT, can strike an agreement of this magnitude, allowing them this much flexibility and holding them to so few hard and fast standards, why would any other nation not currently party to the NPT wish to join?

Passing this legislation today sends the wrong signal. It makes very real the threat of an arms race between Pakistan and India, an already extremely fragile relationship between two long-time adversaries. Mr. Speaker, passing this legislation today is an enormous step backwards for global nonproliferation efforts and I urge my colleagues to reject it.

Ms. WOOLSEY. Mr. Speaker, we are here to debate the India Nuclear Bill. However, there seems to be something missing from the debate today. It's like the elephant in the room no one wants to talk about. Whatever happened to the United States' own commitment to nonproliferation?

When the House considered its own version, I tried to submit an amendment that was quite simple. It stated that until the President has implemented and observed all of our NPT obligations and revised its own policies relating to them, no nuclear-related item may be transferred to India.

Unfortunately, my amendment was not included.

And yet another closed rule from the Republican leadership precludes any compromise today.

As many of my colleagues have stated, this is not about the deal or our alliances with India. This is about how the Bush administration has made a mockery of the NPT and encouraged other countries to go around the treaty. Basically, the bill says that if a country ignores the NPT, the U.S. will cut a deal with them.

Where is our commitment to nonproliferation?

If anything, with this treaty the U.S. will contribute to global nuclear proliferation.

In a world that is becoming more—not less—violent by the day, we must face the facts: Until the U.S. lives up to its own nonproliferation, obligations, we can't possibly ask others to do so.

Today, I will vote against this misguided bill and urge my colleagues to do the same.

Mr. WALSH. Mr. Speaker, I rise today to affirm the significance of our Nation's friendship with India through implementation of the U.S.-India Nuclear Cooperation Promotion Act of 2006.

Our friendship with India is among the most important bilateral relationships for our Nation's security and prosperity. As a fellow partner in democracy, India has stood firm with the United States in many different arenas—from fighting the war on terrorism, to advancing both the U.S. and Indian economies, to assisting in the formulation of a productive dialogue with China. Time and again, India has shown herself to be a proven ally and this legislation represents yet another historic milestone in the association between our two great nations.

This agreement marks a 180-degree policy shift pertaining to nuclear relations between India and the United States. This agreement permits the U.S. to sell technology to India for nuclear power development and in return, India will open up for inspection its civilian nuclear program, agree not to test nuclear weapons, and abide by nuclear export controls. In essence, this legislation brings India to the world stage as a verifiable and accountable nuclear power while reaffirming the U.S. and India as economic partners in peace.

Mr. Speaker, this is a good and appropriate piece of legislation. This bill has undergone months of deliberation, been subject to modification and amendment and finally, brought forth for a vote. I would like to commend Chairman HYDE and Ranking Member LANTOS for all their hard work on this bill and reemphasize the significance it carries in furthering economic and technological cooperatives amongst democratic partners.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 1105, I call up the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is further amended by striking the date specified in section 106(3) and inserting "February 15, 2007".

SEC. 2. Section 102(c) of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by adding at the end the following new paragraph:

"(5) Activities under the 'Chemical Demilitarization Construction, Defense-Wide' account.".

SEC. 3. Section 114(b) of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking "and December 1, 2006," and inserting "December 1, 2006, January 1, 2007, February 1, 2007, and March 1, 2007,".

SEC. 4. Section 125 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking "Partner Purchases" and inserting "Partnership Purchases and International Space Station/Multi-User System Support".

SEC. 5. Section 126 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by inserting "(1)" after "except that", and by inserting before the period at the end the following: ", and (2) amounts made available under section 101 for departments and agencies that have been apportioned pursuant to this section prior to November 17, 2006, may be at a rate for operations not exceeding the current rate".

SEC. 6. Section 101 of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by striking "as of October 1, 2006" each place it appears in subsections (b) through (e) and inserting "as of November 15, 2006".

SEC. 7. The Continuing Appropriations Resolution, 2007 (Public Law 109–289, div. B) is amended by adding after section 132 the following new sections:

"SEC. 133. (a) Section 44302(f)(1) of title 49, United States Code, shall be applied by substituting the date specified in section 106(3) of this division for 'August 31, 2006, and may extend through December 31, 2006'.

"(b) Section 44303(b) of title 49, United States Code, shall be applied by substituting the date specified in section 106(3) of this division for 'December 31, 2006'.

"SEC. 134. The authority provided by H. Res. 135 (109th Congress), as adopted on March 14, 2005, shall continue in effect through the date specified in section 106(3) of this division.

"SEC. 135. The rule referenced in section 126 of Public Law 109–54 shall continue in effect for the 2006-2007 winter use season through the date specified in section 106(3) of this division.

"SEC. 136. In addition to any other transfer authority of the Department of Veterans Affairs, up to $683,970,000 of the funds made available to the Department by this division may be transferred to 'Veterans Health Administration—Medical Services' during the period covered by this division.".

"SEC. 137. Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect until February 16, 2007.".

The SPEAKER pro tempore (Mr. HAYES). Pursuant to House Resolution 1105, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring before the House a continuing resolution for fiscal year 2007. This CR, which is clean, runs through February 15, 2007. Only necessary technical anomalies are included.

This CR will fund the agencies in the nine remaining bills awaiting conference at the lower rate the House passed, Senate passed, or current fiscal year 2006 level.

We have been working closely with both leadership and Chairman COCHRAN on this CR to ensure that all essential functions of the government continue without interruption.

With regard to veterans medical care funding, the VA presently has approximately $600 million left over from fiscal year 2006. However, should the VA need additional resources between now and February 15, we are providing the VA and the Secretary with the authority to transfer funds from within other Veterans Affairs accounts.

When we passed this CR the last time, my hope was it would provide a strong motivation for Congress to complete its work in regular order. I was hopeful that our colleagues in the Senate would complete their work on the floor so we could move the remaining individual conference reports before the end of this legislative session.

I want the body to know that the Appropriations Committee has been strongly committed to bringing to this floor individual conference reports. That has not occurred. Each and every individual bill should have come to the floor and gone to conference with the Senate and been sent to the President. From the beginning of our process, Chairman COCHRAN and I pledged to pass funding bills in regular order. We also stated publicly we would not, I repeat, not, support an omnibus bill in any form.

The House Appropriations Committee passed each of the 11 subcommittee bills out of the full committee by June 30, and with the exception of the Labor-HHS bill, all of the bills off the House floor by the July 4 break.

Similarly, the Senate passed each of its bill out of the full committee to ensure timely consideration on the Senate floor.

The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution.

My colleagues, the Appropriations Committee has kept its word. The breakdown of regular order this cycle, indeed the failure to get our bills done, should be fairly placed at the feet of the departing Senate majority leader who failed to schedule floor time for the consideration of appropriations bills.

Senator COCHRAN and I were convinced that moving bills individually was the only way for us to get back to regular order. Lacking regular order, there is a tendency for the remaining bills to become Christmas trees and for spending to grow out of control, having individual Members do with a Christmas tree what they might. In our view, that is simply not acceptable.

Let me make one personal comment aside: my appropriations colleague, Senator THAD COCHRAN of Mississippi, could not have been a better partner as we attempted to bringing regular order to the appropriations process. The Senator of Mississippi was poorly served by his own leadership.

I would prefer to return to Congress in January as chairman of the Appropriations Committee but look forward to working with the new chairman of the committee, the gentleman from Wisconsin (Mr. OBEY).

Until then, I urge my colleagues to support this CR and I would like to close my remarks by wishing all of my friends a Merry Christmas and a happy new year.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this resolution tonight is a blatant admission of abject failure by the most useless Congress in modern times. That we do not have a budget before us is certainly not the fault of the gentleman from California, the distinguished chairman of the committee.

This House passed every single appropriation bill except the Labor-Health appropriation bill, before the July 4 recess.

The problem is that the budget resolution which defined what would be contained in those appropriation bills was so wildly unrealistic that moderate Republicans in this House rebelled and would not, for instance, agree to support the budget resolution until a promise was made that $3 billion in additional funding would be found in order to correct some of the shortfalls in education and health and worker protection programs.

In addition, as the gentleman from California has said, when these bills went over to the other end of the Capitol, the United States Senate, they ran into the decision of the Republican majority leader to avoid having the Senate take votes on any controversial issues in the domestic portion of the budget.

As a result, we are here tonight with not a single dollar having been appropriated to any government program that has anything whatsoever to do with the domestic operations of this government. That is a disgraceful performance. And so we are left with the choice of passing this continuing resolution or having the government shut down.

I want to contrast that with the condition that we left the government in when the Democrats lost the majority in 1994. In 1994 I was chairman of the Appropriations Committee and when we lost the election, we had still managed to complete every single appropriation before the end of the fiscal year. We did that because we had reached a bipartisan agreement between the then-majority Democrats and the then-minority Republicans on the allocation of appropriated dollars to each of the subcommittees. And it was that bipartisan cooperation which allowed us to pass every single bill in the allotted time.

Now we are here with Governors unable to plan, State legislatures unable to plan, mayors being unable to plan, families being unable to plan, because they do not know what the final disposition of the entire domestic budget is going to be.

And so now the Congress is going to leave town and when the Democrats assume control next January; we are going to have to pass 2 years of appropriation bills in 1 year. We will do our best to do that; but I must say to my majority party friends that I think that by this act of abdication, they have given up any right to criticize in any way whatever devices we have to use in order to dispose of the unfinished business of this Congress come next January.

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We will do our best, but we have very few decent options. And I find it ironic, as the gentleman from California at least obliquely referenced, I find it ironic that the Senate majority leader found time to publicly diagnose Terri Schiavo's case from the Senate floor. I find it ironic that the majority leader in the Senate found the time to insert 40 pages of language into the defense bill last year indemnifying the entire pharmaceutical industry. He insisted on having that language inserted, although it had never been cleared by anyone in the conference and the conference had already finished its work before that was inserted. So he had plenty of time to do that, but he didn't manage to find the time to schedule the appropriation bills on the Senate floor, and as a result, we are here with this mess tonight.

The most fundamental obligation of the Congress under the Constitution of the United States is to decide what activities the government needs to engage in and to provide the financing for those activities. That is the purpose of appropriation bills. And when the Congress fails to pass that legislation, it fails in its principal obligation to the taxpayers.

So I simply want to say that Senator BYRD and I expect to have an announcement next week on how we will attempt to deal with the leftovers from this congressional session.

But I would simply ask one thing of my friends on the majority side of the aisle: Please spare me. Don't have the gall to go to the American public 2 years from now and ask once again to be put in charge of handling the Nation's budget when the decision has been made at the highest levels of the Republican Party tonight to walk away from our collective responsibility to pass this legislation before we adjourn.

The President is entitled to have his new budget considered anew. He is entitled to have the decks wiped clean so that he can start fresh; and with all due respect, I think we are also entitled to be able to start fresh so that come January, we can consider the President's new budget and not have to turn to last year's problems. We are not going to be given that opportunity, and the President isn't going to be given that opportunity. That is a shame. But at this point we have no choice but to support this resolution.

I do want to say one thing. Speaking of unfinished business, I am pleased to see that this resolution at this point does contain the suspension of the congressional COLA until such time as the minimum wage is increased. I know the distinguished minority leader, Ms. PELOSI, had asked that that be done. This resolution does not complete the linkage, but it does suspend that COLA until February 17, I believe the date is, which gives us an opportunity to pass the minimum wage bill in January before it goes into effect. I hope we meet that obligation so that we can see to it that as Congress receives its COLA, the lowest-paid workers in this country also get a benefit.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Wisconsin, who has done such an extraordinary job in trying to bring fairness and coherence in this process. Unfortunately, he will soon be in the business to do so, although carrying the burden that he has to get out from under.

I first want to join him in saying that I am glad to see we finally recognize the incongruity of pay raises for ourselves and no minimum wage increase. Many of us tried to argue that on logical grounds and on moral grounds. It is interesting to see that the loss of 30 seats apparently succeeded, where morality and logic was less persuasive. But I will take it any way I can get it.

Then I also want to congratulate my colleagues on the other side for their consistency because they end this Congress governing in the same way in which they carried on for 2 years: frankly, incompetently, without respect for democratic procedures, and with a willingness to inflict harm on the most vulnerable members of our society.

Earlier today we voted on packages of things that in a Democratic legislature, for example, Iraq, we would not have had all lumped together. Members who opposed some and supported others would have had a chance to say so. Today we got have one continuing resolution, as the gentleman from Wisconsin said, we have no choice but to vote "yes" so that the government does not stop acting.

But let us take a look at what they have done. I have a particular responsibility in my committee for housing. The one housing program that the Republican Party has not undone is the section 8 program. But we have today a resolution that substantially and deliberately provides fewer dollars for the section 8 program than the housing authorities of this country need to meet their existing commitments. This is a budget that goes into, what, January of this current fiscal year. Months will have gone by in this current fiscal year, and you are funding section 8 at significantly less than your president asked for for this fiscal year, significantly less than is needed to meet commitments. And in January housing authorities will be faced with dilemmas. They may be told by HUD that they cannot continue to service what they are now doing.

There is section 8 project-based assistance you put forward in a bill here which is $636 million below what your President asked for just to meet existing commitments. And housing authorities that have jurisdiction over projects which house elderly people and disabled people may be in turmoil and there will be uncertainty. We will probably be able come to their rescue; but why should we have to? Why should we create, Mr. Speaker, you and your colleagues, a situation in which this difficulty exists and we have to come to the rescue? Why such little regard for the poorest people in this country, the most vulnerable? Why are they going to be treated this way, as pawns, so you can avoid having to make difficult decisions, Mr. Speaker?

So I just want to echo what the gentleman from Wisconsin said about the inappropriateness of this. I do want to point out in particular what happens here. And let me say to those Members on the other side who supported this rule and supported this approach, I will predict now, Mr. Speaker, that many of them will be hearing from the housing authorities and from section 8 residents in January complaining of the uncertainty, complaining of the difficulty. You will have no justification in claiming that it wasn't your fault, those of you who voted to send this procedure. So please be ready to explain to people in January why you so callously, Mr. Speaker, disregarded once again the interests of the poorest people in the country.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in closing, I just want to congratulate the gentleman from California for doing his dead-level best to fulfill his duties in getting all of these bills through, even though he received precious little cooperation from many other key players on Capitol Hill. I would simply point out that it is not his fault that the budget resolution which was adopted by the majority party was so highly unrealistic that, in the end, the majority party in this House could not convince their Senate brethren to vote for the same legislation that was required by that budget resolution. And I want to simply say that I think the record demonstrates that both of us on both sides of the aisle did everything that we could procedurally to get these bills through the House. We reached time agreements on amendment after amendment, on bill after bill. Sometimes time agreements were so tight that Members were significantly angered by how little time they had to debate these bills. But even though we often opposed the content of the bills, we worked together to move them because we recognized that we had a responsibility to make decisions and to finish the job, whether we won or lost. Unfortunately, the gentleman did not have enough allies on his side of the aisle, and so we are stuck with this leftover mess. We will do our best in January and February to clean it up, but it is not going to be a very pleasant couple of months.

Mr. OBERSTAR. Mr. Speaker, when Congress passed SAFETEA–LU—the legislation that reauthorizes the Federal surface transportation programs—in 2005, it recognized the need to significantly increase Federal investment for highway, highway safety, and transit programs. In fact, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, increased the overall investment in surface transportation programs by more than 40 percent, with a significant part of that increase guaranteed to take effect in fiscal year 2007.

Earlier this year, the House passed H.R. 5576, the Transportation, Treasury, and Housing and Urban Development, TTHUD, appropriations bill, which meets SAFETEA–LU's funding guarantees. It provides an increase of $3.4 billion for the Federal-aid highway programs and an additional $474 million for the transit programs over the fiscal year 2006 SAFETEA–LU funding levels.

It is now more than 2 months since the start of fiscal year 2007, and the Republican-led Congress has not enacted the TTHUD appropriations bill. Instead, H.J. Res. 102 provides funding for the highway, highway safety, and transit programs through February 15, 2007. The resolution funds these programs at the fiscal year 2006 level. Thus, all of the highway and transit investment increases guaranteed by SAFETEA–LU are put on hold. If this approach is continued and the continuing resolution is extended through fiscal year 2007, SAFETEA–LU's guaranteed highway funding will be cut by $3.4 billion and its transit investment slashed by $474 million.

Under a long-term continuing resolution, the National Highway Traffic Safety Administration, NHTSA, and the Federal Motor Carrier Safety Administration, FMCSA, safety programs will be funded at substantially lower levels than guaranteed in SAFETEA–LU. NHTSA stands to lose up to $21.7 million. At a time when more than 43,000 people are dying in roadway crashes each year, we simply cannot afford to shortchange an agency tasked with making our roadways safer. Likewise, FMCSA could lose almost $27 million that would be spent on motor carrier safety programs and grants. It is essential that we properly fund these critical programs.

The highway, highway safety, and transit programs differ from most other Federal programs in that they are supported by user fees. Motorists who drive on our highways pay the fees when they pump gas. They willingly pay the fees because they rely on a commitment by the Federal Government to use the money so collected to finance our highway and transit programs. In other words, users have already paid for the investments authorized in SAFETEA–LU and funded in the House-passed TTHUD appropriations bill. However, the Republican-led Congress's failure to enact this legislation in a timely manner will shortchange funding for critical transportation projects.

Transportation projects are usually high-cost undertakings that take several years to complete. Certainty in funding—especially Federal funding—is critical to their success. Relying on short-term, stopgap measures, such as continuing resolutions, does not provide the certainty that State departments of transportation need to plan for their construction projects in the upcoming season. And for northern-tier States, where construction seasons are short, delays in providing adequate Federal funding can severely disrupt their process for contract bidding, directly affecting next year's construction season.

Continuing resolutions also provide great uncertainty for transit programs. The Federal Transit Administration, FTA, has delayed the release of transit formula apportionments and other new grants until a final TTHUD appropriations act is enacted. The continuing resolution, coupled with FTA's policy, is resulting in many transit agencies being unable to advance badly needed transit projects.

According to the Federal Reserve, housing construction is currently very weak throughout the country. Congress should do everything within its power to ensure that transportation infrastructure investment is not disrupted through congressional inaction, placing an additional burden on this sector of the economy. Hundreds of our small businesses and thousands of our workers could be put at risk as a result. I urge Congress to fulfill its responsibilities in passing appropriations acts and to honor the funding guarantees established in SAFETEA–LU.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 1105, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR PRINTING OF REVISED RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 1107) providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1107

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR SINE DIE ADJOURNMENT OF THE TWO HOUSES

Mr. GUTKNECHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 503) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 503

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 8, 2006, or Saturday, December 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 8, 2006, through Wednesday, December 13, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions previously postponed.

Votes will be taken in the following order:

House Joint Resolution 102, by the yeas and nays.

Conference report on H.R. 5682, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the vote on passage of House Joint Resolution 102, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 370, nays 20, not voting 43, as follows:

[Roll No. 540]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)

Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Burgess
Capuano
Castle
Doolittle
Frank (MA)
Gutierrez
King (IA)
Kucinich
LaHood
LaTourette
Lee
McGovern
Meehan
Moran (KS)
Rogers (AL)
Sabo
Schakowsky
Tiahrt
Upton
Watt

NOT VOTING—43

Baker
Blumenauer
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Case
Cubin
Davis, Jo Ann
Deal (GA)
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Inglis (SC)
Jefferson
Johnson (IL)
Jones (NC)
Kolbe
McCrery
Meek (FL)
Miller, Gary
Norwood
Nussle
Otter
Paul
Peterson (PA)
Putnam
Reynolds
Ryan (OH)
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Thompson (CA)
Watson
Waxman
Wexler

☐ 2154

Ms. LEE, Mr. UPTON and Mr. MEEHAN changed their vote from "yea" to "nay."

Mr. NEAL of Massachusetts, Ms. McKINNEY, Ms. VELÁZQUEZ, and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 540, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. THOMPSON of California. Mr. Speaker, on rollcall No. 540, I was speaking with Speaker-elect PELOSI. Had I been present, I would have voted "yea."

HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the question of adoption of the conference report on the bill, H.R. 5682, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 330, nays 59, not voting 44, as follows:

[Roll No. 541]

YEAS—330

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Nunes
Ortiz
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sekula Gibbs
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Sires
Skelton
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland

Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—59

Abercrombie
Baldwin
Becerra
Burgess
Capps
Conyers
Costello
Cummings
DeFazio
DeLauro
Dingell
Doggett
Farr
Goode
Grijalva
Harman
Hinchey
Holt
Hooley
Kaptur
Kilpatrick (MI)
Kucinich
Langevin
Larson (CT)
Leach
Lee
Lewis (GA)
Markey
Matsui
McDermott
McNulty
Miller, George
Moore (WI)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pitts
Rothman
Sanders
Schwartz (PA)
Serrano
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Taylor (MS)
Thompson (CA)
Udall (NM)
Velázquez
Waters
Woolsey
Wu

NOT VOTING—44

Baker
Bass
Blumenauer
Brown (OH)
Burton (IN)
Case
Cubin
Davis, Jo Ann
Deal (GA)
English (PA)
Evans
Fattah
Ford
Gallegly
Gibbons
Gillmor
Hastings (WA)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kolbe
McCrery
McKinney
McMorris Rodgers
Miller, Gary
Murtha
Norwood
Nussle
Osborne
Otter
Paul
Peterson (PA)
Petri
Reynolds
Sanchez, Loretta
Sensenbrenner
Simpson
Smith (TX)
Strickland
Sweeney
Taylor (NC)
Watson
Waxman

□ 2205

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 5682, HENRY J. HYDE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006

Mr. ROYCE. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 502) to correct the enrollment of the bill H.R. 5682, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. CAMP of Michigan). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 502

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill, H.R. 5682, the Clerk of the House of Representatives shall make the following correction in section 110(10): Strike "point" and insert "pound".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6407) to reform the postal laws of the United States, as amended.

The Clerk read as follows:

H.R. 6407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Postal Accountability and Enhancement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEFINITIONS; POSTAL SERVICES

Sec. 101. Definitions.
Sec. 102. Postal Services.

TITLE II—MODERN RATE REGULATION

Sec. 201. Provisions relating to market-dominant products.
Sec. 202. Provisions relating to competitive products.
Sec. 203. Provisions relating to experimental and new products.
Sec. 204. Reporting requirements and related provisions.
Sec. 205. Complaints; appellate review and enforcement.
Sec. 206. Clerical amendment.

TITLE III—MODERN SERVICE STANDARDS

Sec. 301. Establishment of modern service standards.
Sec. 302. Postal service plan.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

Sec. 401. Postal Service Competitive Products Fund.
Sec. 402. Assumed Federal income tax on competitive products income.
Sec. 403. Unfair competition prohibited.
Sec. 404. Suits by and against the Postal Service.
Sec. 405. International postal arrangements.

TITLE V—GENERAL PROVISIONS

Sec. 501. Qualification and term requirements for Governors.
Sec. 502. Obligations.
Sec. 503. Private carriage of letters.
Sec. 504. Rulemaking authority.
Sec. 505. Noninterference with collective bargaining agreements.
Sec. 506. Bonus authority.

TITLE VI—ENHANCED REGULATORY COMMISSION

Sec. 601. Reorganization and modification of certain provisions relating to the Postal Regulatory Commission.
Sec. 602. Authority for Postal Regulatory Commission to issue subpoenas.
Sec. 603. Authorization of appropriations from the Postal Service Fund.
Sec. 604. Redesignation of the Postal Rate Commission.
Sec. 605. Inspector General of the Postal Regulatory Commission.

TITLE VII—EVALUATIONS

Sec. 701. Assessments of ratemaking, classification, and other provisions.
Sec. 702. Report on universal postal service and the postal monopoly.
Sec. 703. Study on equal application of laws to competitive products.
Sec. 704. Report on postal workplace safety and workplace-related injuries.
Sec. 705. Study on recycled paper.
Sec. 706. Greater diversity in Postal Service executive and administrative schedule management positions.
Sec. 707. Contracts with women, minorities, and small businesses.
Sec. 708. Rates for periodicals.
Sec. 709. Assessment of certain rate deficiencies.
Sec. 710. Assessment of future business model of the Postal Service.
Sec. 711. Provisions relating to cooperative mailings.
Sec. 712. Definition.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

Sec. 801. Short title.
Sec. 802. Civil Service Retirement System.
Sec. 803. Health insurance.
Sec. 804. Repeal of disposition of savings provision.
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TITLE IX—COMPENSATION FOR WORK INJURIES

Sec. 901. Temporary disability; continuation of pay.

TITLE X—MISCELLANEOUS

Sec. 1001. Employment of postal police officers.
Sec. 1002. Obsolete provisions.
Sec. 1003. Reduced rates.
Sec. 1004. Sense of Congress regarding Postal Service purchasing reform.
Sec. 1005. Contracts for transportation of mail by air.
Sec. 1006. Date of postmark to be treated as date of appeal in connection with the closing or consolidation of post offices.
Sec. 1007. Provisions relating to benefits under chapter 81 of title 5, United States Code, for officers and employees of the former Post Office Department.
Sec. 1008. Hazardous matter.
Sec. 1009. ZIP codes and retail hours.
Sec. 1010. Technical and conforming amendments.

TITLE I—DEFINITIONS; POSTAL SERVICES

SEC. 101. DEFINITIONS.

Section 102 of title 39, United States Code, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semicolon, and by adding at the end the following:

"(5) 'postal service' refers to the delivery of letters, printed matter, or mailable packages, including acceptance, collection, sorting, transportation, or other functions ancillary thereto;

"(6) 'product' means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied;

"(7) 'rates', as used with respect to products, includes fees for postal services;

"(8) 'market-dominant product' or 'product in the market-dominant category of mail' means a product subject to subchapter I of chapter 36; and

"(9) 'competitive product' or 'product in the competitive category of mail' means a product subject to subchapter II of chapter 36; and

"(10) 'year', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.".

SEC. 102. POSTAL SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(2) by adding at the end the following:

"(c)(1) In this subsection, the term "nonpostal service" means any service that is not a postal service defined under section 102(5).

"(2) Nothing in this section shall be considered to permit or require that the Postal Service provide any nonpostal service, except that the Postal Service may provide nonpostal services which were offered as of January 1, 2006, as provided under this subsection.

"(3) Not later than 2 years after the date of enactment of the Postal Accountability and Enhancement Act, the Postal Regulatory Commission shall review each nonpostal service offered by the Postal Service on the date of enactment of that Act and determine whether that nonpostal service shall continue, taking into account—

"(A) the public need for the service; and

"(B) the ability of the private sector to meet the public need for the service.

"(4) Any nonpostal service not determined to be continued by the Postal Regulatory Commission under paragraph (3) shall terminate.

"(5) If the Postal Regulatory Commission authorizes the Postal Service to continue a nonpostal service under this subsection, the Postal Regulatory Commission shall designate whether the service shall be regulated under this title as a market dominant product, a competitive product, or an experimental product.".

(b) CONFORMING AMENDMENTS.—Section 1402(b)(1)(B)(ii) of the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. 10601(b)(1)(B)(ii)) is amended by striking "404(a)(8)" and inserting "404(a)(7)".

TITLE II—MODERN RATE REGULATION

SEC. 201. PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by striking sections 3621 and 3622 and inserting the following:

"§ 3621. Applicability; definitions

"(a) APPLICABILITY.—This subchapter shall apply with respect to—

"(1) first-class mail letters and sealed parcels;

"(2) first-class mail cards;

"(3) periodicals;

"(4) standard mail;

"(5) single-piece parcel post;

"(6) media mail;

"(7) bound printed matter;

"(8) library mail;

"(9) special services; and

"(10) single-piece international mail,

subject to any changes the Postal Regulatory Commission may make under section 3642.

"(b) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

"§ 3622. Modern rate regulation

"(a) AUTHORITY GENERALLY.—The Postal Regulatory Commission shall, within 18 months after the date of enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

"(b) OBJECTIVES.—Such system shall be designed to achieve the following objectives, each of which shall be applied in conjunction with the others:

"(1) To maximize incentives to reduce costs and increase efficiency.

"(2) To create predictability and stability in rates.

"(3) To maintain high quality service standards established under section 3691.

"(4) To allow the Postal Service pricing flexibility.

"(5) To assure adequate revenues, including retained earnings, to maintain financial stability.

"(6) To reduce the administrative burden and increase the transparency of the ratemaking process.

"(7) To enhance mail security and deter terrorism.

"(8) To establish and maintain a just and reasonable schedule for rates and classifications, however the objective under this paragraph shall not be construed to prohibit the Postal Service from making changes of unequal magnitude within, between, or among classes of mail.

"(9) To allocate the total institutional costs of the Postal Service appropriately between market-dominant and competitive products.

"(c) FACTORS.—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

"(1) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

"(2) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to each class or type of mail service through reliably identified causal relationships plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

"(3) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(4) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(5) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

"(6) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

"(7) the importance of pricing flexibility to encourage increased mail volume and operational efficiency;

"(8) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(9) the importance of providing classifications with extremely high degrees of reliability and speed of delivery and of providing those that do not require high degrees of reliability and speed of delivery;

"(10) the desirability of special classifications for both postal users and the Postal Service in accordance with the policies of this title, including agreements between the Postal Service and postal users, when available on public and reasonable terms to similarly situated mailers, that—

"(A) either—

"(i) improve the net financial position of the Postal Service through reducing Postal Service costs or increasing the overall contribution to the institutional costs of the Postal Service; or

"(ii) enhance the performance of mail preparation, processing, transportation, or other functions; and

"(B) do not cause unreasonable harm to the marketplace.

"(11) the educational, cultural, scientific, and informational value to the recipient of mail matter;

"(12) the need for the Postal Service to increase its efficiency and reduce its costs, including infrastructure costs, to help maintain high quality, affordable postal services;

(13) the value to the Postal Service and postal users of promoting intelligent mail and of secure, sender-identified mail; and

"(14) the policies of this title as well as such other factors as the Commission determines appropriate.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—The system for regulating rates and classes for market-dominant products shall—

"(A) include an annual limitation on the percentage changes in rates to be set by the Postal Regulatory Commission that will be equal to the change in the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the most recent available 12-month period preceding the date the Postal Service files notice of its intention to increase rates;

"(B) establish a schedule whereby rates, when necessary and appropriate, would change at regular intervals by predictable amounts;

"(C) not later than 45 days before the implementation of any adjustment in rates under this section, including adjustments made under subsection (c)(10)—

"(i) require the Postal Service to provide public notice of the adjustment;

"(ii) provide an opportunity for review by the Postal Regulatory Commission;

"(iii) provide for the Postal Regulatory Commission to notify the Postal Service of any noncompliance of the adjustment with the limitation under subparagraph (A); and

"(iv) require the Postal Service to respond to the notice provided under clause (iii) and describe the actions to be taken to comply with the limitation under subparagraph (A);

"(D) establish procedures whereby the Postal Service may adjust rates not in excess of the annual limitations under subparagraph (A); and

"(E) notwithstanding any limitation set under subparagraphs (A) and (C), and provided there is not sufficient unused rate authority under paragraph (2)(C), establish procedures whereby rates may be adjusted on an expedited basis due to either extraordinary or exceptional circumstances, provided that the Commission determines, after notice and opportunity for a public hearing and comment, and within 90 days after any request by the Postal Service, that such adjustment is reasonable and equitable and necessary to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

"(2) LIMITATIONS.—

"(A) CLASSES OF MAIL.—Except as provided under subparagraph (C), the annual limitations under paragraph (1)(A) shall apply to a class of mail, as defined in the Domestic Mail Classification Schedule as in effect on the date of enactment of the Postal Accountability and Enhancement Act.

"(B) ROUNDING OF RATES AND FEES.—Nothing in this subsection shall preclude the Postal Service from rounding rates and fees to the nearest whole integer, if the effect of such rounding does not cause the overall rate increase for any class to exceed the Consumer Price Index for All Urban Consumers.

"(C) USE OF UNUSED RATE AUTHORITY.—

"(i) DEFINITION.—In this subparagraph, the term 'unused rate adjustment authority' means the difference between—

"(I) the maximum amount of a rate adjustment that the Postal Service is authorized to make in any year subject to the annual limitation under paragraph (1); and

"(II) the amount of the rate adjustment the Postal Service actually makes in that year.

"(ii) AUTHORITY.—Subject to clause (iii), the Postal Service may use any unused rate adjustment authority for any of the 5 years following the year such authority occurred.

"(iii) LIMITATIONS.—In exercising the authority under clause (ii) in any year, the Postal Service—

"(I) may use unused rate adjustment authority from more than 1 year;

"(II) may use any part of the unused rate adjustment authority from any year;

"(III) shall use the unused rate adjustment authority from the earliest year such authority first occurred and then each following year; and

"(IV) for any class or service, may not exceed the annual limitation under paragraph (1) by more than 2 percentage points.

"(3) REVIEW.—Ten years after the date of enactment of the Postal Accountability and Enhancement Act and as appropriate thereafter, the Commission shall review the system for regulating rates and classes for market-dominant products established under this section to determine if the system is achieving the objectives in subsection (b), taking into account the factors in subsection (c). If the Commission determines, after notice and opportunity for public comment, that the system is not achieving the objectives in subsection (b), taking into account the factors in subsection (c), the Commission may, by regulation, make such modification or adopt such alternative system for regulating rates and classes for market-dominant products as necessary to achieve the objectives.

"(e) WORKSHARE DISCOUNTS.—

"(1) DEFINITION.—In this subsection, the term 'workshare discount' refers to rate discounts provided to mailers for the presorting, prebarcoding, handling, or transportation of mail, as further defined by the Postal Regulatory Commission under subsection (a).

"(2) SCOPE.—The Postal Regulatory Commission shall ensure that such discounts do not exceed the cost that the Postal Service avoids as a result of workshare activity, unless—

"(A) the discount is—

"(i) associated with a new postal service, a change to an existing postal service, or with a new work share initiative related to an existing postal service; and

"(ii) necessary to induce mailer behavior that furthers the economically efficient operation of the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the workshare activity will be phased out over a limited period of time;

"(B) the amount of the discount above costs avoided—

"(i) is necessary to mitigate rate shock; and

"(ii) will be phased out over time;

"(C) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, scientific, or informational value; or

"(D) reduction or elimination of the discount would impede the efficient operation of the Postal Service.

"(3) LIMITATION.—Nothing in this subsection shall require that a work share discount be reduced or eliminated if the reduction or elimination of the discount would—

"(A) lead to a loss of volume in the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass subject to the discount below what it otherwise would have been if the discount had not been reduced or eliminated; or

"(B) result in a further increase in the rates paid by mailers not able to take advantage of the discount.

"(4) REPORT.—Whenever the Postal Service establishes a workshare discount rate, the Postal Service shall, at the time it publishes the workshare discount rate, submit to the Postal Regulatory Commission a detailed report that—

"(A) explains the Postal Service's reasons for establishing the rate;

"(B) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

"(C) certifies that the discount will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

"(f) TRANSITION RULE.—For the 1-year period beginning on the date of enactment of this section, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of enactment of this section. Proceedings initiated to consider a request for a recommended decision filed by the Postal Service during that 1-year period shall be completed in accordance with subchapter II of chapter 36 of this title and implementing regulations, as in effect before the date of enactment of this section.".

(b) REPEALED SECTIONS.—Sections 3623, 3624, 3625, and 3628 of title 39, United States Code, are repealed.

(c) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect after the amendment made by section 601, but before the amendment made by section 202) is amended by striking the heading for subchapter II and inserting the following:

"SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS".

SEC. 202. PROVISIONS RELATING TO COMPETITIVE PRODUCTS.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3629 the following:

"SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

"§ 3631. Applicability; definitions and updates

"(a) APPLICABILITY.—This subchapter shall apply with respect to—

"(1) priority mail;

"(2) expedited mail;

"(3) bulk parcel post;

"(4) bulk international mail; and

"(5) mailgrams;

subject to subsection (d) and any changes the Postal Regulatory Commission may make under section 3642.

"(b) DEFINITION.—For purposes of this subchapter, the term 'costs attributable', as used with respect to a product, means the direct and indirect postal costs attributable to such product through reliably identified causal relationships.

"(c) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

"§ 3632. Action of the Governors

"(a) AUTHORITY TO ESTABLISH RATES AND CLASSES.—The Governors, with the concurrence of a majority of all of the Governors then holding office, shall establish rates and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

"(b) PROCEDURES.—

"(1) IN GENERAL.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

"(2) RATES OR CLASSES OF GENERAL APPLICABILITY.—In the case of rates or classes of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the Governors' proceedings in connection with such decision to be published in the Federal Register at least 30 days before the effective date of any new rates or classes.

"(3) RATES OR CLASSES NOT OF GENERAL APPLICABILITY.—In the case of rates or classes not of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the proceedings in connection with such decision to be filed with the Postal Regulatory Commission by such date before the effective date of any new rates or classes as the Governors consider appropriate, but in no case less than 15 days.

"(4) CRITERIA.—As part of the regulations required under section 3633, the Postal Regulatory Commission shall establish criteria for determining when a rate or class established under this subchapter is or is not of general applicability in the Nation as a whole or in any substantial region of the Nation.

"(c) TRANSITION RULE.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of enactment of this section.

"§ 3633. Provisions applicable to rates for competitive products

"(a) IN GENERAL.—The Postal Regulatory Commission shall, within 18 months after the date of enactment of this section, promulgate (and may from time to time thereafter revise) regulations to—

"(1) prohibit the subsidization of competitive products by market-dominant products;

"(2) ensure that each competitive product covers its costs attributable; and

"(3) ensure that all competitive products collectively cover what the Commission determines to be an appropriate share of the institutional costs of the Postal Service.

"(b) REVIEW OF MINIMUM CONTRIBUTION.—Five years after the date of enactment of this section, and every 5 years thereafter, the Postal Regulatory Commission shall conduct a review to determine whether the institutional costs contribution requirement under subsection (a)(3) should be retained in its current form, modified, or eliminated. In making its determination, the Commission shall consider all relevant circumstances, including the prevailing competitive conditions in the market, and the degree to which any costs are uniquely or disproportionately associated with any competitive products.''.

SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS.

Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''§ 3641. Market tests of experimental products

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Postal Service may conduct market tests of experimental products in accordance with this section.

''(2) PROVISIONS WAIVED.—A product shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

''(b) CONDITIONS.—A product may not be tested under this section unless it satisfies each of the following:

''(1) SIGNIFICANTLY DIFFERENT PRODUCT.—The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.

''(2) MARKET DISRUPTION.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (h)).

''(3) CORRECT CATEGORIZATION.—The Postal Service identifies the product, for the purpose of a test under this section, as either market-dominant or competitive, consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3) (relating to provisions applicable to competitive products collectively). Any test that solely affects products currently classified as competitive, or which provides services ancillary to only competitive products, shall be presumed to be in the competitive product category without regard to whether a similar ancillary product exists for market-dominant products.

''(c) NOTICE.—

''(1) IN GENERAL.—At least 30 days before initiating a market test under this section, the Postal Service shall file with the Postal Regulatory Commission and publish in the Federal Register a notice—

''(A) setting out the basis for the Postal Service's determination that the market test is covered by this section; and

''(B) describing the nature and scope of the market test.

''(2) SAFEGUARDS.—For a competitive experimental product, the provisions of section 504(g) shall be available with respect to any information required to be filed under paragraph (1) to the same extent and in the same manner as in the case of any matter described in section 504(g)(1). Nothing in paragraph (1) shall be considered to permit or require the publication of any information as to which confidential treatment is accorded under the preceding sentence (subject to the same exception as set forth in section 504(g)(3)).

''(d) DURATION.—

''(1) IN GENERAL.—A market test of a product under this section may be conducted over a period of not to exceed 24 months.

''(2) EXTENSION AUTHORITY.—If necessary in order to determine the feasibility or desirability of a product being tested under this section, the Postal Regulatory Commission may, upon written application of the Postal Service (filed not later than 60 days before the date as of which the testing of such product would otherwise be scheduled to terminate under paragraph (1)), extend the testing of such product for not to exceed an additional 12 months.

''(e) DOLLAR-AMOUNT LIMITATION.—

''(1) IN GENERAL.—A product may only be tested under this section if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $10,000,000 in any year, subject to paragraph (2) and subsection (g). In carrying out the preceding sentence, the Postal Regulatory Commission may limit the amount of revenues the Postal Service may obtain from any particular geographic market as necessary to prevent market disruption (as defined under subsection (b)(2)).

''(2) EXEMPTION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exempt the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such application if it determines that—

''(A) the product is likely to benefit the public and meet an expected demand;

''(B) the product is likely to contribute to the financial stability of the Postal Service; and

''(C) the product is not likely to result in unfair or otherwise inappropriate competition.

''(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails, with respect to any particular product, to meet 1 or more of the requirements of this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

''(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined under regulations of the Commission).

''(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

''(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a).

''§ 3642. New products and transfers of products between the market-dominant and competitive categories of mail

''(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

''(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

''(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products. The competitive category of products shall consist of all other products.

''(2) EXCLUSION OF PRODUCTS COVERED BY POSTAL MONOPOLY.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term 'product covered by the postal monopoly' means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception as set forth in the last sentence of section 409(e)(1).

''(3) ADDITIONAL CONSIDERATIONS.—In making any decision under this section, due regard shall be given to—

''(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

''(B) the views of those who use the product involved on the appropriateness of the proposed action; and

''(C) the likely impact of the proposed action on small business concerns (within the meaning of section 3641(h)).

''(c) TRANSFERS OF SUBCLASSES AND OTHER SUBORDINATE UNITS ALLOWABLE.—Nothing in this title shall be considered to prevent transfers under this section from being made by reason of the fact that they would involve only some (but not all) of the subclasses or other subordinate units of the class of mail or type of postal service involved (without regard to satisfaction of minimum quantity requirements standing alone).

''(d) NOTIFICATION AND PUBLICATION REQUIREMENTS.—

''(1) NOTIFICATION REQUIREMENT.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission under section 3633. The provisions of section 504(g) shall be available with respect to any information required to be filed.

''(2) PUBLICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall indicate how and when any previous lists (including the lists under sections

3621 and 3631) are superseded, and shall be published in the Federal Register.

"(e) PROHIBITION.—Except as provided in section 3641, no product that involves the physical delivery of letters, printed matter, or packages may be offered by the Postal Service unless it has been assigned to the market-dominant or competitive category of mail (as appropriate) either—

"(1) under this subchapter; or

"(2) by or under any other provision of law.".

SEC. 204. REPORTING REQUIREMENTS AND RELATED PROVISIONS.

(a) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect before the amendment made by subsection (b)) is amended—

(1) by striking the heading for subchapter IV and inserting the following:

"SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW"; and

(2) by striking the heading for subchapter V and inserting the following:

"SUBCHAPTER VI—GENERAL".

(b) REPORTS AND COMPLIANCE.—Chapter 36 of title 39, United States Code, is amended by inserting after subchapter III the following:

"SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

"§ 3651. Annual reports by the Commission

"(a) IN GENERAL.—The Postal Regulatory Commission shall submit an annual report to the President and the Congress concerning the operations of the Commission under this title, including the extent to which regulations are achieving the objectives under sections 3622 and 3633, respectively.

"(b) ADDITIONAL INFORMATION.—

"(1) IN GENERAL.—In addition to the information required under subsection (a), each report under this section shall also include, with respect to the period covered by such report, an estimate of the costs incurred by the Postal Service in providing—

"(A) postal services to areas of the Nation where, in the judgment of the Postal Regulatory Commission, the Postal Service either would not provide services at all or would not provide such services in accordance with the requirements of this title if the Postal Service were not required to provide prompt, reliable, and efficient services to patrons in all areas and all communities, including as required under the first sentence of section 101(b);

"(B) free or reduced rates for postal services as required by this title; and

"(C) other public services or activities which, in the judgment of the Postal Regulatory Commission, would not otherwise have been provided by the Postal Service but for the requirements of law.

"(2) BASIS FOR ESTIMATES.—The Commission shall detail the basis for its estimates and the statutory requirements giving rise to the costs identified in each report under this section.

"(c) INFORMATION FROM POSTAL SERVICE.—The Postal Service shall provide the Postal Regulatory Commission with such information as may, in the judgment of the Commission, be necessary in order for the Commission to prepare its reports under this section.

"§ 3652. Annual reports to the Commission

"(a) COSTS, REVENUES, RATES, AND SERVICE.—Except as provided in subsection (c), the Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (e))—

"(1) which shall analyze costs, revenues, rates, and quality of service, using such methodologies as the Commission shall by regulation prescribe, and in sufficient detail to demonstrate that all products during such year complied with all applicable requirements of this title; and

"(2) which shall, for each market-dominant product provided in such year, provide—

"(A) product information, including mail volumes; and

"(B) measures of the quality of service afforded by the Postal Service in connection with such product, including—

"(i) the level of service (described in terms of speed of delivery and reliability) provided; and

"(ii) the degree of customer satisfaction with the service provided.

The Inspector General shall regularly audit the data collection systems and procedures utilized in collecting information and preparing such report (including any annex thereto and the information required under subsection (b)). The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

"(b) INFORMATION RELATING TO WORKSHARE DISCOUNTS.—The Postal Service shall include, in each report under subsection (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

"(1) The per-item cost avoided by the Postal Service by virtue of such discount.

"(2) The percentage of such per-item cost avoided that the per-item workshare discount represents.

"(3) The per-item contribution made to institutional costs.

"(c) MARKET TESTS.—In carrying out subsections (a) and (b) with respect to experimental products offered through market tests under section 3641 in a year, the Postal Service shall—

"(1) report data on the costs, revenues, and quality of service by market test, which may be reported in summary form; and

"(2) report such data as the Postal Regulatory Commission requires.

"(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

"(e) CONTENT AND FORM OF REPORTS.—

"(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

"(A) providing the public with timely, adequate information to assess the lawfulness of rates charged;

"(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

"(C) protecting the confidentiality of commercially sensitive information.

"(2) REVISED REQUIREMENTS.—The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

"(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

"(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

"(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

"(f) CONFIDENTIAL INFORMATION.—

"(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or under subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

"(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

"(g) OTHER REPORTS.—The Postal Service shall submit to the Postal Regulatory Commission, together with any other submission that the Postal Service is required to make under this section in a year, copies of its then most recent—

"(1) comprehensive statement under section 2401(e);

"(2) performance plan under section 2803; and

"(3) program performance reports under section 2804.

"§ 3653. Annual determination of compliance

"(a) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under section 3652 for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by users of the mails, affected parties, and an officer of the Commission who shall be required to represent the interests of the general public.

"(b) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under section 3652 with respect to a year, the Postal Regulatory Commission shall make a written determination as to—

"(1) whether any rates or fees in effect during such year (for products individually or collectively) were not in compliance with applicable provisions of this chapter (or regulations promulgated thereunder); or

"(2) whether any service standards in effect during such year were not met.

If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall be to that effect.

"(c) NONCOMPLIANCE WITH REGARD TO RATES OR SERVICES.—If, for a year, a timely written determination of noncompliance is made under subsection (b), the Postal Regulatory Commission shall take appropriate action in accordance with subsections (c) and (e) of section 3662 (as if a complaint averring such noncompliance had been duly filed and found under such section to be justified).

"(d) REVIEW OF PERFORMANCE GOALS.—The Postal Regulatory Commission shall also evaluate annually whether the Postal Service has met the goals established under sections 2803 and 2804, and may provide recommendations to the Postal Service related to the protection or promotion of public policy objectives set out in this title.

"(e) REBUTTABLE PRESUMPTION.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described under paragraphs (1) and (2) of subsection (b)) during the year to which such determination relates.

"§ 3654. Additional financial reporting

"(a) ADDITIONAL FINANCIAL REPORTING.—

"(1) IN GENERAL.—The Postal Service shall file with the Postal Regulatory Commission beginning with the first full fiscal year following the effective date of this section—

"(A) within 40 days after the end of each fiscal quarter, a quarterly report containing the information required by the Securities and Exchange Commission to be included in quarterly reports under sections 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78*o*(d)) on Form 10–Q, as such Form (or any successor form) may be revised from time to time;

"(B) within 60 days after the end of each fiscal year, an annual report containing the information required by the Securities and Exchange Commission to be included in annual reports under such sections on Form 10-K, as such Form (or any successor form) may be revised from time to time; and

"(C) periodic reports within the time frame and containing the information prescribed in Form 8–K of the Securities and Exchange Commission, as such Form (or any successor form) may be revised from time to time.

"(2) REGISTRANT DEFINED.—For purposes of defining the reports required by paragraph (1), the Postal Service shall be deemed to be the 'registrant' described in the Securities and Exchange Commission Forms, and references contained in such Forms to Securities and Exchange Commission regulations are incorporated herein by reference, as amended.

"(3) INTERNAL CONTROL REPORT.—For purposes of defining the reports required by paragraph (1)(B), the Postal Service shall comply with the rules prescribed by the Securities and Exchange Commission implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262), beginning with the annual report for fiscal year 2010.

"(b) FINANCIAL REPORTING.—

"(1) The reports required by subsection (a)(1)(B) shall include, with respect to the Postal Service's pension and post-retirement health obligations—

"(A) the funded status of the Postal Service's pension and postretirement health obligations;

"(B) components of the net change in the fund balances and obligations and the nature and cause of any significant changes;

"(C) components of net periodic costs;

"(D) cost methods and assumptions underlying the relevant actuarial valuations;

"(E) the effect of a one-percentage point increase in the assumed health care cost trend rate for each future year on the service and interest costs components of net periodic postretirement health cost and the accumulated obligation;

"(F) actual contributions to and payments from the funds for the years presented and the estimated future contributions and payments for each of the following 5 years;

"(G) the composition of plan assets reflected in the fund balances; and

"(H) the assumed rate of return on fund balances and the actual rates of return for the years presented.

"(2) The Office of Personnel Management shall provide the data listed under paragraph (1) to the Postal Service not later than 30 days after the end of each fiscal year.

"(3)(A) Beginning with reports for the fiscal year 2010, for purposes of the reports required under subparagraphs (A) and (B) of subsection (a)(1), the Postal Service shall include segment reporting.

"(B) The Postal Service shall determine the appropriate segment reporting under subparagraph (A) after consultation with the Postal Regulatory Commission.

"(c) TREATMENT.—For purposes of the reports required by subsection (a)(1)(B), the Postal Service shall obtain an opinion from an independent auditor on whether the information listed in subsection (b) is fairly stated in all material respects, either in relation to the basic financial statements as a whole or on a stand-alone basis.

"(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access to the audit documentation and any other supporting matter of the Postal Service and its independent auditor in connection with any information submitted under this section.

"(e) REVISED REQUIREMENTS.—The Postal Regulatory Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required under this section whenever it shall appear that—

"(1) the data have become significantly inaccurate or can be significantly improved; or

"(2) those revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

"(f) CONFIDENTIAL INFORMATION.—

"(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or pursuant to subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

"(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).".

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

"§ 3662. Rate and service complaints

"(a) IN GENERAL.—Any interested person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of the provisions of sections 101(d), 401(2), 403(c), 404a, or 601, or this chapter (or regulations promulgated under any of those provisions) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

"(b) PROMPT RESPONSE REQUIRED.—

"(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a)—

"(A) either—

"(i) upon a finding that such complaint raises material issues of fact or law, begin proceedings on such complaint; or

"(ii) issue an order dismissing the complaint; and

"(B) with respect to any action taken under subparagraph (A) (i) or (ii), issue a written statement setting forth the bases of its determination.

"(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed pursuant to an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

"(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance (such as ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, or requiring the Postal Service to make up for revenue shortfalls in competitive products).

"(d) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid from the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

"§ 3663. Appellate review

"A person, including the Postal Service, adversely affected or aggrieved by a final order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission.

"§ 3664. Enforcement of orders

"The several district courts have jurisdiction specifically to enforce, and to enjoin and restrain the Postal Service from violating, any order issued by the Postal Regulatory Commission.".

SEC. 206. CLERICAL AMENDMENT.

Chapter 36 of title 39, United States Code, is amended by striking the heading and analysis for such chapter and inserting the following:

"CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

"SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

"Sec.
"3621. Applicability; definitions.
"3622. Modern rate regulation.
"[3623. Repealed.]
"[3624. Repealed.]
"[3625. Repealed.]
"3626. Reduced Rates.
"3627. Adjusting free rates.
"[3628. Repealed.]
"3629. Reduced rates for voter registration purposes.

"SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

"3631. Applicability; definitions and updates.
"3632. Action of the Governors.
"3633. Provisions applicable to rates for competitive products.
"3634. Assumed Federal income tax on competitive products.

"SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

"3641. Market tests of experimental products.
"3642. New products and transfers of products between the market-dominant and competitive categories of mail.

"SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

"3651. Annual reports by the Commission.
"3652. Annual reports to the Commission.
"3653. Annual determination of compliance.
"3654. Additional financial reporting.

"SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW

"3661. Postal Services.
"3662. Rate and service complaints.
"3663. Appellate review.
"3664. Enforcement of orders.

"SUBCHAPTER VI—GENERAL

"3681. Reimbursement.
"3682. Size and weight limits.
"3683. Uniform rates for books; films, other materials.
"3684. Limitations.
"3685. Filing of information relating to periodical publications.
"3686. Bonus authority.

"SUBCHAPTER VII—MODERN SERVICE STANDARDS

"3691. Establishment of modern service standards.".

TITLE III—MODERN SERVICE STANDARDS

SEC. 301. ESTABLISHMENT OF MODERN SERVICE STANDARDS.

Chapter 36 of title 39, United States Code, as amended by this Act, is further amended by adding at the end the following:

"SUBCHAPTER VII—MODERN SERVICE STANDARDS

"§3691. Establishment of modern service standards

"(a) AUTHORITY GENERALLY.—Not later than 12 months after the date of enactment of this section, the Postal Service shall, in consultation with the Postal Regulatory Commission, by regulation establish (and may from time to time thereafter by regulation revise) a set of service standards for market-dominant products.

"(b) OBJECTIVES.—

"(1) IN GENERAL.—Such standards shall be designed to achieve the following objectives:

"(A) To enhance the value of postal services to both senders and recipients.

"(B) To preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining.

"(C) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.

"(D) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.

"(2) IMPLEMENTATION OF PERFORMANCE MEASUREMENTS.—With respect to paragraph (1)(D), with the approval of the Postal Regulatory Commission an internal measurement system may be implemented instead of an external measurement system.

"(c) FACTORS.—In establishing or revising such standards, the Postal Service shall take into account—

"(1) the actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section;

"(2) the degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;

"(3) the needs of Postal Service customers, including those with physical impairments;

"(4) mail volume and revenues projected for future years;

"(5) the projected growth in the number of addresses the Postal Service will be required to serve in future years;

"(6) the current and projected future cost of serving Postal Service customers;

"(7) the effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and

"(8) the policies of this title and such other factors as the Postal Service determines appropriate.

"(d) REVIEW.—The regulations promulgated pursuant to this section (and any revisions thereto), and any violations thereof, shall be subject to review upon complaint under sections 3662 and 3663.".

SEC. 302. POSTAL SERVICE PLAN.

(a) IN GENERAL.—Within 6 months after the establishment of the service standards under section 3691 of title 39, United States Code, as added by this Act, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) CONTENTS.—The plan under this section shall—

(1) establish performance goals;

(2) describe any changes to the Postal Service's processing, transportation, delivery, and retail networks necessary to allow the Postal Service to meet the performance goals;

(3) describe any changes to planning and performance management documents previously submitted to Congress to reflect new performance goals; and

(4) describe the long-term vision of the Postal Service for rationalizing its infrastructure and workforce, and how the Postal Service intends to implement that vision.

(c) POSTAL FACILITIES.—

(1) FINDINGS.—Congress finds that—

(A) the Postal Service has more than 400 logistics facilities, separate from its post office network;

(B) as noted by the President's Commission on the United States Postal Service, the Postal Service has more facilities than it needs and the streamlining of this distribution network can pave the way for the potential consolidation of sorting facilities and the elimination of excess costs;

(C) the Postal Service has always revised its distribution network to meet changing conditions and is best suited to address its operational needs; and

(D) Congress strongly encourages the Postal Service to—

(i) expeditiously move forward in its streamlining efforts; and

(ii) keep unions, management associations, and local elected officials informed as an essential part of this effort and abide by any procedural requirements contained in the national bargaining agreements.

(2) IN GENERAL.—The Postal Service plan shall include a description of—

(A) the long-term vision of the Postal Service for rationalizing its infrastructure and workforce; and

(B) how the Postal Service intends to implement that vision.

(3) CONTENT OF FACILITIES PLAN.—The plan under this subsection shall include—

(A) a strategy for how the Postal Service intends to rationalize the postal facilities network and remove excess processing capacity and space from the network, including estimated timeframes, criteria, and processes to be used for making changes to the facilities network, and the process for engaging policy makers and the public in related decisions;

(B) a discussion of what impact any facility changes may have on the postal workforce and whether the Postal Service has sufficient flexibility to make needed workforce changes;

(C) an identification of anticipated costs, cost savings, and other benefits associated with the infrastructure rationalization alternatives discussed in the plan; and

(D) procedures that the Postal Service will use to—

(i) provide adequate public notice to communities potentially affected by a proposed rationalization decision;

(ii) make available information regarding any service changes in the affected communities, any other effects on customers, any effects on postal employees, and any cost savings;

(iii) afford affected persons ample opportunity to provide input on the proposed decision; and

(iv) take such comments into account in making a final decision.

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Postal Service shall prepare and submit a report to Congress on how postal decisions have impacted or will impact rationalization plans.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) an account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of its processing, transportation, and distribution networks while preserving the timely delivery of postal services, including overall estimated costs and cost savings;

(ii) an account of actions taken to identify any excess capacity within its processing, transportation, and distribution networks and implement savings through realignment or consolidation of facilities including overall estimated costs and cost savings;

(iii) an estimate of how postal decisions related to mail changes, security, automation initiatives, worksharing, information technology systems, excess capacity, consolidating and closing facilities, and other areas will impact rationalization plans;

(iv) identification of any statutory or regulatory obstacles that prevented or will prevent or hinder the Postal Service from taking action to realign or consolidate facilities; and

(v) such additional topics and recommendations as the Postal Service considers appropriate.

(5) EXISTING EFFORTS.—Effective on the date of enactment of this Act, the Postal Service may not close or consolidate any processing or logistics facilities without using procedures for public notice and input consistent with those described under paragraph (3)(D).

(d) ALTERNATE RETAIL OPTIONS.—The Postal Service plan shall include plans to expand and market retail access to postal services, in addition to post offices, including—

(1) vending machines;

(2) the Internet;

(3) postage meters;

(4) Stamps by Mail;

(5) Postal Service employees on delivery routes;

(6) retail facilities in which overhead costs are shared with private businesses and other government agencies;

(7) postal kiosks; or

(8) any other nonpost office access channel providing market retail access to postal services.

(e) REEMPLOYMENT ASSISTANCE AND RETIREMENT BENEFITS.—The Postal Service plan shall include—

(1) a comprehensive plan under which reemployment assistance shall be afforded to employees displaced as a result of automation of any of its functions, the closing and consolidation of any of its facilities, or such other reasons as the Postal Service may determine; and

(2) a plan, developed in consultation with the Office of Personnel Management, to offer early retirement benefits.

(f) CONTINUED AUTHORITY.—Nothing in this section shall be construed to prohibit the Postal Service from implementing any change to its processing, transportation, delivery, and retail networks under any authority granted to the Postal Service for those purposes.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 401. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) PROVISIONS RELATING TO POSTAL SERVICE COMPETITIVE PRODUCTS FUND AND RELATED MATTERS.—

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

“§ 2011. Provisions relating to competitive products

“(a)(1) In this subsection, the term ‘costs attributable’ has the meaning given such term by section 3631.

“(2) There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

“(A) costs attributable to competitive products; and

“(B) all other costs incurred by the Postal Service, to the extent allocable to competitive products.

“(b) There shall be deposited in the Competitive Products Fund, subject to withdrawal by the Postal Service—

“(1) revenues from competitive products;

“(2) amounts received from obligations issued by Postal Service under subsection (e);

“(3) interest and dividends earned on investments of the Competitive Products Fund; and

“(4) any other receipts of the Postal Service (including from the sale of assets), to the extent allocable to competitive products.

“(c) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, the Postal Service may request the investment of such amounts as the Postal Service determines advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as the Postal Service determines appropriate.

“(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

“(e)(1)(A) Subject to the limitations specified in section 2005(a), the Postal Service is authorized to borrow money and to issue and sell such obligations as the Postal Service determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund.

“(B) Subject to paragraph (5), any borrowings by the Postal Service under subparagraph (A) shall be supported and serviced by—

“(i) the revenues and receipts from competitive products and the assets related to the provision of competitive products (as determined under subsection (h)); or

“(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e).

“(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with any trustee under any agreement entered into in connection with the issuance of such obligations with respect to—

“(A) the establishment of reserve, sinking, and other funds;

“(B) application and use of revenues and receipts of the Competitive Products Fund;

“(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service; and

“(D) such other matters as the Postal Service, considers necessary or desirable to enhance the marketability of such obligations.

“(3) Obligations issued by the Postal Service under this subsection—

“(A) shall be in such forms and denominations;

“(B) shall be sold at such times and in such amounts;

“(C) shall mature at such time or times;

“(D) shall be sold at such prices;

“(E) shall bear such rates of interest;

“(F) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

“(G) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

“(H) shall be subject to such other terms and conditions,

as the Postal Service determines.

“(4) Obligations issued by the Postal Service under this subsection—

“(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

“(B) shall contain a recital that such obligations are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

“(C) shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

“(D) shall not be exempt either as to principal or interest from any taxation now or hereafter imposed by any State or local taxing authority; and

“(E) except as provided in section 2006(c), shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, and the obligations shall so plainly state.

“(5) The Postal Service shall make payments of principal, or interest, or both on obligations issued under this section out of revenues and receipts from competitive products and assets related to the provision of competitive products (as determined under subsection (h)), or for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e). For purposes of this subsection, the total assets of the Competitive Products Fund shall be the greater of—

“(A) the assets related to the provision of competitive products as calculated under subsection (h); or

“(B) the percentage of total Postal Service revenues and receipts from competitive products times the total assets of the Postal Service.

“(f) The receipts and disbursements of the Competitive Products Fund shall be accorded the same budgetary treatment as is accorded to receipts and disbursements of the Postal Service Fund under section 2009a.

“(g) A judgment (or settlement of a claim) against the Postal Service or the Government of the United States shall be paid out of the Competitive Products Fund to the extent that the judgment or claim arises out of activities of the Postal Service in the provision of competitive products.

“(h)(1)(A) The Secretary of the Treasury, in consultation with the Postal Service and an independent, certified public accounting firm and other advisors as the Secretary considers appropriate, shall develop recommendations regarding—

“(i) the accounting practices and principles that should be followed by the Postal Service with the objectives of—

“(I) identifying and valuing the assets and liabilities of the Postal Service associated with providing competitive products, including the capital and operating costs incurred by the Postal Service in providing such competitive products; and

“(II) subject to subsection (e)(5), preventing the subsidization of such products by market-dominant products; and

“(ii) the substantive and procedural rules that should be followed in determining the assumed Federal income tax on competitive products income of the Postal Service for any year (within the meaning of section 3634).

"(B) Not earlier than 6 months after the date of enactment of this section, and not later than 12 months after such date, the Secretary of the Treasury shall submit the recommendations under subparagraph (A) to the Postal Regulatory Commission.

"(2)(A) Upon receiving the recommendations of the Secretary of the Treasury under paragraph (1), the Commission shall give interested parties, including the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public, an opportunity to present their views on those recommendations through submission of written data, views, or arguments with or without opportunity for oral presentation, or in such other manner as the Commission considers appropriate.

"(B)(i) After due consideration of the views and other information received under subparagraph (A), the Commission shall by rule—

"(I) provide for the establishment and application of the accounting practices and principles which shall be followed by the Postal Service;

"(II) provide for the establishment and application of the substantive and procedural rules described under paragraph (1)(A)(ii); and

"(III) provide for the submission by the Postal Service to the Postal Regulatory Commission of annual and other periodic reports setting forth such information as the Commission may require.

"(ii) Final rules under this subparagraph shall be issued not later than 12 months after the date on which recommendations are submitted under paragraph (1) (or by such later date on which the Commission and the Postal Service may agree). The Commission is authorized to promulgate regulations revising such rules.

"(C)(i) Reports described under subparagraph (B)(i)(III) shall be submitted at such time and in such form, and shall include such information, as the Commission by rule requires.

"(ii) The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with such rules as the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service information under subparagraph (B)(i)(III) whenever it shall appear that—

"(I) the quality of the information furnished in those reports has become significantly inaccurate or can be significantly improved; or

"(II) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

"(D) A copy of each report described under subparagraph (B)(i)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

"(i)(1) The Postal Service shall submit an annual report to the Secretary of the Treasury concerning the operation of the Competitive Products Fund. The report shall address such matters as risk limitations, reserve balances, allocation or distribution of moneys, liquidity requirements, and measures to safeguard against losses.

"(2) A copy of the most recent report submitted under paragraph (1) shall be included in the annual report submitted by the Postal Regulatory Commission under section 3652(g).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 20 of title 39, United States Code, is amended by adding after the item relating to section 2010 the following:

"2011. Provisions relating to competitive products.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) COMPETITIVE PRODUCTS FUND.—The term 'Competitive Products Fund' means the Postal Service Competitive Products Fund established by section 2011; and".

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking "Fund," and inserting "Fund and the balance in the Competitive Products Fund,".

(3) POSTAL SERVICE FUND.—

(A) PURPOSES FOR WHICH AVAILABLE.—Section 2003(a) of title 39, United States Code, is amended by striking "title." and inserting "title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).".

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking "There" and inserting "Except as otherwise provided in section 2011, there".

(4) RELATIONSHIP BETWEEN THE TREASURY AND THE POSTAL SERVICE.—Section 2006 of title 39, United States Code, is amended—

(A) in subsection (a), in the first sentence, by inserting "or 2011" after "section 2005";

(B) in subsection (b)—

(i) in the first sentence, by inserting "under section 2005" before "in such amounts"; and

(ii) in the second sentence, by inserting "under section 2005" before "in excess of such amount."; and

(C) in subsection (c), by inserting "or 2011(e)(4)(E)" after "section 2005(d)(5)".

SEC. 402. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

"§ 3634. Assumed Federal income tax on competitive products income

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'assumed Federal income tax on competitive products income' means the net income tax that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service's assumed taxable income from competitive products for the year; and

"(2) the term 'assumed taxable income from competitive products', with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year, if—

"(A) the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

"(B) the only assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities.

"(b) COMPUTATION AND TRANSFER REQUIREMENTS.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a)—

"(1) compute its assumed Federal income tax on competitive products income for such year; and

"(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount of that assumed tax.

"(c) DEADLINE FOR TRANSFERS.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.".

SEC. 403. UNFAIR COMPETITION PROHIBITED.

(a) SPECIFIC LIMITATIONS.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

"§ 404a. Specific limitations

"(a) Except as specifically authorized by law, the Postal Service may not—

"(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

"(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

"(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

"(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

"(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.".

(b) CONFORMING AMENDMENTS.—

(1) GENERAL POWERS.—Section 401 of title 39, United States Code, is amended by striking "The" and inserting "Subject to the provisions of section 404a, the".

(2) SPECIFIC POWERS.—Section 404(a) of title 39, United States Code, is amended by striking "Without" and inserting "Subject to the provisions of section 404a, but otherwise without".

(c) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

"404a. Specific limitations.".

SEC. 404. SUITS BY AND AGAINST THE POSTAL SERVICE.

(a) IN GENERAL.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

"(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

"(A) shall be considered to be a 'person', as used in the provisions of law involved; and

"(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

"(2) This subsection applies with respect to—

"(A) the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' (15 U.S.C. 1051 and following)); and

"(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

"(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States under section 1696 of title 18, the Postal Service or other Federal agency (as the case may be)—

"(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

"(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

"(i) the antitrust laws (as defined in such subsection); and

"(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 601 shall not be considered a service reserved to the United States under section 1696 of title 18.

"(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

"(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

"(f)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes.

"(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

"(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

"(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

"(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

"(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

"(i) a copy of such schedule before construction of the building is begun; and

"(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

"(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

"(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

"(6) For purposes of this subsection, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

"(h)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

"(A) Subsection (d) or (e) of this section.

"(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

"(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

"(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

"(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

"(i) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).".

(b) TECHNICAL AMENDMENT.—Section 409(a) of title 39, United States Code, is amended by striking "Except as provided in section 3628 of this title," and inserting "Except as otherwise provided in this title,".

SEC. 405. INTERNATIONAL POSTAL ARRANGEMENTS.

(a) IN GENERAL.—Section 407 of title 39, United States Code, is amended to read as follows:

"§ 407. International postal arrangements

"(a) It is the policy of the United States—

"(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

"(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

"(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services and other international delivery services by the Government of the United States and by intergovernmental organizations of which the United States is a member; and

"(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

"(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and other international delivery services and shall have the power to conclude postal treaties, conventions, and amendments related to international postal services and other international delivery services, except that the Secretary may not conclude any treaty, convention, or other international agreement (including those regulating international postal services) if such treaty, convention, or agreement would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal or delivery services, or any other person.

"(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services and international delivery services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

"(A) shall coordinate with other agencies as appropriate, and in particular, shall give full consideration to the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

"(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

"(C) shall maintain continuing liaison with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives;

"(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

"(E) shall assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

"(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

"(c)(1) Before concluding any treaty, convention, or amendment that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of State shall request the Postal Regulatory Commission to submit its views on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

"(2) The Secretary shall ensure that each treaty, convention, or amendment concluded under subsection (b) is consistent with the views submitted by the Commission pursuant to paragraph (1), except if, or to the extent, the Secretary determines, in writing, that it is not in the foreign policy or national security interest of the United States to ensure consistency with the Commission's views. Such written determination shall be provided to the Commission together with a full explanation of the reasons thereof, provided that the Secretary may designate which portions of the determination or explanation shall be kept confidential for reasons of foreign policy or national security.

"(d) Nothing in this section shall be considered to prevent the Postal Service from entering into such commercial or operational contracts related to providing international postal services and other international delivery services as it deems appropriate, except that—

"(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be international law; and

"(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

"(e)(1) In this subsection, the term 'private company' means a private company substantially owned or controlled by persons who are citizens of the United States.

"(2) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Customs Service and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

"(3) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs in carrying out this paragraph.

"(4) The provisions of this subsection shall take effect 6 months after the date of enactment of this subsection or such earlier date as the Bureau of Customs and Border Protection of the Department of Homeland Security may determine in writing.".

(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by subsection (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

TITLE V—GENERAL PROVISIONS

SEC. 501. QUALIFICATION AND TERM REQUIREMENTS FOR GOVERNORS.

(a) QUALIFICATIONS.—

(1) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking "(a)" and inserting "(a)(1)" and by striking the fourth sentence and inserting the following: "The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date of enactment of this Act however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act.

(b) CONSULTATION REQUIREMENT.—Section 202(a) of title 39, United States Code, is amended by adding at the end the following:

"(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.".

(c) 7-YEAR TERMS.—

(1) IN GENERAL.—Section 202(b) of title 39, United States code, is amended in the first sentence by striking "9 years" and inserting "7 years".

(2) APPLICABILITY.—

(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act and such person may continue to serve the remainder of the applicable term.

(B) VACANCY BY INCUMBENT BEFORE 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 7 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 7-year term.

(C) VACANCY BY INCUMBENT AFTER 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 7 years or more of that term, that term shall be deemed to have been a 7-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 7-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be 7-year term under this subparagraph.

(d) TERM LIMITATION.—

(1) IN GENERAL.—Section 202(b) of title 39, United States Code, is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2) No person may serve more than 2 terms as a Governor.".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.

SEC. 502. OBLIGATIONS.

(a) PURPOSES FOR WHICH OBLIGATIONS MAY BE ISSUED.—The first sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking "title." and inserting "title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011.".

(b) LIMITATION ON NET ANNUAL INCREASE IN OBLIGATIONS ISSUED FOR CERTAIN PURPOSES.—The third sentence of section 2005(a)(1) of title 39, United States Code, is amended to read as follows: "In any one fiscal year, the net increase in the amount of obligations outstanding issued for the purpose of capital improvements and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed a combined total of $3,000,000,000.".

(c) LIMITATIONS ON OBLIGATIONS OUTSTANDING.—

(1) In general.—Subsection (a) of section 2005 of title 39, United States Code, is amended by adding at the end the following:

"(3) For purposes of applying the respective limitations under this subsection, the aggregate amount of obligations issued by the Postal Service which are outstanding as of any one time, and the net increase in the amount of obligations outstanding issued by the Postal Service for the purpose of capital improvements or for the purpose of defraying operating expenses of the Postal Service in any fiscal year, shall be determined by aggregating the relevant obligations issued by the Postal Service under this section with the relevant obligations issued by the Postal Service under section 2011.".

(2) Conforming amendment.—The second sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking "any such obligations" and inserting "obligations issued by the Postal Service which may be".

(d) Amounts Which May Be Pledged.—

(1) Obligations to which provisions apply.—The first sentence of section 2005(b) of title 39, United States Code, is amended by striking "such obligations," and inserting "obligations issued by the Postal Service under this section,".

(2) Assets, revenues, and receipts to which provisions apply.—Subsection (b) of section 2005 of title 39, United States Code, is amended by striking "(b)" and inserting "(b)(1)", and by adding at the end the following:

"(2) Notwithstanding any other provision of this section—

"(A) the authority to pledge assets of the Postal Service under this subsection shall be available only to the extent that such assets are not related to the provision of competitive products (as determined under section 2011(h) or, for purposes of any period before accounting practices and principles under section 2011(h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e)); and

"(B) any authority under this subsection relating to the pledging or other use of revenues or receipts of the Postal Service shall be available only to the extent that they are not revenues or receipts of the Competitive Products Fund.".

SEC. 503. PRIVATE CARRIAGE OF LETTERS.

(a) In General.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) A letter may also be carried out of the mails when—

"(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

"(2) the letter weighs at least 12½ ounces; or

"(3) such carriage is within the scope of services described by regulations of the United States Postal Service (including, in particular, sections 310.1 and 320.2-320.8 of title 39 of the Code of Federal Regulations, as in effect on July 1, 2005) that purport to permit private carriage by suspension of the operation of this section (as then in effect).

"(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.".

(b) Effective Date.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 504. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

"(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;".

SEC. 505. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.

(a) Labor Disputes.—Section 1207 of title 39, United States Code, is amended to read as follows:

"§ 1207. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days after such notice, if no agreement has been reached by that time.

"(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall within 10 days appoint a mediator of nationwide reputation and professional stature, and who is also a member of the National Academy of Arbitrators. The parties shall cooperate with the mediator in an effort to reach an agreement and shall meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, shall direct.

"(c)(1) If no agreement is reached within 60 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefore, an arbitration board shall be established consisting of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made from a list of names provided by the Director. This list shall consist of not less then 9 names of arbitrators of nationwide reputation and professional nature, who are also members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach the agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the terms in subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.".

(b) Noninterference With Collective Bargaining Agreements.—Except as otherwise provided by the amendment made by subsection (a), nothing in this Act shall restrict, expand, or otherwise affect any of the rights, privileges, or benefits of either employees of or labor organizations representing employees of the United States Postal Service under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(c) Free Mailing Privileges Continue Unchanged.—Nothing in this Act or any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 506. BONUS AUTHORITY.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3685 the following:

"§ 3686. Bonus authority

"(a) In General.—The Postal Service may establish 1 or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

"(b) Limitation on Total Compensation.—

"(1) In general.—Under any such program, the Postal Service may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a), if such program has been approved under paragraph (2). Any such award or bonus may not cause the total compensation of such officer or employee to exceed the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which the bonus or award is paid.

"(2) Approval process.—If the Postal Service wishes to have the authority, under any program described in subsection (a), to award bonuses or other rewards in excess of the limitation set forth in the last sentence of section 1003(a)—

"(A) the Postal Service shall make an appropriate request to the Board of Governors of the Postal Service in such form and manner as the Board requires; and

"(B) the Board of Governors shall approve any such request if the Board certifies, for the annual appraisal period involved, that the performance appraisal system for affected officers and employees of the Postal Service (as designed and applied) makes meaningful distinctions based on relative performance.

"(3) Revocation authority.—If the Board of Governors of the Postal Service finds that a performance appraisal system previously approved under paragraph (2)(B) does not (as designed and applied) make meaningful distinctions based on relative performance, the Board may revoke or suspend the authority of the Postal Service to continue a program approved under paragraph (2) until such time as appropriate corrective measures have, in the judgment of the Board, been taken.

"(c) Exceptions for Critical Positions.—Notwithstanding any other provision of law, the Board of Governors may allow up to 12 officers or employees of the Postal Service in critical senior executive or equivalent positions to receive total compensation in an amount not to exceed 120 percent of the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which such payment is received. For each exception made under this subsection, the Board shall provide written notification to the Director of the Office of Personnel Management and the Congress within 30 days after the payment is made setting forth the name of the officer or employee involved, the critical nature of his or her duties and responsibilities, and the basis for determining that such payment is warranted.

"(d) Information for Inclusion in Comprehensive Statement.—Included in its comprehensive statement under section 2401(e) for any period shall be—

"(1) the name of each person receiving a bonus or other payment during such period which would not have been allowable but for the provisions of subsection (b) or (c);

"(2) the amount of the bonus or other payment; and

"(3) the amount by which the limitation set forth in the last sentence of section 1003(a) was exceeded as a result of such bonus or other payment.

"(e) Regulations.—The Board of Governors may prescribe regulations for the administration of this section.".

TITLE VI—ENHANCED REGULATORY COMMISSION

SEC. 601. REORGANIZATION AND MODIFICATION OF CERTAIN PROVISIONS RELATING TO THE POSTAL REGULATORY COMMISSION.

(a) Transfer and Redesignation.—Title 39, United States Code, is amended—

(1) by inserting after chapter 4 the following:

"CHAPTER 5—POSTAL REGULATORY COMMISSION

"Sec.
"501. Establishment.
"502. Commissioners.
"503. Rules; regulations; procedures.
"504. Administration.
"505. Officer of the Postal Regulatory Commission representing the general public.

"§ 501. Establishment

"The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

"§ 502. Commissioners

"(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

"(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

"(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

"(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

"(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

"(f) The Commissioners shall serve for terms of 6 years.";

(2) by striking, in subchapter I of chapter 36 (as in effect before the amendment made by section 201(c)), the heading for such subchapter I and all that follows through section 3602;

(3) by redesignating sections 3603 and 3604 as sections 503 and 504, respectively, and transferring such sections to the end of chapter 5 (as inserted by paragraph (1)); and

(4) by adding after such section 504 the following:

"§ 505. Officer of the Postal Regulatory Commission representing the general public

"The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Commission in all public proceedings (such as developing rules, regulations, and procedures) who shall represent the interests of the general public.".

(b) Applicability.—The amendment made by subsection (a)(1) shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604) under an appointment made before the date of enactment of this Act or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.

(c) Clerical Amendment.—The analysis for part I of title 39, United States Code, is amended by inserting after the item relating to chapter 4 the following:

"5. Postal Regulatory Commission .. 501"

SEC. 602. AUTHORITY FOR POSTAL REGULATORY COMMISSION TO ISSUE SUBPOENAS.

Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding at the end the following:

"(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

"(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

"(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

"(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

"(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(4) For purposes of this subsection, the term 'covered person' means an officer, employee, agent, or contractor of the Postal Service.

"(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

"(2) Except as provided in paragraph (3), no officer or employee of the Commission may, with respect to any information as to which the Commission has been notified under paragraph (1)—

"(A) use such information for purposes other than the purposes for which it is supplied; or

"(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

"(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information in furtherance of its duties under this title, provided that the Commission has adopted regulations under section 553 of title 5, that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets.

"(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for information furnished to any party.".

SEC. 603. AUTHORIZATION OF APPROPRIATIONS FROM THE POSTAL SERVICE FUND.

(a) Postal Regulatory Commission.—Subsection (d) of section 504 of title 39, United States Code (as so redesignated by section 601) is amended to read as follows:

"(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.".

(b) Office of Inspector General of the United States Postal Service.—Section 8G(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by redesignating the second paragraph (3) (relating to employees and labor organizations) as paragraph (4); and

(3) by adding at the end the following:

"(6) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Office of Inspector General of the United States Postal Service.".

(c) Budget Program.—

(1) In general.—The next to last sentence of section 2009 of title 39, United States Code, is amended to read as follows: "The budget program shall also include separate statements of the amounts which (1) the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401, (2) the Office of Inspector General of the United States Postal Service requests to be appropriated, out of the Postal Service Fund, under section 8G(f) of the Inspector General Act of 1978, and (3) the Postal Regulatory Commission requests to be appropriated, out of the Postal Service Fund, under section 504(d) of this title.".

(2) Conforming amendment.—Section 2003(e)(1) of title 39, United States Code, is amended by striking the first sentence and inserting the following: "The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.".

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2008.

(2) Savings provision.—The provisions of title 39, United States Code, and the Inspector General Act of 1978 (5 U.S.C. App.) that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.

SEC. 604. REDESIGNATION OF THE POSTAL RATE COMMISSION.

(a) Amendments to Title 39, United States Code.—Title 39, United States Code, is amended in sections 404, 503 and 504 (as so redesignated by section 601), 1001 and 1002, by striking "Postal Rate Commission" each place it appears and inserting "Postal Regulatory Commission";

(b) Amendments to Title 5, United States Code.—Title 5, United States Code, is amended in sections 104(1), 306(f), 2104(b), 3371(3), 5314 (in the item relating to Chairman, Postal Rate Commission), 5315 (in the item relating to Members, Postal Rate Commission), 5514(a)(5)(B), 7342(a)(1)(A), 7511(a)(1)(B)(ii), 8402(c)(1), 8423(b)(1)(B), and 8474(c)(4) by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(c) Amendment to the Ethics in Government Act of 1978.—Section 101(f)(6) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(d) Amendment to the Rehabilitation Act of 1973.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by striking "Postal Rate Office" and inserting "Postal Regulatory Commission".

(e) Amendment to Title 44, United States Code.—Section 3502(5) of title 44, United States Code, is amended by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(f) Other References.—Whenever a reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.

SEC. 605. INSPECTOR GENERAL OF THE POSTAL REGULATORY COMMISSION.

(a) In General.—Section 8G(a)(2) of the Inspector General Act of 1978 is amended by inserting "the Postal Regulatory Commission," after "the United States International Trade Commission,".

(b) Administration.—Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding after subsection (g) (as added by section 602) the following:

"(h)(1) Notwithstanding any other provision of this title or of the Inspector General Act of 1978, the authority to select, appoint, and employ officers and employees of the Office of Inspector General of the Postal Regulatory Commission, and to obtain any temporary or intermittent services of experts or consultants (or an organization of experts or consultants) for such Office, shall reside with the Inspector General of the Postal Regulatory Commission.

"(2) Except as provided in paragraph (1), any exercise of authority under this subsection shall, to the extent practicable, be in conformance with the applicable laws and regulations that govern selections, appointments, and employment, and the obtaining of any such temporary or intermittent services, within the Postal Regulatory Commission.".

(c) Deadline.—No later than 180 days after the date of the enactment of this Act—

(1) the first Inspector General of the Postal Regulatory Commission shall be appointed; and

(2) the Office of Inspector General of the Postal Regulatory Commission shall be established.

TITLE VII—EVALUATIONS

SEC. 701. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) In General.—The Postal Regulatory Commission shall, at least every 5 years, submit a report to the President and Congress concerning—

(1) the operation of the amendments made by this Act; and

(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

(b) Postal Service Views.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).

SEC. 702. REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY.

(a) Report by the Postal Regulatory Commission.—

(1) In general.—Not later than 24 months after the date of enactment of this Act, the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as "universal service and the postal monopoly"), including the monopoly on the delivery of mail and on access to mailboxes.

(2) Contents.—The report under this subsection shall include—

(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both; and

(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

(b) Recommended Changes to Universal Service and the Monopoly.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act—

(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

(2) with respect to each recommended change described under paragraph (1)—

(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

(c) Consultation.—In preparing the report required by this section, the Postal Regulatory Commission—

(1) shall solicit written comments from the Postal Service and consult with the Postal Service and other Federal agencies, users of the mails, enterprises in the private sector engaged in the delivery of the mail, and the general public; and

(2) shall address in the report any written comments received under this section.

(d) Clarifying Provision.—Nothing in this section shall be considered to relate to any services that are not postal services within the meaning of section 102 of title 39, United States Code, as amended by section 101 of this Act.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) In General.—The Federal Trade Commission shall prepare and submit to the President and Congress, and to the Postal Regulatory Commission, within 1 year after the date of enactment of this Act, a comprehensive report identifying Federal and State laws that apply differently to the United States Postal Service with respect to the competitive category of mail (within the meaning of section 102 of title 39, United States Code, as amended by section 101) and to private companies providing similar products.

(b) Recommendations.—The Federal Trade Commission shall include such recommendations as it considers appropriate for bringing such legal differences to an end, and in the interim, to account under section 3633 of title 39, United States Code (as added by this Act), for the net economic effects provided by those laws.

(c) Consultation.—In preparing its report, the Federal Trade Commission shall consult with the United States Postal Service, the Postal Regulatory Commission, other Federal agencies, mailers, private companies that provide delivery services, and the general public, and shall append to such report any written comments received under this subsection.

(d) Competitive Product Regulation.—The Postal Regulatory Commission shall take into account the recommendations of the Federal Trade Commission, and subsequent events that affect the continuing validity of the estimate of the net economic effect, in promulgating or revising the regulations required under section 3633 of title 39, United States Code.

SEC. 704. REPORT ON POSTAL WORKPLACE SAFETY AND WORKPLACE-RELATED INJURIES.

(a) Report by the Inspector General.—

(1) In general.—Not later than 6 months after the enactment of this Act, the Inspector General of the United States Postal Service shall submit a report to Congress and the Postal Service that—

(A) details and assesses any progress the Postal Service has made in improving workplace safety and reducing workplace-related injuries nationwide; and

(B) identifies opportunities for improvement that remain with respect to such improvements and reductions.

(2) Contents.—The report under this subsection shall also—

(A) discuss any injury reduction goals established by the Postal Service;

(B) describe the actions that the Postal Service has taken to improve workplace safety and reduce workplace-related injuries, and assess how successful the Postal Service has been in meeting its injury reduction goal; and

(C) identify areas where the Postal Service has failed to meet its injury reduction goals, explain the reasons why these goals were not met, and identify opportunities for making further progress in meeting these goals.

(b) Report by the Postal Service.—

(1) Report to congress.—Not later than 6 months after receiving the report under subsection (a), the Postal Service shall submit a report to Congress detailing how it plans to improve workplace safety and reduce workplace-related injuries nationwide, including goals and metrics.

(2) Problem areas.—The report under this subsection shall also include plans, developed in consultation with the Inspector General and employee representatives, including representatives of each postal labor union and management association, for addressing the problem areas identified by the Inspector General in the report under subsection (a)(2)(C).

SEC. 705. STUDY ON RECYCLED PAPER.

(a) In General.—Within 12 months after the date of enactment of this Act, the Government Accountability Office shall study and submit to the Congress, the Board of Governors of the Postal Service, and to the Postal Regulatory Commission a report concerning—

(1) a description and analysis of the accomplishments of the Postal Service in each of the preceding 5 years involving recycling activities, including efforts by the Postal Service to recycle undeliverable and discarded mail and other materials and its public affairs efforts to promote the increased recycling of paper products; and

(2) additional opportunities that may be available for the United States Postal Service to engage in recycling initiatives, including consultation with the paper recycling industry and encouraging mailers to increase both the recycling of paper products and the use of recycled paper, and the projected costs and revenues of undertaking such opportunities.

(b) Recommendations.—The report shall include recommendations for any administrative or legislative actions that may be appropriate.

SEC. 706. GREATER DIVERSITY IN POSTAL SERVICE EXECUTIVE AND ADMINISTRATIVE SCHEDULE MANAGEMENT POSITIONS.

(a) In General.—The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and Congress a report concerning the extent to which women and minorities are represented in supervisory and management positions within the United States Postal Service. Any data included in the report shall be presented in the aggregate and by pay level.

(b) Performance Evaluations.—The United States Postal Service shall, as soon as is practicable, take such measures as may be necessary to incorporate the affirmative action and equal opportunity criteria contained in 4313(5) of title 5, United States Code, into the performance appraisals of senior supervisory or managerial employees.

SEC. 707. CONTRACTS WITH WOMEN, MINORITIES, AND SMALL BUSINESSES.

The Board of Governors shall study and, within 1 year after the date of the enactment of this Act, submit to the President and the Congress a report concerning the number and value of contracts and subcontracts the Postal Service has entered into with women, minorities, and small businesses.

SEC. 708. RATES FOR PERIODICALS.

(a) In General.—The United States Postal Service, acting jointly with the Postal Regulatory Commission, shall study and submit to the President and Congress a report concerning—

(1) the quality, accuracy, and completeness of the information used by the Postal Service in determining the direct and indirect postal costs attributable to periodicals; and

(2) any opportunities that might exist for improving efficiencies in the collection, handling, transportation, or delivery of periodicals by the Postal Service, including any pricing incentives for mailers that might be appropriate.

(b) Recommendations.—The report shall include recommendations for any administrative action or legislation that might be appropriate.

SEC. 709. ASSESSMENT OF CERTAIN RATE DEFICIENCIES.

(a) In General.—Within 12 months after the date of the enactment of this Act, the Office of Inspector General of the United States Postal Service shall study and submit to the President, the Congress, and the United States Postal Service, a report concerning the administration of section 3626(k) of title 39, United States Code.

(b) Specific Requirements.—The study and report shall specifically address the adequacy and fairness of the process by which assessments under section 3626(k) of title 39, United States Code, are determined and appealable, including—

(1) whether the Postal Regulatory Commission or any other body outside the Postal Service should be assigned a role; and

(2) whether a statute of limitations should be established for the commencement of proceedings by the Postal Service thereunder.

SEC. 710. ASSESSMENT OF FUTURE BUSINESS MODEL OF THE POSTAL SERVICE.

(a) Government Accountability Office Mandate.—The Comptroller General of the United States shall prepare and submit to the President and Congress a report that builds upon the work of the 2002 President's Commission on the United States Postal Service by evaluating in-depth various options and strategies for the long-term structural and operational reforms of the United States Postal Service. The final report required by this section shall be submitted within 5 years of the date of enactment of this Act.

(b) Protection of Universal Service.—The Government Accountability Office may include such recommendations as it considers appropriate with respect to how the Postal Service's business model can be maintained or transformed in an orderly manner that will minimize adverse effects on all interested parties and assure continued availability of affordable, universal postal service throughout the United States. The Government Accountability Office shall not consider any strategy or other course of action that would pose a significant risk to the continued availability of affordable, universal postal service throughout the United States.

(c) Elements of Report.—

(1) Topics to address.—The report shall address at least the following:

(A) Specification of nature and bases of one or more sets of reasonable assumptions about the development of the postal services market, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the Government Accountability Office.

(B) Specification of the nature and bases of one or more sets of reasonable assumptions about the development of the regulatory framework for postal services, to the extent that such assumptions may be necessary or appropriate for each strategy identified by the Government Accountability Office.

(C) Qualitative and, to the extent possible, quantitative effects that each strategy identified by the Government Accountability Office may have on universal service generally, the Postal Service, mailers, postal employees, private companies that provide delivery services, and the general public.

(D) Financial effects that each strategy identified by the Government Accountability Office may have on the Postal Service, postal employees, the Treasury of the United States, and other affected parties, including the American mailing consumer.

(E) Feasible and appropriate procedural steps and timetables for implementing each strategy identified by the Government Accountability Office.

(F) Such additional topics as the Comptroller General shall consider necessary and appropriate.

(2) MATTERS TO CONSIDER.—For each strategy identified, the Government Accountability Office shall assess how each business model might—

(A) address the human-capital challenges facing the Postal Service, including how employee-management relations within the Postal Service may be improved;

(B) optimize the postal infrastructure, including the best methods for providing retail services that ensure convenience and access to customers;

(C) ensure the safety and security of the mail and of postal employees;

(D) minimize areas of inefficiency or waste and improve operations involved in the collection, processing, or delivery of mail; and

(E) impact other matters that the Comptroller General determines are relevant to evaluating a viable long-term business model for the Postal Service.

(3) EXPERIENCES OF OTHER COUNTRIES.—In preparing the report required by subsection (a), the Government Accountability Office shall comprehensively and quantitatively investigate the experiences of other industrialized countries that have transformed the national post office. The Government Accountability Office shall undertake such original research as it deems necessary. In each case, the Government Accountability Office shall describe as fully as possible the costs and benefits of transformation of the national post office on all affected parties and shall identify any lessons that foreign experience may imply for each strategy identified by the research organization.

(d) OUTSIDE EXPERTS.—In preparing its study, the Government Accountability Office may retain the services of additional experts and consultants.

(e) CONSULTATION.—In preparing its report, the Government Accountability Office shall consult fully with the Postal Service, the Postal Regulatory Commission, other Federal agencies, postal employee unions and management associations, mailers, private companies that provide delivery services, and the general public. The Government Accountability Office shall include with its final report a copy of all formal written comments received under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Postal Service Fund such sums as may be necessary to carry out this section.

SEC. 711. PROVISIONS RELATING TO COOPERATIVE MAILINGS.

(a) STUDY.—

(1) IN GENERAL.—The Postal Regulatory Commission shall examine section E670.5.3 of the Domestic Mail Manual to determine whether it contains adequate safeguards to protect against—

(A) abuses of rates for nonprofit mail; and

(B) deception of consumers.

(2) REPORT.—The Commission shall report the results of its examination to the Postal Service, along with any recommendations that the Commission determines appropriate.

(b) FAILURE TO ACT.—If the Postal Service fails to act on the recommendations of the Commission, the Commission may take such action as it determines necessary to prevent abuse of rates or deception of consumers.

SEC. 712. DEFINITION.

For purposes of this title, the term "Board of Governors" has the meaning given such term by section 102 of title 39, United States Code.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

SEC. 801. SHORT TITLE.

This title may be cited as the "Postal Civil Service Retirement and Health Benefits Funding Amendments of 2006".

SEC. 802. CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8334(a)(1)(B), by striking clause (ii) and inserting the following:

"(ii) In the case of an employee of the United States Postal Service, no amount shall be contributed under this subparagraph."; and

(2) by amending section 8348(h) to read as follows:

"(h)(1) In this subsection, the term 'Postal surplus or supplemental liability' means the estimated difference, as determined by the Office, between—

"(A) the actuarial present value of all future benefits payable from the Fund under this subchapter to current or former employees of the United States Postal Service and attributable to civilian employment with the United States Postal Service; and

"(B) the sum of—

"(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

"(ii) that portion of the Fund balance, as of the date the Postal surplus or supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, minus benefit payments attributable to civilian employment with the United States Postal Service, plus the earnings on such amounts while in the Fund; and

"(iii) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(2)(A) Not later than June 15, 2007, the Office shall determine the Postal surplus or supplemental liability, as of September 30, 2006. If that result is a surplus, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a by June 30, 2007.

"(B) The Office shall redetermine the Postal surplus or supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2007, through the fiscal year ending September 30, 2038. If the result is a surplus, that amount shall remain in the Fund until distribution is authorized under subparagraph (C). Beginning June 15, 2017, if the result is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

"(C) As of the close of the fiscal years ending September 30, 2015, 2025, 2035, and 2039, if the result is a surplus, that amount shall be transferred to the Postal Service Retiree Health Benefits Fund, and any prior amortization schedule for payments shall be terminated.

"(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

"(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

"(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.".

(b) CREDIT ALLOWED FOR MILITARY SERVICE.—In the application of section 8348(g)(2) of title 5, United States Code, for the fiscal year 2007, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for the fiscal years 2003 through 2006 with respect to credit for military service of former employees of the United States Postal Service as though the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) had not been enacted, and the Secretary of the Treasury shall make the required transfer to the Civil Service Retirement and Disability Fund based on that amount.

(c) REVIEW.—

(1) IN GENERAL.—

(A) REQUEST FOR REVIEW.—Notwithstanding any other provision of this section (including any amendment made by this section), any determination or redetermination made by the Office of Personnel Management under this section (including any amendment made by this section) shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this subsection.

(B) REPORT.—Upon receiving a request under subparagraph (A), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of pension obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this paragraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

(2) RECONSIDERATION.—Upon receiving the report from the Commission under paragraph

(1), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

SEC. 803. HEALTH INSURANCE.

(a) In General.—

(1) Funding.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8906(g)(2)(A), by striking "shall be paid by the United States Postal Service." and inserting "shall through September 30, 2016, be paid by the United States Postal Service, and thereafter shall be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the United States Postal Service."; and

(B) by inserting after section 8909 the following:

"§ 8909a. Postal Service Retiree Health Benefit Fund

"(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund which is administered by the Office of Personnel Management.

"(b) The Fund is available without fiscal year limitation for payments required under section 8906(g)(2)(A).

"(c) The Secretary of the Treasury shall immediately invest, in interest-bearing securities of the United States such currently available portions of the Fund as are not immediately required for payments from the Fund. Such investments shall be made in the same manner as investments for the Civil Service Retirement and Disability Fund under section 8348.

"(d)(1) Not later than June 30, 2007, and by June 30 of each succeeding year, the Office shall compute the net present value of the future payments required under section 8906(g)(2)(A) and attributable to the service of Postal Service employees during the most recently ended fiscal year.

"(2)(A) Not later than June 30, 2007, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute the difference between—

"(i) the net present value of the excess of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants as of the end of the fiscal year ending on September 30 of that year; and

"(ii)(I) the value of the assets of the Postal Retiree Health Benefits Fund as of the end of the fiscal year ending on September 30 of that year; and

"(II) the net present value computed under paragraph (1).

"(B) Not later than June 30, 2017, the Office shall compute, and by June 30 of each succeeding year shall recompute, a schedule including a series of annual installments which provide for the liquidation of any liability or surplus by September 30, 2056, or within 15 years, whichever is later, of the net present value determined under subparagraph (A), including interest at the rate used in that computation.

"(3)(A) The United States Postal Service shall pay into such Fund—

"(i) $5,400,000,000, not later than September 30, 2007;

"(ii) $5,600,000,000, not later than September 30, 2008;

"(iii) $5,400,000,000, not later than September 30, 2009;

"(iv) $5,500,000,000, not later than September 30, 2010;

"(v) $5,500,000,000, not later than September 30, 2011;

"(vi) $5,600,000,000, not later than September 30, 2012;

"(vii) $5,600,000,000, not later than September 30, 2013;

"(viii) $5,700,000,000, not later than September 30, 2014;

"(ix) $5,700,000,000, not later than September 30, 2015; and

"(x) $5,800,000,000, not later than September 30, 2016.

"(B) Not later than September 30, 2017, and by September 30 of each succeeding year, the United States Postal Service shall pay into such Fund the sum of—

"(i) the net present value computed under paragraph (1); and

"(ii) any annual installment computed under paragraph (2)(B).

"(4) Computations under this subsection shall be made consistent with the assumptions and methodology used by the Office for financial reporting under subchapter II of chapter 35 of title 31.

"(5)(A)(i) Any computation or other determination of the Office under this subsection shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this paragraph.

"(ii) Upon receiving a request under clause (i), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of healthcare insurance obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this subparagraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

"(B) Upon receiving the report under subparagraph (A), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

"(6) After consultation with the United States Postal Service, the Office shall promulgate any regulations the Office determines necessary under this subsection.".

(2) Technical and Conforming Amendment.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

"8909a. Postal Service Retiree Health Benefits Fund.".

(b) Review.—

(1) In general.—

(A) Request for review.—Any regulation established under section 8909a(d)(5) of title 5, United States Code (as added by subsection (a)), shall, upon request of the United States Postal Service, be subject to a review by the Postal Regulatory Commission under this paragraph.

(B) Report.—Upon receiving a request under subparagraph (A), the Commission shall promptly procure the services of an actuary, who shall hold membership in the American Academy of Actuaries and shall be qualified in the evaluation of healthcare insurance obligations, to conduct a review in accordance with generally accepted actuarial practices and principles and to provide a report to the Commission containing the results of the review. The Commission, upon determining that the report satisfies the requirements of this paragraph, shall approve the report, with any comments it may choose to make, and submit it with any such comments to the Postal Service, the Office of Personnel Management, and Congress.

(2) Reconsideration.—Upon receiving the report under paragraph (1), the Office of Personnel Management shall reconsider its determination or redetermination in light of such report, and shall make any appropriate adjustments. The Office shall submit a report containing the results of its reconsideration to the Commission, the Postal Service, and Congress.

SEC. 804. REPEAL OF DISPOSITION OF SAVINGS PROVISION.

(a) In General.—Section 3 of the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) is repealed.

(b) Savings.—Savings accrued to the Postal Service as a result of enactment of Public Law 108–18 and attributable to fiscal year 2006 shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a of title 5, United States Code, as added by section 803 of this Act.

SEC. 805. EFFECTIVE DATES.

(a) In General.—Except as provided under subsection (b), this title shall take effect on October 1, 2006.

(b) Termination of Employer Contribution.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2006.

TITLE IX—COMPENSATION FOR WORK INJURIES

SEC. 901. TEMPORARY DISABILITY; CONTINUATION OF PAY.

(a) Time of Accrual of Right.—Section 8117 of title 5, United States Code, is amended—

(1) by striking "An employee" and inserting "(a) An employee other than a Postal Service employee"; and

(2) by adding at the end the following:

"(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.".

(b) Technical and Conforming Amendment.—Section 8118(b)(1) of title 5, United States Code, is amended to read as follows:

"(1) without a break in time, except as provided under section 8117(b), unless controverted under regulations of the Secretary;".

TITLE X—MISCELLANEOUS

SEC. 1001. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 3061 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) The Postal Service may employ police officers for duty in connection with the protection of property owned or occupied by the Postal Service or under the charge and control of the Postal Service, and persons on that property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

"(2) With respect to such property, such officers shall have the power to—

"(A) enforce Federal laws and regulations for the protection of persons and property;

"(B) carry firearms; and

"(C) make arrests without a warrant for any offense against the Unites States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

"(3) With respect to such property, such officers may have, to such extent as the Postal Service may by regulations prescribe, the power to—

"(A) serve warrants and subpoenas issued under the authority of the United States; and

"(B) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Postal Service or persons on the property.

"(4)(A) As to such property, the Postmaster General may prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

"(B) A person violating a regulation prescribed under this subsection shall be fined under this title, imprisoned for not more than 30 days, or both.".

SEC. 1002. OBSOLETE PROVISIONS.

(a) Repeal.—

(1) In general.—Chapter 52 of title 39, United States Code, is repealed.

(2) Conforming amendments.—(A) Section 5005(a) of title 39, United States Code, is amended—

(i) by striking paragraph (1), and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(ii) in paragraph (3) (as so designated by clause (i)), by striking "(as defined in section 5201(6) of this title)".

(B) Section 5005(b) of such title 39 is amended by striking "(a)(4)" each place it appears and inserting "(a)(3)".

(C) Section 5005(c) of such title 39 is amended by striking "by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or" and inserting "by contract under subsection (a)(3) of this section or".

(b) Eliminating Restriction on Length of Contracts.—(1) Section 5005(b)(1) of title 39, United States Code, is amended by striking "(or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years)" and inserting "(or such longer period of time as may be determined by the Postal Service to be advisable or appropriate)".

(2) Section 5402(d) of such title 39 is amended by striking "for a period of not more than 4 years".

(3) Section 5605 of such title 39 is amended by striking "for periods of not in excess of 4 years".

(c) Technical and Conforming Amendment.—The table of chapters for part V of title 39, United States Code, is amended by repealing the item relating to chapter 52.

SEC. 1003. REDUCED RATES.

Section 3626 of title 39, United States Code, is amended—

(1) in subsection (a), by striking all before paragraph (4) and inserting the following:

"(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in accordance with section 3622.

"(2) For the purpose of this subsection, the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in section 2401(c).

"(3) Rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title shall be established so that postage on each mailing of such mail reflects its preferred status as compared to the postage for the most closely corresponding regular-rate category mailing.";

(2) in subsection (g), by adding at the end the following:

"(3) For purposes of this section and former section 4358(a) through (c) of this title, those copies of an issue of a publication entered within the county in which it is published, but distributed outside such county on postal carrier routes originating in the county of publication, shall be treated as if they were distributed within the county of publication.

"(4)(A) In the case of an issue of a publication, any number of copies of which are mailed at the rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title, any copies of such issue which are distributed outside the county of publication (excluding any copies subject to paragraph (3)) shall be subject to rates of postage provided for under this paragraph.

"(B) The rates of postage applicable to mail under this paragraph shall be established in accordance with section 3622.

"(C) This paragraph shall not apply with respect to an issue of a publication unless the total paid circulation of such issue outside the county of publication (not counting recipients of copies subject to paragraph (3)) is less than 5,000."; and

(3) by adding at the end the following:

"(n) In the administration of this section, matter that satisfies the circulation standards for requester publications shall not be excluded from being mailed at the rates for mail under former section 4358 solely because such matter is designed primarily for free circulation or for circulation at nominal rates, or fails to meet the requirements of former section 4354(a)(5).".

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING REFORM.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract award procedures, effective dispute resolution mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings by taking full advantage of private-sector partnerships as recommended in July 2003 by the President's Commission on the United States Postal Service.

SEC. 1005. CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR.

(a) Definitions.—Section 5402(a) of title 39, United States Code, is amended—

(1) in paragraph (4), by striking "(g)(1)(D)(i)" and inserting "(g)(1)(A)(iv)(I)";

(2) in paragraph (5), by striking "(g)(1)(D)(i)" and inserting "(g)(1)(A)(iv)(I)";

(3) in paragraph (8), by striking "rates paid to a bush carrier" and inserting "linehaul rates and a single terminal handling payment at a bush terminal handling rate paid to a bush carrier";

(4) in paragraph (11), by striking "(g)(1)(D)(ii)" and inserting "(g)(1)(A)(iv)(II)"; and

(5) in paragraph (13)—

(A) in subparagraph (A)—

(i) by striking "clause (i) or (ii) of subsection (g)(1)(D)" and inserting "subclause (I) or (II) of subsection (g)(1)(A)(iv)"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (B), by adding "and" after the semicolon; and

(C) by adding at the end the following:

"(C) is not comprised of previously qualified existing mainline carriers as a result of merger or sale;".

(b) Nonpriority Bypass Mail.—Section 5402(g) of title 39, United States Code, is amended—

(1) in paragraph (3), by adding at the end the following:

"(C) When a new hub results from a change in a determination under subparagraph (B), mail tender from that hub during the 12-month period beginning on the effective date of that change shall be based on the passenger and freight shares to the destinations of the affected hub or hubs resulting in the new hub."; and

(2) in paragraph (5)(A)(i), by striking "(g)(1)(D)(ii)" and inserting "(g)(1)(A)(iv)(II)".

(c) Equitable Tender.—Section 5402(h) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting "bush" after "providing scheduled";

(2) by striking paragraph (3) and inserting the following:

"(3)(A) Except as provided under subparagraph (C), a new or existing 121 bush passenger carrier qualified under subsection (g)(1) shall be exempt from the requirements under paragraphs (1)(B) and (2)(A) on a city pair route for a period which shall extend for—

"(i) 1 year;

"(ii) 1 year in addition to the extension under clause (i) if, as of the conclusion of the first year, such carrier has been providing not less than 5 percent of the passenger service on that route (as calculated under paragraph (5)); and

"(iii) 1 year in addition to the extension under clause (ii) if, as of the conclusion of the second year, such carrier has been providing not less than 10 percent of the passenger service on that route (as calculated under paragraph (5)).

"(B)(i) The first 3 121 bush passenger carriers entitled to the exemptions under subparagraph (A) on any city pair route shall divide no more than an additional 10 percent of the mail, apportioned equally, comprised of no more than—

"(I) 5 percent of the share of each qualified passenger carrier servicing that route that is not a 121 bush passenger carrier; and

"(II) 5 percent of the share of each nonpassenger carrier servicing that route that transports 25 percent or more of the total nonmail freight under subsection (i)(1).

"(ii) Additional 121 bush passenger carriers entering service on that city pair route after the first 3 shall not receive any additional mail share.

"(iii) If any 121 bush passenger carrier on a city pair route receiving an additional share of the mail under clause (ii) discontinues service on that route, the 121 bush passenger carrier that has been providing the longest period of service on that route and is otherwise eligible but is not receiving a share by reason of clause (ii), shall receive the share of the carrier discontinuing service.

"(C) Notwithstanding the requirements of this subsection, if only 1 passenger carrier or aircraft is qualified to be tendered nonpriority bypass mail as a passenger carrier or aircraft on a city pair route in the State of Alaska, the Postal Service shall tender 20 percent of the nonpriority bypass mail described under paragraph (1) to the passenger carrier or aircraft providing at least 10 percent of the passenger service on such route.";

(3) in paragraph (5)(A)—

(A) by striking "(i)" after "(A)"; and

(B) by striking clause (ii).

(d) Percent of Nonmail Freight.—Section 5402(i)(6) of title 39, United States Code, is amended—

(1) by striking "(A)" after "(6)"; and

(2) by striking subparagraph (B).

(e) Percent of Tender Rate.—Section 5402(j)(3)(B) of title 39, United States Code, is amended by striking "bush routes in the State of Alaska" and inserting "routes served exclusively by bush carriers in the State of Alaska".

(f) Determination of Rates.—Section 5402(k) of title 39, United States Code, is amended by striking paragraph (5).

(g) Technical and Conforming Amendment.—Section 5402(p)(3) of title 39, United States Code, is amended by striking "(g)(1)(D)" and inserting "(g)(1)(A)(iv)".

(h) Effective Date.—

(1) In general.—Except as provided under paragraph (2), this section shall take effect on the date of enactment of this Act.

(2) Equitable tender.—Subsection (c) shall take effect on December 1, 2006.

SEC. 1006. DATE OF POSTMARK TO BE TREATED AS DATE OF APPEAL IN CONNECTION WITH THE CLOSING OR CONSOLIDATION OF POST OFFICES.

(a) In General.—Section 404(b) of title 39, United States Code, is amended by adding at the end the following:

"(6) For purposes of paragraph (5), any appeal received by the Commission shall—

"(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

"(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).".

(b) Effective Date.—This section and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act.

SEC. 1007. PROVISIONS RELATING TO BENEFITS UNDER CHAPTER 81 OF TITLE 5, UNITED STATES CODE, FOR OFFICERS AND EMPLOYEES OF THE FORMER POST OFFICE DEPARTMENT.

(a) In General.—Section 8 of the Postal Reorganization Act (39 U.S.C. 1001 note) is amended by inserting "(a)" after "8." and by adding at the end the following:

"(b) For purposes of chapter 81 of title 5, United States Code, the Postal Service shall, with respect to any individual receiving benefits under such chapter as an officer or employee of the former Post Office Department, have the same authorities and responsibilities as it has with respect to an officer or employee of the Postal Service receiving such benefits.".

(b) Effective Date.—This section and the amendments made by this section shall be effective as of the first day of the fiscal year in which this Act is enacted.

SEC. 1008. HAZARDOUS MATTER.

(a) Nonmailability Generally.—Section 3001 of title 39, United States Code, is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following:

"(n)(1) Except as otherwise authorized by law or regulations of the Postal Service, hazardous material is nonmailable.

"(2) In this subsection, the term 'hazardous material' means a substance or material designated by the Secretary of Transportation under section 5103(a) of title 49.".

(b) Mailability.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"§ 3018. Hazardous material

"(a) In General.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

"(b) Prohibitions.—No person may—

"(1) mail or cause to be mailed hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

"(2) mail or cause to be mailed hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which hazardous material may be mailed; or

"(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

"(A) is represented, marked, certified, or sold by such person for use in the mailing of hazardous material; and

"(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of hazardous material.

"(c) Civil Penalty; Clean-Up Costs and Damages.—

"(1) In general.—A person who knowingly violates this section or a regulation prescribed under this section shall be liable for—

"(A) a civil penalty of at least $250, but not more than $100,000, for each violation;

"(B) the costs of any clean-up associated with each violation; and

"(C) damages.

"(2) Knowing action.—A person acts knowingly for purposes of paragraph (1) when—

"(A) the person has actual knowledge of the facts giving rise to the violation; or

"(B) a reasonable person acting in the circumstances and exercising reasonable care would have had that knowledge.

"(3) Separate violations.—

"(A) Violations over time.—A separate violation under this subsection occurs for each day hazardous material, mailed or caused to be mailed in noncompliance with this section, is in the mail.

"(B) Separate items.—A separate violation under this subsection occurs for each item containing hazardous material that is mailed or caused to be mailed in noncompliance with this section.

"(d) Hearings.—The Postal Service may determine that a person has violated this section or a regulation prescribed under this section only after notice and an opportunity for a hearing. Proceedings under this section shall be conducted in accordance with section 3001(m).

"(e) Penalty Considerations.—In determining the amount of a civil penalty for a violation of this section, the Postal Service shall consider—

"(1) the nature, circumstances, extent, and gravity of the violation;

"(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

"(3) the impact on Postal Service operations; and

"(4) any other matters that justice requires.

"(f) Civil Actions To Collect.—

"(1) In general.—In accordance with section 409(d), a civil action may be commenced in an appropriate district court of the United States to collect a civil penalty, clean-up costs, and damages assessed under subsection (c).

"(2) Compromise.—The Postal Service may compromise the amount of a civil penalty, clean-up costs, and damages assessed under subsection (c) before commencing a civil action with respect to such civil penalty, clean-up costs, and damages under paragraph (1).

"(g) Civil Judicial Penalties.—

"(1) In general.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or a regulation prescribed under this section.

"(2) Relief.—The court in a civil action under paragraph (1) may award appropriate relief, including a temporary or permanent injunction, civil penalties as determined in accordance with this section, or punitive damages.

"(3) Construction.—A civil action under this subsection shall be in lieu of civil penalties for the same violation under subsection (c)(1)(A).

"(h) Deposit of Amounts Collected.—

"(1) Postal service fund.—Except as provided under paragraph (2), amounts collected under subsection (c)(1)(B) and (C) shall be deposited into the Postal Service Fund under section 2003.

"(2) Treasury.—Amounts collected under subsection (c)(1)(A) and any punitive damages collected under subsection (c)(1)(C) shall be deposited into the Treasury of the United States.".

(c) Conforming Amendments.—(1) Section 2003(b) of title 39, United States Code, is amended—

(A) in paragraph (7), by striking "and" after the semicolon;

(B) in paragraph (8), by striking "purposes." and inserting "purposes; and"; and

(C) by adding at the end the following:

"(9) any amounts collected under section 3018.".

(2) The analysis for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"3018. Hazardous material.".

(d) Injurious Articles as Nonmailable.—Section 1716(a) of title 18, United States Code, is amended by inserting after "explosives," the following: "hazardous materials,".

SEC. 1009. ZIP CODES AND RETAIL HOURS.

(a) ZIP Codes.—Not later than September 30, 2007, the United States Postal Service shall assign a single, unified ZIP code to serve, as nearly as practicable, each of the following communities:

(1) Auburn Township, Ohio.

(2) Hanahan, South Carolina.

(3) Bradbury, California.

(4) Discovery Bay, California.

(b) Retail Hours.—Not later than 60 days after the date of the enactment of this Act, the United States Postal Service shall provide the same window service hours for the Fairport Harbor Branch of the United States Post Office in Painesville, Ohio, as were in effect as of December 1, 2005.

SEC. 1010. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Reimbursement.—Section 3681 of title 39, United States Code, is amended by striking "section 3628" and inserting "sections 3662 through 3664".

(b) Size and Weight Limits.—Section 3682 of title 39, United States Code, is amended to read as follows:

"§3682. Size and weight limits

"The Postal Service may establish size and weight limitations for mail matter in the market-dominant category of mail consistent with regulations the Postal Regulatory Commission may prescribe under section 3622. The Postal Service may establish size and weight limitations for mail matter in the competitive category of mail consistent with its authority under section 3632.".

(c) Revenue Foregone, Etc.—Title 39, United States Code, is amended—

(1) in section 503 (as so redesignated by section 601), by striking "this chapter." and inserting "this title."; and

(2) in section 2401(d), by inserting "(as last in effect before enactment of the Postal Accountability and Enhancement Act)" after "3626(a)" and after "3626(a)(3)(B)(ii)".

(d) Appropriations and Reporting Requirements.—

(1) Appropriations.—Subsection (e) of section 2401 of title 39, United States Code, is amended—

(A) by striking "Committee on Post Office and Civil Service" each place it appears and inserting "Committee on Government Reform"; and

(B) by striking "Not later than March 15 of each year," and inserting "Each year,".

(2) Reporting requirements.—Sections 2803(a) and 2804(a) of title 39, United States Code, are amended by striking "2401(g)" and inserting "2401(e)".

(e) Authority to Fix Rates and Classes Generally; Requirement Relating to Letters Sealed Against Inspection.—Section 404 of title 39, United States Code (as amended by section 102) is further amended by redesignating subsections (b) and (c) as subsections (d) and (e), respectively, and by inserting after subsection (a) the following:

"(b) Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of chapter 36. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

"(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.".

(f) Limitations.—Section 3684 of title 39, United States Code, is amended by striking all that follows "any provision" and inserting "of this title.".

(g) Miscellaneous.—Title 39, United States Code, is amended—

(1) in section 1005(d)(2)—

(A) by striking "subsection (g) of section 5532,"; and

(B) by striking "8344," and inserting "8344";

(2) in the analysis for part III, by striking the item relating to chapter 28 and inserting the following:

"28. Strategic Planning and Performance Management .... 2801";

(3) in section 3005(a)—

(A) in the matter before paragraph (1), by striking all that follows "nonmailable" and precedes "(h)," and inserting "under section 3001(d),"; and

(B) in the sentence following paragraph (3), by striking all that follows "nonmailable" and precedes "(h)," and inserting "under such section 3001(d),";

(4) in section 3210(a)(6)(C), by striking the matter after "if such mass mailing" and before "than 60 days" and inserting "is postmarked fewer"; and

(5) by striking the heading for section 3627 and inserting the following:

"§3627. Adjusting free rates".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. Tom Davis) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6407, the Postal Accountability and Enhancement Act. This is the first major overhaul of the Postal Service since 1970. The House passed its version of postal reform in July of 2005 by a vote of 410-20. The Senate passed its version in February by unanimous consent.

This bill is the product of months of negotiations between the House and the Senate and the administration. It is also the culmination of more than a decade of hard work and study, not to mention a great deal of bipartisan negotiation and cooperation.

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Mr. Speaker, this bill is the product of months of negotiations between the House, the Senate and the administration. It is also the culmination of more than a decade of hard work and study, not to mention a great deal of bipartisan negotiation and cooperation. The landmark legislation solves the structural, legal and financial constraints that have brought the postal service to the brink of utter breakdown.

The postal service is the center of a $900 billion industry, employing 9 million workers nationwide. Each year, the U.S.P.S. processes and delivers over 200 million pieces of mail to more than 130 million households and businesses in the United States, but the last major overhaul of the statutes governing the postal service occurred in 1970 before the Internet and e-mails and faxes, before letters became snail mail, before the deregulation of the airline industry, before competitors like FedEx even existed.

Today, this critical component of our Nation's economy is being challenged by a variety of factors, including increasing volume, insufficient revenue, mounting debts and new technologies such as the Internet advertising, electronic bill payments, e-mails and faxes.

As a result, the GAO has included the postal service on its high-risk series since 2001. This compromise will reverse the death spiral at the postal service and bring the postal service into the 21st century.

I want to take this opportunity to thank Congressman John McHugh of New York who recognized the need for comprehensive postal reform legislation when he became chairman of this subcommittee at the beginning of the 104th Congress and has championed reform tirelessly. I also want to thank Henry Waxman and Danny Davis for their dedication to this subject and their willingness to cooperate in a bipartisan manner.

I want to thank the principal sponsors in the Senate, Susan Collins of Maine and Tom Carper of Delaware. Without their leadership and dedication, this compromise would not have been possible.

Finally, I want to thank the many members of our staff who have worked on this important issue: Jack Callender, Ellen Brown, and Mason Alinger of my committee staff; also Robert Taub of Congressman McHugh's staff who has dedicated years of his life to this cause; and also Phil Barnett, Denise Wilson, and Naomi Seiler of Congressman Waxman's staff; Jill Hunter-Williams of Congressman Danny Davis' staff; and Ann Fisher of Senator Collins' and John Kilvington of Senator Carper's staff.

I also want to thank all those individuals in the administration that have actively and tirelessly participated in the negotiations to help us reach this point today, especially Michael Bopp, Jeff Sharpe and Chris Frech.

Mr. Speaker, all the stakeholders in this legislation, postal employees, financial services companies, major marketers, have been rigorous in urging Congress and the administration to complete this bill. No one thinks it is perfect. This is the nature of compromise, but everyone, especially all Americans who use stamps, will be significantly better off with this legislation than they would be without this long overdue package of reforms.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of this landmark postal reform bill. Members of the House have worked for over a decade to reform this important part of our national communications system and our economy. I am indeed pleased to serve in the Congress that is making this reform a reality.

I want to commend and congratulate Chairman TOM DAVIS and Ranking Member HENRY WAXMAN for their tremendous commitment and dedication to making this truly a bipartisan effort and for the tenacious way in which they have worked to bring us to this point this evening.

I also want to commend Representative MCHUGH who has been the point person for the Republican side of the aisle on this matter for more than 10 years, who has stayed with it, stuck with it, and one of the reasons that we are here today is because of his tenacious work.

I also want to thank all of the stakeholders, the unions, the mailers and others, who are greatly affected.

I want to thank the Board of Governors and the Postmaster General, Mr. Potter, for their willingness to work with us.

And I want to think the other body, the Members of the Senate who were willing to negotiate, to engage in the give-and-take that is so necessary to make bipartisan, bicameral legislation a reality.

This bill is a prime example of bipartisan negotiation and collaboration. It is a compromise that will modernize the postal system and help it remain healthy and affordable well into the 21st century.

I represent much of the city of Chicago, one of the primary postal hubs in the Midwest with over 12,000 postal employees who deliver mail daily to 1.2 million homes and businesses in the Chicago area. I also represent numerous printing and mailing companies that rely upon the movement of mail. Therefore, ensuring a healthy postal service is a key issue of great concern to me.

This bill has many highlights. It provides for ratemaking flexibility, rate stability, universal service, high quality standards, and collective bargaining.

In addition, I am pleased that the bill advances fair business practices related to employees who are women and/or racial minorities. For example, I am pleased that it includes a study on the representation of women and minority members in supervisory and management positions within the postal service. It is important to understand how well the postal service is doing in opening up its senior positions to groups who historically have not had that kind of access.

The bill goes even further by requiring measures to incorporate the affirmative action and equal opportunity criteria into the performance appraisals of senior supervisory or managerial employees. This change helps ensure that management will be held accountable for adhering to the organization's goals of equal opportunity. And I want to sincerely thank Mr. WAXMAN for his vigorous support for this diversity provision.

I am also pleased that the bill includes a study of the number of contracts with women, minorities and small businesses to ensure that all groups have access to the postal service contracts.

Mr. Speaker, these are just some of the provisions that will go a long way towards helping the postal service to better serve its customers, compete fairly with the mailing industry, and contribute to our Nation.

I especially want to thank the committee staff, Phil Barnett, Denise Wilson, Naomi Seiler, and all of the staff persons who worked to make this a reality.

I want to thank Ellen Brown, Jack Callender, Robert Taub and my staff, Richard Boykin and Jill Hunter-Williams.

Mr. Speaker, it is obviously time for postal reform. We have gone through this now for several years, and all of us who have worked on it are indeed pleased with the fact that we were able to compromise, to come together, to massage egos, to make real the idea that we can have a solid piece of legislation. I am proud to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I thank the chairman.

I had a friend of mine say the other day, gee, 11½ years dedicated to one issue, that is a long time. My observation was, there are people in certain jurisdictions in this country that have spent less time for committing murder than I have spent on this bill. I am not sure what the parallel there is, but if there is any truth in the old adage that anything worth having is worth waiting for, this is a very, very good night.

This is an excellent bill. It is not a perfect bill, but the fact that you can take the mix of interests that is represented in this piece of legislation, unions, mailers, postal dependents and postal competitive industries, the postal service itself, and have them virtually uniformly and universally support it suggests that it is a remarkable achievement.

In that regard, I want to thank so many people: former Chairman Bill Clinger who first presented me the challenge and the opportunity of advancing this initiative; then, of course, DAN BURTON, the follow-on chairman, the gentleman from Indiana, who kept it alive; and most recently, most importantly, the gentleman from Virginia (Mr. TOM DAVIS) who really pushed it over the goal line. We are all deeply in his debt.

The minority as well: HENRY WAXMAN; DANNY DAVIS, the gentleman who tonight is managing this bill very appropriately, as he has managed the affairs from the minority side on this issue so very, very ably; CHAKA FATTAH, who was the ranking member when we really got into the meat of this issue; BARBARA ROSE COLLINS, the first ranking member, and on and on and on.

But most of all, those who had the greatest stake in this initiative, the unions, the postal service, Jack Potter, the mailers, the mailing dependent mailers, those in the competitive industry, those who understood that for whatever their differences might be, their need for a common cause, their need for reform should override all of it. And at the end of the day, as we see here tonight, they put that aside.

Special thanks to the staff. They are the folks who, whatever the endeavor in this House, are really the ones who do the lion's share of the work. Of course, Dan Blair who is the chief of staff and the person who headed up the Postal Subcommittee for the Government Reform Committee when we first began this initiative, and foremost, most importantly, Robert Taub, a man who as I have said on this House floor so many times before brings such compassion, such passion, such patience, really embodied in any individual that I have ever had the pleasure of meeting. I am proud to call him a colleague. I am proud to call him my friend, and today, it is perhaps the finest hour of his work because of the effort he has put together.

This bill represents 80 percent, probably more than 80 percent, of the first bill we introduced some 11½ years ago. That is a pretty remarkable achievement. The postal service is the kind of endeavor that touches the lives of virtually each and every American each and every day, and while it may not garner the kind of attention and passion and interest that some other issues do, at the end of the day, it is one of the most important activities.

Most of all, this is for the postal workers, those 800,000-plus strong who go out every day and do their job so effectively, so efficiently that for the vast majority of our constituents, the last thing they think of when they walk to their mailbox or go to their post office is will the mail be there. It will. And through this legislation, through this advancement, hopefully it will continue in that regard.

Mr. Speaker, it is a great night, a great day for all Americans, and I thank all of those who have endeavored so hard for more than a decade to make it a reality.

It has been more than 36 years since President Nixon signed into law the most comprehensive postal legislation since the founding of the Republic, the Postal Reorganization Act of 1970. The Post Office Department was transformed into the United States Postal Service, an independent establishment of the executive branch of the Government of the United States.

The universal service mission of the Postal Service remained the same, as stated in Title 39 of the U.S. Code: "The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities."

The new Postal Service officially began operations on July 1, 1971. In the intervening 35 years, the commercial environment in which the Postal Service operates has changed. In 1971, UPS had a much smaller percentage of the parcel market, FedEx didn't exist, and the Internet had not been created. As we know, these developments have drastically altered the postal and delivery sector of our economy. Yet, in the last three and a half decades our Nation's postal laws have changed very little. I do not know of any entity in the United States today, public or private, that is still operating with such an outdated structure.

A report by the President's Commission on the Postal Service concluded that without a new approach, the future of universal mail service is in peril. According to the Secretary of the Treasury, "We really need to get it done now . . . the business model of the Postal Service just doesn't work anymore. It's not sustainable in light of all the technological changes and changes in the marketplace."

Today we have a choice . . . whether to vote to preserve universal postal service at uniform rates to every stretch of this Nation, or whether to instead vote "no" and assign the Postal Service to an almost certain future of ever escalating increases in postal prices and devastating post office closures. The bill we have before us is the product of extensive bipartisan/bicameral efforts with the Government Reform Committee Chairman, the Committee's Ranking Member, the Committee Member from Illinois (i.e., Mr. DANNY DAVIS), and me, together with our colleagues in the other body, particularly Senators COLLINS, CARPER, and LIEBERMAN. I want to take a moment to underscore my appreciation for the hard work that each of them took to bring about a proposed solution, in close collaboration with the Administration. This bill is truly a consensus document, having built upon H.R. 22 as it passed the House in the last session 413–20, and then the Senate by unanimous consent in February of this year.

I have heard it said, time and time again, and it is absolutely true, this is not a perfect bill. I cannot imagine any person, short of someone suffering from multiple personality disorder, who would sit down and, by themselves, craft this particular piece of legislation. But I think that is true of any product that comes about after 12 years of negotiations; of any product in this legislative body that attempts, as this bill does, to effect sector reform or reform of a system that while touching every American's life, 6 days a week, at a minimum, has not been changed in any meaningful way, in more than 35 years.

So what we have tried to do, with the enormous, enormous support and patience and input of: the Government Reform Chairman; of the gentleman from Illinois, Mr. DANNY DAVIS, who started on the Postal Subcommittee, who served so honorably and so diligently with me; and over the past years, the Ranking Member of the Government Reform Committee—all of whom I hold in great esteem, and to whom I express great appreciation. I would be remiss if I also didn't note the work and commitment of the two previous Government Reform Chairmen, DAN BURTON and Bill Clinger, to this task. We have come up with a bill that embodies the input of literally hundreds of organizations that either compete against or rely upon this system we call the post office in America today. It does, as well, advance what, at least for me, was always the primary directive, and that is, that the interests of the Postal Service, under this legislation, would be better served than the status quo.

That is an opinion, by the way, that is held by corporate and non-profit mailers, competitors, postal unions and management groups, and the Administration. All of these groups, I think it is fair to say, are particularly interested in seeing this House, and ultimately the Congress, advance the issue; an issue that I hope all of my colleagues understand is one of great urgency, and one that we continue to ignore at our extreme peril. So it is a positive moment.

The patient work on postal modernization has proceeded steadily even though, in all this time, "postal reform" has not once been featured on the Sunday talk shows. Balanced, nonpartisan postal reform may not be the stuff of political glory, but it is the sort of legislative work that will earn the long-term gratitude of the American mailing consumer—for I can think of no other government agency that touches the lives of all us, nearly every day, at home and at work. We've said it before and we'll say it again—that the Postal Service is the center of a nearly $900 billion industry, employing 9 million workers nationwide, and representing nearly 9 percent of our nation's gross domestic product.

The "Postal Accountability and Enhancement Act" affirmatively responds to all of the Administration's 5 principles for postal reform, and incorporates most of the 17 legislative recommendations made by the President's Commission on the U.S. Postal Service. The bill mandates transparency in the Service's finances, costs, and operations. The legislation creates a modern system of rate regulation, establishes fair competition rules and a powerful new regulator, addresses the Service's universal service obligation and the scope of the mail monopoly, and institutes improvements to the collective bargaining process. While the bill provides some of the pricing flexibility recommended for the Postal Service by the President's Commission, the bill also imposes controls to protect the public interest from unfair competition.

This is well-refined legislation that reflects the input and feedback from the more than three dozen hearings and nearly 125 witnesses that the Government Reform Committee and its former Postal Service Subcommittee held over the course of the last 12 years.

Make no mistake that today is indeed a day to choose. The Comptroller General of the United States has reported that the Postal Service's current business model, formulated as it was in 1970, is no longer sustainable in the 21st century. Our Postal Service is in trouble and requires reform to preserve universal service and prevent a worsening crisis.

To understand the challenges at hand, one needs simply to read the testimony the Committee received regarding the: Serious declines in first-class volume, changes in the mail mix, increased competition from private delivery companies, sub par revenue growth, rising costs, significant financial liabilities and obligations (including roughly $60 billion in unfunded retiree health benefits alone), insufficient increases in postal productivity, and uncertainties regarding how well the Service can streamline its outdated network of facilities under existing law.

Take declining first-class mail volume as one example of a fundamental challenge to the Service's long-term viability. First-class mail volume has declined annually for the last 5 years—not since the Great Depression has the Postal Service seen declines in first-class mail. The Service's core business of first-class mail has historically been the "bread and butter" that makes the system operate: first-class mail generates about half of the Service's mail volume, more than half of its revenues, and covers more than two-thirds of the Service's overhead costs. About half of overhead costs are comprised of universal service costs of maintaining postal delivery and retail networks. Declining first class mail volume is causing a loss of first-class mail revenues to cover overhead costs, which will be difficult to recover from other classes of mail.

While the problems are dire, I believe the strong bipartisan bill we are presenting today—based as it is on the President's principles for legislative change—identify a path to some solutions. The Postal Service is simply too important an institution—too important to the people of this nation; too important to our economy—to await the full brunt of a crisis that is clearly upon the doorstep. Indeed, there is good reason why this is the first Administration since President Nixon's to call on Congress to modernize our Nation's postal laws. I remain hopeful that as Congress did in 1970, we too today will answer the President's charge and challenge. The Postal Service, its 750,000 dedicated employees, and the nearly 300 million American citizens who depend on universal service at affordable rates are counting on us.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she might consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of H.R. 6407, the Postal Accountability and Enhancement Act.

I want to congratulate the Government Reform Chairman, TOM DAVIS, Ranking Member WAXMAN, Representative JOHN MCHUGH from New York who has dedicated well over 11 years working on this, and DANNY DAVIS who led the effort in the minority, and their counterparts in the Senate for their hard work in getting this compromise bill to the floor prior to the adjournment.

The legislation before us will bring long overdue reforms to the operations of the postal service after almost 11½ years of negotiations between the House, the Senate and the administration.

We reached an agreement on negotiated service agreements, work sharing, the rate cap and the authority of the Postal Regulatory Commission to design a new postal system. The $9 billion mailing industry is tremendously important to our economy. Had Congress failed to reach this compromise, the public and postal reliant businesses surely would have faced more frequent increases in postal rates in the near future.

This bill will help to keep rates more stable by releasing the funds from an escrow account to pay retiree health benefits.

□ 2230

Additionally, this relieves the Postal Service and postal customers of the $27 billion burden in military service payments by returning that responsibility to the Treasury. The legislation creates a new Postal Regulatory Commission with the authority to establish a modern system for postal rate regulation. The new PRC will improve the rate-setting process by reducing administrative burdens. As a result, consumers and postal-reliant businesses can expect a greater rate stability.

I represent a large portion of the magazine industry which is enormously important both for the economy of New York and the country. High costs have forced many magazines out of business, including Mademoiselle, Mode, Brill's Content, and Industry Standard, leaving many workers without jobs. I also represent many postal workers, some of the 700,000 postal workers who rely on a healthy Postal Service for their livelihoods.

We are hopeful that the legislation we passed today will satisfy many of the concerns of the postal employees, the postal-reliant businesses, and the U.S. Postal Service and consumers. With the passage of this legislation we can ensure the long-term viability of the Postal Service and the continuation of services on which this Nation relies.

Once again, I commend my colleagues and the staff of the Government Reform and Oversight Committee, particularly Denise Wilson, for their hard work and dedication, and Jen Keaton from my own staff for their efforts in completing this task and I urge my colleagues to support it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, let me just again commend and congratulate Chairman TOM DAVIS, Ranking Member HENRY WAXMAN, and Mr. MCHUGH. And just say that TOM DAVIS and HENRY WAXMAN demonstrated the very best of leadership as they worked through this process. TOM was a great chairman; Mr. WAXMAN is going to become a great chairman in the next session, and he is what I call a Member's chairman. It has been a pleasure working with all of them. I urge passage.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, let me just say again, this legislation mandates transparency in the Service's finances, costs, and operations, creates a modern system of rate regulation, establishes fair competition rules, and a powerful new regulator to oversee operations. It addresses the Postal Service's universal service operation in the scope of the mail monopoly; it institutes improvements to the collective bargaining process; it also puts a reasonable rate cap on it for the mailers, the first-class mailers and across the board for Americans who use the postal system. I urge my colleagues to adopt it and support this.

Mr. Speaker, I want to thank the Chairman of the Ways and Means Committee for agreeing to work with me on H.R. 6407 and I ask that our letters of exchange be inserted into the RECORD.

DECEMBER 8, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your December 8, letter regarding the Committee on Ways and Means jurisdictional interest in H.R. 6407, the Postal Accountability and Enhancement Act, and your willingness to forego consideration of H.R. 6407 by your committee.

I agree that the Committee on Ways and Means has a valid jurisdictional interest in H.R. 6407 and that the committee's jurisdiction will not be adversely affected by your decision to forego consideration at this time. In addition, I will support your request for the appointment of outside conferees from the Committee on Ways and Means to a House-Senate Conference committee on this or similar legislation should such a conference be convened.

As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 6407 on the House floor. Thank you for your assistance as I work towards the enactment of H.R. 6407.

Sincerely,

TOM DAVIS,
Chairman.

DECEMBER 8, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing concerning H.R. 6407, the "Postal Accountability and Enhancement Act," which was introduced on December 7, 2006, and is scheduled for floor action.

As, you know, the Committee on Ways and Means has jurisdiction over matters concerning trade and customs revenue functions and the bill contains provisions impacting these issues. For example, contained in the bill is a provision that directs the Bureau of Customs and Border Protection to apply United States customs laws to certain mail, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to this bill, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H.R. 6407, The Postal Accountability and Enhancement Act.

This measure is the accumulation of 10 years of hard work and I would like to thank Chairman DAVIS and Congressman MCHUGH for their unwavering commitment to this bill, and their steadfast commitment to modernizing and reforming all aspects of the federal government.

The United States Postal Service is currently operating under a system built in 1970. In 1970, Richard Nixon was President, gasoline cost $0.36 per gallon, and very few people had even heard of computers, much less owned one.

Much has changed since then. The primary mode of written communication now is via email or fax, not first class mail. Consumers have a whole range of options to send mail and packages urgently. Most households either have or have access to a computer. But the Postal Service still operates at the same frequency as it did in 1970.

The simple fact is that this generation-old structure is unable to support the functioning of the 21st Century economy. With ever-accelerating declines in First Class Mail volumes, it's becoming more and more difficult for the Postal Service to collect revenue. This in turn leads to the need for frequent rate hikes, which is nothing more than an indirect tax increase on average Americans and a significant cost increase for businesses that heavily utilize the mail.

Mr. Speaker, this bill strikes the correct balance between the need for Postal reform and the obligations that the Postal Service has to the American people. If enacted, this bill will guarantee universal service, streamline back office operations, provide for workforce stability and implement a logical, reasoned process for increases in postal rates, which will generally be in line with the rate of inflation. Such stability and predictability will allow the Postal Service to grow along with the needs of its customers.

Mr. Speaker, America relies on the Unites States Postal Service to deliver our mail. Every Member of this body relies on the Postal Service to deliver important communications to our constituents. It's time we give the Postal Service the tools they need to remain an efficient, effective organization in the years to come.

I urge a "yes" vote on the bill.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 6407, the Postal Accountability and Enhancement Act.

The Government Reform Committee, of which I am vice-chairman, has held hearings and briefings on postal reform for several years now, and I am glad to see our efforts come to fruition today.

The United States Postal Service has been forced to cut back on its service due to serious financial challenges. H.R. 6407 is an effort to modernize our nation's postal laws for the first time in 36 years. It is intended to help ensure the United States Postal Service can survive in an increasingly competitive marketplace.

Due to the increasing use of electronic forms of communication, such as email, first-class mail volume is declining, but postal addresses are increasing. In lieu of simply increasing rates, an entire reform of the postal service is necessary.

H.R. 6407 would require the Postal Service to operate in a more businesslike manner by creating a modern system of rate regulation, establishing fair competition rules and a more powerful regulatory commission.

H.R. 6407 will also promote both price stability and pricing flexibility. Giving the Postal Service pricing flexibility will allow USPS to price its core mail products in a way that keeps them competitive and, quite literally, in the mail. By limiting the amount of future postage rate increases, however, the bill also takes an important step towards encouraging the Postal Service to increase mail volume and keep the mailbags full while giving mailers predictability and stability.

Universal postal service should be the first and foremost goal of reform. This can only be accomplished if the financial and operational crisis facing the United States Postal Service is met with innovative and bold action. H.R. 6407 takes such action.

Mr. MCHUGH. Mr. Speaker, as I noted during the debate on H.R. 6407, the Postal Accountability and Enhancement Act, this legislation reflects the final version of H.R. 22, the Postal Accountability and Enhancement Act as passed by the House and Senate.

H.R. 22 passed the House on July 26, 2005 by a vote of 410–20, and the Senate then passed H.R. 22 with an amendment by Unanimous Consent on February 9, 2006. Given that H.R. 6407 is the blended result of the two Chamber's versions of H.R. 22, I believe it is important to make note of the Committee on Government Reform's report on H.R. 22, 109–66, part I, as reported on April 28, 2005.

This committee report is relevant to understanding the provisions of H.R. 6407, particularly because many of the provisions of H.R. 6407 are unchanged from H.R. 22 as reported by the Government Reform Committee. For those looking for additional legislative history on H.R. 6407, the Government Reform Committee report accompanying H.R. 22, 109–66, part I, will provide useful explanations and information.

Mr. DAVIS of Illinois. Mr. Speaker, as was noted during the debate on H.R. 6407, the Postal Accountability and Enhancement Act, this landmark postal reform legislation reflects the final version of H.R. 22, the Postal Accountability and Enhancement Act as passed by the House and Senate.

H.R. 22 passed the House on July 26, 2005 by a vote of 410–20, and the Senate then passed H.R. 22 with an amendment by unanimous consent on February 9, 2006. H.R. 6407 represents the combination of the Senate and House versions of H.R. 22. As such, the Committee on Government Reform's Report on H.R. 22, 109–66, Part I, as reported on April 28, 2005 is relevant and necessary to understanding the provisions of H.R. 6407, particularly because many of the provisions of H.R. 6407 are unchanged from H.R. 22 as reported by the Government Reform Committee. For those looking for additional legislative history on H.R. 6407, the Government Reform Committee Report accompanying H.R. 22, 109–66, Part I, will provide useful explanations and information.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6407, as amended.

The question was taken.

The SPEAKER pro tempore (Mr. LAHOOD). In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4050) to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr., Post Office Building".

The Clerk read as follows:

S. 4050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, shall be known and designated as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 4050, offered by the gentleman from Georgia, Mr. WESTMORELAND. This bill would name a post office in Thomaston, Ga. to honor Sgt. First Class Bobby Lee Hollar, who was killed in action while serving our nation in Iraq.

Sergeant Hollar was the kind of man who makes it possible for Americans to live in freedom and his service to his country was nothing short of remarkable. He was a Tank Commander in the U.S. Army National Guard before joining the 108th Calvary Division in Griffin, Georgia. For seven years following that, he worked within the 82nd Airborne Division out of Fort Bragg and Colorado Springs. He believed passionately in what he did, and at the young age of 35, he died entirely too young.

I would also like to note here that naming this post office in honor of Sergeant Hollar is quite befitting, as he dedicated several years of his life to the Postal Service before returning to the military and deploying to Iraq.

Friends and family from every part of his life remember his kindness, his spirit, and the way he put his heart and soul into everything he did. We are so fortunate for the bravery and allegiance of people like Sergeant Hollar, and it is with gratitude for his dedication and service that I support this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank Chairman DAVIS and his staff, and to Mr. DAVIS and the Republican leadership for allowing this bill to come to the floor. I also want to thank Senator ISAKSON for handling this bill in the Senate and having it passed.

Sergeant First Class Robert "Bobby" Lee Hollar, Jr., was a loving husband, father of two, son, and friend. He was a respected and loved brother in arms to his brother soldiers in E Troop 108th Calvary of the 48th Brigade of the Georgia National Guard and was mobilized and deployed as part of the U.S. Army Force Command in Operation Iraqi Freedom.

Sergeant First Class Hollar arrived in Kuwait in May of 2005, and only 10 days later went into Baghdad with his fellow troops. His unit moved down to assist with missions in the Triangle of Death, and he patrolled out of his Forward Operating Base Michael south of Baghdad in mid-June 2005. His unit faced tough, hostile conditions in the Triangle of Death.

On September 1, 2005, while on patrol, Sergeant First Class Hollar's vehicle was struck by a powerful improvised explosive device. Although he survived at the scene and was evacuated to the field hospital for emergency surgery and treatment, his injuries were too severe for him to survive. He died later that day, leaving his wife Amanda, his 2-year-old son Wesley, and another son by a previous marriage.

Sergeant First Class Hollar was awarded the Purple Heart and Bronze Star. He was awarded various service and achievement awards as well.

Sergeant First Class Hollar was assigned to the Jonesboro, Georgia, Postal Facility and had taken up residence in Thomaston, Georgia. Sergeant First Class Hollar had become a pen pal for students at Crescent Middle School in Griffin, Georgia. In May of 2005, Sergeant Hollar visited the middle school and was accompanied by his then 1-year-old son, Wesley.

Sergeant Hollar touched the lives of the fourth and fifth grade classes with whom he was a pen pal. These children became very attached to Sergeant Hollar as he continued to write them from Iraq.

On September 2, 2005, their teacher, Katie Cobb, was unfortunately faced with the tough task of sharing the horrible news that their friend, Sergeant Hollar, had died from an explosive device that hit his vehicle.

That fourth grade class had the chance to know a true American hero. Sadly, when the class heard of Sergeant Hollar's death, they learned a tragic but important lesson about the high cost of defending freedom.

According to Ms. Cobb, the students all started crying and were very upset about Sergeant Hollar's death. Ms. Cobb stated that she was proud that her students became even more appreciative of their freedom from knowing Sergeant Hollar. After his death, the students proceeded to write their government officials asking that his memory be carried on by having the Thomaston Post Office named in his honor.

It is a rare occasion when a post office can be named for such a wonderful individual who was an active postal employee and Active Duty servicemember who died while serving his country as an American hero.

Mr. Speaker, I ask that all Members would support S. 4050 in honor of this great man.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of S. 4050, a bill to designate the facility of the United States Postal Service located at 103 Thompson Street in Thomaston, Georgia as the Sergeant First Class Robert Lee "Bobby" Hollar, Jr. Post Office Building.

S. 4050, sponsored by Senator JOHNNY ISAKSON, passed the Senate by unanimous consent on December 6, 2006.

Robert Lee "Bobby" Hollar was born in Woodstock, Virginia. Hollar served in the Georgia National Guard's 108th Infantry Brigade Calvary Division based out of Griffin, Georgia, as a tank commander in Iraq. Prior to his service in the 108th Calvary Regiment, Hollar was a member of the 82nd Airborne Division, and he was a military scout before that.

Mr. Hollar also was a dedicated public servant. He served as a devoted postal letter carrier for years before being deployed to Iraq.

Mr. Hollar was killed in Iraq on September 1, 2005, when a roadside improvised explosive device exploded along the Humvee in which he was riding. Mr. Hollar was 35 years old when he was killed in action. No greater service can one give to their country than to be killed in its defense. I urge passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I would like to respectfully recognize and thank Senator CHAMBLISS for his efforts with Senator ISAKSON to have S. 4050 passed in the Senate. Both Senators played an important role in seeing that S. 4050 was promptly passed in the Senate so the bill could be addressed in the House before the adjournment of the 109th Congress.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 4050.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR A SEVERANCE PAYMENT FOR EMPLOYEES OF LEADERSHIP OFFICES AND COMMITTEES OF THE HOUSE

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1104) providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House.

The Clerk read as follows:

H. RES. 1104

Resolved,

SECTION 1. SEVERANCE PAY FOR COMMITTEE AND LEADERSHIP STAFF DISPLACED BY CHANGE IN MAJORITY PARTY STATUS.

(a) DEFINITIONS.—For purposes of this resolution, the following definitions apply:

(1) The term "committee" means a standing or select committee of the House of Representatives or a joint committee of the Congress whose funds are disbursed by the Chief Administrative Officer of the House of Representatives.

(2) The term "eligible displaced staff member" means an individual described as follows:

(A) The individual is separated from employment with a committee or a leadership office solely and directly as a result of a change in the party holding the majority of the membership of the House, as certified by the chair of the committee or head of the leadership office (as the case may be).

(B) Prior to the date of the separation from employment described in subparagraph (A), the individual was an employee of the committee or leadership office involved for not fewer than 183 days (whether or not service was continuous).

(C) During the period of the individual's employment, the individual's pay was disbursed by the Chief Administrative Officer.

(3) The term "leadership office" means the Office of the Speaker, the Office of the Majority Leader, the Office of the Minority Leader, the Office of the Majority Whip, and the Office of the Minority Whip.

(b) PAYMENT.—

(1) ELIGIBILITY FOR SEVERANCE PAYMENT.—In accordance with regulations prescribed by the Committee on House Administration, each eligible displaced staff member, upon application to the Chief Administrative Officer, shall continue to be paid at the eligible displaced staff member's respective salary for a period not to exceed 60 days following

the date of the of separation from employment (as described in subsection (a)(2)) or until the eligible displaced staff member becomes otherwise gainfully employed, whichever is earlier.

(2) ACCEPTANCE OF STATEMENT OF LACK OF GAINFUL EMPLOYMENT.—A statement in writing by an eligible displaced staff member that the member was not gainfully employed during any period or portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that the member was not so employed.

(c) NOTIFICATION OF ELIGIBLE INDIVIDUALS.—The Chief Administrative Officer shall notify the Committee on House Administration of the name of each eligible displaced staff member.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for making payments under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

Mr. FLAKE. Mr. Speaker, I am opposed to the bill. I would like to claim time in opposition to the bill.

The SPEAKER pro tempore. Is the gentlewoman from California opposed to this bill?

Ms. MILLENDER-MCDONALD. No, I am not.

The SPEAKER pro tempore. The gentleman from Arizona, pursuant to the rule, will control the 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, this bill has been submitted at the request and suggestion of the current minority leader and soon-to-be majority leader, and because of that situation I reserve the balance of my time and yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD) to allow her, the ranking member and the cosponsor of the bill, to speak on the resolution.

□ 2245

Ms. MILLENDER-MCDONALD. Mr. Speaker, Speaker-designate PELOSI has indicated that she intends to usher in a new direction and spirit in this House, a spirit which opens doors and encourages mutual recognition, trust and respect among all Members and their staffs. Likewise, she has signaled that this House, as a two-century-old institution, is held in trust for all Members as a place to debate and formulate national policy and to carry out the people's business.

Mr. Speaker, on November 7, the American people spoke loudly with their votes, and they said that they wanted a new direction in this national legislature. For many years, the sharp edge of partisanship and party interests have permeated the very fabric of this very body, its rules and its operations.

Speaker-designate PELOSI intends to change that in the legislative arena, while acknowledging the improvements made in the administrative arena during the last decade. The House has enhanced its bookkeeping and become more efficient in its operations. These are important improvements, irrespective of which party controls the House. Retention of House officers during transition recognizes continuing institutional interests which transcends party interests. That is a new direction.

And this resolution, sponsored by Chairman EHLERS and myself on behalf of our respective leaderships, is a new direction as well. This resolution recognizes that the displacement attendant to a change in majority is unpredictable and beyond the control of individuals.

This resolution further provides for up to 60 days of severance for leadership and committee staff displaced by a change in majority party status. This resolution follows the Senate model, promotes civility, and acknowledges the direct institutional contribution made by displaced House leadership and committee staff.

This is the kinder, gentler side of an institution weakened over the last decade by partisan strife. This is just one of many new directions intended to begin the process of healing in the House.

This is a sign that good faith and bipartisanship or nonpartisanship can help bridge the gap of past partisan differences. This is an acknowledgment that people matter as much as systems, that outcomes are as important as processes.

This is a small step toward a greater goal, and Speaker-designate PELOSI intends to achieve that goal, while acknowledging and respecting each Member's beliefs and values and perspectives.

I am pleased to be on the ground floor of this institutional rebuilding process, and I thank my chairman for his able, fair and balanced leadership on this resolution. It is a new direction worthy of all Members' support, and I urge passage of this resolution.

The SPEAKER pro tempore. The Chair would inform the gentleman from Michigan (Mr. EHLERS) that you yielded time to the ranking member.

Mr. FLAKE. Mr. Speaker, may I inquire, how much time do I have?

The SPEAKER pro tempore. The gentleman from Arizona controls 20 minutes.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I didn't learn about this, nor do I believe most of my colleagues did, until just minutes ago, if not an hour or so ago. This is not the way to conduct business.

It is one thing to have a policy, a long-term policy on severance packages, but to spring it in the middle of night on the last day of session is simply the wrong way to do business.

My understanding is that this would apply to leadership staff and committee staff, but not regular personal offices. Could somebody please tell me how that is fair?

If you are just talking about fairness, how is it fair to say to somebody from a personal office, your boss lost, you haven't got a severance? But, oh, if you happened to work for a committee or if you are lucky enough to work for leadership staff, you have a package. How is that fair?

We are often accused in Congress of having a package that members of the general public don't have. In doing this, we are offering a package that some people in Congress have and some people in Congress don't have, let alone the rest of the population. How is that fair? Why are we doing business this way in the middle of the night on the last day of session?

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) has 16 minutes remaining.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

As colleagues, we often disagree on many issues with our friends on the other side of the aisle; but we can all agree that we are blessed by a tireless, dedicated workforce in this Congress. And whenever there is a transfer of power of this sort, there is a tremendous dislocation amongst our staff.

I think it is entirely reasonable to do as we did to a certain extent in 1994, as the Senate did in 2004, when there is a dramatic change of leadership, to provide a period of time for the staff to adjust to that changing situation. So I believe this is an appropriate measure, and I encourage the House to act favorably for it.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, before yielding to my next speaker, I was just informed that we don't even know what this will cost. We still don't have a cost estimate. If somebody has one, that would be great if we can have it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, this is one of those dark-of-the-night type pieces of legislation, and I am going to oppose it not because I haven't had to personally lay off three committee staff as I went from the majority to the minority on my subcommittee, but in fact because it is not well thought out. It has not gone through the legislative process it should, and it is not a precedent we want to set haphazardly.

The United States Congress is often accused of not even paying into Social Security when in fact for decades we have been part of it. The American people have a lack of confidence that we are run in a uniform and predictable way, and this is just another example of exactly that.

We don't provide moving expenses, we don't provide per diem or reimbursements that other branches of government do; and yet, on a selective basis, without a cost assessment, we are being asked to throw in something.

As a Member of the majority, the party that is in fact going to be laying these people off, I appreciate the sympathy of the minority in this effort, and I am not without some appreciation for what they are offering, but if they are going to do this, let us do it in a thoughtful, legislative fashion and let us absolutely make sure that it is something that will pass the test of the American people as a uniform policy for government employees of this body.

So I ask that this bill be defeated and a thoughtful and proper bill be brought back to the floor.

Mr. EHLERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) and ask unanimous consent that she may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution parallels the Senate resolution. I am amazed that here we are at Christmastime and staff is moving, transitioning on to unemployment, that we cannot at least be sensitive to giving them some type of severance pay. We are talking about staff that has worked so hard in this House and has helped us have the successes that we have had.

So I urge my colleagues to not defeat this bill. This bill is to suggest to those staff members and leadership staff that we appreciate the work that they have done. Many of these staff members might get the job the next day so we will reduce that severance pay, but at least it is a step in the right direction. I urge support for this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, you know, whether we are Republicans or Democrats, we are all working people, working with the staffs on the Republican side and the Democratic side. Here we are. There is a change. None of us know whether we are going to be reelected in 2 years. That is a risk that we all take.

But for the staff who have worked so hard for all of us on all of our issues, we certainly should be looking at this as positive legislation.

I have worked so many times with my Republican colleagues with their staff members and we have worked certainly well together on so many issues, but that is not the point. The point is these are people that have devoted their lives to public service. We don't even pay them enough. Any one of them can go into the private sector and earn a heck of a lot more money.

So here we are at the end of a session, 11:00, almost 12:00 at night, and we are going to deny severance pay to those who have served this country so well.

I urge my colleagues, no matter what our differences are, these people have done great service to this Nation and they certainly deserve severance pay.

I hope that this Congress and certainly the Members here will put themselves in a position of what their staff might be 2 years from now. These are people that are devoted to each and every one of us. They have served each and every one of us. They have served this Nation. I hope we can pass this resolution and give them a severance pay.

Mr. FLAKE. Mr. Speaker, before yielding to the gentleman from Arizona, let me point out that there were some 30 offices, and with retirements even more than that, personal staff who will be out on the street with no severance package at all. Again, we are picking winners and losers. Winners are those who work in leadership offices or on committee staff. If you are in a personal office, tough luck.

This is just not well thought out in the middle of the night to be doing this, and with no cost estimate.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I agree with the sponsor of this measure and my colleagues on the other side of the aisle that we are blessed by great staff who give tirelessly.

But I would suggest this is not a debate about whether or not we should have an appropriate severance plan for employees who lose their jobs because one party or the other loses the majority.

It is not that debate at all. Indeed, we will be back here on the 4th of January and we can deal with the issue of an appropriate severance package at that time in a thoughtful way in the sunlight of day when the American public can watch what is going on, when it is not, as the gentlewoman who spoke just before me stated, near 11, approaching midnight, on the last day.

I would say that indeed, it is inexcusable for us to have brought this package to the floor at this late moment. We have been here all this week. We came in on Tuesday; we could have proposed this idea then. I only learned of this notion literally less than an hour ago.

And as I got on the elevator to come to the floor to vote on the measure we voted on just 30 minutes ago, I chatted with several people on the elevator, not a one of them was aware this was up for debate or consideration.

I think it is very, very important to understand that we have an obligation to be stewards of the public's money.

It was noted earlier in the debate that this parallels the Senate plan; but I would suggest that the Senate plan was not adopted in the middle of night on the last day of the session without notice to the public and without hearings. The Senate plan, as the other side and as the sponsor of this measure have pointed out, the Senate plan has been in place for months.

By all means, we should carefully consider an appropriate severance plan for our employees. But we ought not to do it in the middle of the night.

As the gentleman has pointed out, there is a fundamental unfairness in this proposal which I would suggest would not be there if we had debated this in the daylight with hearings as we should. That is that this severance package is reserved to leadership staff and committee staff. They are the best paid staff. Unfortunately, Americans across the country don't know this, but those of us who work here do, leadership staff and committee staff, those are the best, most sought-after jobs on the Hill. They are the best paid jobs on the Hill, and we are going to give them severance pay but not severance pay to the individual employees who work in a Member's office? It is fundamentally unfair and indefensible.

□ 2300

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to remind my colleagues on the other side that many bills have been passed in the cloak of night that were adverse to the American people. What we are saying tonight is that this resolution is for those hard-working workers who have given so much to this House, and for us to deny them, and especially these are Republican staff members, not Democratic staff members that we are talking about, and to deny this, to me is just absolutely unconscionable at this Christmastime.

I will urge you to reconsider this resolution and pass it as the Senate has passed their resolution to try to address those who are transitioning out because of a change in majority.

Ms. PELOSI. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the Speaker-designate, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. And I commend the chairman, Mr. EHLERS, and Ranking Democrat Congresswoman MILLENDER-McDONALD for bringing this bill to the floor.

Mr. Speaker, I think it is important to note that the money contained in this bill, the severance pay, is 100 percent for the Republican staffers who will be losing their jobs. When the Democrats lost the Congress in 1994, there was so much unrest and uncertainty among those who served on committee staffs. Every one of us who is elected to Congress and our staffs know that we have a 2-year term and the period from the election day and the swearing in of the new Congress is our severance pay. We have a 2-year term; that is it.

But the professional staff of the committees serve from term to term, and in losing the majority, the Republicans have to dismiss many of their professional and other employees. So it is just a sense of fairness, I believe, that we in the soon-to-be-majority, but the minority, recognize the need for these families to have a severance pay. If they get employed between now and before the 2 months expire, they don't get the full amount. But this isn't about leadership and committee. It is about the Republican leadership and the Republican committee staff. And as Democratic leader, I think that the fair thing to do is to treat those families with the respect they deserve for the service that these people have given to our country.

It is hard. People don't know if they are going to make their mortgage payment or if they are going to pay the tuition installment or what, and this at least gives them 2 months of certainty if they do not find employment in the meantime.

So I want the record to be clear. This is about the Republicans. It is the appropriate thing to do for the Republican staff, and I urge our colleagues to support this act of fairness in supporting this legislation.

Mr. FLAKE. Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 4 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, this is the last evening that I will stand before this body, at least for a while, as chairman of the Energy and Commerce Committee, and there is still work that I have to do later this evening on several votes that we are still working on with the Senate, and I hadn't intended to speak on this, but I listened to the debate, and I felt compelled that at least one full committee chairman should come and speak in favor of this resolution.

I believe there are 18 standing committees of the House of Representatives, and the staff ratios on the committees is two-thirds Republican because we are in the majority and one-third Democrat because they are in the minority. Since the voters spoke in November, those ratios are going to switch. On the Energy and Commerce Committee, which is one of the larger standing committees, right now there are some 60-odd majority Republican staffers and some 30-odd minority Democrat staffers. Well, the Democrats are going to be staffing up, as they should, but it means that about half the Republican staff on the Energy and Commerce Committee is going to have to seek other employment, which is around somewhere between 30 and 35 people. Now, thanks to an agreement with the majority and the minority leadership of this Congress, for the first time we have agreed if this resolution passes to provide up to 2 months of severance pay for the majority staffers that have to be laid off.

If the Energy and Commerce Committee is reflective of the full Congress and that means that every other committee on the Republican side is losing approximately 30 staffers, that is about 540 staffers. I don't know what the leadership staff decline is, but let us say that is another 60. That is 600 Republicans who through no fault of their own are going to be out of a job December 31. If you take the average salary of about $75,000 or $80,000, and I do not know that that is the average but that is a pretty good guess, we are talking about a severance package, if everybody takes the full 2 months, of $10 million, give or take half a million dollars. I think that is fair.

Now, the question has been raised about this coming up in the dead of night. I read about this in Roll Call earlier this week. I didn't know it was coming up tonight as a resolution, but I read a story in Roll Call that the Speaker, Mr. HASTERT, and Ms. PELOSI had agreed to some sort of a severance package. And I instructed my staff that I certainly wanted to apply for the Republicans on the Energy Committee who could take advantage of this.

The reason we do not do it for personal staff is because you are either retiring and the Member knows that his staff has to find a job or you got defeated in an election and a new Member is coming in to take your place. But that office, that district, will still have the same number of staffers in the next Congress. It may be a different Congressman or Congresswoman.

Now, this may not be the perfect way to do it, but it is a good way to try to do it. And I would hope that the Republicans will vote for this because if anybody wanted to be partisan and vote "no," it would be the Democrats. They are adding staff. This is something that benefits the current majority and our most loyal people, some of who could double and triple their salary if they didn't want to work on committees or professional staff. It is a small price to pay. If we need to find a better way to do it in the next Congress, because I certainly hope that I am going to be coming back 3 years from now as chairman of the committee and not as ranking member, let us do it. But let us please vote for this tonight.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I think the sentiment that we heard the chairman of the Energy and Commerce Committee just express, as well as the incoming Speaker of the House express, is deeply admirable. We are speaking about 600 men and women who have demonstrated their integrity and their commitment to public service in this Nation, and for that we are grateful.

But, Mr. Speaker, I say very humbly that this is still not the right way to reflect the will of the American people with regard to those capable men and women who have served our major committees and our leadership staff.

I am pleased to hear the incoming Speaker's sentiment for Republican staff, and I am confident that sentiment will be there in the early days of the 110th Congress. And well we should call it a night, Mr. Speaker, come back, and allow the people's House in an equitable and a thoughtful way to consider what the needs are of this Nation relative to all of the good men and women who have served this majority so ably, not merely in the leadership offices, not merely in the major committees, but even those excellent men and women who have served many of the colleagues for whom these waning moments will be their last moments in the House of Representatives. Let us do this right. Let us not do this tonight.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the chairman for yielding.

Like the gentleman from Arizona who has objected to this humanitarian measure during the holiday season, I am a relatively junior Member of this body, but I do recognize when there is a difference between decisions from the heart and decisions of the mind. It is past 11 o'clock, but believe me, I know something about late-night voting, and this is early for late-night voting. I know that we have 12 more bills to consider.

And I also know that from our office budgets, we could have allocated amounts of money for our personal staff if we chose to, and if the gentleman from Arizona chose to, he could pay severance for his employees out of his own pocket if he really wanted to.

The fact that this act of generosity, of humanitarianism during the holidays was taken should not be held up for political points.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I should say that we need to remember whose generosity we are relying on here, and it is the taxpayer.

And also to make a point of fairness, again, the chairman that spoke earlier, the gentleman from Texas, mentioned that there are some 600 staffers that are affected here. I would submit that there are more than 600 staffers in the personal offices who are affected here. And rather than the average salary of $60,000 to $80,000 or whatever that is, the average salary in a personal office is much, much lower. Are they not worthy? Is it a fault of their own that their bosses were not re-elected? Why are we choosing here between them? Why are we saying if you work in a leadership office, you are worthy of this; if you work in a personal office, you are not? That is what happens in the middle of the night when decisions like this are made. That is why we shouldn't do decisions like that when we are given notice minutes before it comes up on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, it is very unusual for me to watch C-SPAN on my television set in my office and decide this is something I want to come speak about it. It is rare for me to be on the House floor speaking about someone else's bills or speaking about an amendment. Usually when I am here, it is on a topic of interest and personal involvement from my committees and my involvement as a Member of Congress from a very rural community who is here to fight on behalf of rural America.

Well, tonight as I watched the debate on this issue, as I heard it explained, it is one of those issues that caused me to walk across the street to come talk about something that is gnawing at me.

We have talked about a double standard between the leadership staff, the committee staff, and our own personal staff. But to me the double standard is the way that Americans in the job market are not treated when they lose their job. What I see is that Americans, the taxpayers of this country, will see one more piece of evidence that Congress doesn't get it, that we are simply taking care of our own and forgetting the taxpayers, the Americans who go to work each and every day and those who may, through no fault of their own, lose their jobs.

So what I see tonight, as we discuss this issue, it is about a double standard that treats the American people differently from those who happen to work for Members of Congress, particularly in leadership or in committee staff positions. They are important. They are important to the process. They are important to good government. But the reality is we are here on behalf of the American people, on behalf of the American taxpayer, and those are the people we ought to be thinking about tonight as we debate how to spend the taxpayers' dollars.

It is easy to be generous with other people's money. Tonight we ought to remember it is the taxpayers' money that we are attempting to be generous with. Let us recognize that once again Congress should not create a special opportunity for people who happen to work here. Do not treat ourselves, do not treat our staffs differently from the American people.

Mr. EHLERS. Mr. Speaker, I yield 1 minute to the Speaker-designate.

Ms. PELOSI. Mr. Speaker, this legislation is probably one of the last opportunities I will have to enjoy the back and forth of debate on the floor of the House. And I can't resist coming to the defense of the Republican Members' committee staff people who will lose their jobs because of the results of the election.

But I want to make this point, standing up again, seeking recognition again: first I hear the distinguished gentlemen from various States stand up and say we shouldn't be spending this money, it is $10 million-plus, to give severance pay to families who have lost their jobs.

□ 2315

One hundred percent of those jobs will be lost by Republicans, so as the Democratic leader, I want to support the Republican employees getting the severance pay. Then I hear the gentlemen stand up and various ones say that we oppose the expenditure because it's not a good use of the taxpayers' money and why aren't you spending more to cover the personal offices? And the point is clear. All Members of Congress are elected for 2 years, our staffs understand it is a 2-year job and our opportunity to find employment is between November and January.

But all of this reminds me of a story that was told about Yogi Berra, which may or may not be a Yogi Berra story, because many stories are attributed to him. When asked about a particular restaurant, he said, "I don't like to go there. The food's lousy. Besides, the servings are too small."

That is really what this reminds me of: I am opposed to this spending of money because we shouldn't be spending money to help these families, and why aren't we spending more to help the other families?

This is really the fair thing to do. Again, I urge my colleagues to very forcefully support this act of fairness for the Republican committee staffers.

Mr. FLAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I would like to make several points:

First off, that committee staff knows there are elections every 2 years, too. I was a staff director in the minority before we became the majority and when the ranking member changed, all staff loses their job whether there has been an election or not. Yes, you could take your personal accounts for the losing Members and cover some. But the fact is so could committees. If they withheld funds, they could have done it as well.

I lose five staff. They have been very close to me. Many of them have been personal friends. They have had 2 months. It would be nice if they could have the extra months, but it is no more their right as higher-paid staff than personal office staff. We are not arguing to spend even more money. We are saying, how did you come up with the double standard? Why do leadership staff get the dollars, why do committee staff get the dollars and not the personal office? The budgets are the same. The elections are the same. You know the risks. In fact, for a committee the risks are higher, because you could change your ranking member, you could change your chairman. You could have your chairman switch subcommittees and the staff change. This is the nature of the business.

I think it is great to be generous with your own dollars, but when you're generous with the taxpayers' dollars, there are obligations with that. At the very least, there should have been a discussion. There should have been hearings. We hear that all the time. There should have been hearings. Sometimes there aren't. But at this point, at the last day, for us to come up here and give special benefits to the few, including some of my own staff, is just wrong.

I hope the Members give this a resounding "no."

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I would be glad to yield to anyone who can tell me that a committee staffer has a longer contract than somebody who works in a personal office. It is simply not the case. So the notion that a committee staffer should be treated differently is simply wrong. The gentleman from Indiana, I think, said it best. Nobody is here arguing that we shouldn't be generous. It is that when you come here in the middle of the night the last day of session, you rarely think things out very well and this isn't thought out very well. How can you say some people, we're just going to target who gets this benefit and who doesn't? This isn't how the public expects us to conduct our business.

As I mentioned before, we are already accused of having different rules for Congress than exist out there in the general public.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. Does the gentleman have an answer to the question I asked?

Mr. DANIEL E. LUNGREN of California. A partial answer to the question.

Mr. FLAKE. Yes, I would yield.

Mr. DANIEL E. LUNGREN of California. That is, on the night that Members found out that they were defeated, their staffs knew they were out of a job. It is my information that a number of Republican staffers on some of the committees were not informed until just yesterday that they were out of a job because we didn't know what the staff ratios were going to be, we didn't know which people were going to have to be selected, and so just in that particular regard, they got far less notice.

I understand what the gentleman is doing here. I happen to be one of those who has been accused about not being concerned enough about staff, but the fact of the matter is, if we want small government to work well, we need to have good people to work here. I don't know why we are taking the time tonight to berate, in essence, our people, to suggest that somehow they knew this was coming.

Mr. FLAKE. I reclaim my time.

No one has berated anyone. I have worked with very, very able committee staff. Very, very able leadership staff. Also very able personal staff. That is not the point here. The point is if we want small government and we want it to work, let's not conduct it in the middle of the night on the last day of session. Let's actually come here in January and say, should we have a different severance package? Should it be different for committee staff? Should it be different for personal staff? But let's do it in the light of day. Let's do it with some kind of deliberation. That is all we are asking. No one is berating anyone's staff. No one is. That is the last thing on my mind or anyone who has spoken here.

So let's just step back. Please withdraw this resolution. Let's have a little more thought to this. I think the American people want us to deliberate. They want us to do it in the light of day, not at 11:40 at night, or 11:20 at night. We shouldn't be doing business this way.

With that, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, the gentleman from Arizona said no one was being berated, but frankly I feel berated. This is not the middle of the night. We all know that. I never thought my fellow Republicans would accuse me of doing something in the middle of the night. I would have rather done it in the light of day but this just happened to be when it came up in the schedule.

This action, what we are doing here, does not preclude later action to take care of those problem cases in personal offices. That is beside the point. The point right now is we have a large number of committee staff who are learning fairly late in the game who it is that is being laid off; namely, those particular persons. They do not have the opportunity to suddenly rush out and find a job immediately.

Some committee chairmen have talked to me and are very concerned because they don't know whether they should use their leftover year-end funds for this purpose. Some of them have money left. Others do not. There is a huge inequity. This is an attempt to provide an equitable severance package. A severance package is not unusual in today's world. Ford Motor Company just bought out huge numbers of employees who they just wanted to get off the payroll. It is a very common practice. We are doing the proper thing to assure that everyone is treated equally in the committee staffs that are losing their jobs.

Mr. Speaker, in the little time I have remaining, I would like to recognize the gentleman from California for a closing statement.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman has 45 seconds.

Mr. DANIEL E. LUNGREN of California. The only thing I would suggest is please at this late hour, don't make some of our employees punching bags. I mean, the fact of the matter is some of these people just learned this week that they are not going to have employment. If you think it is an easy thing to try and find a job over the holidays, if you say come back in January, sure, let's give them more uncertainty. Let's give their families more uncertainty. Let's have them bear the burden of this.

And frankly at times we ought to be thinking of those people. I would just ask you to vote "yes" for this. Not for us, not for them, not for anybody in this House, but for the individuals who have served us well and their families.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 1104.

The question was taken; and (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

DEPARTMENT OF STATE AUTHORITIES ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6060) to authorize certain activities by the Department of State, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of State Authorities Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Fraud prevention and detection account.
Sec. 3. Education allowances.
Sec. 4. Interference with protective functions.
Sec. 5. Persons excused from payment of fees for execution and issuance of passports.
Sec. 6. Authority to administratively amend surcharges.
Sec. 7. Extension of privileges and immunities.
Sec. 8. Removal of contracting prohibition.
Sec. 9. Personal services contracting.
Sec. 10. Proliferation interdiction support.
Sec. 11. Safeguarding and elimination of conventional arms.
Sec. 12. Imposition of sanctions to deter the transfer of MANPADS.
Sec. 13. Additional authorities.

SEC. 2. FRAUD PREVENTION AND DETECTION ACCOUNT.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in clause (i), by inserting "or primarily" after "exclusively"; and

(2) by amending clause (ii) to read as follows:

"(ii) otherwise to prevent and detect visa fraud, including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), in cooperation with the Secretary of Homeland Security or pursuant to the terms of a memorandum of understanding or other agreement between the Secretary of State and the Secretary of Homeland Security; and".

SEC. 3. EDUCATION ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A), by inserting "United States" after "nearest";

(2) by amending subparagraph (B) to read as follows:

"(B) The travel expenses of dependents of an employee to and from a secondary or post-secondary educational institution, not to exceed one annual trip each way for each dependent, except that an allowance payment under subparagraph (A) may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph."; and

(3) by adding at the end the following:

"(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during one trip per year by the dependent between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage in connection with the trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.".

SEC. 4. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§118. Interference with certain protective functions

"Any person who knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title, imprisoned not more than 1 year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"118. Interference with certain protective functions.".

SEC. 5. PERSONS EXCUSED FROM PAYMENT OF FEES FOR EXECUTION AND ISSUANCE OF PASSPORTS.

Section 1(a) of the Act of June 4, 1920 (22 U.S.C. 214(a)) is amended—

(1) by striking "or from a widow" and inserting "from a widow"; and

(2) by inserting "; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes" after "such member" the second place it appears.

SEC. 6. AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES.

(a) IN GENERAL.—Beginning in fiscal year 2007 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to consular services in support of enhanced border security (provided for in the last paragraph under the heading "DIPLOMATIC AND CONSULAR PROGRAMS" under title IV of division B of the Consolidated Appropriations Act, 2005 (Public Law 108-447)) that are in addition to the passport and immigrant visa fees in effect on January 1, 2004.

(b) REQUIREMENTS.—In carrying out subsection (a) and the provision of law described in such subsection, the Secretary shall meet the following requirements:

(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

(3) A surcharge may not be collected except to the extent the surcharge will be obligated and expended to pay the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharge is charged.

(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.

SEC. 7. EXTENSION OF PRIVILEGES AND IMMUNITIES.

(a) THE AFRICAN UNION.—Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended—

(1) by inserting "(a)" before "The provisions"; and

(2) by adding at the end the following:

"(b) Under such terms and conditions as the President shall determine, consistent with the purposes of this title, the President is authorized to extend, or enter into an agreement to extend, to the African Union Mission to the United States of America, and to its members, the privileges and immunities enjoyed by diplomatic missions accredited to the United States, and by members of such missions, subject to corresponding conditions and obligations.".

(b) THE HOLY SEE.—Under such terms and conditions as the President shall determine, the President is authorized to extend, or to enter into an agreement to extend, to the Permanent Observer Mission of the Holy See to the United Nations in New York, and to its members, the privileges and immunities enjoyed by the diplomatic missions of member states to the United Nations, and their members, subject to corresponding conditions and obligations.

SEC. 8. REMOVAL OF CONTRACTING PROHIBITION.

Section 406 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4856) is amended by striking subsection (c).

SEC. 9. PERSONAL SERVICES CONTRACTING.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) is amended—

(1) in subsection (a), by striking "broadcasters, producers, and writers" and inserting "broadcasters and other broadcasting specialists"; and

(2) in subsection (c), by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 10. PROLIFERATION INTERDICTION SUPPORT.

(a) ASSISTANCE.—Consistent with section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-2), as amended by subsection (c), the President is authorized to provide assistance to friendly foreign countries for proliferation detection and interdiction activities and for developing complementary capabilities.

(b) REPORT ON EXISTING PROLIFERATION DETECTION AND INTERDICTION ASSISTANCE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on proliferation and interdiction assistance.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) specify in detail, including program cost, on a country-by-country basis, the assistance being provided by the Department of State to train and equip personnel in friendly foreign countries in the detection and interdiction of proliferation-related shipments of weapons of mass destruction, related materials and means of delivery, and dual-use items of proliferation concern; and

(B) specify, on an agency-by-agency basis, funding that is being transferred by the Department of State to other executive agencies to carry out such programs.

(c) INTERDICTION ASSISTANCE AMENDMENTS.—Section 583 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-2) is amended—

(1) in subsection (a)—

(A) by striking "should ensure that" and inserting "shall ensure that, beginning in fiscal year 2007,";

(B) by striking "expended" and inserting "obligated"; and

(C) by striking "that originate from, and are destined for, other countries" and inserting "to non-state actors and states of proliferation concern"; and

(2) by adding at the end the following new subsections:

"(c) COOPERATIVE AGREEMENTS.—In order to promote cooperation regarding the interdiction of weapons of mass destruction and related materials and delivery systems, the President is authorized to conclude agreements, including reciprocal maritime agreements, with other countries to facilitate effective measures to prevent the transportation of such items to non-state actors and states of proliferation concern.

"(d) DETERMINATION AND NOTICE TO CONGRESS.—The Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in writing not more than 30 days after making a determination that any friendly country has been determined to be a country eligible for priority consideration of any assistance under subsection (a). Such determination shall set forth the reasons for such determination, and may be submitted in classified and unclassified form, as necessary.".

SEC. 11. SAFEGUARDING AND ELIMINATION OF CONVENTIONAL ARMS.

(a) IN GENERAL.—The Secretary of State is authorized to secure, remove, or eliminate stocks of man-portable air defense systems (MANPADS), small arms and light weapons, stockpiled munitions, abandoned ordnance, and other conventional weapons, including tactical missile systems (hereafter in this section referred to as "MANPADS and other conventional weapons"), as well as related equipment and facilities, located outside the United States that are determined by the Secretary to pose a proliferation threat.

(b) ELEMENTS.—The activities authorized under subsection (a) may include the following:

(1) Humanitarian demining activities.

(2) The elimination or securing of MANPADS.

(3) The elimination or securing of other conventional weapons.

(4) Assistance to countries in the safe handling and proper storage of MANPADS and other conventional weapons.

(5) Cooperative programs with the North Atlantic Treaty Organization and other international organizations to assist countries in the safe handling and proper storage or elimination of MANPADS and other conventional weapons.

(6) The utilization of funds for the elimination or safeguarding of MANPADS and other conventional weapons.

(7) Activities to secure and safeguard MANPADS and other conventional weapons.

(8) Actions to ensure that equipment and funds, including security upgrades at locations for the storage or disposition of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, continue to be used for authorized purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authorities of the Secretary of Defense.

SEC. 12. IMPOSITION OF SANCTIONS TO DETER THE TRANSFER OF MANPADS.

(a) STATEMENT OF POLICY.—Congress declares that it should be the policy of the United States to hold foreign governments accountable for knowingly transferring

MANPADS to state-sponsors of terrorism or terrorist organizations.

(b) DETERMINATION RELATING TO SANCTIONS.—

(1) IN GENERAL.—If the President determines that a foreign government knowingly transfers MANPADS to a foreign government described in paragraph (2) or a terrorist organization, the President shall—

(A) submit forthwith to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing such determination; and

(B) impose forthwith on the transferring foreign government the sanctions described in subsection (c).

(2) FOREIGN GOVERNMENT DESCRIBED.—A foreign government described in this paragraph is a foreign government that the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(c) SANCTIONS DESCRIBED.—The sanctions referred to in subsection (b)(1)(B) are the following:

(1) Termination of United States Government assistance to the transferring foreign government under the Foreign Assistance Act of 1961, except that such termination shall not apply in the case of humanitarian assistance.

(2) Termination of United States Government—

(A) sales to the transferring foreign government of any defense articles, defense services, or design and construction services; and

(B) licenses for the export to the transferring foreign government of any item on the United States Munitions List.

(3) Termination of all foreign military financing for the transferring foreign government.

(d) WAIVER.—Notwithstanding any other provision of law, sanctions shall not be imposed on a transferring foreign government under this section if the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the furnishing of the assistance, sales, licensing, or financing that would otherwise be suspended as a result of the imposition of such sanctions is important to the national security interests of the United States.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 47(3) of the Arms Export Control Act.

(2) DEFENSE SERVICE.—The term "defense service" has the meaning given the term in section 47(4) of the Arms Export Control Act.

(3) DESIGN AND CONSTRUCTION SERVICES.—The term "design and construction services" has the meaning given the term in section 47(8) of the Arms Export Control Act.

(4) FOREIGN GOVERNMENT.—The term "foreign government" includes any agency or instrumentality of a foreign government.

(5) MANPADS.—The term "MANPADS" means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; or

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 13. ADDITIONAL AUTHORITIES.

(a) WAR RESERVES STOCKPILE.—

(1) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011), is amended—

(A) in subsection (a)(2)(D), by striking "as of the date of enactment of this Act,"; and

(B) in subsection (d), by striking "2" and inserting "4".

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000,000" and inserting "$200,000,000"; and

(ii) by striking "2004 and 2005" and inserting "2007 and 2008"; and

(B) in subparagraph (B), by striking "$100,000,000" and inserting "$200,000,000".

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) takes effect on August 5, 2006.

(b) EXTENSION OF AUTHORITY TO PROVIDE LOAN GUARANTEES.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11), is amended in the item relating to "LOAN GUARANTEES TO ISRAEL"—

(1) in the matter preceding the first proviso, by striking "September 30, 2007" and inserting "September 30, 2011"; and

(2) in the second proviso, by striking "September 30, 2007" and inserting "September 30, 2011"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, this legislation, the Department of State Authorities Act of 2006, contains several important provisions that will positively impact upon the safety of our country and our citizens and promote good governance.

The legislation has been worked out in a bipartisan way with my friend and colleague from California (Mr. LANTOS) and enjoys, I believe, very strong support on both sides of the aisle.

One provision, Mr. Speaker, would give the Secretary of State needed flexibility in spending fraud prevention and detection fund moneys to permit investigation of a broader array of fraud, including fraud in connection with terrorist activity. Another would allow for the waiver of fees for passports when U.S. citizens are caught in difficult situations abroad, such as those who were victims of the 2004 tsunami. A criminal provision provides for penalties when an individual interferes with a Secret Service agent protecting a foreign dignitary. And passage of the bill would give the President authorization to extend privileges and immunities to the Holy See's Observer Mission to the United Nations and to the African Union's newly established diplomatic mission to the United States.

Mr. Speaker, the manager's amendment would also establish the outlines of two programs under the Foreign Assistance Act. One would provide for greater international cooperation with friendly foreign governments with respect to the interdiction of dangerous cargo. The second would authorize an accelerated program to secure and eliminate particularly dangerous conventional weapons, such as man-portable air defense systems, commonly referred to as MANPADS. I would point out parenthetically that it was Colin Powell in one speech who said that the largest danger, the most acute danger to aviation, whether it be criminal or whether it be military or civilian, are these stinger-like MANPADS. They are very, very dangerous and there are hundreds of thousands of those out. They are very much in the black market. If terrorists get their hands on those, we are in serious trouble. Under the bill's provisions, sanctions could be imposed on foreign governments who knowingly transfer such weapons to terrorists.

Finally, the bill would extend the duration of certain types of assistance we have been providing to Israel for a number of years. Specifically, the bill would extend for an additional 2 years the authorization provided in the Department of Defense Appropriations Act of 2005 for the United States to transfer to Israel obsolete or surplus stocks in the war reserve stockpile located in Israel.

Similarly, the bill would extend for an additional 4 years a provision in the Emergency Wartime Supplemental Appropriations Act of 2003 to provide loan guarantees to Israel, the authorization of which is scheduled to expire.

Mr. Speaker, let me just say briefly, I do regret that the bill does not contain an important provision for the reform of the Foreign Service compensation system, a very, very well-worked-out piece of legislation, but regrettably that was dropped from the bill.

I include an exchange of correspondence relating to this bill.

DECEMBER 8, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 6060, the "Department of State Authorities Act of 2006." The Committee on International Relations ordered the bill reported favorably on September 13, 2006.

There are certain provisions within the bill that will be considered by the House today that fall within the jurisdiction of the Committee on Government Reform. In the interest of permitting the Committee on International Relations to proceed expeditiously to floor consideration of this bill, I request that your Committee waive its right to sequential referral on this matter. I understand that such a waiver only applies to this language in the bill and not to the underlying subject matter.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

DECEMBER 8, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On September 13, 2006, the Committee on International Relations ordered reported favorably to the House H.R. 6060, the "Department of State Authorities Act of 2006." Thank you for consulting with the Committee on Government Reform on those matters in H.R. 6060 within the Committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6060.

In the interest of expediting the House's consideration of H.R. 6060, the Committee on Government Reform did not request a sequential referral of the bill. However, the Committee did so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives in this bill or similar legislation.

I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, today we are considering a scaled-down State Department Authorities bill, the State Department Reform Act of 2006, authored by our distinguished vice chairman, Mr. SMITH of New Jersey.

This legislation, while compact, contains a number of critical authorities needed by the Secretary of State to strengthen American diplomacy.

Perhaps most importantly, Mr. Speaker, this measure would provide the Secretary of State with expanded authority to retain fees to support the vastly expanded efforts of the Department to fight visa fraud and secure America's borders.

This measure also includes enhanced law enforcement authority to improve the ability of our diplomatic security agents to protect diplomats and officials.

It also provides authority needed to set in place reciprocal agreements that will provide our diplomats assigned to represent the United States to the African Union with customary immunities.

In addition, it renews expiring contracting authority that is required to keep our Middle East broadcasting, Radio Free Asia and Voice of America programming on the air.

Mr. Speaker, this legislation is strongly supported by our Secretary of State, Dr. Condoleezza Rice, who has urged us to pass it before the conclusion of the current session.

Mr. Speaker, this legislation provides some timely and critical new and expanded authorities that will strengthen U.S. diplomacy. I strongly support its passage and I urge my colleagues to do so as well.

Mr. Speaker, I yield back the balance of my time.

□ 2330

Mr. SMITH of New Jersey. Mr. Speaker, before yielding back, this is one of the last bills, if not the last bill, that the IR committee will consider tonight. I would just like to say as the vice chairman of the Subcommittee on Africa, Global, Human Rights and International Relations, I would just say a brief word about our distinguished chairman, Chairman HYDE.

Mr. Speaker, the House just isn't going to be the same without HENRY HYDE, one of the rarest, most accomplished and most distinguished Members of Congress ever to serve. HENRY HYDE is a class act. He is a man of deep and abiding faith. He is generous to a fault, and he has an incisive mind that works seamlessly with his incredible sense of humor. He is a speaker of truth in a society that all too often is willing to accept cheap sophism, the plausible and the fraudulent.

He is a man who inspires and challenges all of us to look beyond surface appeal arguments, and HENRY HYDE compels us to take seriously the admonitions of holy scripture to care for the downtrodden, the vulnerable and least of our brethren. The "Almanac of American Policy" has written that HENRY HYDE is one of the most respected and intellectually honest Members of the House and has proven himself as one of the most eloquent Members as well. His speeches, they point out, and I agree, are classics.

Mr. Speaker, in abortion debates HENRY HYDE remains the great defender of children and their moms, the champion of the most fundamental of all human rights, the right to life. Because of the Hyde amendment, countless young children and adults walk on this Earth. They have had an opportunity to prosper now, and they were spared the destruction when they were most at risk. With malice towards none, HENRY HYDE took to this microphone to politely asked us to show compassion and respect, even love for the innocent and inconvenient baby who was about to be annihilated. In one speech on the floor he pointed out how important it was to be inclusive to welcome the stranger.

As we all know, Congressman HYDE was a Congressman and is a Congressman for 32 years, chairman for 6 of Judiciary, chairman of the IR for 6 years as well. He has been a prodigious lawmaker, with uncanny skill, determination and grace. He has crafted numerous bipartisan laws and commonsense policies that have lifted people out of poverty, helped obliterate disease, criminals off the street and has been magnificent in the defense of democracy and freedom both here and overseas.

Finally, one of his many legislative accomplishments includes his authorship of the President's emergency plan for AIDS relief, PEPFAR, a 5-year $15 billion plan to combat HIV/AIDS, tuberculosis, and malaria. During those committees and debates on the floor, Chairman HYDE was persuasive and highly incisive as he compared the HIV/AIDS crisis to the bubonic plague of the 14th century, the Black Death, and challenged us to enact a comprehensive program, which we did, to rescue the sick, assist the dying and prevent the contagion spreading. Having served with this brilliant one-of-a-kind lawmaker for the past 26 years, I hope HENRY HYDE knows that I and so many others will truly miss him. He is as irreplaceable as irreplaceable can get.

Mr. Speaker, I yield to my good friend from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, very briefly, I rise in support of the bill. This bill contains many important provisions affecting the State Department. I am going to confine my remarks to one section of the bill. I serve as the chairman of the Subcommittee on International Terrorism and Nonproliferation. One of the issues that the subcommittee has focused on is the threat posed by shoulder-fired missiles known as MANPADS.

These weapons in the hands of terrorists are a deadly threat to civilian aviation. Unfortunately, these weapons, manufactured in China, Bulgaria, North Korea and elsewhere are proliferating, as we heard in the hearing earlier this year. In 2002 a shoulder-fired missile was shot at an Israeli airliner in Kenya which managed to escape unscathed. Unfortunately, the potential exists for many successful attacks.

The downing of a commercial airliner would take a terrible toll in human life and be a big blow to the world economy. That is why I introduced the Shoulder-Fired Missile Threat Reduction Act of 2006, which has bipartisan support.

Key portions of this act are included in this bill that we are considering tonight. It sanctions countries that knowingly transfer these missiles to terrorist organizations or state sponsors of terrorism, such as Iran and Iran. MANPADS in the hands of terrorists is a serious threat that warrants a serious response. This bill puts producing and proliferating countries on notice. I urge its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6060, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

The Clerk read as follows:

S. 4093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking "December 31, 2006" and inserting "September 30, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Louisiana (Mr. MELANCON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, S. 4093. This bill will modify the expiration date of a provision of a farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this calendar year.

The rest of the farm bill, however, does not begin to expire until December 30 of 2007. By passing this bill, we are ensuring that this credit program has the opportunity to be fully debated during the development of the next farm bill. Furthermore, should this provision expire in the next few days, it would create a hardship on the part of those farmers, ranchers, and lenders to whom it would apply.

I ask my colleagues to support this bill so that this credit program which is so important for America's young and beginning farmers has the opportunity to be debated and reevaluated during the development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

Mr. Speaker, I urge the passage of this bill, and I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I join with Mr. BOUSTANY and rise in support of Senate bill 4093. I would like to thank the leadership of the Senate Agriculture Committee for sending this bill over to us. This bill is just an extension of the term limit waiver until September 30, 2007. It will allow us to fully discuss the issue of guaranteed loan eligibility during the farm bill.

Passage of this legislation will ensure farmers and ranchers won't be left without financing options with little or no notice.

Mr. Speaker, this is especially important in areas suffering from crop and livestock disasters the last several years. I urge the passage of this legislation.

Mr. GOODLATTE. Mr. Speaker, I rise in support of S. 4093. This bill will modify the expiration date of a provision of the farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently, a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this year. The rest of the farm bill, however, does not begin to expire until September 30, 2007. By passing S. 4093, we are ensuring that this credit program has the opportunity to be fully debated during the development of the next farm bill. Should this provision expire in the next few days, it could create hardship on the part of those farmers, ranchers and lenders to whom it would apply. I ask my colleagues to support S. 4093 so that this credit program, which is important for America's young and beginning farmers, has the opportunity to be debated and reevaluated during development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

Mr. BOUSTANY. Mr. Speaker, I rise in support of the bill, S. 4093. This bill will modify the expiration date of a provision of a farm bill dealing with farm credit so that it expires concurrent with the rest of the farm bill. Currently a provision of the farm bill dealing with guaranteed loans for farmers and ranchers expires on December 31 of this calendar year.

The rest of the farm bill, however, does not begin to expire until December 30 of 2007. By passing this bill, we are ensuring that this credit program has the opportunity to be fully debated during the development of the next farm bill. Furthermore, should this provision expire in the next few days, it would create a hardship on the part of those farmers, ranchers, and lenders to whom it would apply.

I ask my colleagues to support this bill so that this credit program, which is so important for America's young and beginning farmers, has the opportunity to be debated and reevaluated during the development of the next farm bill without causing undue hardship with limited notice to the farmers and ranchers that use this important program.

I would also like to thank Michael Hare of my staff for his diligent work in the last week to bring this bill to the floor.

Mr. MELANCON. Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the Senate bill, S. 4093.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5304) to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Harassment through Outbound Number Enforcement Act".

SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Caller ID spoofing

"(a) IN GENERAL.—Whoever knowingly modifies caller ID information with the intent to defraud or harass another person, or to use another person's caller ID information without consent, shall be fined under this title, imprisoned for not more than five years, or both.

"(b) ATTEMPT; CONSPIRACY.—Whoever attempts or conspires to commit an offense under subsection (a) of this section shall be punished as provided in subsection (a) of this section.

"(c) EXCEPTIONS.—This section does not prohibit the following:

"(1) Any blocking of caller ID information.

"(2) Any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

"(d) DEFINITIONS.—(1) In this section:

"(A) The term 'caller ID information' means information transmitted—

"(i) by a service or device;

"(ii) to the recipient of a telephone call; and

"(iii) regarding the telephone number of, or other information regarding the origination of, the telephone call.

"(B) The term 'telephone call' means a call made using a telecommunications service or VOIP service.

"(C) The term 'VOIP service' means a service that—

"(i) provides real-time 2-way voice communications transmitted through customer premises equipment using Transmission Control Protocol/Internet Protocol, or a successor protocol (including when the voice communication is converted to or from Transmission Control Protocol/Internet Protocol by the VOIP service provider and transmitted to the subscriber without use of circuit switching), for a fee;

"(ii) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

"(iii) has the capability to originate traffic to, and terminate traffic from, the public switched telephone network.

"(D) The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(2) A term used in a definition in paragraph (1) has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1039. Caller ID spoofing.".

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT of Virginia. The Reading Clerk has read the title of the bill. Does that mean it is the originally introduced bill without amendments?

The SPEAKER pro tempore. The Chair understands that the motion is to suspend the rules and pass the bill as amended.

Mr. SCOTT of Virginia. We have looked around the House for a bill, and we have been unable to find a bill in the Speaker's lobby or on the Speaker's desk, other than the introduced bill. Could someone explain to us what we are now considering?

Mr. CANNON. Mr. Speaker, I think that we have five copies at the desk currently.

The SPEAKER pro tempore. Someone will deliver a copy of the bill to the committee table.

Mr. CANNON. Mr. Speaker, we are having a copy directed to Mr. Scott. He has got it.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5304, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 5304, the Preventing Harassment through Outbound Number Enforcement Act, the PHONE Act, which was introduced by Representative TIM MURPHY. I thank Mr. MURPHY for his leadership and commitment to this issue.

In the last few years, the criminal activity known as "spoofing" has been on the rise. Caller ID spoofing occurs when a person deliberately uses an incorrect, fake or fraudulent caller identification to hide their identity in order to facilitate a fraudulent telephone call and to harass, trick or further a fraudulent scheme. The victims of this activity include the legitimate owner of a caller ID or the recipient of a fraudulent telephone call, who, as a result, may divulge legitimate financial or identifying information such as credit card numbers or other financial information. Spoofing is nothing less than criminal fraud.

Spoofing technology has become more accessible to the average person, either through the purchase of Internet telephone equipment or through Web sites specifically set up to spoof. These Web sites promote spoofing as a device to commit fraud, prank phone calls and political attacks, and are used by telemarketers who are attempting to avoid the current "do not call" limits.

H.R. 5304 creates a new Federal crime prohibiting the modification of caller ID to harass or commit fraud or use another person's ID without that person's consent. The bill imposes a penalty of a prison term of up to 5 years and/or a fine for any violation. However, the legislation does not affect legally available blocking of caller ID technology or lawfully authorized activities of law enforcement intelligence agencies.

This legislation will help to deter telephone fraud, to protect consumers from harassment, and to increase protection of consumers and their personally identifiable data from fraudulent telephone use.

I urge my colleagues to join together to pass this bipartisan legislation, H.R. 5304.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for introducing the bill that addresses an important issue. People should be prohibited from defrauding, harassing others using this technology. A misleading caller ID can enable criminals to get information that they couldn't otherwise get. It will enable people to harass. There may be, however, legitimate uses for this technology, and that is why I have to oppose the motion to suspend the rules and pass the bill at this point.

□ 2345

There are a lot of people for whom it should be illegal. But, Mr. Speaker, I want to express my appreciation for them handing me a bill as the debate started. We have been negotiating the information in the bill.

We had a hearing and we found that there are a lot of legitimate uses for this. For example, women's shelters use misleading caller ID numbers. Businesses may use a misleading caller ID number if they are calling from one line of many lines. If they want people to call back on their main line, they want to use that caller ID.

When we had our hearing we heard that we may want to differentiate from defrauding and harassing with a criminal intent for criminal gain as opposed to just harassing. Maybe we might not have a 5-year felony, you might want to have a misdemeanor.

So I was under the impression earlier today that we were going to continue negotiating this and work on it and get a decent bill next year.

Also I heard, Mr. Speaker, that the FBI has made recommendations on the bill. We don't have that information yet because the recommendations have not been cleared by OMB. I would ask the chief sponsor or the proponents of the legislation why it is so important to pass the legislation before the Bush administration's Federal Bureau of Investigation comments can be considered?

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me point out to the gentleman that this is in fact an ongoing problem where we have crimes being committed and some difficulty in some cases actually having a rationale for prosecuting people that are using this sometimes in very harsh criminal circumstances.

The original bill used the term "misleading." I think we have changed that now to "defraud or harass." There is no legitimate purpose when you are talking about the defrauding or harassing.

So I would encourage my colleagues to support this bill. It is much improved, taking into account the concerns of the gentleman from Virginia, and I believe that it is an appropriate bill, a bill that is well-drafted now, and I would urge its passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY), the author of the bill.

Mr. MURPHY. Mr. Speaker, I rise to ask for support for my bill, H.R. 5304, the Preventing Harassment through Outbound Number Enforcement Act, or the PHONE Act.

This bill is a critically important consumer protection from fraud, deception and other crimes. It offers for the first time criminal penalties for those who falsify a caller ID number in the commission of a crime.

Over the years, Congress has repeatedly worked to prevent consumers from identity theft. Unfortunately, with new technology comes new risks and new opportunities for criminals to evade the law. One of these new technologies used by thieves is the practice of call spoofing or caller ID fraud.

With caller ID fraud, one masks their identity by altering their outbound caller ID number in order to mislead the call recipient. In other words, you can make a call from your phone, but to the one who is receiving the call, your caller ID number can be anything you so choose. In short, caller ID fraud takes away accountability from people who wish to do harm to others.

Today, 21st century criminals are using fake caller identification to anonymously defraud and harass Americans all across the country. That is why I am so pleased that Congress is considering H.R. 5304 tonight, in order to penalize caller ID fraud perpetrators.

This bill is particularly necessary to protect American families and the elderly now. It doesn't take much imagination to understand how dangerous this practice could be for unsuspecting people.

For example, a criminal could try to obtain personal financial information from individuals by falsely using a bank's phone number. An ex-spouse can harass a former wife or husband who has blocked calls from the ex-spouse's phone line. A pedophile could stalk a child by using a school phone number or the phone number of a friend of the child. A sexual predator could use a doctor's office phone number. Or a terrorist could make threats from a government phone number, and there is no quick way to trace that original call.

The criminal use of caller ID fraud is not just a possibility. Here are some very real-world examples of caller ID fraud that are very disturbing.

The AARP Bulletin reported a case in which people received calls which falsely claimed that they missed jury duty. To avoid prosecution, callers told their victims that they needed to give their Social Security number and other personal information. The phone number that appeared in the caller ID was from the local county courthouse, so people assumed the caller was telling the truth.

A security company, Secure Science Corporation, has stated that criminals have accessed these legal call spoofing Internet sites in order to protect their identities while they buy stolen credit card numbers. These individuals then call a money transfer service, such as Western Union, and use a fake caller ID and a stolen credit card number to order cash transfers to themselves.

If the name on the credit card is John Doe of 123 Main Street and the caller ID number that shows up is for John Doe of 123 Main Street, it is easy to see how someone can be deceived into credit card fraud.

Here is another example. In 2005, SWAT teams surrounded an empty building in New Brunswick, New Jersey, after police received a call from a woman who said she was being held hostage in an apartment. However, the woman had intentionally used a false caller ID and she was not in the apartment at all. Imagine what might have happened when those SWAT teams showed up. Imagine what might have happened.

This practice of making a false alarm to a SWAT team has occurred numerous times across the country. So, not only does this practice have the potential for tragedy, but it also diverts police and can be used to mask other crimes or homeland security threats.

It is for these reasons that I introduced H.R. 5304, to punish those who engage in the intentional practice of misleading others into caller ID fraud. Violators of the bill will be subject to a penalty of up to 5 years in prison and a maximum fine of $250,000. There is no mandatory sentencing involved in this bill.

I am hopeful the Senate can quickly approve the bill, so we can send this bill to the President and protect consumers.

Mr. Speaker, I should point out that the bill came together in a bipartisan fashion. The bill was examined at hearings of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security on November 15 of this year. My two distinguished colleagues, Chairman HOWARD COBLE and Ranking Member BOBBY SCOTT of Virginia asked many probing questions and offered insights that were invaluable. Their legal expertise truly improved this bill and made sure it was not one that dealt at all with those who may use these in legal fashions, those that would not be considered crimes.

Thanks to their input, the bill was amended to achieve an agreement and brought before the House tonight. I sincerely thank them and everybody else on the Judiciary Committee for their cooperation on this bill and their commitment to this important consumer protection.

I certainly also want to thank Chairman SENSENBRENNER and the full committee and congratulate him on his remarkable tenure as chairman of the House Judiciary Committee.

I want to thank Phil Kiko, general counsel of the House Judiciary Committee; Mike Layman, my legislative director; and especially Susan Mosychuk, my chief of staff.

Mr. Speaker, over the years, Congress has been routinely criticized as a reactive institution. Tonight, that Congress takes a proactive step to move a bill that addresses a problem before further tragedies occur. This bill will help to stop crime, protect identity theft and protect lives, and I urge all Members to support the PHONE bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this was earlier identified as bipartisan legislation. It is legislation that is supported in principle by both sides. However, I would point out that as of this morning, there were no Democratic cosponsors. But it is important legislation, because of the examples cited by the gentleman from Pennsylvania, and the bill is still a work in progress.

It is an improved bill. In fact, it includes many amendments that have been discussed. One, it limits the application of the bill to cases where there is harassment or defrauding, not just misleading. I think that is an important improvement. And there is language offered by this side that addressed the case we heard where someone else's caller ID number was being used, people were making insulting phone calls, they would look at their caller ID and then call the person whose caller ID number was there. He didn't know anything about it and he was getting all of these complaining phone calls. Both of these are good improvements.

But I would still be interested in knowing what the FBI might have to say about it. They have to enforce the law. They might have some important suggestions that would be important to include in the bill.

I would ask the proponents of the bill again why it is so important to consider the legislation before the FBI has had an opportunity to be heard? We don't have to adopt their ideas, but it seems to me that since they are going to enforce it, we ought to at least listen to what they have to say.

We had indicated to the other side that we would bring it up as one of the first bills next year if we could get the FBI consideration, continue negotiating the little details and have a bill that we could be proud of.

However, Mr. Speaker, we are having it today, a work in progress, where this side just gets handed the legislation as the debate starts, which is I think insulting, and I think we have heard references to what happens in the middle of the night. Hopefully we can get the answer about the FBI from the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I would like to introduce for the RECORD a letter dated today, from the Department of Justice, that I think answers some of the questions that the gentleman from Virginia has asked. We will see that a copy of this is delivered to the gentleman.

DEPARTMENT OF JUSTICE, OFFICE OF
LEGISLATIVE AFFAIRS, OFFICE OF THE
ASSISTANT ATTORNEY GENERAL,
Washington, DC, December 8, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice appreciates the opportunity to comment on H.R. 5304, the "Preventing Harassment through Outbound Number Enforcement Act" ("PHONE Act"). As Deputy Assistant Attorney General Barry Sabin testified before the Subcommittee on Crime, Terrorism, and Homeland Security last month, we support Congressional action to give law enforcement better tools to protect our citizens and our country from identity thieves, stalkers, and other criminals.

Overall, the bill would support the Department's efforts to combat the threats caused by the widespread availability of "caller ID spoofing." As noted at the Subcommittee's hearing on the PHONE Act, these threats include preying on the elderly, harassment of telephone users, and dangerous false alarms to public safety personnel. Caller ID spoofing facilitates a number of serious crimes, including identity theft, pretexting, and privacy invasions. It can also be used to hamper important, time sensitive investigations.

The Department was especially pleased to see that the scope of the bill includes both conventional telephone calling and many types of voice over Internet protocol ("VOIP") services. VOIP is an important new advance in the way Americans communicate, and our laws need to keep up with such technological advances if these new innovations are to reach their full potential.

The drafters also have wisely recognized that, at times, it may be necessary to modify caller ID information in the course of authorized law enforcement and intelligence operations. Accordingly, the bill properly includes an exception for these legitimate law enforcement and intelligence activities.

The Department has a number of recommendations (described below) to clarify the bill and to make it even more effective.

A. The bill could be made more effective by creating a more graduated series of offenses.

Proposed Section 1038(a) creates only a single offense, a felony. A felony is a very serious charge that carries heavy penalties that may not be proportional to the conduct at issue in every case. The drafters may wish to consider a more graduated series of offenses that would allow prosecutors to charge misdemeanor offenses in appropriate circumstances. For instance, felony penalties could be reserved for caller ID spoofing done in furtherance of another crime or tort, while those playing practical jokes could be charged with a misdemeanor offense. This could lead to greater use of the statute and more just results. Such an approach has been implemented in other federal criminal statutes such as 18 U.S.C. §1030(c)(2)(B) (part of the Computer Fraud and Abuse Act) and 18 U.S.C. §270 I (b) (the criminal provision in the Electronic Communications Privacy Act).

B. The bill could be made more effective by prohibiting attempts.

A prosecution should not depend on whether a criminal was successful in the object of his or her crime. Thus, if a call placed by a criminal attempting to mislead another does not go through for some reason, the criminal should be punishable as if the call had been completed. Such failures may occur where a service has blocked certain numbers, such as 911, or even for more mundane technical problems. These failures do not make the criminal any less culpable for attempting to mislead others. Thus, we recommend that the bill punish attempts the same as the substantive offense.

C. The new provision should be numbered 18 U.S.C. §1039.

The bill seeks to add a new provision to the end of Chapter 47 of Title 18. Section 1038 in Title 18 already exists, however, and we understand that there is a good chance that a bill currently moving through Congress would create a new section numbered 1039. Thus, this bill should be numbered either 1039 or 1040 instead.

D. The drafters may wish to include a clear statement of jurisdiction.

We believe that the bill as written contains a sufficient nexus to interstate commerce to justify federal jurisdiction in most cases. Nevertheless, in order to make jurisdiction even more clear, the Committee may want to consider adding the phrase "using any facility or means of interstate or foreign commerce" to proposed subsection 1038(a). Alternatively, it may be helpful to include a specific finding regarding jurisdiction in the Committee's report.

E. The bill can be made more effective by prohibiting "generating and transmitting" misleading caller identification information in addition to "modifying" such information.

Some of the caller ID spoofing services available today do not actually modify caller ID information. As a technical matter, the service creates a new telephone call, thereby generating or transmitting new caller ID information. To take into account such situations, we recommend that, in addition to modifying information, the bill also cover generating or transmitting caller ID information with an intent to mislead.

F. The bill can be made more effective by prohibiting caller ID spoofing with the intent to mislead any other person.

Caller ID spoofing can be used not only to mislead call recipients, but also to defraud communications service providers. In addition to misreporting the information that eventually is displayed on call recipients' caller ID displays, the same methods can be and are used to falsify the telephone numbers that carriers use to determine appropriate billing for calls that are carried on their networks. The bill can be strengthened to include this type of fraud by prohibiting misleading "any other person" rather than only misleading call recipients.

G. The bill can be made more effective by clarifying the definition of "caller ID information."

As currently drafted, the definition of "caller ID information" is difficult to parse. We would recommend rewording proposed subsection 1038(c)(1)(A) to say "The term 'caller ID information' means information regarding the origination of the telephone call, including the telephone number of the originating party."

H. The bill can be made more effective by focusing the definition of "telephone call" on the service used to receive calls rather than the service used to make calls.

The bill seeks to cover matters involving "telephone calls." A "telephone call" is defined as a "call made using a telecommunications service or a VOIP service." See proposed subsection 1038(c)(1)(B) (emphasis added). This definition focuses on the service being used to make the call, thereby allowing the person seeking to mislead others to avoid criminal liability by choosing a service not covered by the statute. For example, a caller using a service that allows only outbound calls to the public switched telephone network (PSTN) would not be covered (without the modifications suggested in Section I below), even though ordinary telephone users would be receiving such calls. The bill's coverage more properly should depend on the type of service being used to receive the call, since it is call recipients that the bill seeks to protect from being misled. We recommend that the definition of "telephone call" be changed to read "The term 'telephone call' means a communication made using or received on a telecommunications service or VOIP service."

I. The bill can be made more effective by expanding the definition of "VOIP service."

We have a number of concerns with the narrow scope of the definition of "VOIP service," a definition that soon could be overtaken by advances in technology. It is important to craft this definition well not only because of the effect it would have on the scope of this bill, but because of the effect it could have on the scope of other important programs, such as the Communications Assistance for Law Enforcement Act and emergency response services. As Thomas Navin, Chief of the Wireline Competition Bureau of the Federal Communications Commission, testified before the Subcommittee on Telecommunications and the Internet of the Energy and Commerce Committee, "a restrictive definition of VOIP . . . might establish a statutory precedent that would restrict the Commission's authority to protect life and property in both the public safety and law enforcement contexts." The Department has expressed similar concerns in regulatory proceedings and in connection with other bills introduced this Congress, and we would respectfully raise those same concerns with this Committee.

1. The bill can be made more effective by eliminating the requirement that a VOIP service be transmitted "through customer premises equipment."

It is not clear why protection from being misled by caller ID information should depend on whether VOIP service is transmitted "through customer premises equipment," as set forth in proposed subsection 1038(c)(1)(C)(i). We therefore suggest deleting these words ("through customer premises equipment") to broaden the scope of the bill.

2. The bill can be made more effective by eliminating the requirement that a VOIP service use Transmission Control Protocol.

The bill should not be limited to services that use the Transmission Control Protocol ("TCP"), as many current VOIP services use another protocol (that is not a successor to TCP) called the User Datagram Protocol ("UDP"). We therefore recommend that "Transmission Control Protocol/" be deleted from proposed subsection 1038(c)(1)(C)(i).

3. The bill can be made more effective by clarifying the parenthetical in the definition of a "VOIP service."

Proposed subsection 1038(c)(1)(C)(i) provides that a VOIP service is covered even when the Internet protocol conversion is performed "without use of circuit switching." The Department believes that this provision is unclear. We recommend that the parenthetical be clarified.

4. The bill can be made more effective by eliminating the requirement that a VOIP service be offered "for a fee."

The Department believes it would be preferable that the bill's prohibition not depend on the provider's business model, that is, not apply only to those VOIP services offered "for a fee." See proposed subsection

1038(c)(1)(C)(i). At least some VOIP services are offered at no charge and will be supported by revenue generated from sources other than user fees, such as advertising revenue. In fact, several VOIP providers are currently offering free calls to or from the PSTN. There is no reason why the business model of the service provider should have an impact on the scope of the bill's coverage.

5. The bill can be made more effective by eliminating the requirement that a VOIP service must offer two-way interconnection to the PSTN.

The bill also limits "VOIP service" to a service that "has the capability to originate traffic to, and terminate traffic from, the public switched telephone network [PSTN]." See proposed 18 U.S.C. § 1038(c)(1)(C)(iii) (emphasis added). This provision is unnecessarily restrictive for two reasons. First, some VOIP providers offer services that only allow one of those two capabilities. Under the definition in the bill, a call to a person's telephone is not a "telephone call" if the caller's service does not also allow that originator to receive calls from the PSTN. There is no reason a person should be allowed to mislead call recipients, even ones using traditional telephone service, simply because he or she uses a service that restricts incoming calls. Even if the bill were amended as suggested above to focus on the service used to receive calls, there is no reason why subscribers to receive-only services should be less protected from fraudulent caller ID information simply because their ability to call out is limited. We recommend that, at a minimum, the word "and" be changed to "or" in proposed subsection 1038(c)(1)(C)(iii).

In addition, the bill only covers services that are capable of interconnecting with the PSTN. Reference to the PSTN could be interpreted to limit its applicability to one particular set of wires, i.e., the traditional telephone network. If, as some predict, the future of telephone communications shifts entirely away from that older network, the bill could become a dead letter. We recommend adding "or a successor network" at the end of proposed subsection 1038(c)(1)(C)(iii).

J. The bill can be more effective by including a forfeiture provision.

In addition, the Department believes the bill would have more deterrent effect if it also included a forfeiture provision. Specifically, a court could order the convicted party to forfeit the proceeds derived from the offense, along with equipment used to facilitate the offense. The language for a forfeiture provision could be modeled on the wording used for the CAN-SPAM Act of 2003. See 18 U.S.C.A. § 1037(c).

K. The bill can be made more effective by giving prosecutors tools to combat money laundering of illegal proceeds of violations of the PHONE Act and the CAN-SPAM Act.

We recommend adding proposed section 1039 and existing section 1037 to the list of "specified unlawful activities" in section 1956(c)(7)(D) of title 18. This amendment would make certain financial transactions involving the proceeds of violations of sections 1037 and 1039 money laundering offenses under 18 U.S.C. §§ 1956 and 1957, and it will provide for the civil forfeiture of such proceeds. See 18 U.S.C. § 981(a)(1)(C) (providing for the civil forfeiture of proceeds of crimes designated as "specified unlawful activity"). Existing law provides that comparable crimes, e.g., violations of 18 U.S.C. § 1030 (computer fraud and abuse) constitute specified unlawful activities.

For convenience, we have included recommended edits to the text of the bill in order to accomplish many of the recommendations suggested above (attached hereto as Appendix A). The Department appreciates the Committee's leadership in ensuring that our country's laws meet this new challenge. Thank you for the opportunity to comment on the bill and for your continuing support.

The Office of Management and Budget has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. If we may be of additional assistance, please do not hesitate to contact this office.

Sincerely,

JAMES H. CLINGER,
Acting Assistant Attorney General.

Mr. CANNON. Mr. Speaker, the Department of Justice supports the bill. We recognize that sometimes in the helter-skelter of closing up Congress, things happen quickly and maybe not perfectly. I think this bill is a good bill. I think this bill does what we need it to do. I think we have answered the major questions here. We may have to revisit it sometime in the future, but I would like to see law enforcement have this tool.

So I urge my colleagues to support the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the FBI testified on the bill, they indicated they had some concerns. I assume I will get the concerns after we finish considering the bill. We had to beg for a copy of the legislation so we would know what we are debating. Now, I guess, would it hurt your feelings to let me know what the FBI had to say about it? They had concerns when they testified on the bill. Let me just say that. I will just wait over here until I can get a copy of their comments so I know what they said.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a copy of those comments on the way over to the gentleman from Virginia. I would hope we would never require begging in this institution for access to information, and I apologize for any inconvenience.

While we are delivering the Department of Justice's letter, the first paragraph of which talks about supporting the bill, I would be happy to yield to the gentleman from Pennsylvania such time as he may consume.

Mr. MURPHY. Mr. Speaker, I wanted to address Mr. SCOTT's concerns. I know during the Judiciary Committee the gentleman from Virginia raised a couple of very important issues. One, he wanted to make sure there were no mandatory sentencing penalties in this; and, two, to make sure it did not disallow some legal practices.

For example, businesses may use a caller ID when they call someone to protect the privacy of people within that business. Indeed, my understanding is the wording of this does address that, according to what Judiciary and the Department of Justice has looked at with that wording.

So it made sure that those within a business may have use or those with other legitimate uses for using a caller ID. It is only related to those who harass or defraud others, so only specifically in the commission of a crime. I just want to say it addressed those issues, as far as I know.

Mr. CANNON. Mr. Speaker, has the gentleman from Virginia had the opportunity to review the document and the bill?

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Actually I would say to the gentleman from Utah, I haven't gotten any letter from the Justice Department yet. I assume it is in transit. It is a long way from that side of the aisle to this side of the aisle. I don't know what kind of communication method we are using, but I haven't gotten it yet.

I would point out, as the gentleman from Pennsylvania has indicated, when we make calls out of our offices in Congress, the caller ID number that shows up on someone's caller ID machine is some nonworking switchboard number.

Mr. CANNON. Mr. Speaker, if the gentleman would yield, one of the greatest pains in my life is the fact that we have colleagues in this institution who are sometimes troublesome, and so we get that caller ID and I think it is from my office and I end up talking to one of my colleagues I might not have talked to if I wasn't being spoofed by the institution.

My understanding is we had to make a copy of that letter. Apparently it was the only one we had. So we will have a copy coming to you momentarily. It is being delivered currently to your staff.

Mr. SCOTT of Virginia. Mr. Speaker, having just been handed the letter and gone through it very quickly, I would just point out that the last sentence on the first page says, "The department has a number of recommendations (described below) to clarify the bill and to make it even more effective."

They suggest, just briefly going through it, A, B, C, D, E, F, G, H, I, 1, 2, 3, 4, 5, J, K, improvements needed for the bill.

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I do not know if this is a copy or original or what, but I hope everybody reads the letter that was entered previously in the RECORD so they will know that we are taking this action before we have had any time to consider the recommendations of the FBI which will have the responsibility of enforcing the bill, if it ever becomes law at the end of this session.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Let me point out to the gentleman that those are not recommendations of things that are needed to improve the bill but suggestions for improvement of the bill, and I would ask my colleagues to support the bill as it stands.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

A, the bill could be made more effective by creating a more graduated series of offenses and then details.

B, the bill could be made more effective by prohibiting attempts, then a description.

C, a new provision should be numbered 18 U.S.C. 1039 and a description.

D, the drafters may wish to include a clear statement of jurisdiction.

E, the bill could be made more effective by prohibiting, generating, and transmitting misleading caller identification information in addition to modifying such information, on and on and on.

These are substantive recommendations that we are just going to ignore by taking this bill up in the middle of the night right here at the end of the session with a bill that has been handed to this side at the last minute, with the FBI recommendations that have been hiding the ball right up until I demanded it, and then they finally let it go.

This is a ridiculous way to put things in the Criminal Code, and I would hope we would defeat the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume and would like to point out, I am sure the gentleman when he talks about hiding the ball he is not referring to us. We have been working with the Justice Department to get this information.

We got to the gentleman's office this bill by midday today and, again, we apologize for the technical difficulties. I am not sure if the gentleman opposes the bill in substance, but I would again encourage my colleagues to support the bill.

It is my understanding the gentleman is likely to be the chairman of the Crime Subcommittee next year and can bring this up and improve it with all of the comments and the suggestions that the Justice Department has proposed, and therefore I hope that he will join with me in supporting this bill for its passage. I encourage my colleagues to pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot support the bill in its present form. I think we can put a bill together if we are given time. Since we have little time, we got through E. F is the bill can be made more effective by prohibiting caller ID spoofing with the intent to mislead any other person.

G, the bill could be made more effective by clarifying the definition of "caller ID information."

H, the bill can be made more effective by focusing the definition of "telephone call" on the service used to receive calls rather than the service used to make calls.

I, the bill can be made more effective by expanding the definition of "VOIP service."

Then one, they could go through what the VOIP service details.

The bill can be made more effective by including a forfeiture provision.

The bill can be made more effective by giving prosecutors tools to combat money laundering of illegal proceeds of violations of the PHONE Act and the CAN-SPAM Act.

Mr. Speaker, you will remember that we were not going to get this until I demanded it time and time again and they finally produced it, and now we find out that the information from the FBI is very critical of the bill, suggesting that it needs a lot of work, and we can do the work. We could sit down and hammer it out. I think everybody agrees that something needs to be done about this situation. It is a work in progress.

I notice in here an amendment that was suggested this afternoon is, in fact, in the bill in a slightly different wording and I think better wording in the bill than the original suggestion. So it is a work in progress.

But, Mr. Speaker, this is not the way we ought to be legislating. We can do better than this, and I think we ought to defeat the bill now, bring it up early in the next session, and have a product that everybody can be proud of.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's concerns and would point out if he had more time with the bill, if the staff had gotten it to him earlier today, I suspect he would have seen that many of the suggestions he has made here or suggestions he has read from the Department of Justice document have actually been taken into account. Misleading, for instance, is one of the terms that has been adjusted because it is very difficult to deal with.

The question here is are we going to let the perfect be the enemy of the good. This is a bill that is very important to the American people. If you are a divorcee and your husband is harassing you and he is using a fake phone number to do it, you do not want to wait until next session. You want the bill passed now so that your former husband is going to be more careful and not abuse you and your children and maybe not subject you to injury or harm.

I suggest that those people that are using spoofing need to be told today that this is inappropriate, and I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 5304, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4121. An act to provide optional funding rules for employers in applicable multiple employer pension plans.

COMPETE ACT OF 2006

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3821) to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

The Clerk read as follows:

S. 3821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as either the "Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006" or the "COMPETE Act of 2006".

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

"(II) is a professional athlete, as defined in section 204(i)(2);

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition; or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

"(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

"(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

"(iii) The laws specified in this clause are the following:

"(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

"(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

"(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).".

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

"(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).".

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

"(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3821, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of Senate 3821, the COMPETE Act of 2006. S. 3821 would allow minor league professional athletes and certain performers to utilize the P–1 visa category.

The P–1 visa category allows internationally recognized performers, including athletes, artists and entertainers, to temporarily enter the U.S. for a specific event, competition or performance. To date, Citizenship and Immigration Services has interpreted the Immigration and Nationality Act in such a way that only allows major league professional athletes to utilize the P–1 visa category.

Minor league baseball and hockey players and some professional performers have been forced to utilize the H–2B visa category, which is capped at 66,000 visas annually and has been oversubscribed in recent years. Many minor league baseball and hockey teams attempt to bring in new players at times of the year when the numerical cap has already been reached for H–2B visas.

Ice skaters who perform in special events in the United States find themselves in a similar predicament. Ice shows are planned many months in advance, but when ice skaters are recruited for these shows, H–2B visas are not always available. This legislation would also allow ice skaters performing in theatrical ice productions to use the P–1 visa category.

The United States is the pinnacle showground for most athletes and performers. It is where the best athletes and performers come to display their talents and skills. By moving minor league athletes and ice performers to the P–1 category, sports leagues and production teams will be able to recruit the most talented individuals from around the world and thus continue America's tradition of excellency in the professional sports arena.

I urge my colleagues to support Senate 3821.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 3821, which makes professional visas available for certain athletes and entertainers who are needed for work and competition in the United States professional athletic industries.

Historically, minor league athletes enter our country as part of the H–2B seasonal worker program. These visas are capped at 66,000 per year, and they often run out well before the year is out.

So we, through this legislation, will allow sport franchises and companies to bring minor league baseball players, hockey players and ice skating performers into the country to perform or compete when they are needed, without being barred by the visa cap. It shifts these talented people from the H visa category to the P visa category, the same one currently used by highly skilled professional athletes.

With this change, the United States will no longer lose these talented athletes to other nations because visas are not available at the right time.

This is a necessary piece of legislation to fix our visa categories, and I am glad that we are able to get the support of both Chambers in a bipartisan fashion to pass this at the very end of the 109th Congress.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, with the admonition to my colleagues to support this bill and pass it, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 3821.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4042) to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Services.

The Clerk read as follows:

S. 4042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

"(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

"(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

"(i) the boundary of the location of such funeral; and

"(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

"(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

"(2)(A) is within 300 feet of the boundary of the location of such funeral; and

"(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

"(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

"(3) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

"(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

"(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

"(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

"(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

"1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 4042, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, I rise in support of Senate 4042, which expands existing law prohibiting certain demonstrations at military funerals.

The men and women of our Armed Forces risk their lives every day to preserve America's freedom. Military funerals honor our veterans and those who have made the ultimate sacrifice for our country. Funerals are solemn occasions for family and loved ones to grieve their loss. Military funerals are important ceremonies for Americans to show their respect and gratitude for our fallen heroes.

Yet, these dignified, peaceful ceremonies are being disrupted by political demonstrations. In the last year, a fringe religious group known as Westboro Baptist Church has disrupted more than 100 military funerals across the country, claiming that the deaths of U.S. soldiers in Iraq and Afghanistan are God's punishment for America's tolerance of gays and lesbians. Over the past 15 years, Westboro Baptist Church has staged over 22,000 demonstrations nationwide.

Mr. Speaker, as Congress considers this legislation today, the Westboro Baptist Church is again staging protests to disrupt the funerals of Lance Corporal Michael A. Schwarz in New Jersey and Lance Corporal James R. Davenport in South Carolina.

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On behalf of the American people, I want to extend my sincere apologies to the families of these soldiers, and to reassure our military servicemembers and their families that such demeaning and disgusting displays will never occur again.

In May, the President signed into law H.R. 5037, the Respect for America's Fallen Heroes Act, which prohibits demonstrations at Arlington National Cemetery and other cemeteries under the control of the National Cemetery Administration.

Approximately 650,000 funerals are conducted each year for our veterans and Active Duty military; however, only 90,000 of these are held at the Nation's 121 Federal cemeteries. Many veterans and servicemembers are laid to rest at private cemeteries. S. 4042 will expand the current law to all military funerals to ensure that all are afforded the utmost respect and dignity.

S. 4042 prohibits any person from intentionally disrupting or impeding access to a military funeral. An offense under this section is punishable by a fine of up to 1 year in jail. This bill is clearly constitutional as its predecessor was under Congress' broad authority under Article I, section 7 to raise and support armies. Congress has the authority to support America's soldiers by acting to preserve the dignity of their funeral ceremonies.

This bill is modeled after an ordinance upheld by the Supreme Court as a constitutional time, place, and manner restriction. The Senate passed S. 4042 yesterday by unanimous consent. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time

Mr. CONYERS. Mr. Speaker I yield myself such time as I may consume.

I rise in support of the Respect for the Funerals of Fallen Heroes Act, a bill that would promote respect for the funerals of fallen heroes by prohibiting disruptive activities at funerals of deceased members of the Armed Forces.

This bill would build on the respect for America's Fallen Heroes Act by providing similar protection for the funerals of all deceased members or former members of the Armed Services, not only at Federal cemeteries but also at private cemeteries, funeral homes, and houses of worship. I think that we have found that this bill is consistent with constitutional considerations, and I urge that the House support this suspension.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I have no further speakers.

Mr. CONYERS. Mr. Speaker, I would yield to the gentleman from Oregon as much time as he may consume.

Mr. WU. Mr. Speaker, I thank the gentleman from Michigan.

I was one of the Members of the House of Representatives who was originally troubled by the House version of the bill and by the balance it struck between respect for the fallen heroes of this Nation and the Federal Constitution for which they died. I am pleased to support a much improved version of this bill returned from the other Chamber. And I thank Mr. DURBIN directly for his good work on this bill to remove the unfettered discretion of Federal officials and to limit some of the proscribed activities to include intent and intent to disturb. I am pleased to support this bill in its final form.

Mr. CANNON. Mr. Speaker, I would like to yield to the gentleman from Indiana (Mr. BUYER) such time as he may consume.

Mr. BUYER. Well, it sure hasn't taken very long. Mr. WU, I guess, would oppose a Republican bill but support Mr. DURBIN's bill. I would invite the gentleman; you know, not long ago you and I got into a debate on this floor and what I asked the gentleman to do is to read the bill. What I would welcome the gentleman again is to read the bill, because the bill that you said you didn't like then, you should like it now. Or you like this one now but you didn't like it then?

What is interesting here is that when we came to this floor, what they have done in this bill is they have essentially taken exactly what we had done earlier in the year and actually said: Okay, for Federal lands, for national cemeteries in Arlington, we already have that bill. We are going to put now a section just after it, and the very same time, manner, place, content neutral restrictions that have been constitutionally upheld are going to be in this bill. I would just ask the gentleman to remain consistent.

Mr. WU. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Oregon.

Mr. WU. In the original House version of the bill, the person in control of Federal property was given virtually unfettered discretion in determining what activities were acceptable and what activities were not.

I had hoped in the closing hours of this session that we would come together in comity to respect both the fallen dead and the Constitution, which is certainly my intent.

Mr. BUYER. I reclaim my time. Your interpretation of unfettered discretion is a great attempt at artful words, but that is not what we did in that bill.

What I am most concerned about here, and let's just pause for a second. When we came to the floor and we did the Fallen Heroes bill, we did this because we wanted to make sure it was narrowly tailored. And we said, what is our nexus? Our nexus here is Federal land of exclusive jurisdiction. So I remember a conversation about this, and Mr. CONYERS, and it is very important: Federal land. And so we said, okay, Arlington, owned by the United States Army and our national cemeteries. This now is about everything else. So the intent here is solid.

It is unfortunate that we have come to the floor to talk about the standards of dignity at a military funeral. We really shouldn't be having to do that. That is what is sad about this. And I think we all agree that we need to set the standards of dignity. We are talking about now setting a misdemeanor with regard to, we are going to set the content out there with regard to all of these funerals; and my only concern here is, is I do not want this stricken down as overbreadth under the doctrine that the Supreme Court to do that, and I am hopeful that doesn't happen. And I will yield to the scholars of the Judiciary Committee here. But I just want to let you know when we came to the floor and did this before, we did this for it to be narrowly tailored, and hopefully the Supreme Court doesn't strike it down. But I just wanted to speak and say why we did it one way not months ago, and now obviously we are doing it a little bit differently.

Mr. CONYERS. I wanted to thank the gentleman for yielding, and recall that he was a distinguished member of the Judiciary Committee himself for a considerable period of time. We will keep in mind the conversations that we have had here tonight in the closing hours.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I would just like to make a couple comments. I thank Mr. CONYERS for his very gracious response, and want to point out that Mr. BUYER was a member of the Judiciary Committee, and himself is a scholar on these issues, and obviously emotional and concerned as he has been an active member of the military and continues, I believe, in the Reserve. And so I want to thank him for his comments and recognize the intensity of his feelings.

Mr. Speaker, I urge my colleagues to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 4042.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FUNDING AGREEMENTS

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6427) to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes.

The Clerk read as follows:

H.R. 6427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING AGREEMENTS.

Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by inserting "(or in the case of a facility with an annual budget of less than $40,000,000, 15 percent of the annual budget of the facility)" after "equal to 5 percent of the annual budget of the facility"; and

(2) by inserting "(or in the case of a facility with an annual budget of less than $40,000,000, 15 percent of the annual budget of the facility)" after "exceeds 5 percent of the annual budget of the facility".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6427 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6427 and urge its adoption by the House.

The bill changes the way a particular royalty formula under the Bayh-Dole Act. This is the landmark 1980 law that governs protection of patented inventions developed with the assistance of Federal funding. In brief, H.R. 6427 allows small government-owned, contractor-operated laboratories and their affiliated universities or nonprofits to receive a fair percentage of revenue from a successful patent that they license. The bill produces an equitable result for small entities that perform important research in a number of scientific fields, all of which benefits the American people.

I commend the gentleman from Iowa (Mr. LATHAM) for his work on this issue; I urge the House to pass H.R. 6427 for expeditious consideration by the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Of course we support this legislation, because the bill merely amends the extent to which small nonprofits can keep the profits of inventions they develop in conjunction with the Federal Government.

Under the Bayh-Dole Act of 1980, the Federal Government will provide funds to nonprofits, including universities, for the purpose of conducting important research. Because the government is not equipped to do so, the nonprofits are allowed to patent any discoveries, sell and license the inventions, and keep a portion of the profits. Currently, the nonprofit can keep an amount of the profits up to 5 percent of its annual budget; the balance of the profits must be returned to the taxpayers.

Because of the unique situation of small universities, the bill would permit them to retain a higher percentage of the profits. While small universities may have small budgets, their research and development costs might not be small and can have a significant impact upon their budgets themselves. This legislation would permit small entities, those with a budget of less than $40 million, could retain a higher portion of the profits, up to 15 percent of their budgets.

This is a simple, straightforward proposition, we have heard no objection to it, and I am pleased to urge that it be passed this evening

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I am pleased to yield so much time as the gentleman from Iowa (Mr. LATHAM) may consume.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Utah and I also thank the gentleman from Michigan for supporting this legislation.

H.R. 6427 has no budgetary impact at all. This bill would raise from 5 percent to 15 percent the percentage of patent royalties that can be retained by the government-owned, contractor-operated labs and universities and nonprofits with annual budgets of $40 million or less in any given fiscal year under the patent laws.

The bill would provide relief to smaller contracts, and incentivize these labs and universities to reinvest in their research and educational operations. The bill would only raise the ceiling for very small budgets. The majority of these contracts have much larger budgets of $100 million or more, and for those current larger budgets the 5 percent threshold would remain.

This bill has no opposition, and ensures that these contracts have the necessary funding to continue their successful pursuit of revolutionary inventions by keeping a larger percentage of the patent royalty. The thrust of this bill is to give incentives for smaller institutions and labs to continue investing in research and development. These smaller contracts of $40 million or less should not be penalized for their success just because they reach the current statutory 5 percent ceiling more quickly than the larger contracts in the hundreds of millions of dollars.

Raising the ceiling to 15 percent for these smaller contracts is fair. The bill makes the royalty regime more equitable for all.

Mr. Speaker, again I appreciate the support of both sides of the aisle.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I would just like to say that at an earlier phase of my life I had the great privilege of working with the people who helped develop these policies that allowed for the privatization of Federal R&D.

This is a simple bill that makes enormous sense and the underlying bill that it amends has resulted in massive improvements in the lives of all Americans. This is a sensible adjustment to that, and I suggest that all of our colleagues support this reasonable bill

Mr. Speaker, I yield back the balance of my time.

□ 0030

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 6427.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

POOL AND SPA SAFETY ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

The Clerk read as follows

S. 3718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pool and Spa Safety Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Federal swimming pool and spa drain cover standard.
Sec. 4. State swimming pool safety grant program.
Sec. 5. Minimum State law requirements.
Sec. 6. Education program.
Sec. 7. Definitions.
Sec. 8. CPSC report.

SEC. 2. FINDINGS.

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $10,000,000 to carry out this section, such sums to remain available until expended.

SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 6. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) ASME/ANSI STANDARD.—The term "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) ASTM STANDARD.—The term "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(4) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(5) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support tonight of S. 3718, the Pool and Spa Safety Act that has come to this body with the help and the leadership of the gentleman from Virginia (Mr. WOLF), the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), and Senator George Allen of Virginia.

This legislation, if the House and Senate pass it this evening, will help to ensure that backyard pools will no longer present an unexpected danger to American children and families.

I urge my colleagues to support this bill. I would point out to my Republican colleagues, there are no Federal mandates in this bill. There is a consumer product safety standard that would require new pool drain covers that are sold or entered into commerce and installed 1 year after date of enactment of this bill to meet certain safety standards. So there is a safety standard in the bill that is not in current law, but in terms of any mandates on swimming pools that are already in existence, there are no Federal mandates in this piece of legislation. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Texas's support and want to describe the legislation and tell Members that drowning is the second leading cause of accidental childhood deaths by injury in the United States. It is the number one killer of children under 5 years of age in America, and the number two killer of children under 14 years of age.

Mr. Speaker, 335 children across the Nation drowned in swimming pools or spas in 2002. That is 335 lives that were cut very short because we did not act quickly enough to address this problem.

This legislation is named in memory of Secretary of State James A. Baker's granddaughter, 7-year-old Graeme, who drowned in a spa entrapment accident a number of years ago.

Graeme and the roughly 300 children that died that year due to drain entrapment would be with us today if this commonsense legislation had been law.

The pool and spa safety legislation we are considering will encourage States to pass laws that prevent the tragic and preventable loss of children to accidental drowning.

This legislation provides Federal incentives, not mandates, as the gentleman from Texas indicated, for States, and provides layers of protection and puts obstacles in the path of a child when supervision lapses.

We all know when it comes to making sure that children don't drown in swimming pools that supervision is paramount. But as any parent can tell you, and I am a parent of three, we all know that supervision does lapse. Every year each of us across the country, each of us in our own districts, hear news reports and read the newspaper about tragic incidents that occur in swimming pools year after year.

Mr. Speaker, 65 percent of the drownings that occur in swimming pools occur when a child wanders out the back door of home they are in and drowns in the pool in the backyard; 35 percent of the drownings take place when a child from a neighbor's yard comes into the yard a couple of doors down and drowns in the pool. This is a tragedy that can happen in an instant.

When it comes to suction drain entrapment accidents, what happens is young children are actually pulled under because the suction from a single drain in a spa is so strong that the strength of several men cannot even pull the child off the drain. Children have been disemboweled. There are children that because we don't have dual drains or spa drain covers, which this bill would incentivize, there are children drowning needlessly.

We have to make sure that we put obstacles in the path of children when, through no fault of their own, supervision lapses. I urge Members to vote to protect children from drowning and pass the Graeme Baker Pool and Spa Safety Act.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, this is a good piece of legislation. I have a 15-month-old son, Jack Kevin Barton. We have a hot tub in our back yard in Arlington, Texas. We keep it covered at all times unless one of the family is actually using it.

This type of legislation if passed and implemented will make it much more difficult for small children who are unattended and wander out and get into these pools and spas and drown because they are not as safe as they could be. I hope that the House will unanimously pass the legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3718.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. WESTMORELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING SECRETARY OF ARMY TO CARRY OUT HURRICANE AND STORM DAMAGE REDUCTION, MORGANZA TO GULF OF MEXICO, LOUISIANA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6428) to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana.

The Clerk read as follows:

H.R. 6428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORGANZA TO THE GULF OF MEXICO, LOUISIANA.

(a) IN GENERAL.—The Secretary of the Army may carry out the following elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated August 23, 2002, and the supplemental report dated July 22, 2003:

(1) The Houma Lock feature of the project.

(2) The Reach H–3, Reach J–2, Bush Canal floodgate, Point aux Chene floodgate, Reach H–2, Reach J–3, Reach J–1, and Placid Canal structural elements of the project

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project elements the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project elements if the Secretary determines that the work is integral to the project elements.

(c) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with the feasibility report dated March 2002 and section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

(d) NAVIGATIONAL CONSISTENCY.—The Secretary shall maintain the Houma Navigation Canal at dimensions at least equal to those of the lock identified in subsection (c). The Houma Lock feature shall be implemented under an exclusive partnership agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6428 was introduced by the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. BAKER).

This bill simply authorizes the Secretary of the Army to carry out certain elements of a project known as the Morganza to the Gulf of Mexico, which was included in a report by the Chief of Engineers.

This is part of an important hurricane and storm damage reduction project that is sorely needed. I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Alaska, our committee chairman, for agreeing to bring this bill up in the interest of the Louisiana delegation, all of whom are concerned about moving this project ahead so it can be in line to receive funding to start work on this project before the next hurricane storm season reaches the gulf.

This project involves multiple features: 72 miles of levees south of Houma, Louisiana; pumping station protection; road closure floodgates and ramps; channel closure floodgates; and a lock structure where the project crosses the Gulf Intercoastal Waterway.

It is unfortunate we have to take this piece out of the bill that we passed twice in this body under the leadership of the distinguished chairman. The House has done its work and done its work well. We have done it over three Congresses, and the other body has failed to act. That is why we are here tonight to try to address a matter of significant importance to the people in the gulf region.

Mr. Speaker, I rise in support of H.R. 6428, a bill authorizing the Secretary of the Army to carry out certain portions of the hurricane and storm damage reduction project for the Morganza to the Gulf, Louisiana.

The Morganza to the Gulf project is vital for meeting the hurricane and storm damage protection needs of coastal Louisiana, especially its citizens in Houma, and the surrounding communities that were devastated by Hurricane Rita last year. This project is comprised of multiple project features, including approximately 72 miles of levees south of Houma, Louisiana, pumping station protection, road closure floodgates and ramps, channel closure floodgates, and a lock structure where the project crosses the Gulf Intracoastal Waterway.

The Morganza to the Gulf project was included in the Water Resources Development Act of 2000, as a conditional authorization. However, the Corps of Engineers failed to complete a favorable report of the Chief of Engineers for the project before the December 2000 deadline.

Since that time, the Congress has failed to enact any further water resources development acts. Unfortunately, tonight, we will adjourn another Congress without enacting a water resources bill.

The language in this legislation is modeled after the language contained in H.R. 2864, the Water Resources Development Act of 2005, which passed this House on July 14, 2005 by an overwhelming vote of 406–14.

While my preference would be to authorize this project through regular order in the passage of the broader Water Resources Development Act, at this late hour in the session, work will not be completed on the larger bill.

This is unfortunate because it only further delays the opportunity for the Corps of Engineers to provide essential flood control, navigation, and ecosystem restoration projects to our Nation, and vital public safety and economic benefits to our constituents.

We are now just a few days shy of six years since the last water resources bill was enacted. This is far too long.

I am certain that there will be questions as to why Congress was unable to enact a water resources bill in the 109th Congress, especially since this is the first time since 2000 that both the House and the Senate chambers were each able to approve legislation for the other body to consider.

A chief reason is that the current administration has no commitment to the Nation's premier water-related infrastructure agency.

The administration fails to understand the importance of the Corps of Engineers and the vital work that this agency does for the American people.

The administration's lack of support for a comprehensive water resources development act has only made Congress's work more difficult.

During consideration in both the House and Senate, the administration released two statements of administration policy that were highly critical of the Congress's efforts, especially over the administration's concern with the overall costs of the two bills.

However, what this administration fails to recognize is that the roughly $10 billion in project authorizations contained in the House-passed version, and the $12 billion in the Senate-passed version reflect 6 years of requests since the Water Resources Development Act of 2000.

With Congress's failure to approve the water resources development act this year, we should expect next year's bill to cost more than either the House or Senate-passed versions—perhaps as much as $15 billion.

These numbers are consistent with the historical costs of past water resources bills, and further delay only results in making these vital projects more expensive over time.

Congress must also share the blame for its failure to deliver a comprehensive water resources bill this year.

With both the House and Senate, and the White House, under Republican control, it would seem that passage of this legislation should have been achievable.

In spite of the significant efforts of both the chairman of the conference committee and my Chairman, Mr. YOUNG, the House and the Senate have been unable to reach agreement on a final package.

I am confident that our Committee will make the passage and enactment of a water resources development act a number-one priority in 2007.

Mr. Speaker, by passing this legislation tonight, the House is agreeing to allow the Morganza to the Gulf project to move forward based on its individual merit, and the need to increase the level of flood protection for coastal Louisiana.

The House has resisted the temptation to add other meritorious Corps of Engineers project authorizations to the schedule this evening. I would advise the other body to resist this temptation and not turn this authorization into an attempt to move a miniature water resources bill before the end of the session.

I urge my colleagues to support H.R. 6428.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, in the Water Resource Development Act of 2000, Congress authorized a project for hurricane protection known as Morganza to the Gulf. This contingent authorization would protect over 200,000 people in their homes, but the contingent authorization expired due to a delayed chief's report.

The citizens of Louisiana that live behind this future levee system have passed a tax on themselves that generates roughly $5 million per year in funds dedicated strictly to fund this hurricane protection system. They have waited 6 years to begin construction on this project that Congress directed to be constructed due to a delayed report from the Corps of Engineers.

H.R. 6428, introduced by Congressmen BAKER and MELANCON, authorizes only a small portion of the project as a whole. This bill would allow the people in Terrebonne Parish to begin protecting themselves while we work towards a complete water resources bill.

The Melancon-Baker partial authorization bill includes only two reaches of levees, tying into the already existing system of levees. These levees would provide the most protection possible with the limited resources currently available.

The bill also authorizes the lock complex on the Houma Navigation Canal to protect against devastating storm surges, such as the one during Hurricane Katrina that ran up the Mississippi River-Gulf outlet and destroyed St. Bernard Parish. In addition, Houma would be protected from salt water intrusion in their drinking water and the degradation of the wetlands.

I urge passage of H.R. 6428. I wish to thank Mr. OBERSTAR and Mr. YOUNG and the committee for all of their kindnesses to help us move this forward.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to point out that I have toured St. Bernard Parish with my wife who is from New Orleans, and we have seen the extraordinary destruction caused by Hurricane Katrina to the residents and the absolute abject devastation of an area that hasn't experienced anything of this nature in 138 years.

This legislation is vitally important to correct the failures of the past and prevent them from happening in the future. The gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. BAKER), both members of our committee, have been strong advocates for this project.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 6428.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DAM SAFETY ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

The Clerk read as follows:

S. 2735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the "Dam Safety Act of 2006".

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.".

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C.

467f(b)(1)) is amended by striking "and target dates to" and inserting "performance measures, and target dates toward effectively administering this Act in order to".

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking "substantially";

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

"(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;"; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting "install and monitor instrumentation," after "remedial work,".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking "$6,000,000 for each of fiscal years 2003 through 2006" and inserting "$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal. year 2011";

(2) in subsection (b), by striking "$500,000 for each fiscal year" and inserting "$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011";

(3) in subsection (c), by striking "$1,500,000 for each of fiscal years 2003 through 2006" and inserting "$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011";

(4) in subsection (d), by striking "$500,000 for each of fiscal years 2003 through 2006" and inserting "$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011"; and

(5) in subsection (e), by striking "$600,000 for each of fiscal years 2003 through 2006" and inserting "$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

☐ 0045

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2735, known as the Dam Safety Act of 2006, reauthorizes the National Dam Safety Program for 5 years, through fiscal year 2011, and makes a number of improvements to the national inventory of dams.

I want to thank Mr. KUHL of New York for his dedication to the National Dam Safety Program. He has been a steadfast proponent of reauthorization and deserves credit for strengthening the program.

The National Dam Safety Program is administered by FEMA and was established to improve safety around dams. The program provides grants to State dam safety agencies to assist them in improving their regulatory programs, training, and research, and to create a national inventory of dams in existence.

With the passage of S. 2736 today, we clear the bill for the President and ensure authorization of this successful program through the year 2011. I support the bill and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the structural integrity of dams throughout the United States has been a concern of the Committee on Transportation and Infrastructure and its predecessors going back to the Rivers and Harbors Committee in the very beginning of this Nation. We have repeatedly visited the issue of dam safety and enacted dam safety programs in years past, reauthorizing in 1996, and this legislation is an update of the 1996 legislation.

The Corps of Engineers, at the direction of our committee and through the reauthorization we provided, working with the Federal Emergency Management Agency, has identified 79,777 public and private dams in the United States of which 11,811 are high-hazard dams. What is troubling to us on the committee is that the number of high-hazard dams has increased by over 20 percent in the last 6 years. Clearly action has to be taken. We have had 125 failures between 1999 and 2004.

This legislation will put FEMA on alert, put the Corps of Engineers on alert, raise visibility of these issues and provide the tools necessary to take action to protect citizens living below these structures from catastrophic failure that can wipe out whole communities.

Mr. Speaker, I rise in strong support of S. 2735, the National Dam Safety Program Act, which reauthorizes and amends the National Dam Safety Program. The National Dam Safety Program is a partnership of the States, Federal agencies, and other stakeholders to encourage individual and community responsibility for dam safety.

The purpose of the National Dam Safety Program is to "reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction."

S. 2735 reauthorizes the National Dam Safety Program through fiscal year 2011. The dam safety program, administered by the Federal Emergency Management Agency (FEMA), provides grants to state regulatory agencies, funds research projects aimed at improving dam safety, and trains safety officials and dam operators.

Of the 79,777 public and private dams in the United States, there are currently 11,811 High Hazard dams across the country. If one of these dams fails, it could cost lives and damage the economy and the environment. From 2000 to 2006, the number of hazard dams increased by almost 20 percent.

These dams can pose a significant threat. Between 1999 and 2004, States reported 1,090 dam safety incidents including 125 failures. Deficient or unsafe dams mean that these dams have been identified as having hydrologic or structural deficiencies that make them susceptible to a failure triggered by a large storm event, an earthquake, progressive deterioration, or inadequate maintenance. Currently, States have identified approximately 3,400 dams as being deficient or unsafe—an increase of 33 percent since 1998.

Since the creation of the National Dam Safety Program in 1996, dam safety inspections have increased significantly. In addition, the Program has provided funding to increase the amount and the quality of dam safety research and has increased the amount of direct assistance for training state officials and providing technical seminars and workshops.

Presently, many states lack the financial resources to effectively carry out the program and many State regulatory programs lack the support they require at a time when these critical program funds are truly needed. Clearly, there is a need for this program, the funds it provides, and the technical support it offers States.

Mr. Speaker, I support the bill and urge its approval.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2735.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bills just passed, H.R. 6428 and S. 2735.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

PROVIDING FOR CORRECTION TO ENROLLMENT OF H.R. 5946, MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 123) providing for correction to the enrollment of the bill H.R. 5946.

The Clerk read as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

This resolution corrects the text of H.R. 5946, Magnuson-Stevens Fishery Conservation and Management Act of 2006. The Senate amendment to that bill included a provision not in the jurisdiction of the Committee on Resources, and with the passage of this resolution, that provision will be deleted when the bill is enrolled.

And, Mr. Speaker, the Magnuson-Stevens Act is an act 30 years old that manages the Nation's fisheries out 200 miles. It is a bill that deals with an industry that is nearly $100 billion annually. And what we have done with this bill, with the Members, with the chairman of the Resources Committee, Mr. POMBO; with the former chairman of the Resources Committee, Mr. DON YOUNG; Mr. RAHALL; FRANK PALLONE; JIM SAXTON; and a number of Members; and I also want to compliment the staff on the House side, the staff on both committees, personal staff. And those people who helped us with the Senate, they have made a bill that is going to be successful, the Magnuson-Stevens Act, because this act enables the management of a public resource that is worth about $100 billion to be integrated with fishermen, with processers, with distributors, with university scientists, government scientists, council members, and private citizens. The bill goes a long way to sustain and restore the Nation's fishery. It ends overfishing, rebuilds depleted stocks, improves safety and life at sea, protects fish habitat, enables us to better understand the ecology of our oceans, improves the management of our councils, fairly and equitably deals with overcapitalization, and numerous other provisions.

This is a good piece of legislation. It further restores and goes a long way into enabling us to carry out the traditions of Senator Magnuson and Senator STEVENS.

I urge my colleagues to vote for this most sustainable fisheries act.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, as I understand it, this is a technical measure, and we have no problems with it on our side. I support it.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 123.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Western Pacific Sustainable Fisheries Fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific and North Pacific community development.
Sec. 110. Secretarial action on State groundfish fishing.
Sec. 111. Joint enforcement agreements.
Sec. 112. Transition to sustainable fisheries.
Sec. 113. Regional coastal disaster assistance, transition, and recovery program.
Sec. 114. Fishery finance program hurricane assistance.
Sec. 115. Fisheries hurricane assistance program.
Sec. 116. Bycatch reduction engineering program.
Sec. 117. Community-based restoration program for fishery and coastal habitats.
Sec. 118. Prohibited acts.
Sec. 119. Shark feeding.
Sec. 120. Clarification of flexibility.
Sec. 121. Southeast Alaska fisheries communities capacity reduction.
Sec. 122. Conversion to catcher/processor shares.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries conservation and management fund.
Sec. 209. Use of fishery finance program for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Hurricane effects on commercial and recreational fishery habitats.
Sec. 214. North Pacific Fisheries Convention.
Sec. 215. New England groundfish fishery.
Sec. 216. Report on council management coordination.
Sec. 217. Study of shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science.
Sec. 218. Gulf of Alaska Rockfish demonstration program.

TITLE III—OTHER FISHERIES STATUTES

Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries Acts.

TITLE IV—INTERNATIONAL

Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 404. Monitoring of Pacific insular area fisheries.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
Sec. 407. United States catch history.
Sec. 408. Secretarial representative for international fisheries.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Prohibited acts.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Exclusive economic zone notification.
Sec. 511. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 701. Study of the acidification of the oceans and effect on fisheries.
Sec. 702. Rule of construction.
Sec. 703. Puget Sound regional shellfish settlement.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. Purposes.
Sec. 804. Tsunami forecasting and warning program.
Sec. 805. National tsunami hazard mitigation program.
Sec. 806. Tsunami research program.
Sec. 807. Global tsunami warning and mitigation network.
Sec. 808. Authorization of appropriations.

TITLE IX—POLAR BEARS

Sec. 901. Short title.
Sec. 902. Amendment of Marine Mammal Protection Act of 1972.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.".

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (13) the following:

"(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

"(A) to meet social and economic needs in a region or subregion; and

"(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.";

(2) by inserting after paragraph (20) the following:

"(20A) The term 'import'—

"(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

"(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.";

(3) by inserting after paragraph (23) the following:

"(23A) The term 'limited access privilege'—

"(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

"(B) includes an individual fishing quota; but

"(C) does not include community development quotas as described in section 305(i).

"(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation."; and

(4) by inserting after paragraph (27) the following:

"(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.".

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking "an individual fishing quota" and inserting "a limited access privilege":

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking "individual fishing quota" and inserting "limited access privilege":

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking "individual fishing quotas," and inserting "limited access privileges,".

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

"(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.".

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking "shall be" and inserting "is";

(2) by striking "will not" and inserting "cannot, or will not,"; and

(3) by inserting after "Act." the following: "Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess domestic harvest capacity.".

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting "and any funds or contributions received in support of conservation and management objectives under a marine conservation plan" after "agreement" in paragraph (7); and

(2) by inserting after "paragraph (4)." in paragraph (8) the following: "In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

"(1) $337,844,000 for fiscal year 2007;
"(2) $347,684,000 for fiscal year 2008;
"(3) $357,524,000 for fiscal year 2009;
"(4) $367,364,000 for fiscal year 2010;
"(5) $377,204,000 for fiscal year 2011;
"(6) $387,044,000 for fiscal year 2012; and
"(7) $396,875,000 for fiscal year 2013.".

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting "by utilizing economic and social data that meet the requirements of paragraph (2)," after "fishing communities".

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking "describe the likely effects, if any, of the conservation and management measures on—" and inserting "analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—".

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting "and of commonwealths, territories, and possessions of the United States in the Caribbean Sea" after "seaward of such States".

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Tribal Alternate on Pacific Council.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

"(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.".

(b) Scientific and Statistical Committees.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

"(g) Committees and Advisory Panels.—

"(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

"(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

"(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

"(D) Each member of a scientific and statistical committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j). The Secretary shall keep disclosures made pursuant to this subparagraph on file.

"(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A–153).

"(F) In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.

"(G) A science and statistical committee shall hold its meetings in conjunction with the meeting of the Council, to the extent practicable.".

(2) by striking "other" in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) Council Functions.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "authority, and" in paragraph (5) and inserting "authority;";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and".

(d) Scientific Research Priorities.—Section 302(h) (16 U.S.C. 1852(h)), as amended by subsection (c), is further amended—

(1) by striking "(g); and" in paragraph (6) and inserting "(g);";

(2) by redesignating paragraph (7), as redesignated by subsection (c)(2), as paragraph (8);

(2) by inserting after paragraph (6) the following:

"(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

"(A) establish priorities for 5-year periods;

"(B) be updated as necessary; and

"(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council; and".

(e) Regular and Emergency Meetings.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking "published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity." and inserting "provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.".

(f) Closed Meetings.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking "notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports," and inserting "provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient,".

(g) Training.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

"(k) Council Training Program.—

"(1) Training course.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

"(A) fishery science and basic stock assessment methods;

"(B) fishery management techniques, data needs, and Council procedures;

"(C) social science and fishery economics;

"(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

"(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

"(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

"(G) public process for development of fishery management plans;

"(H) other topics suggested by the Council; and

"(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

"(2) Member training.—The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

"(3) Required training.—Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

"(l) Council Coordination Committee.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.".

(h) Procedural Matters.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking "to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g)." in paragraph (1) and inserting "to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).";

(2) by striking "of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):" in paragraph (2) and inserting "of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):"; and

(3) by inserting "the Council Coordination Committee established under subsection (l)," in paragraph (3)(A) after "Council,"; and

(4) by inserting "other committees," in paragraph (3)(A) after "committee,".

(i) Conflicts of Interest.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting "lobbying, advocacy," after "processing," in paragraph (2);

(2) by striking "jurisdiction." in paragraph (2) and inserting "jurisdiction, or with respect to an individual or organization with a financial interest in such activity.";

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

"(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and"; and

(4) by adding at the end the following:

"(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.".

(j) Gulf of Mexico Fisheries Management Council.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

"(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

"(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

"(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

"(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

"(iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.

"(iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.".

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking "and charter fishing" in paragraph (5) and inserting "charter fishing, and fish processing";

(2) by inserting "economic information necessary to meet the requirements of this Act," in paragraph (5) after "number of hauls,";

(3) by striking "and" after the semicolon in paragraph (9)(A);

(4) by inserting "and" after the semicolon in paragraph (9)(B);

(5) by inserting after paragraph (9)(B) the following:

"(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(6) by striking "fishery" the first place it appears in paragraph (13) and inserting "fishery, including its economic impact,";

(7) by striking "and" after the semicolon in paragraph (13);

(8) by striking "allocate" in paragraph (14) and inserting "allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,";

(9) by striking "fishery." in paragraph (14) and inserting "fishery and;"; and

(10) by adding at the end the following:

"(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.".

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1). or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

(c) CLARIFICATION OF REBUILDING PROVISION.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking "one year of" in paragraph (3) and inserting "2 years after";

(2) by inserting "and implement" after "prepare" in paragraph (3);

(3) by inserting "immediately" after "overfishing" in paragraph (3)(A);

(4) by striking "ending overfishing and" in paragraph (4)(A); and

(5) by striking "one-year" in paragraph (5) and inserting "2-year".

(d) EFFECTIVE DATE FOR SUBSECTION (c).—The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting "(A)" after "(2)" in paragraph (2);

(2) by inserting after paragraph (2) the following:

"(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

"(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

"(i) is based on the best scientific information available;

"(ii) includes criteria to assess the conservation benefit of the closed area;

"(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

"(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;";

(3) by striking "fishery;" in paragraph (5) and inserting "fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;";

(4) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

"(A) present participation in the fishery;

"(B) historical fishing practices in, and dependence on, the fishery;

"(C) the economics of the fishery;

"(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

"(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

"(F) the fair and equitable distribution of access privileges in the fishery; and

"(G) any other relevant considerations;";

(5) by striking "(other than economic data)" in paragraph (7);

(6) by striking "and" after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

"(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and".

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

"SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

"(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

"(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

"(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

"(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

"(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

"(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

"(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

"(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

"(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

"(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

"(C) promote—

"(i) fishing safety; and

"(ii) fishery conservation and management; and

"(iii) social and economic benefits;

"(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

"(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

"(F) specify the goals of the program;

"(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of

the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

"(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

"(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

"(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

"(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

"(A) the fishery has historically processed the fish outside of the United States; and

"(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

"(3) FISHING COMMUNITIES.—

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

"(I) be located within the management area of the relevant Council;

"(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

"(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

"(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

"(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

"(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

"(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

"(4) REGIONAL FISHERY ASSOCIATIONS.—

"(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

"(i) be located within the management area of the relevant Council;

"(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(iii) be a voluntary association with established by-laws and operating procedures;

"(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

"(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

"(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

"(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

"(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

"(v) the administrative and fiduciary soundness of the association; and

"(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

"(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

"(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

"(i) current and historical harvests;

"(ii) employment in the harvesting and processing sectors;

"(iii) investments in, and dependence upon, the fishery; and

"(iv) the current and historical participation of fishing communities;

"(B) consider the basic cultural and social framework of the fishery, especially through—

"(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

"(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

"(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

"(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

"(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

"(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

"(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

"(6) PROGRAM INITIATION.—

"(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

"(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

"(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

"(D) NEW ENGLAND AND GULF REFERENDUM.—

"(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

"(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

"(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for. the Gulf of Mexico commercial red snapper fishery.

"(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

"(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

"(vi) In this subparagraph, the term 'individual fishing quota' does not include a sector allocation.

"(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

"(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

"(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

"(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

"(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

"(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

"(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

"(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

"(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

"(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

"(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

"(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

"(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

"(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

"(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

"(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

"(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

"(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

"(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

"(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

"(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

"(i) TRANSITION RULES.—

"(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

"(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

"(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

"(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

"(2) PACIFIC GROUNDFISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.".

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking "management and enforcement" and inserting "management, data collection, and enforcement".

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking "section 305(h)(5)(B)" and all that follows and inserting "section 305(h)(5)(B).".

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

"(i) ENVIRONMENTAL REVIEW PROCESS.—

"(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

"(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

"(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

"(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

"(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

"(A) propose revised procedures within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

"(B) provide 90 days for public review and comments; and

"(C) promulgate final procedures no later than 12 months after the date of enactment of that Act.

"(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the

Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.".

SEC. 108. EMERGENCY REGULATIONS.

(a) Lengthening of Second Emergency Period.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking "180 days," the second time it appears and inserting "186 days,".

(b) Technical Amendment.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting "or interim measures" after "emergency regulations".

SEC. 109. WESTERN PACIFIC AND NORTH PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

"(j) Western Pacific and Northern Pacific Regional Marine Education and Training.—

"(1) In general.—The Secretary shall establish a pilot program for regiondlly-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

"(2) Program components.—The program shall—

"(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

"(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

"(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

"(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

"(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

"(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.".

SEC. 110. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109 of this Act, is further amended by adding at the end thereof the following:

"(k) Multispecies Groundfish.—

"(1) In general.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

"(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

"(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination..

"(2) Cure.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).".

SEC. 111. JOINT ENFORCEMENT AGREEMENTS.

(a) In General.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking "and" after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting "and" after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

"(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system, subject to the confidentiality provisions of section 402;";

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

"(h) Joint Enforcement Agreements.—

"(1) In general.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

"(2) Eligible state.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

"(3) Requirements.—Joint enforcement agreements executed under paragraph (1)—

"(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

"(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

"(C) shall provide for confidentiality of data and information submitted to the State under section 402.

"(4) Allocation of funds.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

"(i) Improved Data Sharing.—

"(1) In general.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—

"(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

"(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

"(2) Agreement required.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

"(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

"(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.".

(b) Report.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using vessel monitoring systems, satellite-based maritime distress and safety systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether satellite-based maritime distress and safety systems, or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to satellite-based maritime distress and safety system or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the satellite-based maritime distress and safety system or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 112. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking "measures;" in subsection (a)(1)(B) and inserting "measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;";

(2) by striking "1996, 1997, 1998, and 1999." in subsection (a)(4) and inserting "2007 through 2013.";

(3) by striking "or the Governor of a State for fisheries under State authority, may conduct a fishing" in subsection (b)(1) and inserting "the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing";

(4) by inserting "practicable" after "entrants," in subsection (b)(1)(B)((i);

(5) by striking "cost-effective and" in subsection (b)(1)(C) and inserting "cost-effective and, in the instance of a program involving an industry fee system, prospectively";

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

"(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established or in any other fishery and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or";

(7) by striking "The Secretary shall consult, as appropriate, with Councils," in subsection (b)(4) and inserting "The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,";

(8) by adding at the end of subsection (b) the following:

"(5) PAYMENT CONDITION.—The Secretary may not make a payment under paragraph (2) with respect to a vessel that will not be scrapped unless the Secretary certifies that the vessel will not be used for fishing in the waters of a foreign nation or fishing on the high seas.

"(6) REPORT.—

"(A) IN GENERAL.—Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report—

"(i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;

"(ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

"(iii) potential sources of funding for such measures.

"(B) BASIS FOR RECOMMENDATIONS.—The Secretary shall base the recommendations made with respect to a fishery on—

"(i) the most cost effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

"(ii) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or on the high seas.";

(9) by striking "Secretary, at the request of the appropriate Council," in subsection (d)(1)(A) and inserting "Secretary";

(10) by striking "Secretary, in consultation with the Council," in subsection (d)(1)(A) and inserting "Secretary";

(11) by striking "a two-thirds majority of the participants voting." in subsection (d)(1)(B) and inserting "at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.";

(12) by striking "establish;" in subsection (d)(2)((C) and inserting "establish, unless the Secretary determines that such fees should be collected from the seller;" and

(13) striking subsection (e) and inserting the following:

"(e) IMPLEMENTATION PLAN.—

"(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

"(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

"(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

"(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

"(i) the requirements of this section;

"(ii) the requirements of the framework regulations;

"(iii) the characteristics of the fishery and affected fishing communities;

"(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

"(v) the general needs and desires of harvesters in the fishery;

"(vi) the need to minimize program costs; and

"(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

"(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

"(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

"(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

"(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.".

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 113. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

"(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

"(b) PROGRAM COMPONENTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

"(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;

"(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

"(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

"(D) any other activities authorized under section 312 of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

"(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

"(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

"(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section

312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

"(A) no reasonable means are available through which applicants can meet the matching requirement; and

"(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

"(5) Net revenue limit inapplicable.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

"(c) Regional Impact Evaluation.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

"(d) Catastrophic Regional Fishery Disaster Defined.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

"(1) results in economic losses to coastal or fishing communities;

"(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

"(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).".

(b) Salmon Plan and Study.—

(1) Recovery plan.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) Annual report.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) Oregon and California Salmon Fishery.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 114. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) Loan Assistance.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2007 through 2013, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) Loan Forgiveness.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may, with respect to uninsured losses—

(1) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(2) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) Definitions.—In this section:

(1) Declared fisheries disaster area.—The term "declared fisheries disaster area" means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) Eligible holder.—The term "eligible holder" means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) Fishery finance program loan.—The term "fishery finance program loan" means a loan made or guaranteed under the fishery finance program under chapter 537 of title 46, United States Code.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2007 through fiscal year 2013.

SEC. 115. FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

(b) Allocation of Funds.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) Use of Funds.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for each of fiscal years 2007 through 2012 to carry out this section.

SEC. 116. BYCATCH REDUCTION ENGINEERING PROGRAM.

(a) In General.—Title III (16 U.S.C. 1851 et seq.), as amended by section 113 of this Act, is further amended by adding at the end the following:

"SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

"(a) Bycatch Reduction Engineering Program.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

"(1) be regionally based;

"(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

"(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

"(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

"(b) Incentives.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

"(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

"(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

"(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

"(c) Coordination on Seabird Interactions.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

"(1) outreach to industry on new technologies and methods;

"(2) projects to mitigate for seabird mortality; and

"(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

"(d) Report.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

"(1) describes funding provided to implement this section;

"(2) describes developments in gear technology achieved under this section; and

"(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.".

(b) CDQ Bycatch Limitations.—

(1) In general.—Section 305(i) (16 U.S.C. 1855(i)) is amended—

(A) by striking "directed fishing allocation" and all that follows in paragraph (1)(B)(ii)(I), and inserting "total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and";

(B) by striking "directed fishing allocation of 10 percent." in paragraph (1)(B)(ii)(II) and inserting "total allocation (directed and nontarget combined) of 10.7 percent.";

(C) by inserting after paragraph (1)(B)(ii) the following:

"The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded."; and

(D) by inserting "Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision." after "2006." in paragraph (1)(C).

(2) Effective date.—The allocation percentage in subclause (I) of section 305(i)(1)(B)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(B)(ii)), as amended by paragraph (1) of this subsection, shall be in effect in 2007 with respect to any sector of a fishery to which such subclause applies and in which a fishing cooperative is established in 2007, and such sector's 2007 allocation shall be reduced by a pro rata amount to accomplish such increased allocation to the program. For purposes of section 305(i)(1) of that Act and of this subsection, the term "fishing cooperative" means a fishing cooperative whether or not authorized by a fishery management council or Federal agency, if a majority of the participants in the sector are participants in the fishing cooperative.

SEC. 117. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) In General.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) Authorized Activities.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 118. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (O);

(2) by striking "carcass." in subparagraph (P) and inserting "carcass;"; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

"(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

"(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).".

SEC. 119. SHARK FEEDING.

Title III (16 U.S.C. 1851 et seq.), as amended by section 116 of this Act, is further amended by adding at the end the following:

"SEC. 317. SHARK FEEDING.

"Except to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.".

SEC. 120. CLARIFICATION OF FLEXIBILITY.

(a) In General.—The Secretary of Commerce has the discretion under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) to extend the time for rebuilding the summer flounder fishery to not later than January 1, 2013, only if—

(1) the Secretary has determined that—

(A) overfishing is not occurring in the fishery and that a mechanism is in place to ensure overfishing does not occur in the fishery; and

(B) stock biomass levels are increasing;

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the new time for rebuilding;

(3) the extension period is based on the status and biology of the stock and the rate of rebuilding;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) Authority.—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act concerning other species.

SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.

Section 209 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Pub. L. 108–447; 118 Stat. 2884) is amended—

(1) by inserting "(a) In General.—" after "Sec. 209.";

(2) by striking "is authorized to" in the first sentence and inserting "shall";

(3) by striking "$50,000,000" and all that follows in the first sentence and inserting "up to $25,000,000 pursuant to section 57735 of title 46, United States Code.";

(4) by striking the third sentence and inserting: "The loan shall have a term of 40 years."; and

(5) by adding at the end the following:

"(b) Southeast Alaska Fisheries Program.—

"(1) Conduct of program by RSA.—The program described in subsection (a) shall be conducted under Alaska law by the Southeast Revitalization Association.

"(2) Treatment under chapter 577 of title 46.—For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

"(3) Application of Magnuson-Stevens Act.—Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

"(c) Southeast Alaska Fisheries Program Approval and Referendum.—

"(1) In general.—The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association under subsection (b).

"(2) Referendum.—The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that—

"(A) no Council request and no consultation shall be required; and

"(B) the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.

"(d) Disbursal of Loan Proceeds.—If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments. The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.)".

SEC. 122. CONVERSION TO CATCHER/PROCESSOR SHARES.

(a) In General.—

(1) AMENDMENT OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for the Bering Sea/Aleutian Islands King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—

(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and

(B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.

(2) ELIGIBILITY AND LIMITATIONS.—

(A) The authority provided in paragraph (1)(A) shall—

(i)(I) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of less than 7 percent of the Bering Sea/Aleutian Island processor quota shares; or

(II) apply only to an entity which was initially awarded both catcher/processor owner quota shares under the plan and processor quota shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 546);

(ii) be limited to processor quota shares initially awarded to such entities and their commonly owned affiliates under the plan or section 417(a) of that Act; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(B) The authority provided in paragraph (1)(B) shall—

(i) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of more than 7 percent of the Bering Sea/Aleutian Island processor quota shares;

(ii) be limited to catcher vessel quota shares initially awarded to such entity and its commonly owned affiliates; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(3) EXCHANGE RATE.—The entities referred to in paragraph (1) shall receive under the amendment 1 unit of newly created catcher/processor owner quota shares in exchange for 1 unit of catcher vessel owner quota shares and 0.9 units of processor quota shares.

(4) AREA OF VALIDITY.—Each unit of newly created catcher/processor owner quota shares under this subsection shall only be valid for the Northern Region.

(b) FEES.—

(1) LOCAL FEES.—The holder of the newly created catcher/processor owner quota shares under subsection (a) shall pay a fee of 5 percent of the ex-vessel value of the crab harvested pursuant to those shares to any local governmental entities in the Northern Region if the processor quota shares used to produce those newly created catcher/processor owner quota shares were originally derived from the processing activities that occurred in a community under the jurisdiction of those local governmental entities.

(2) STATE FEE.—The State of Alaska may collect from the holder of the newly created catcher/processor owner quota shares under subsection (a) a fee of 1 percent of the ex-vessel value of the crab harvested pursuant to those shares.

(c) OFF-LOADING REQUIREMENT.—Crab harvested pursuant to catcher/processor owner quota shares created under this subsection shall be off-loaded in those communities receiving the local governmental entities fee revenue set forth in subsection (b)(1).

(d) PERIODIC COUNCIL REVIEW.—As part of its periodic review of the plan, the North Pacific Fishery Management Council may review the effect, if any, of this subsection upon communities in the Northern Region. If the Council determines that this section adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, such changes to the plan as are necessary to mitigate those adverse effects.

(e) USE CAPS.—

(1) IN GENERAL.—Notwithstanding sections 680.42(b)(ii)(2) and 680.7(a)(ii)(7) of title 50, Code of Federal Regulations, custom processing arrangements shall not count against any use cap for the processing of opilio crab in the Northern Region so long as such crab is processed in the Northern Region by a shore-based crab processor.

(2) SHORE-BASED CRAB PROCESSOR DEFINED.—In this paragraph, the term "shore-based crab processor" means any person or vessel that receives, purchases, or arranges to purchase unprocessed crab, that is located on shore or moored within the harbor.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

"(g) RECREATIONAL FISHERIES.—

"(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

"(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

"(i) in the Exclusive Economic Zone;

"(ii) for anadromous species; or

"(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

"(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

"(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

"(3) DATA COLLECTION.—

"(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

"(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including—

"(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

"(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

"(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

"(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

"(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

"(iii) collection and analysis of vessel trip report data from charter fishing vessels;

"(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

"(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

"(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

"(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.".

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking "(a) COUNCIL REQUESTS.—" in the subsection heading and inserting "(a) COLLECTION PROGRAMS.—";

(2) by resetting the text following "(a) COLLECTION PROGRAMS.—" as a new paragraph 2 ems from the left margin;

(3) by inserting "(1) COUNCIL REQUESTS.—" before "If a Council";

(4) by striking "subsection" in the last sentence and inserting "paragraph";

(5) by striking "(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)" each place it appears; and

(6) by adding at the end the following:

"(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.".

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

"(b) CONFIDENTIALITY OF INFORMATION.—

"(1) Any information submitted to the Secretary, a State fishery management agency, or a

marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

"(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

"(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

"(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

"(D) when required by court order;

"(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

"(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

"(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

"(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

"(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

"(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

"(B) when such information is necessary in proceedings to adjudicate observer certifications; or

"(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

"(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

"(ii) to validate the accuracy of the observer information collected."; and

(3) by striking "(1)(E)." in paragraph (3), as redesignated, and inserting "(2)(A).".

(b) Conforming Amendment.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking "under section 401".

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 119 of this Act, is further amended by adding at the end the following:

"SEC. 318. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

"(a) In General.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

"(b) Eligible Projects.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

"(c) Funding.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

"(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

"(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

"(3). Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

"(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

"(5) Projects designed to collect and compile economic and social data.

"(d) Experimental Permitting Process.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

"(e) Guidelines.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

"(f) Exempted Projects.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.".

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

"SEC. 319. HERRING STUDY.

"(a) In General.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

"(b) Report.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

"(c) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.".

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 320. RESTORATION STUDY.

"(a) In General.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

"(b) Authorization of Appropriations.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.".

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking "and the Secretary of the Interior are" in paragraph (1) and inserting "is";

(2) by striking "not less than three and not more than five" in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

"(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).".

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) In General.—The Secretary shall establish and maintain a fund, to be known as the "Fisheries Conservation and Management Fund", which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) Purposes.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) Deposits to the Fund.—

(1) Quota Set-Asides.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery

Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM FOR SUSTAINABLE PURPOSES.

Section 53706(a)(7) of title 46, United States Code, is amended to read as follows:

"(7) Financing or refinancing—

"(A) the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (including the reimbursement of obligors for expenditures previously made for such a purchase);

"(B) activities that assist in the transition to reduced fishing capacity; or

"(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.".

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

"(f) REGIONAL ECOSYSTEM RESEARCH.—

"(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

"(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

"(B) recommendations for processes for incorporating broad stake holder participation;

"(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

"(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

"(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.".

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

"SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall, subject to the availability of appropriations, establish a program—

"(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

"(2) to locate and map locations of deep sea corals and submit such information to the Councils;

"(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

"(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

"(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

"(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

"(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.".

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON COMMERCIAL AND RECREATION FISHERY HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTH PACIFIC FISHERIES CONVENTION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "all fisheries under the Council's jurisdiction except salmon fisheries" in subsection (a) and inserting "any fishery under the Council's jurisdiction except a salmon fishery";

(2) by striking subsection (a)(2) and inserting the following:

"(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.";

(3) by striking "observers" in subsection (b)(2)(A) and inserting "observers, or electronic monitoring systems,";

(4) by inserting "a fixed amount reflecting actual observer costs as described in subparagraph (A) or" in subsection (b)(2)(E) after "expressed as";

(5) by inserting "some or" in subsection (b)(2)(F) after "against";

(6) by inserting "or an electronic monitoring system" after "observer" in subsection (b)(2)(F);

(7) by striking "and" after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

"(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and".

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated

by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

SEC. 217. STUDY OF SHORTAGE IN THE NUMBER OF INDIVIDUALS WITH POST-BACCALAUREATE DEGREES IN SUBJECTS RELATED TO FISHERY SCIENCE.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of Education shall collaborate to conduct a study of—

(1) whether there is a shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science, including fishery oceanography, fishery ecology, and fishery anthropology, who have the ability to conduct high quality scientific research in fishery stock assessment, fishery population dynamics, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees; and

(3) what institutions of higher education, the private sector, and the Congress could do to try to increase the number of individuals with such post-baccalaureate degrees.

(b) REPORT—.Not later than 8 months after the date of enactment of this Act, the Secretaries of Commerce and Education shall transmit a report to each committee of Congress with jurisdiction over the programs referred to in subsection (a), detailing the findings and recommendations of the study under this section.

SEC. 218. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM.

Section 802 of Public Law 108-199 (118 Stat. 110) is amended by striking "2 years" and inserting "5 years".

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking "$25,000" and inserting "$200,000";

(2) by striking "violation, the degree of culpability, and history of prior offenses, ability to pay," in the fifth sentence and inserting "violator, the degree of culpability, any history of prior offenses,"; and

(3) by adding at the end the following: "In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.".

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

"(e) REVOCATION OR SUSPENSION OF PERMIT.—

"(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

"(A) a vessel has been used in the commission of any act prohibited under section 7;

"(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

"(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

"(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

"(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(C) deny such permit; or

"(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

"(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

"(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

"(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

"(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.".

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking "$50,000" and inserting "$200,000"; and

(2) by striking "$100,000," and inserting "$400,000,".

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2007, 2008, 2009, 2010, 2011, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking "$4,000,000 for each of fiscal years 2004 through 2008," and inserting "$4,000,000 for each of fiscal years 2007 through 2011".

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2007 through 2011".

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113), and amended by Public Law 106–533 (114 Stat. 2762A–108)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking "SEC. 623."; and

(ii) inserting before "(a) NORTHERN FUND AND SOUTHERN FUND.—" the following:

"SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.".

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by paragraph (1), is amended—

(1) by inserting "sustainable salmon fisheries," after "enhancement,";

(2) by inserting "2005, 2006, 2007, 2008, and 2009," after "2003,"; and

(3) by inserting "Idaho," after "Oregon,".

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking "September 30, 2006." in subsection (i) and inserting "September 30, 2016.";

(2) by striking "health" in subsection (j) and inserting "status"; and

(3) by striking "California." in subsection (j) and inserting "California, including—

"(1) stock status and trends throughout its range;

"(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

"(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.".

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

(g) REAUTHORIZATION OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.— Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for apportionment to carry out the purposes of this title $5,000,000 for each of fiscal years 2007 through 2012."; and

(2) by striking "$850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006" in subsection (c) and inserting "$900,000 for each of fiscal years 2007 through 2012".

(h) REAUTHORIZATION AND AMENDMENT OF THE ANADROMOUS FISH CONSERVATION ACT.—Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the purposes of this Act not to exceed $4,500,000 for each of fiscal years 2007 through 2012.".

(i) REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.— Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking "2006" and inserting "2012".

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

"SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

"(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

"(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

"(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

"(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

"(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

"(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

"(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

"(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

"(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.".

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

"(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.".

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

"SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

"The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

"(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

"(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

"(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

"(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

"(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

"SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

"The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

"(1) urging international fishery management organizations to which the United States is a member—

"(A) to incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

"(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

"(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under an international fishery management organization's jurisdiction;

"(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

"(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, *unreported, or unregulated fishing land or transship fish;*

"(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

"(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

"(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

"(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

"(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

"SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding 2 years, in illegal, unreported, or unregulated fishing; and—

"(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

"(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

"(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

"(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

"(1) notify nations listed in the report of the requirements of this section;

"(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

"(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

"(d) IUU CERTIFICATION PROCEDURE.—

"(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining if a nation identified under subsection (a) and listed in the report under section 607 has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The certification procedure shall provide for notice and an opportunity for comment by any such nation. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

"(A) whether the government of each nation identified under subsection (a) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

"(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

"(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

"(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

"(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

"(3) EFFECT OF CERTIFICATION.—

"(A) IN GENERAL.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4))—

"(i) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection; but

"(ii) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(B) EXCEPTIONS.—Subparagraph (A)(i) does not apply—

"(i) to the extent that such provisions would apply to sport fishing equipment or to fish or fish products not managed under the applicable international fishery agreement; or

"(ii) if there is no applicable international fishery agreement, to the extent that such provisions would apply to fish or fish products caught by vessels not engaged in illegal, unreported, or unregulated fishing.

"(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

"(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

"(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

"(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

"(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

"(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

"(C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.

"SEC. 610. EQUIVALENT CONSERVATION MEASURES.

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

"(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

"(A) in waters beyond any national jurisdiction that result in bycatch of a protected living marine resource; or

"(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

"(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

"(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

"(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

"(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

"(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

"(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

"(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

"(c) CONSERVATION CERTIFICATION PROCEDURE.—

"(1) DETERMINATION.—The Secretary shall establish a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining whether the government of a harvesting nation identified under subsection (a) and listed in the report under section 607—

"(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

"(2) PROCEDURAL REQUIREMENT.—The procedure established by the Secretary under paragraph (1) shall include notice and opportunity for comment by any such nation.

"(3) CERTIFICATION.—The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether each such nation has provided the documentary evidence described in paragraph (1)(A) and established a management plan described in paragraph (1)(B).

"(4) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (3) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

"(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

"(5) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

"(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

"(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

"(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

"(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

"(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

"(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

"(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting "or illegal, unreported, or unregulated fishing" after "fishing" in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting "or illegal, unreported , or unregulated fishing" after "fishing".

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking "that is at least equal in effectiveness to the program established by the Secretary;" and inserting "or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;".

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

"(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;".

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

"(1) $5,770,000 for each of fiscal years 2007 and 2008;

"(2) $6,058,000 for each of fiscal years 2009 and 2010; and

"(3) $6,361,000 for each of fiscal years 2011 and 2013.

"(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

"(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

"(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96–339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).".

(b) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

"(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and".

(c) SENSE OF CONGRESS REGARDING FISH HABITAT.—Section 3 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a) is amended by adding at the end the following:

"(e) SENSE OF CONGRESS REGARDING FISH HABITAT.—It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.'.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

"(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

"(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

"(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

"(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

"(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.".

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking "(16 U.S.C. 971d)" and inserting "(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,".

SEC. 407. UNITED STATES CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history associated with a vessel of the United States remains with the United States and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of

Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish.

(d) DELEGATION.—The designated official may delegate and authorize successive re-delegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2009.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Western and Central Pacific Fisheries Convention Implementation Act".

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term "Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term "Commission" means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term "convention area" means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term "fishing" means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term "fishing vessel" means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term "highly migratory fish stocks" means all fish stocks of the species listed in Annex 1 of the 1982 Convention, except sauries, occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term "transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPFC CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms "WCPFC Convention" and "Western and Central Pacific Convention" means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Gentral Pacific Ocean, (including any annexes, amendments, or protocols which are in force, or have come into force, for the United States) which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the United States Commissioners, who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

(I) injury compensation under chapter 81 of title 5, United States Code;

(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18, United States Code; and

(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) USE OF INFORMATION.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) IN GENERAL.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, on an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to

which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) ENTRY CERTIFICATION.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) APPLICATION OF REGULATIONS—

(1) IN GENERAL.—Regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) DETERMINATION BY SECRETARY.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) HEARING.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) REVIEW OF STATE LAWS AND REGULATIONS.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, ,and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the "Pacific Whiting Act of 2006".

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term "advisory panel" means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term "Agreement" means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term "catch" means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term "joint management committee" means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term "joint technical committee" means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term "offshore whiting resource" means the transboundary stock of Merluccius productus that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term "scientific review group" means the scientific review group established by the Agreement.

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term "United States Section" means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) In General.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) Term.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) Joint Appointments.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) Scientific Experts.—

(1) In general.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) Term of office.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) Independent Member.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) In General.—

(1) Appointment.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) Term of office.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) In General.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) Regulations; Cooperation With Canadian Officials.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) Application With Magnuson-Stevens Act.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) Joint Management Committee Recommendations.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) Years With No Approved Catch Recommendations.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) Employment Status.—Individuals appointed under section 603, 604, 605, or 606 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(3) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) Compensation.—

(1) In general.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) Scientific review group.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) Travel Expenses.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) Joint Appointees.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) In General.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) Prohibited Acts.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) Actions by the Secretary.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) Penalties.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

TITLE VII—MISCELLANEOUS

SEC. 701. STUDY OF THE ACIDIFICATION OF THE OCEANS AND EFFECT ON FISHERIES.

The Secretary of Commerce shall request the National Research Council to conduct a study of the acidification of the oceans and how this process affects the United States.

SEC. 702. RULE OF CONSTRUCTION.

(a) In General.—Title VI of Public Law 109–295is amended by adding at the end the following:

"SEC. 699A. RULE OF CONSTRUCTION.

"Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

SEC. 703. PUGET SOUND REGIONAL SHELLFISH SETTLEMENT.

(a) FINDINGS AND PURPOSE.—

(1) Findings.—Congress finds that—

(A) the Tribes have established treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by commercial shellfish growers;

(B) the district court that adjudicated the Tribes' treaty rights to take shellfish found that the growers are innocent purchasers who had no notice of the Tribes' fishing right when they acquired their properties;

(C) numerous unresolved issues remain outstanding regarding implementation of the Tribes' treaty right to take shellfish from lands owned, leased, or otherwise subject to harvest by the growers;

(D) the Tribes, the growers, the State of Washington, and the United States Department of the Interior have resolved by a settlement agreement many of the disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from covered tidelands owned or leased by the growers;

(E) the settlement agreement does not provide for resolution of any claims to take shellfish from lands owned or leased by the growers that potentially may be brought in the future by other Tribes;

(F) in the absence of congressional actions, the prospect of other Tribes claims to take shellfish from lands owned or leased by the growers could be pursued through the courts, a process which in all likelihood could consume many years and thereby promote uncertainty in the State of Washington and the growers and to the ultimate detriment of both the Tribes and other Tribes and their members;

(G) in order to avoid this uncertainty, it is the intent of Congress that other Tribes have the option of resolving their claims, if any, to a treaty right to take shellfish from covered tidelands owned or leased by the growers; and

(H) this Act represents a good faith effort on the part of Congress to extend to other Tribes the same fair and just option of resolving their claims to take shellfish from covered tidelands owned or leased by the growers that the Tribes have agreed to in the settlement agreement.

(2) PURPOSE.—The purposes of this section are—

(A) to approve, ratify, and confirm the settlement agreement entered into by and among the Tribes, commercial shellfish growers, the State of Washington, and the United States;

(B) to provide other Tribes with a fair and just resolution of any claims to take shellfish from covered tidelands, as that term is defined in the settlement agreement, that potentially could be brought in the future by other Tribes; and

(C) to authorize the Secretary to implement the terms and conditions of the settlement agreement and this section.

(b) APPROVAL OF SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—The settlement agreement is hereby approved, ratified, and confirmed, and section 6 of the settlement agreement, Release of Claims, is specifically adopted and incorporated into this section as if fully set forth herein.

(2) AUTHORIZATION FOR IMPLEMENTATION.—The Secretary is hereby authorized to implement the terms and conditions of the settlement agreement in accordance with the settlement agreement and this section.

(c) FUND, SPECIAL HOLDING ACCOUNT, AND CONDITIONS.—

(1) PUGET SOUND REGIONAL SHELLFISH SETTLEMENT TRUST FUND.—

(A) There is hereby established in the Treasury of the United States an account to be designated as the "Puget Sound Regional Shellfish Settlement Trust Fund". The Secretary shall deposit funds in the amount of $22,000,000 at such time as appropriated pursuant to this section into the Fund.

(B) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Fund.

(C) The Secretary shall transfer monies held in the Fund to each Tribe of the Tribes in the amounts and manner specified by and in accordance with the payment agreement established pursuant to the settlement agreement and this section.

(2) Puget sound regional shellfish settlement special holding account.—

(A) There is hereby established in the Treasury of the United States a fund to be designated as the "Puget Sound Regional Shellfish Settlement Special Holding Account". The Secretary shall deposit funds in the amount of $1,500,000 into the Special Holding Account in fiscal year 2011 at such time as such funds are appropriated.pursuant to this section.

(B) The Special Holding Account shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Special Holding Account.

(C) If a court of competent jurisdiction renders a final decision declaring that any of the other Tribes has an established treaty right to take or harvest shellfish in covered tidelands, as that term is defined in the settlement agreement, and such tribe opts to accept a share of the Special Holding Account, rather than litigate this claim against the growers, the Secretary shall transfer the appropriate share of the monies held in the Special Holding Account to each such tribe of the other Tribes in the amounts appropriate to compensate the other Tribes in the same manner and for the same purposes as the Tribes who are signatory to the settlement agreement. Such a transfer to a tribe shall constitute full and complete satisfaction of that tribe's claims to shellfish on the covered tidelands.

(D) The Secretary may retain such amounts of the Special Holding Account as necessary to provide for additional tribes that may judicially establish their rights to take shellfish in the covered tidelands within the term of that Account, provided that the Secretary pays the remaining balance to the other Tribes prior to the expiration of the term of the Special Holding Account.

(E) The Tribes shall have no interest, possessory or otherwise, in the Special Holding Account.

(F) Twenty years after the deposit of funds into the Special Holding Account, the Secretary shall close the Account and transfer the balance of any funds held in the Special Holding Account at that time to the Treasury. However, the Secretary may continue to maintain the Special Holding Account in order to resolve the claim of an Other Tribe that has notified the Secretary in writing within the 20-year term of that Tribe's interest in resolving its claim in the manner provided for in this section.

(G) It is the intent of Congress that the other Tribes, if any, shall have the option of agreeing to similar rights and responsibilities as the Tribes that are signatories to the settlement agreement, if they opt not to litigate against the growers.

(3) ANNUAL REPORT.—Each tribe of the Tribes, or any of the other Tribes accepting a settlement of its claims to shellfish on covered lands pursuant to paragraph (2)(C), shall submit to the Secretary an annual report that describes all expenditures made with monies withdrawn from the Fund or Special Holding Account during the year covered by the report.

(4) JUDICIAL AND ADMINISTRATIVE ACTION.—The Secretary may take judicial or administrative action to ensure that any monies withdrawn from the Fund or Special Holding Account are used in accordance with the purposes described in the settlement agreement and this section.

(5) CLARIFICATION OF TRUST RESPONSIBILITY.—Beginning on the date that monies are transferred to a tribe of the Tribes or a tribe of the other Tribes pursuant to this section, any trust responsibility or liability of the United States with respect to the expenditure or investment of the monies withdrawn shall cease.

(d) STATE OF WASHINGTON PAYMENT.—The Secretary shall not be accountable for nor incur any liability for the collection, deposit, management or nonpayment of the State of Washington payment of $11,000,000 to the Tribes pursuant to the settlement agreement.

(e) RELEASE OF OTHER TRIBES CLAIMS.—

(1) RIGHT TO BRING ACTIONS.—As of the date of enactment of this section, all right of any other Tribes to bring an action to enforce or exercise its treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by any and all growers shall be determined in accordance with the decisions of the Courts of the United States in United States v. Washington, Civ. No. 9213 (Western District of Washington).

(2) CERTAIN RIGHTS GOVERNED BY THIS SECTION.—If a tribe falling within the other Tribes category opts to resolve its claims to take shellfish from covered tidelands owned or leased by the growers pursuant to subsection (c)(2)(C) of this section, that tribe's rights shall be governed by this section, as well as by the decisions of the Courts in United States v. Washington, Civ. No. 9213.

(3) NO BREACH OF TRUST.—Notwithstanding whether the United States has a duty to initiate such an action, the failure or declination by the United States to initiate any action to enforce any other Tribe's or other Tribes' treaty rights to take shellfish from public and private tidelands in Washington State, including from covered tidelands owned, leased, or otherwise subject to harvest by any and all growers shall not constitute a breach of trust by the United States or be compensable to other Tribes.

(f) CAUSE OF ACTION.—If any payment by the United States is not paid in the amount or manner specified by this section, or is not paid within 6 months after the date specified by the settlement agreement, such failure shall give rise to a cause of action by the Tribes either individually or collectively against the United States for money damages for the amount authorized but not paid to the Tribes, and the Tribes, either individually or collectively, are authorized to bring an action against the United States in the United States Court of Federal Claims for such funds plus interest.

(g) DEFINITIONS.—In this section:

(1) FUND.—The term "Fund" means the Puget Sound Shellfish Settlement Trust Fund Account established by this section.

(2) GROWERS.—The term "growers" means Taylor United, Inc.; Olympia Oyster Company; G.R. Clam & Oyster Farm; Cedric E. Lindsay; Minterbrook Oyster Company; Charles and Willa Murray; Skookum Bay Oyster Company; J & G Gunstone Clams, Inc.; and all persons who qualify as 'growers' in accordance with and pursuant to the settlement agreement.

(3) OTHER TRIBES.—The term "other Tribes" means any federally recognized Indian nation

or tribe other than the Tribes described in paragraph (6) that, within 20 years after the deposit of funds in the Special Holding Account, establishes a legally enforceable treaty right to take shellfish from covered tidelands described in the settlement agreement, owned, leased or otherwise subject to harvest by those persons or entities that qualify as growers.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.— The term "settlement agreement" means the settlement agreement entered into by and between the Tribes, commercial shellfish growers, the State of Washington and the United States, to resolve certain disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from certain covered tidelands owned, leased or otherwise subject to harvest by the growers.

(6) TRIBES.—The term "Tribes" means the following federally recognized Tribes that executed the settlement agreement: Tulalip, Stillaguamish, Sauk Suiattle, Puyallup, Squaxin Island, Makah, Muckleshoot, Upper Skagit, Nooksack, Nisqually, Skokomish, Port Gamble S'Klallam, Lower Elwha Klallam, Jamestown S'Klallam, and Suquamish Tribes, the Lummi Nation, and the Swinomish Indian Tribal Community.

(7) SPECIAL HOLDING ACCOUNT.—The term "Special Holding Account" means the Puget Sound Shellfish Settlement Special Holding Account established by this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $23,500,000 to carry out this section—

(A) $2,000,000 for fiscal year 2007;

(B) $5,000,000 for each of fiscal years 2008 through 2010; and

(C) $6,500,000 for fiscal year 2011.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Tsunami Warning and Education Act".

SEC. 802. DEFINITIONS.

In this title:

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 803. PURPOSES.

The purposes of this title are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 804. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this title;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 805 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this title and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 806 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this title.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this title, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this title but which has not yet been deployed, if the Administration has entered into a contract for that

equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping.of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this title to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this title. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 805. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 804(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 806. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 805(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 807. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this title—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.

TITLE IX—POLAR BEARS

SEC. 901. SHORT TITLE.

This title may be cited as the "United States-Russia Polar Bear Conservation and Management Act of 2006".

SEC. 902. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) In General.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

"TITLE V—POLAR BEARS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) Agreement.—The term "Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

"(2) Alaska Nanuuq Commission.—The term "Alaska Nanuuq Commission" means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

"(3) Import.—The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(4) Polar Bear Part or Product.—The term "part or product of a polar bear" means any polar bear part or product, including the gall bile and gall bladder.

"(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

"(6) Taking.—The term "taking" has the meaning given the term in the Agreement.

"(7) Commission.—The term "Commission" means the commission established under article 8 of the Agreement.

"SEC. 502. PROHIBITIONS.

"(a) In General.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

"(1) to take any polar bear in violation of the Agreement;

"(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

"(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

"(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

"(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

"(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

"(b) Exceptions.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

"SEC. 503. ADMINISTRATION.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

"(b) Utilization of Other Government Resources and Authorities.—

"(1) Other Government Resources.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

"(2) Other Powers and Authorities.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

"(c) Ensuring Compliance.—

"(1) Title I Authorities.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

"(2) Additional Authorities.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

"(d) Regulations.—

"(1) In General.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

"(2) Ordinances and Regulations.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

"SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

"(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

"(b) Delegation.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

"(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

"(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

"(3) administer its co-management program for polar bears in accordance with—

"(A) this title; and

"(B) the Agreement.

"SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

"(a) Appointment of U.S. Commissioners.—

"(1) Appointment.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

"(A) the Secretary;

"(B) the Secretary of State; and

"(C) the Alaska Nanuuq Commission.

"(2) Qualifications.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

"(A) 1 United States commissioner shall be an official of the Federal Government;

"(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

"(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

"(3) Service and Term.—Each United States commissioner shall serve—

"(A) at the pleasure of the President; and

"(B) for an initial 4-year term and such additional terms as the President shall determine.

"(4) Vacancies.—

"(A) In general.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

"(B) Manner.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

"(b) Alternate Commissioners.—

"(1) In general.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

"(2) Duties.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

"(3) Reappointment.—An alternate commissioner—

"(A) shall be eligible for reappointment by the President; and

"(B) may attend all meetings of the United States section.

"(c) Duties.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

"(d) Compensation and Expenses.—

"(1) COMPENSATION.—A member of the United States section shall serve without compensation.

"(2) TRAVEL EXPENSES.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

"(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

"SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

"In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

"SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

"(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

"(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

"SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

"(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect—

"(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

"(2) the authorities provided under title II of this Act.

"(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

"(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

"(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

"TITLE V—POLAR BEARS

"Sec. 501. Definitions.
"Sec. 502. Prohibitions.
"Sec. 503. Administration.
"Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
"Sec. 505. Commission appointments; compensation, travel expenses, and claims.
"Sec. 506. Votes taken by the United States Section on matters before the Commission.
"Sec. 507. Implementation of actions taken by the Commission.
"Sec. 508. Application with other titles of Act.
"Sec. 509. Authorization of appropriations.".

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking "vessel or other conveyance" each place it appears and inserting "vessel, other conveyance, or container".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5946, the Magnuson-Stevens Fishery Conservation and Management Act of 2006. I want to thank Senator STEVENS and Senator INOUYE for their hard work in getting this authorization to the Senate and to the House. I also want to thank Chairman RICHARD POMBO, who has been a champion for the recreational and commercial fishermen of this Nation. We will miss his leadership greatly. And I want to thank and support all the other Members and their staff that have been involved in this process.

At this point I will insert in the RECORD an exchange of letters between Chairman POMBO and Chairman BOEHLERT regarding this bill and between Chairman POMBO and Chairman THOMAS regarding the polar bear provisions contained in title IX, originally part of H.R. 4075.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 13, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule consideration by the House of Representatives of H.R. 4075, the Marine Mammal Protection Act Amendments of 2006, during the week of July 17–21, 2006. I have proposed an amendment to this bill which includes text from S. 2013, the United States-Russia Polar Bear Conservation and Management Act of 2005. The Committee on Ways and Means has a jurisdictional interest in this Senate bill because of its inclusion of trade measures.

My staff has worked with yours to develop a mutually-agreed on text for this amendment, and I have enclosed this amendment for your review. I ask that you not seek a referral of H.R. 4075 based on the inclusion of this language to expedite Floor scheduling. Of course, this action would not be considered as waiving or affecting your jurisdiction over the subject matter of the amendment, nor as precedent for any future referrals of similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming Ways and Means Committee members to the conference committee for the trade provisions. I would also be pleased to include this letter and your response in the Congressional Record during consideration of the bill on the Floor.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees. Your staff, especially Angela Ellard and Steven Schrage, has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,
RICHARD W. POMBO,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter regarding H.R. 4075, the "Marine Mammal Protection Act Amendments of 2006," which is scheduled for floor consideration during the week of July 17th.

As you noted, the Committee on Ways and Means maintains jurisdiction over trade measures. H.R. 4075, as amended, includes text which falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I appreciate your cooperation in this matter and agree to your offer to include this exchange of letters in the Congressional Record during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 7, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5946 as amended by the Senate, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. The Science Committee has primary jurisdiction over Title VIII, Tsunami Warning and Education, the text of which is identical to H.R. 1674, the Tsunami Warning and Education Act, as passed by the House on December 6, 2006. In addition, the Science Committee has jurisdiction over Section 211, Deep Sea Coral Research and Technology Program, and Section 701, Study of the Acidification of the Oceans and Effect on Fisheries. Sections 211 and 701 both involve "marine research" that is clearly within the jurisdiction of the Science Committee. The study required by Section 701 also involves "environmental research and development" within the jurisdiction of the Science Committee.

The Science Committee recognizes the importance of H.R. 5946 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 7, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for agreeing to allow the Senate amendments to H.R. 5946, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2007 through 2013, to be considered by the House of Representatives. I concur in your assessment that the Committee on Science would have primary jurisdiction over Title VIII of the Senate amendments, as this is the text of your bill, H.R. 1674, the United States Tsunami Warning and Education Act, referred exclusively to the Committee on Science. I also concur that the Committee on Science would have a jurisdictional interest in section 211, the deep sea coral research and technology program, as well as section 701, study of the acidification of the oceans and its effect on fisheries.

By allowing this bill to be scheduled, I agree that the Committee on Science has not waived its jurisdiction over the measures included in H.R. 5946, nor should this action be taken as precedent for other bills. I would be pleased to include this letter and your December 7, 2006, letter on H.R. 5946 in the Congressional Record during debate on the bill.

Thank you again for your cooperation on this matter, and I look forward to seeing H.R. 5946 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

I also want to thank Chairman HENRY HYDE of the International Relations Committee for agreeing to waive jurisdiction on the polar bear provisions. I also appreciate the cooperation of Chairman KING of Homeland Security and Chairman BARTON of the Energy and Commerce Committee in helping to clear this bill.

Finally, on behalf of Chairman POMBO and myself and former Chairman DON YOUNG, I want to thank Dave Whaley, Bonnie Bruce, two committee members on the Resources Committee who worked tirelessly on this bill for many years. Without their expertise and persistence, we would not be here today. I would also like to thank my personal staff, Edith Thompson, for her work on this bill.

I urge an "aye" vote on H.R. 5946.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending measure, as passed by the Senate, may be one of the last items on our schedule this Congress, but it is certainly not the least important. The bill would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act in order to guide the management of our marine fisheries through 2013. We would not be here today if Senator TED STEVENS and DANIEL INOUYE had not extended an olive branch. I am extremely appreciative of the hard work that they and their staff put into this legislation. I also commend our colleague on this side of the aisle, TOM ALLEN from Maine, who worked tirelessly on behalf of the fishermen in his district to improve this legislation. And while the pending measure does not do everything I would have liked, it does not roll back the conservation principles in this important fisheries management law. The legislation actually strengthens the Magnuson-Stevens Act.

I support the bill. I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I also want to thank JIM SAXTON from New Jersey for his work on this bill.

Mr. Speaker, at this time I would like to yield such time as he may consume to the chairman of the Resources Committee, RICHARD POMBO.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding.

And I will be brief. I do want to again thank all of those who have worked so hard on this bill for so long. I especially want to thank the ranking member of the committee, Mr. RAHALL, who has worked with me not only on this legislation but so many pieces of legislation over the last 4 years and gave us the opportunity to do some real good things on the Resources Committee.

I know that as this bill was introduced originally, BARNEY FRANK from Massachusetts was an original sponsor on it. We did a hearing up in his district and listened to the concerns of a lot of the fishermen in the communities that are impacted by this law. Unfortunately, all of the things that we originally set out to take care of are not included in this bill, but where we end up on this, I believe it is a bill that is better than current law. It is a stronger bill. It is something that addresses many of the issues that have been raised over the last several years in hearings and meetings that we have had in trying to improve the Magnuson-Stevens Act.

I also want to particularly mention two of the Members on our side of the aisle, Mr. GILCHREST and Mr. SAXTON, who worked extremely hard in trying to craft a bill that would fit with the concerns and needs of their constituency. As well as that, Chairman DON YOUNG, former chairman of this committee, chairman of the Transportation Committee, obviously has always put a great deal of effort and work into fisheries issues, and his work will continue into the future in trying to improve this law.

But I want to thank Mr. RAHALL for all the work not just on this legislation but all the work that he has done over the last 4 years. It has been a great experience for me having an opportunity to work with him. Over the last 4 years, I believe that we have passed more legislation out of the Resources Committee than all the rest of the committees combined. And during that time period we had one bill that went through on a party-line vote, and other than that we were able to work out bipartisan compromises on everything. He and I didn't agree every single time, but we were able to work out something so that we had a bipartisan bill moving, and I appreciate all that he did as my ranking member and I wish him nothing but luck in the future.

Mr. RAHALL. Mr. Speaker I yield myself such time as I may consume.

I was going to wait until the very end to respond, but I want to say to the gentleman from California (Mr. POMBO), the distinguished chairman of the House Resources Committee, that it has truly been an honor to work with him during his tenure as chairman of our committee. The gentleman has fought hard for those principles that he has believed in. He has accomplished a great deal during his tenure here. I commend him for his tenacity, and he truly has been a fighter for that which he believes. As he has said, we have not agreed on every issue, but we have had our respectful disagreements and we have worked in good faith as well. I believe we have during his tenure as chairman.

I do welcome the incoming ranking member, Mr. YOUNG. I have served on both the Transportation and Infrastructure Committee and the Resources Committee for my entire tenure in this body. Thirty years we have worked together, and now I am glad to have him as the ranking member on my committee and may he stay that way for a long, long time.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), who has been a true leader on this issue and fought very hard for this legislation.

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Mr. PALLONE. I want to thank our ranking member, Mr. RAHALL, for all his contributions in getting this to the floor this evening. I know it was not easy to get us here to achieve the consensus that we have tonight. I would also like to thank on the other side of the aisle obviously our chairman, Mr. POMBO, and Mr. YOUNG as well. I know this will be the last day, I guess, that we have this opportunity, Mr. Chairman, but I want to say that throughout your tenure as the chairman of the Resources Committee, I could always count on you to be honest and forthright about everything. And even though oftentimes we did disagree, there were many times when we agreed on different matters. So I want to thank you for your tenure and obviously look forward also to the gentleman from Alaska (Mr. YOUNG) as our ranking member. He is another person who speaks his mind and certainly manages to get things done.

I want to support this legislation. I think that it is a very important and comprehensive bill that updates our Nation's fisheries management laws, but I want to mention two provisions that are critically important to my constituents in New Jersey at the Jersey shore. First, it includes legislative discretion allowing the Secretary of Commerce to extend the rebuilding time frame for summer flounder. I, along with many of my colleagues from New Jersey, particularly Mr. SAXTON, strongly believe that existing law gives NMFS the administrative flexibility to avoid making drastic cuts in next year's summer flounder quota, but the service consistently refused to use that flexibility. We are thus granting a legislative extension of the rebuilding time frame to force the administration to take action and avert drastically low quotas for this important fishery. While the resulting quotas will still be the lowest ever, this language will avoid a dramatically low quota that could have resulted in a virtual shutdown of the entire fishery.

I am also glad to see that this bill contains a provision intended to improve data collection from the recreational sector. Anglers in my district have long known that the MRFSS system is widely inaccurate in estimating recreational landings and is completely inappropriate for use in stock allocation decisions. The language in this bill will help by requiring the secretary to improve the program to ensure accurate data collection and incorporate the results of a recent National Research Council report. I am also glad that the provision prevents a fee from being imposed until at least 2011, preempting an administration proposal to implement a license that could have cost up to $35 annually for the right to fish.

I will acknowledge that the overall bill is far from perfect. There are provisions in here that I am not completely happy with. And there are other items I would have liked to include. But I know that neither the fishing nor the environmental community are completely happy with every single word, and probably that means it is a very good bill.

This bill does represent an overall improvement in the management of our Nation's fisheries and strikes a balance between conserving stocks and ensuring productive fisheries. It is my fervent hope that this bill will bring some greater sense into a fisheries management system that to the average angler seems confusing at best and completely irrational at worst. We here in Congress have a duty to closely examine the outcomes of this law and closely oversee its implementation by the administration.

Again, I thank all my colleagues and particularly our chairman and ranking member.

I forgot to mention the gentleman from Maryland (Mr. GILCHREST), and I apologize, for all your work in putting this together. Thanks again, too, WAYNE.

Mr. GILCHREST. Thank you, Mr. PALLONE.

I want to yield now to the part of the country that has the largest fishery, to Congressman DON YOUNG.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. Everybody has been thanked on the floor. I double that.

This is a good piece of legislation. It has been a long time coming. I want to thank the ranking member, of course, Mr. GILCHREST and Mr. OBERSTAR, and the chairman. This bill will do good for our oceans and for our fisheries. Although it is far from being perfect, we expect to have this finalized tonight and, as has been mentioned before, because it originated in Alaska, the 200-mile limit, the Magnuson-Stevens Act, we will continue to work to improve it. Because it is very, very important that we keep our fisheries sustainable and also to make sure that our oceans are not only protected and conserved but provide the food that is necessary for this Nation of ours.

Again, a lot of work was done, but I can tell you frankly it was the staff on both sides of the aisle, especially on this side, as has already been mentioned. Dave Whaley, who actually used to have hair before he started working on this bill. He doesn't have it anymore. Bonnie Bruce. She is still, I think, relatively attractive and she has been through agony for all types of activity to get this bill done.

I again thank the people that understand the importance and the staff does the majority of work on this. We did do it. The Senate side did it. Now it is the House side's turn to do what is right for the oceans.

Mr. Speaker, while I support this legislation, there are several provisions which need further explanation.

Section 107 provides that the Secretary of Commerce, in consultation with the Regional Councils and the Council on Environmental Policy, shall revise the procedures for compliance with the National Environmental Policy Act. Those procedures shall integrate NEPA's environmental analytical procedures with the procedures for preparing and approving fishery management plans and amendments under the Magnuson-Stevens Act and shall conform the timelines for NEPA compliance with the timelines for the approval of fishery management plans and amendments established under the Magnuson-Stevens Act. The only way those requirements can be met for plans developed by a Council is to use the Council's plan development processes. That means NEPA procedures must be integrated into the Council process which will be the vehicle for identifying the problem to be addressed, identifying the reasonable alternatives to address that problem, identifying the preferred alternative, and examining the environmental consequences, positive and negative, of the preferred alternative and the reasonable alternatives. After the Council completes its processes, the Secretary will have the final responsibility for determining if NEPA has been complied with and may disapprove the plan, plan amendment, or regulation pursuant to section 304(a)(3) of this act.

In addition, there are a number of provisions in this legislation which deal with the amount and type of information which needs to be submitted to the Secretary by a variety of entities and how that information is to be treated by the Secretary. It is important that proprietary information, confidential economic information, personal information such as tax forms, and other sensitive information be maintained in a manner which does not compromise an individual or a company's reasonable expectation for privacy. The Secretary must develop regulations for the use and the protection of such information which weighs the need for the information for management purposes with a reasonable person's expectation for privacy.

I am also concerned that the provision requiring that harvest levels be set to prevent overfishing not be interpreted to shut down entire fisheries if one stock of a multi-species complex is experiencing overfishing. The purpose of the act is to provide a healthy fishery resource, but it is also to promote commercial and recreational fishing and support communities dependent on the fishery resources. The act should not be used as a tool for stopping all fishing activities in U.S. waters. The keys to achieving these goals are balance, flexibility, and common sense by the fishery managers. The provisions dealing with ending overfishing, rebuilding overfished fisheries, and setting harvest levels to prevent overfishing all need to be taken in the context of the National Standards and need to be viewed with an eye toward balance, flexibility, and common sense.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a valued member of our committee.

Mr. DEFAZIO. I would first like to engage the ranking member in a colloquy.

The bill requires the Pacific Council to develop a rationalization program within 24 months from date of enactment. The Pacific Council has been working on a comprehensive ground fisheries management program for more than 3 years and is on target to complete that process by 2008. As I understand the bill, the Pacific Council can continue the development of its groundfish management program without having to restart the process. Is that correct?

Mr. RAHALL. If the gentleman would yield.

Mr. DEFAZIO. I would yield to the gentleman.

Mr. RAHALL. The gentleman from Oregon is entirely correct. It is my understanding that the bill would permit the Pacific Council process to continue. We recognize that the Pacific Council has made substantial progress and do not intend to disrupt their efforts to develop and implement an appropriate groundfish management program, consistent with this act.

Mr. DEFAZIO. I thank the gentleman.

Reclaiming my time, there is also another provision in this bill which is long overdue. We have had extraordinary closures of the salmon season on the west coast this year, despite the fact that there are quite a number of plentiful runs of salmon, because one run, the Klamath River, is very, very unhealthy. Over the last 5 years, this administration has done nothing to begin to improve the health of the river. This legislation will begin some of the mitigation restoration activities to restore the health of that fishery which is critical so that we can begin to continue to harvest other salmon species which are more plentiful and not in trouble.

For that and a number of other provisions in the bill, I am very supportive of the legislation.

Mr. RAHALL. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I would ask for a colloquy.

One of the key provisions in this is the requirement that the Regional Fishery Management Councils develop annual catch limits based on the Science and Statistical Committees. This annual catch limit provision has the potential to contribute in important ways to the process of improving science. But it is vital that in analyzing the options and preparing recommendations, the committees consider a wide range of scientific opinion to ensure that the management plans that are based on their work represent the best possible scientific understanding of the current state of the relevant fisheries as well as projections for the future.

Is it the ranking member's, soon to be chairman's, understanding that the Science and Statistical Committees will in fulfilling their role under this legislation consider this broad array of scientific opinion and sources?

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman's question. I would say that he is entirely correct. In order to help ensure that affected stakeholders have the maximum degree of confidence in the management measures developed by the councils and that those measures are as effective as possible, it is vital that the Science and Statistical Committees operate in an open manner that is receptive to a full spectrum of scientific opinion. Accordingly, it is our expectation that under this legislation, the Science and Statistical Committees would gather information and prepare recommendations in a way that takes into account the research and expertise of a wide range of scientists.

Mr. FRANK of Massachusetts. I thank the gentleman for this and I thank him for also inserting a provision that would make sure that if there is a referendum on quotas that the working fishermen, not just the permit owners, could vote in our region.

But having said that, I want to say that rarely have I seen such a distinguished and thoughtful and intelligent group of my colleagues get something kind of wrong. Let me emphasize it in this way. We heard how there is a special provision here for flounder, where summer flounder are concerned, then there can be flexibility in rebuilding. And I have to ask the question, why is it not the case that what is sauce for the cod is sauce for the flounder? When did the flounder become the exalted species? And if you really, Mr. Speaker, believed in the principles of this legislation, why have you floundered in applying this uniformly? Why did you make this exception for the flounder?

The problem is partly procedure. This bill was developed mostly in the Senate. I appreciate the good work of the chairman of the committee, Mr. POMBO. He and his staff, Mr. Whaley, worked very hard with us to get this kind of flexibility for all species. And Peter Kovar of my staff worked very hard on it and we had frankly, I thought, a pretty good bill coming out of the House. Then the election came, and I understand that it had consequences, and we are winding up with the Senate bill plus an exception for flounder.

I don't object to the exception for flounder. I object to the fact that it is an exception. And I hope I will hear at some point why the flexibility in rebuilding flounder makes sense when no other flexibility for any other species is involved.

I will make a prediction, Mr. Speaker. Let me say in this, I believe that we have here an overreaction and that many of my environmentalist friends have an inability, an unwillingness to recognize that some of the hardest-working, most dedicated, practical environmentalists in this country, the fishermen, people whose commitment to the environment is whole because that is their livelihood, that their legitimate concerns have not been fully recognized.

I look forward to working in some other areas in health and safety, but I will make a prediction. The rigidity in this bill for everything but flounder is going to cause problems in the future. I will give the sponsors of this bill one kudo. I don't know if you can have a singular of kudos, but I will give you one kudo. The precedent you have set with the flexibility for flounder will in fact be extended to other species. There is no logical reason for that and I believe experience will soon persuade you of that.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise tonight in strong support of the legislation, not on behalf of the flounder but because of the salmon. This year the Federal Government imposed a radical reduction in sport salmon fishing and an effective closing of the salmon fishing season on most of the west coast. The purported reason was to restore the fall Chinook run in the Klamath River system. However, NOAA scientists have admitted that water mismanagement and environmental degradation of the Klamath River system, not ocean fishing, are the causes of Klamath fall Chinook salmon decline. Radically reducing sport salmon fishing and effectively closing commercial salmon fishing is bad public policy, extorts a high price from coastal communities, and did not solve the problem. In our coastal communities, every job lost on the water results in the loss of three jobs on dry land.

Estimates of the economic impact are in the millions. All of this sacrifice with no benefit to the fall Chinook is an ineffective Band-Aid for bad public policy in the Klamath River system.

Most importantly, this administration is attacking the cultural roots of the Pacific Northwest. By effectively closing the salmon fishery, the administration is not just terminating an economy, it is ending a way of life. Fishing for salmon is an integral part of who we are. Under previously imposed fishing restrictions, folks who fish for salmon have made innumerable changes and sacrifices to restore the salmon runs. This administration owes it to these fishermen and their families to provide the disaster assistance that they have promised.

When Klamath Basin farmers needed assistance in 2001, this administration correctly declared a disaster and assistance was appropriated within weeks. Oregon salmon fishermen and their families deserve the same. Finally, tonight, months after west coast families were hit so hard by the salmon closure, we take another important step toward appropriate relief in this bill.

This bill provides that affected offshore fishermen and onshore workers are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Act and directs the Secretary of Commerce to provide the assistance. On behalf of west coast fishing families affected by bad Federal policy, I ask you all to support this bill.

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Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I would just like to thank everybody who has worked on this bill and why, a lot of people have spoken on it, it is late at night, I know people would like to get on with the rest of the agenda for tonight. Put it in this perspective, this is the farm bill for the ocean. Next year we will spend a lot of time, an awful lot of time discussing the farm bill.

What has come here is a 10-year effort since the last reauthorization, Magnuson-Stevens, to really pull all factors together. I think a body that is sitting and watching this tonight who ought to be thanked is the sea grant fellows who have come and spent a year here in the Congress who as doctorates and master's degrees in marine fisheries and marine sciences have helped a lot with this bill.

I would particularly like to thank Letice Houser, who is spending her last week here in Congress as a sea grant fellow, and to all of the Members who have worked so hard. It is a good bill, and I hope it gets implemented in a very effective way to help fisheries in a responsible manner in the future.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in support of H.R. 4956, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. This bipartisan legislation is the product of tireless negotiations over the last year. The bill will sustain both the fish stocks and our fishing communities. I was proud to work so closely with our ranking member, NICK RAHALL, on this particular legislation, to strengthen key conservation provisions and also to protect our fishing communities from excessive consolidation of the fishing industry.

I do care deeply about the Limited Access Privilege Program, or LAPPs. These programs are market-based management tools that allocate percentages of the annual catch's quota shares among fishermen. LAPPs can be a legitimate fisheries management tool, but without strong Federal standards, they privatize the public resources by granting shares of the fishery in perpetuity. Moreover, in the drive toward industry efficiency, they can cause excessive and inequitable consolidation at the expense of small-scale fishermen.

For the past 3 years I have been advocating for a LAPPs legislation that would protect public ownership of the fishery and ensure that managers and program participants are held accountable for program success, while still allowing LAPPs to be used.

This bill reaches that result. The bill includes a 10-year renewable term limit on quota shares granted under a LAPP. This will also protect smaller fishermen by keeping quota prices affordable.

Maine has a fishing industry that is hundreds of years old. It is part of a heritage that defines our State and makes our State a special place.

Maine fishermen want policies that not only allow them to catch fish today but also ensure a long-term sustainable fishery so that they can pass their way of life on to their children and they grandchildren. Maine fishermen and fishermen throughout the Nation need policies in place that ensure a level playing field that give them economic certainty and protect the fish stocks.

This bill serves those ends, and I am proud to support it. I do want to thank Mr. RAHALL for his leadership and support; and his staff, Jim Zoia, Jeff Petrich, Lori Sonken, and Charlotte Stevenson, have been terrific to work with and deserve great praise. I also want to thank my friends GEORGE MILLER, BILL DELAHUNT and SAM FARR for their support.

Thanks also to Chairman POMBO and his staff for their work on this bill, as well as the work done by Senators STEVENS, INOUYE, and especially my Maine colleague, Senator SNOWE, and their respective staffs.

Finally, I do want to thank Emily Knight, my sea grant fellow, for her enthusiasm and hard work on this bill; and Jim Bradley, my legislative director, who oversaw the negotiation so effectively.

Mr. GILCHREST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I want to thank the gentleman from Maryland, especially the gentleman from California, for their great work on many pieces of legislation before this body.

Mr. Speaker, I represent a large part of the Klamath Basin, and indeed it has been plagued with enormous problems over many years, literally dating back far before this administration. But it has been pointed out a couple of times on this House floor that it hasn't done anything in Klamath Basin, and I would argue that is simply, factually, an error.

In fact, after the water cutoff of April 6, 2001, this administration, barely a few months into office, got involved in this basin in an unprecedented way to try to bring different partners together to try to find solutions, and there is a lot of work that has been done to improve water quality, to improve irrigation standards, to put more water in the river, to make a fish passage improve, up and down the whole river system.

There is also an enormous amount of other work that needs to be done. There is a very cooperative, very, frankly, exciting group meeting together right now, probably as we speak, trying to come up with a comprehensive solution that involves the tribes, the farmers, environmentalists, power companies, everybody involved in this basin.

This administration, this Congress, put forth $10 million to screen the "A" canal so that sucker larvae could come back into Klamath Lake; 100,000 acre feet of water was put in streams away from agriculture, and a water bank to put more water into this system. We have passed the authority and funding to remove Chiloquin Dam to improve fish passage, the upper end that deals with sucker recovery.

In the farm bill, $50 million, the only earmark for EQUIP funding, was carved out by this Congress to help in terms of both irrigation efficiency and conservation programs and partnerships between farmers to put more water into the system. There is an enormous effort under way in this basin by this administration, by this administration, and in a bipartisan way by this Congress. We recognize more work needs to be done.

Mr. RAHALL. Mr. Speaker, this concludes debate on our side of the aisle. Again, commending our chairman, Mr. POMBO, wishing him the best on whatever avenue he pursues in the future. I know that he will be spending a great deal of time on the ranch with his lovely wife, Annette. I wish him Godspeed there.

I thank Mr. GILCHREST for his work on this legislation, those that have spoken on it for the help they have been, especially, as I started out my remarks, I thank Senator STEVENS and Senator INOUYE who truly extended the olive branch that broke the logjam on this legislation.

As Mr. ALLEN has already done, I also want to recognize our committee Democratic staff who helped make this bill possible. Chief among them is Lori Sonken, as well as Jeff Petrich and Charlotte Stevenson.

I thank Mr. POMBO's staff as well. His staff has put in numerous hours on this over a long, long period of time. Without their work we would not be here today celebrating the passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. I want to thank Mr. RAHALL and his staff and the Members on that side of the aisle, and Mr. POMBO for his effort, Mr. YOUNG, and Mr. JIM SAXTON, and certainly the staff behind me for all their work.

This is not a perfect bill. There is no utopia in the legislative process. Through consensus and dialogue, we have tried to integrate the ideas of the Members, and we feel very strongly that we have come up with a bill that will improve, sustain and restore the ecology of the Nation's oceans.

I urge my colleagues for an "aye" vote on this legislation.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 5946, a bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. This bill will improve the management of our Nation's fishery resources, and help ensure that we have a sustainable supply of seafood for Americans. Importantly, the new bill would permit regional fishery councils to implement market-based management programs for fisheries that will improve the economics of fishing and enhance the safety of our fishing fleets.

I am also pleased that the new legislation would not disrupt the ongoing efforts by the Pacific Fishery Management Council to improve the management of its groundfish fisheries. The Pacific Council is working diligently to develop a rationalization program for its groundfish fisheries. This process has been underway for more than 3 years, and is nearing completion. While the bill requires the Pacific Council to implement an appropriate groundfish management program within 24 months from the date of enactment, and to meet other requirements in the new law, it does not require the Pacific Council to begin anew in developing that program.

I would like to thank Chairman POMBO and Ranking Member RAHALL for their efforts on this bill, and for their willingness to work with us on issues of importance to our Pacific Northwest fisheries.

Mr. INSLEE. Mr. Speaker, I rise today in support of H.R. 5946, a bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. This bill is critically important as it will improve the management of our Nation's fisheries, providing a better future for tomorrow. Among other things, the bill ensures that the role of science in the fishery management decision-making process requires annual harvest limits at sustainable levels for virtually all U.S. fisheries and sets out a clear process for ending overfishing where it is occurring. These strict conservation measures are already in effect in the fisheries of the northwest—I am pleased that our management successes will now be replicated in all other regions.

Another key advancement for our Nation's fisheries in this bill is Congress' clarification that certain processes going through the Council process currently will not be negatively affected by the positive changes in current law. Specifically, the cap and trade systems will improve the economics of fishing and enhance the safety of our fishing fleets. Our existing cap and trade programs for sulfur dioxide—which have cut down on acid rain—are being replicated within our fisheries management systems. These programs have helped in curbing some of the effects of global warming, they will now improve fisheries conservation.

I am also pleased that the new legislation will not disrupt the ongoing efforts by the Pacific Fishery Management Council to enhance the management of its ground fish fisheries. The Pacific Council is working diligently to develop a cap and trade or "rationalization" program for its ground fish fisheries. This process has been underway for more than 3 years, and is nearing completion. While the bill requires the Pacific Council to implement an appropriate ground fish management program within 24 months from the date of enactment, and to meet other requirements in law, it does not require the Pacific Council to begin anew in developing that program.

Yet another important provision included in this legislation will create a study on the effects of ocean acidification within the National Research Council. Research into the impacts of high concentrations of carbon dioxide (CO_2) in the oceans is in its infancy and needs to be developed rapidly. This study is a first step in understanding the problems our oceans will face.

The provisions included in this bill requiring the scientific and statistical committees to provide Councils with recommendations for allowable biological catch, preventing overfishing and achieving rebuilding targets are perhaps the most important. I will be closely following the performances of the regional fisheries councils, their decisions regarding harvest, and their operation and utilization of their respective scientific and statistical committees, as well as the council's use of their scientific and statistical committees' recommendations.

The oceans are absorbing CO_2 from the atmosphere and this is causing chemical changes by making the oceans more acidic (that is, decreasing the pH of the oceans). In the past 200 years the oceans have absorbed approximately half of the CO_2 produced by fossil fuel burning and cement production. Future generations will benefit greatly from the governments research into this subject.

Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act is a positive step on the road to the healthy management of our ocean systems. I look forward to working with the Resources Committee in the 110th Congress on other positive steps to ensure that our oceans are safe and healthy for future generations.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume.

The pending measure, as passed by the Senate, may be one of the last items on our schedule this Congress, but it is certainly not the least important. The bill would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act in order to guide the management of our marine fisheries through 2013.

We would not be here today if Senators TED STEVENS and DANIEL INOUYE had not extended an olive branch. I am extremely appreciative of the hard work that they and their staffs put into this legislation. I also commend our colleague TOM ALLEN who worked tirelessly on behalf of the fishermen in his district to improve this legislation.

While the pending measure does not do everything I would have liked, it does not roll back the conservation principles in this important fisheries management law. The legislation actually strengthens the Magnuson-Stevens Act.

For the first time, regional fishery management councils will be required to establish catch limits that may not exceed the recommendations of the councils' scientific and statistical committees. We expect the scientific committees are to take into account a wide range of scientific opinions when making their recommendations.

Members of the scientific committees will be required to file financial disclosure forms with the Secretary. This requirement will enable the general public to use the Freedom of Information Act to ascertain whether the scientists are truly independent.

For the most depleted fisheries in our country, the legislation will require the Secretary of Commerce to prepare and implement a rebuilding plan that puts an end to overfishing immediately. This is a significant improvement in the law. Studies have shown that the clearest cause of the lack of progress in rebuilding is the failure of many plans to reduce overfishing on those critically depleted stocks. H.R. 5946 addresses this concern.

Notwithstanding efforts by this Congress to undermine the National Environmental Policy Act, H.R. 5946, as amended, requires full compliance with the law. The Secretary of Commerce is directed to update the procedures for complying with NEPA, but these new procedures will not supercede existing NEPA regulations and guidance issued by the Council on Environmental Quality.

Additionally, H.R. 5946 places a 10-year limit on permits, known as limited access privileges, which are issued to fishermen to harvest a quantity of fish. On this issue, I commend our colleague TOM ALLEN, who worked to ensure that the limited access privilege program conserves fisheries, is accountable, and protects small fishermen from those who would like to consolidate fisheries. The privileges are to be held by fishermen who are actively engaged and substantially participate in the fishery. The regional fishery associations are to maintain free and open markets for fishermen to sell their catch, and are not to force fishermen into unwilling or involuntary arrangements.

H.R. 5946 also encourages the conservation of coral reefs. The bill directs the Secretary to map the locations of deep sea corals for the councils, monitor activity occurring where deep sea corals exist, and develop technologies to assist fishermen in reducing the interactions that fishing gear has with corals.

Finally, the bill authorizes the Secretary of Commerce to undertake activities to reduce illegal, unreported and unregulated fishing in international waters. This will assist domestic fishermen who bear the costs when fish harvested illegally result in degraded fish stocks and depressed prices worldwide.

In summary, H.R. 5946 will promote the conservation of our fisheries. The bill does not include everything on my wish list, but it improves upon existing law.

By reauthorizing the Magnuson-Stevens Act in the 109th Congress, we will have more time in the 110th Congress to devote to other ocean issues, including considering the recommendations of the Joint Oceans Commission Initiative.

It is a rare day that I agree with our President, but several months ago he said, “Overfishing is harmful. It's harmful to our country and it's harmful to the world.” I agree wholeheartedly and understand that this legislation takes corrective action to curtail overfishing, especially in our most depleted fisheries.

I support the bill, encourage my colleagues to do so as well.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5946.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Institutes of Health Reform Act of 2006”.

TITLE I—NIH REFORM

SEC. 101. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

“SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

“(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

“(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

“(1) The National Cancer Institute.

“(2) The National Heart, Lung, and Blood Institute.

“(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

“(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

“(5) The National Institute on Aging.

“(6) The National Institute of Allergy and Infectious Diseases.

“(7) The National Institute of Child Health and Human Development.

“(8) The National Institute of Dental and Craniofacial Research.

“(9) The National Eye Institute.

“(10) The National Institute of Neurological Disorders and Stroke.

“(11) The National Institute on Deafness and Other Communication Disorders.

“(12) The National Institute on Alcohol Abuse and Alcoholism.

“(13) The National Institute on Drug Abuse.

“(14) The National Institute of Mental Health.

“(15) The National Institute of General Medical Sciences.

“(16) The National Institute of Environmental Health Sciences.

“(17) The National Institute of Nursing Research.

“(18) The National Institute of Biomedical Imaging and Bioengineering.

“(19) The National Human Genome Research Institute.

“(20) The National Library of Medicine.

“(21) The National Center for Research Resources.

“(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

“(23) The National Center for Complementary and Alternative Medicine.

“(24) The National Center on Minority Health and Health Disparities.

“(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

“(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

“(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the ‘Division’).

“(2) OFFICES WITHIN DIVISION.—

“(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

“(B) AUTHORITIES.—Each office in the Division—

“(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and

“(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

“(d) ORGANIZATION.—

“(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.”.

(b) ADDITIONAL PROVISIONS REGARDING ORGANIZATION.—Section 401 of the Public Health Service Act, as added by subsection (a) of this section, is amended—

(1) in subsection (d), by adding at the end the following:

“(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

“(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization.”; and

(2) by adding after subsection (d) the following:

“(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the ‘Board’).

“(2) DUTIES.—

“(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as ‘organizational authorities’). Not less frequently than once each 7 years, the Board shall—

"(i) determine whether and to what extent the organizational authorities should be used; and

"(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

"(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

"(i) Reviewing the research portfolio of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and effectiveness and value of the portfolio and the allocation among the portfolio activities of the resources of NIH.

"(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

"(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

"(I) analyzing the budgetary and operational consequences of the proposed changes;

"(II) taking into account historical funding and support for research activities at national research institutes and centers that have been established recently relative to national research institutes and centers that have been in existence for more than two decades;

"(III) estimating the level of resources needed to implement the proposed changes;

"(IV) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers; and

"(V) analyzing the consequences for the progress of research in the areas affected by the proposed changes.

"(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

"(i) the heads of national research institutes and national centers whose directors are not members of the Board;

"(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

"(iii) advisory councils of the national research institutes and national centers;

"(iv) organizations representing the scientific community; and

"(v) organizations representing patients.

"(3) COMPOSITION OF BOARD.—The Board shall consist of the Director of NIH, who shall be a permanent nonvoting member on an ex officio basis, and an odd number of additional members, not to exceed 21, all of whom shall be voting members. The voting members of the Board shall be the following:

"(A) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

"(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

"(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

"(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

"(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

"(v) national centers.

"(B) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

"(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

"(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

"(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the members of the Board appointed under paragraph (3)(B). The term of office of the Chair shall be 2 years.

"(5) MEETINGS.—

"(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

"(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

"(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

"(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

"(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

"(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

"(7) REPORTS.—

"(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

"(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

"(ii) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate;

"(iii) the Secretary; and

"(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

"(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

"(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

"(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

"(1) IN GENERAL.—With respect to an official who has organizational authorities within the meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraphs (2), (3), and (4) of this subsection, make the change in accordance with the following:

"(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

"(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

"(2) INAPPLICABILITY TO CERTAIN REORGANIZATIONS.—Paragraph (1) does not apply to a recommendation made in a report under subsection (e)(2)(A) if the recommendation is for—

"(A) an organizational change under subsection (d)(2) that constitutes the establishment, termination, or consolidation of one or more national research institutes or national centers; or

"(B) an organizational change under subsection (d)(3).

"(3) OBJECTION BY DIRECTOR OF NIH.—

"(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

"(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

"(4) CONGRESSIONAL REVIEW.—An organizational change under subsection (d)(2) that is initiated pursuant to paragraph (1) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code. A rule under the preceding sentence shall be considered a major rule for purposes of chapter 8 of such title (relating to congressional review of agency rulemaking).

"(g) DEFINITIONS.—For purposes of this title:

"(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

"(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

"(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

"(B) established by the Director of NIH under such subsection.

"(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.".

(c) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking "National Center for Human Genome Research" each place such term appears and inserting "National Human Genome Research Institute"; and

(C) by striking "Center" each place such term appears and inserting "Institute".

SEC. 102. AUTHORITY OF DIRECTOR OF NIH.

(a) SECRETARY ACTING THROUGH THE DIRECTOR.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting "and" after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking "paragraph (6)" and inserting "paragraph (16)"; and

(6) by striking "the Secretary" in the matter preceding paragraph (1) and all that follows through paragraph (1) and inserting the following: "the Secretary, acting through the Director of NIH—

"(1) shall carry out this title, including being responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;".

(b) ADDITIONAL AUTHORITIES.—Section 402(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

"(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary duplication, and takes advantage of collaborative, cross-cutting research;

"(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

"(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

"(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

"(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

"(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

"(ii) include information on such research in reports under section 403; and

"(iii) in the case of such research supported with funds referred to in subparagraph (B)—

"(I) require as appropriate that proposals include milestones and goals for the research;

"(II) require that the proposals include timeframes for funding of the research; and

"(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

"(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

"(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

"(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

"(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

"(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

"(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

"(10) shall have authority to review and approve the establishment of all centers of excellence recommended by the national research institutes;

"(11)(A) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487; and

"(B) may conduct and support research training—

"(i) for which fellowship support is not provided under section 487; and

"(ii) that does not consist of residency training of physicians or other health professionals;

"(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

"(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;".

(c) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(d) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (c) of this section, is amended by adding after subsection (j) the following subsection:

"(k) COUNCIL OF COUNCILS.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Director of NIH shall establish within the Office of the Director an advisory council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

"(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

"(i) the representation of a broad range of disciplines and perspectives; and

"(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

"(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who have been nominated to serve on the Council, which list shall consist of the following:

"(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

"(I) two shall be scientists; and

"(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

"(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

"(iii) Members of the Council of Public Representatives.

"(3) TERMS.—

"(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

"(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

"(i) nine for a term of 6 years;

"(ii) nine for a term of 4 years; and

"(iii) nine for a term of 2 years.

"(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.".

(e) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a-1(a)(2)) is amended by inserting before the period the following: ", and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval".

(f) CONFORMING AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 402(a), by striking "Director of the National Institutes of Health" and all that follows through "who shall" and inserting "Director of NIH who shall"; and

(B) in sections 405(c)(3)(A), 452(c)(1)(E)(i), and 492(a)(2), by striking the term "402(b)(6)" each place such term appears and inserting "402(b)(16)".

(2) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) is amended in the matter following paragraph (7) by striking "402(j)(3)" and inserting "402(i)(3)".

(g) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Secretary of Health and Human Services and the Director of NIH under section 401 of the Public Health Service Act (as amended by section 101 of this Act). For purposes of the preceding sentence, the terms "national research institute", "national center", and "Director of NIH" have the meanings given such terms in such section 401.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) Funding.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

"SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—For the purpose of carrying out this title, there are authorized to be appropriated—

"(1) $30,331,309,000 for fiscal year 2007;

"(2) $32,831,309,000 for fiscal year 2008; and

"(3) such sums as may be necessary for fiscal year 2009.

"(b) Office of the Director.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH such sums as may be necessary for each of the fiscal years 2007 through 2009.

"(c) Trans-NIH Research.—

"(1) Common Fund.—

"(A) Account.—For the purpose of allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), there is established an account to be known as the Common Fund.

"(B) Reservation.—

"(i) In general.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve an amount for the Common Fund, subject to any applicable provisions in appropriations Acts.

"(ii) Minimum amount.—For each fiscal year, the percentage constituted by the amount reserved under clause (i) relative to the total amount appropriated under subsection (a) for such year may not be less than the percentage constituted by the amount so reserved for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year, subject to any applicable provisions in appropriations Acts.

"(C) Common fund strategic planning report.—Not later than June 1, 2007, and every 2 years thereafter, the Secretary, acting through the Director of NIH, shall submit a report to the Congress containing a strategic plan for funding research described in section 402(b)(7)(A)(i) (including personnel needs) through the Common Fund. Each such plan shall include the following:

"(i) An estimate of the amounts determined by the Director of NIH to be appropriate for maximizing the potential of such research.

"(ii) An estimate of the amounts determined by the Director of NIH to be sufficient only for continuing to fund research activities previously identified by the Division of Program Coordination, Planning, and Strategic Initiatives.

"(iii) An estimate of the amounts determined by the Director of NIH to be necessary to fund research described in section 402(b)(7)(A)(i)—

"(I) that is in addition to the research activities described in clause (ii); and

"(II) for which there is the most substantial need.

"(D) Evaluation.—During the 6-month period following the end of the first fiscal year for which the total amount reserved under subparagraph (B) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes regarding amounts for the Common Fund.

"(2) Trans-NIH research reporting.—

"(A) Limitation.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

"(B) Reporting.—Not later than January 1, 2008, and each January 1st thereafter—

"(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

"(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

"(C) Determination.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

"(D) Verification of amounts.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and, in cases of discrepancy, verify the accuracy of the amounts specified in the report.

"(E) Waiver.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

"(d) Transfer Authority.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under subsection (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

"(e) Rule of Construction.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.".

(b) Elimination of Other Authorizations of Appropriations.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 102(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking "under subsection (e)" and inserting "to carry out this section"; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a)";

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;

(27) in section 447A—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a)";

(28) by striking subsection (d) of section 447B;

(29) by striking subsection (g) in section 452A;

(30) by striking paragraph (7) in section 452E(b);

(31) in section 452G—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a) Enhanced Support.—";

(32) by striking subsection (d) of section 464H;

(33) by striking subsection (d) of section 464L;

(34) by striking paragraph (4) of section 464N(c);

(35) by striking subsection (e) of section 464P;

(36) by striking subsection (f) of section 464R;

(37) by striking subsection (d) of section 464z;

(38) in section 467—

(A) by striking the first sentence;

(B) by striking "for such buildings and facilities" and inserting "for suitable and adequate buildings and facilities for use of the Library"; and

(C) by striking "The amounts authorized to be appropriated by this section include" and inserting "Amounts appropriated to carry out this section may be used for";

(39) by striking section 468;

(40) in section 481A—

(A) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking the term "under subsection (i)(1)" and inserting "to carry out this section"; and

(ii) by striking "under such subsection" and inserting "to carry out this section"; and

(B) by striking subsection (i);

(41) in subsection (a) of section 481B, by striking "under section 481A(h)" and inserting "to carry out section 481A";

(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;

(43) by striking subsection (e) in section 485C;

(44) by striking subsection (l) in section 485E;

(45) by striking subsection (h) in section 485F;

(46) by striking subsection (e) in section 485G;

(47) by striking subsection (d) of section 487;

(48) by striking subsection (c) of section 487A; and

(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) Rule of Construction Regarding Continuation of Programs.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 104. REPORTS.

(a) Report of Director of NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as *amended by section 103(a) of this Act, is amended—*

(1) by redesignating section 403A as section 403C;

(2) in section 1710(a), by striking "section 403A" and inserting "section 403C"; and

(3) by striking section 403 and inserting the following sections:

"SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

"The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

"SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

"(a) In General.—The Directot of NIH shall submit to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

"(1) An assessment of the state of biomedical and behavioral research.

"(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

"(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

"(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

"(A) The catalog shall, for each such activity—

"(i) identify the agency or agencies involved;

"(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

"(iii) identify whether the activity was carried out through a center of excellence.

"(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on minority health and health disparities.

"(C) Research activities listed in the catalog shall include, where applicable, the following:

"(i) Epidemiological studies and longitudinal studies.

"(ii) Disease registries, information clearinghouses, and other data systems.

"(iii) Public education and information campaigns.

"(iv) Training activities, including—

"(I) National Research Service Awards and Clinical Transformation Science Awards;

"(II) graduate medical education programs, including information on the number and type of graduate degrees awarded during the period in which the programs received funding under this title;

"(III) investigator-initiated awards for postdoctoral training;

"(IV) a breakdown by demographic variables and other appropriate categories; and

"(V) an evaluation and comparison of outcomes and effectiveness of various training programs.

"(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

"(vi) Translational research activities with other agencies of the Public Health Service.

"(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories, where applicable:

"(A) Cancer.

"(B) Neurosciences.

"(C) Life stages, human development, and rehabilitation.

"(D) Organ systems.

"(E) Autoimmune diseases.

"(F) Genomics.

"(G) Molecular biology and basic science.

"(H) Technology development.

"(I) Chronic diseases, including pain and palliative care.

"(J) Infectious diseases and bioterrorism.

"(K) Minority health and health disparities.

"(L) Such additional categories as the Director determines to be appropriate.

"(6) A review of each entity receiving funding under this title in its capacity as a center of excellence (in this paragraph referred to as a 'center of excellence'), including the following:

"(A) An evaluation of the performance and research outcomes of each center of excellence.

"(B) Recommendations for promoting coordination of information among the centers of excellence.

"(C) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

"(D) If no additional centers of excellence have been funded under this title since the previous report under this section, an explanation of the reasons for not funding any additional centers.

"(b) Requirement Regarding Disease-Specific Research Activities.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

"(1) present information in a standardized format;

"(2) identify the actual dollar amounts obligated for such activities; and

"(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

"(c) Additional Reports.—In addition to reports required by subsections (a) and (b), the Director of NIH or the head of a national research institute or national center may submit to the Congress such additional reports as the Director or the head of such institute or center determines to be appropriate.

"SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

"(a) Collaboration With Other HHS Agencies.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

"(b) Clinical Trials.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(i).

"(c) Human Tissue Samples.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

"(d) First Report.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

"SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

"(a) Whistleblower Complaints.—

"(1) In general.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

"(2) Contents.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

"(A) Each agency of the National Institutes of Health involved.

"(B) The status of the complaint.

"(C) The resolution of the complaint to date.

"(b) Experts and Consultants.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report that—

"(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

"(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

"(3) describes the qualifications of such experts and consultants;

"(4) describes the need for hiring such experts and consultants; and

"(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

"(c) First Report.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

"SEC. 403C. ANNUAL REPORTING REGARDING TRAINING OF GRADUATE STUDENTS FOR DOCTORAL DEGREES.

"(a) In General.—Each institution receiving an award under this title for the training of graduate students for doctoral degrees shall annually report to the Director of NIH, with respect to each degree-granting program at such institution—

"(1) the percentage of students admitted for study who successfully attain a doctoral degree; and

"(2) for students described in paragraph (1), the average time between the beginning of graduate study and the receipt of a doctoral degree.

"(3) Provision of Information to Applicants.—Each institution described in subsection (a) shall provide to each student submitting an application for a program of graduate study at such institution the information described in

paragraphs (1) and (2) of such subsection with respect to the program or programs to which such student has applied.".

(b) STRIKING OF OTHER REPORTING REQUIREMENTS FOR NIH.—

(1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—Title IV of the Public Health Service Act, as amended by section 103(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

"(3) COORDINATION OF CENTERS.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers."; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding "and" after the semicolon at the end;

(ii) in paragraph (2), by striking "; and" and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking "(a)" and all that follows through "The Secretary," and inserting "The Secretary,"; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking "(a) If the Secretary" and inserting "If the Secretary"; and

(ii) by striking subsection (b).

(2) PUBLIC HEALTH SERVICE ACT; OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking "(a) From the sums" and inserting "From the sums"; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking "(b) EVALUATION AND REPORT" and all that follows through "Not later than 5 years" and inserting "(b) EVALUATION.—Not later than 5 years";

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) OTHER ACTS.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

(I) in paragraph (2), by inserting "and" at the end;

(II) in paragraph (3), by striking "; and" and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 105. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the "Secretary") in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary, acting through the Director of NIH, may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate when appropriate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Secretary, acting through the Director of NIH, shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms "Director of NIH" , "national research institute", and "national center" have the meanings given such terms in section 401 of the Public Health Service Act.

SEC. 106. ENHANCING THE CLINICAL AND TRANSLATIONAL SCIENCE AWARD.

(a) IN GENERAL.—In administering the Clinical and Translational Science Award, the Director of NIH shall establish a mechanism to preserve independent funding and infrastructure for pediatric clinical research centers by—

(1) allowing the appointment of a secondary principal investigator under a single Clinical and Translational Science Award, such that a pediatric principal investigator may be appointed with direct authority over a separate budget and infrastructure for pediatric clinical research; or

(2) otherwise securing institutional independence of pediatric clinical research centers with respect to finances, infrastructure, resources, and research agenda.

(b) REPORT.—As part of the biennial report under section 403 of the Public Health Service Act, the Director of NIH shall provide an evaluation and comparison of outcomes and effectiveness of training programs under subsection (a).

(c) DEFINITION.—For purposes of this section, the term "Director of NIH" has the meaning given such term in section 401 of the Public Health Service Act.

SEC. 107. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the

ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.''; and

(ii) in subparagraph (G), by inserting ''appointed'' after ''that the number of'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.''; and

(C) in paragraph (5), by inserting ''appointed'' after ''majority of the'';

(2) in subsection (j)—

(A) in paragraph (2), by striking ''(d)(2)(B)(i)(II)'' and inserting ''(d)(6)'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including an accounting of the use of amounts transferred under subsection (l)'' before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''; and

(C) in paragraph (10), by striking ''of Health.'' and inserting ''of Health and the National Institutes of Health may accept transfers of funds from the Foundation.''; and

(3) by striking subsection (l) and inserting the following:

''(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.''.

SEC. 108. MISCELLANEOUS AMENDMENTS.

(a) CERTAIN AUTHORITIES OF THE SECRETARY.—

(1) IN GENERAL.—Section 401 of the Public Health Service Act, as added and amended by section 101, is amended in subsection (d) by inserting after paragraph (1) a subsection that is identical to section 401(c) of such Act as in effect on the day before the date of the enactment of this Act. The subsection so inserted is amended—

(A) by striking ''(c)(1) The Secretary may'' and inserting the following:

''(2) REORGANIZATION OF INSTITUTES.—

''(A) IN GENERAL.—The Secretary may'';

(B) by striking ''(A) the Secretary determines'' and inserting the following:

''(i) the Secretary determines'';

(C) by striking ''(B) the additional'' and inserting the following:

''(ii) the additional''; and

(D) by striking ''(2) The Secretary may'' and inserting the following:

''(B) ADDITIONAL AUTHORITY.—The Secretary may''.

(2) CONFORMING AMENDMENTS.—Section 401(d)(2) of the Public Health Service Act, as designated by paragraph (1) of this subsection, is amended—

(A) in subparagraph (A)(ii), by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) by striking ''Labor and Human Resources'' each place such term appears and inserting ''Health, Education, Labor, and Pensions''.

(b) CERTAIN RESEARCH CENTERS.—Section 414 of the Public Health Service Act (42 U.S.C. 285a–3) is amended by adding at the end the following subsection:

''(d) Research centers under this section may not be considered centers of excellence for purposes of section 402(b)(10).''.

SEC. 109. APPLICABILITY.

This title and the amendments made by this title apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS FOR FISCAL YEARS 2004 AND 2005 TO REDUCE FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES TO ADDRESS FISCAL YEAR 2007 SHORTFALLS.—

''(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2004 ALLOTMENTS.—

''(A) IN GENERAL.—Notwithstanding subsection (f) and subject to subparagraphs (C) and (D), with respect to months beginning during fiscal year 2007, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2004 under subsection (b) that are not expended by the end of fiscal year 2006, to a shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006; and

''(ii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that there are unexpended fiscal year 2004 allotments under subsection (b) available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under subparagraph (A) for a month are less than the total amounts of the estimated shortfalls determined for the month under that subparagraph, the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(2) FUNDING REMAINDER OF REDUCTION OF SHORTFALL FOR FISCAL YEAR 2007 THROUGH REDISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR 2005 ALLOTMENTS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (D) and paragraph (5)(B), with respect to months beginning during fiscal year 2007 after March 31, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraph (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of March 31, 2007, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

''(ii) the amount, if any, that is to be redistributed to the State in accordance with paragraph (1); and

''(iii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under paragraph (3) for a month are less than the total amounts of the estimated shortfalls determined for the month under subparagraph (A), the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(3) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST HALF OF FISCAL YEAR 2007.—

''(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of March 31, 2007—

''(i) shall identify those States that received an allotment for fiscal year 2005 under subsection (b) which have not expended all of such allotment by March 31, 2007; and

''(ii) for each such State shall estimate—

''(I) the portion of such allotment that was not so expended by such date; and

''(II) whether the State is described in subparagraph (B).

''(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of March 31, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

''(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—

''(i) IN GENERAL.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007, and shall be redistributed in accordance with paragraph (2).

''(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is the lesser of—

''(I) 50 percent of the amount described in subparagraph (A)(ii)(I); or

''(II) $20,000,000.

''(4) SPECIAL RULES.—

''(A) EXPENDITURES LIMITED TO COVERAGE FOR POPULATIONS ELIGIBLE ON OCTOBER 1, 2006.—

A State shall use amounts redistributed under this subsection only for expenditures for providing child health assistance or other health benefits coverage for populations eligible for such assistance or benefits under the State child health plan (including under a waiver of such plan) on October 1, 2006.

"(B) REGULAR FMAP FOR EXPENDITURES FOR COVERAGE OF NONCHILD POPULATIONS.—To the extent a State uses amounts redistributed under this subsection for expenditures for providing child health assistance or other health benefits coverage to an individual who is not a child or a pregnant woman, the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) applicable to the State for the fiscal year shall apply to such expenditures for purposes of making payments to the State under subsection (a) of section 2105 from such amounts.

"(5) RETROSPECTIVE ADJUSTMENT.—

"(A) IN GENERAL.—The Secretary may adjust the estimates and determinations made under paragraphs (1), (2), and (3) as necessary on the basis of the amounts reported by States not later than November 30, 2007, on CMS Form 64 or CMS Form 21, as the case may be and as approved by the Secretary, but in no case may the applicable amount described in paragraph (3)(C)(ii) exceed the amount determined by the Secretary on the basis of the most recent data available to the Secretary as of March 31, 2007.

"(B) FUNDING OF ANY RETROSPECTIVE ADJUSTMENTS ONLY FROM UNEXPENDED 2005 ALLOTMENTS.—Notwithstanding subsections (e) and (f), to the extent the Secretary determines it necessary to adjust the estimates and determinations made for purposes of paragraphs (1), (2), and (3), the Secretary may use only the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 for providing any additional amounts to States described in paragraph (2)(B) (without regard to whether such unexpended allotments are from States described paragraph (3)(B)).

"(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(i) authorizing the Secretary to use the allotments for fiscal year 2006 or 2007 under subsection (b) of States described in paragraph (3)(B) to provide additional amounts to States described in paragraph (2)(B) for purposes of eliminating the funding shortfall for such States for fiscal year 2007; or

"(ii) limiting the authority of the Secretary to redistribute the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 and are available for redistribution under subsection (f) after the application of subparagraph (B).

"(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2007 shall only remain available for expenditure by the State through September 30, 2007, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f). Nothing in the preceding sentence shall be construed as limiting the ability of the Secretary to adjust the determinations made under paragraphs (1), (2), and (3) in accordance with paragraph (5).

"(7) DEFINITION OF STATE.—For purposes of this subsection, the term 'State' means a State that receives an allotment for fiscal year 2007 under subsection (b).".

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking "or 2005" and inserting "2005, 2006, or 2007".

(c) REPORT TO CONGRESS.—Not later than April 30, 2007, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding the amounts redistributed to States under section 2104 of the Social Security Act to reduce funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007. Such report shall include descriptions and analyses of—

(1) the extent to which such redistributed amounts have reduced or eliminated such shortfalls on the basis of reports by States submitted to the Secretary as of April 1, 2007; and

(2) the effect of the redistribution and limited availability of unexpended fiscal year 2005 allotments under such program on the States described in section 2104(h)(3)(B) of the Social Security Act (42 U.S.C. 1397dd(h)(3)(B)) on the basis of reports by States submitted to the Secretary as of such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in the absolute strongest possible support of passage of the National Institutes of Health Reauthorization Act. This legislation, as amended by the Senate, passed the House by landmark votes several months ago of 414–2. It is not often that we see a bill of this magnitude receive such widespread support in both the House and the Senate.

We should all be proud of ourselves for this bipartisan, bicameral product. This represents the culmination of three hard-fought years spent trying to reauthorize the NIH, a crown jewel of the Federal Government.

When I first took over as chairman of the Energy and Commerce Committee, I was surprised to learn that such an important agency of our Federal Government had not been authorized for over 13 years. Now I know why. The amount of work required to restructure this agency and at the same time gain the involvement and support of all the stakeholders and advocacy groups has been absolutely breathtaking.

However, having said that, the hard work has paid off, and we now see the fruits of our labors before us this evening. The Energy and Commerce Committee has adopted numerous pieces of legislation in the years that I have served as chairman, but I would not put one piece of legislation, including the Energy Policy Act, which was a very major effort, above the importance of this bill that is before us right now.

I want to thank Congressman JOHN DINGELL, the ranking member, soon to be the chairman again of the committee, for his tireless efforts.

I want to thank ANNA ESHOO. I want to thank RICHARD NEAL. I want to thank the Speaker of the House, and the majority leader, JOHN BOEHNER. I want to thank BILL FRIST, thank HARRY REID, I want to thank TED KENNEDY. I want to thank Mr. GRASSLEY, I want to thank Mr. LOTT, Mr. HARKIN. I could go on and on for all the Senators and House Members who have worked to make this legislation possible.

It is truly a bipartisan effort, and a major, major accomplishment of this Congress. I also want to thank the current director at the NIH, Dr. Elias Zerhouni. He has been absolutely astounding in his continual optimistic efforts to approve this bill and to gain support for it.

I want to thank all the stakeholders, over 90 national organizations have endorsed this legislation. I want to thank the major research universities of America for their hard work. I want to thank the 27 institute directors for their hard work.

In conclusion, I ask in the possible strongest terms for the support of every Member of this House to pass H.R. 6164, as amended by the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I want to thank you, Mr. Speaker, and I want to thank Mr. BARTON and Mr. DINGELL for all their hard work on this NIH bill. As was mentioned, this is the first time in 13 years that we have had a reauthorization of the National Institutes of Health. This is an important piece of legislation because the National Institutes of Health are the world's premier research medical center and the key focal point for medical research in the United States.

On September 26, the House overwhelmingly passed H.R. 6164 with a vote of 414–2. The Senate recently passed that bill with amendments, which is the bill before us now. Those amendments helped clarify provisions in the bill and therefore improve it. So every Member who voted for H.R. 6164 on September 26 should feel comfortable voting for this bill this evening.

I wanted to mention that the bill before us also includes provisions with regard to the SCHIP, or the State Children's Health Insurance Program.

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This is another reason we should be supporting the legislation this evening. This part of the legislation would provide the money necessary to help a number of States, including my own, avert a funding shortfall in their State Children's Health Insurance Program.

Specifically, the bill will redirect existing unspent SCHIP funds from fiscal years 2004 and 2005 to help States that will not have sufficient funds to maintain their existing programs. States forfeiting unspent funding will be held harmless by capping the amount of funds that will be donated to $20 million. Thanks to this compromise, we can prevent many States from having to limit eligibility, increase cost-sharing requirements or restrict benefits. Keeping these programs intact is critically important for the health and well-being of our Nation's children.

Since its inception, SCHIP has been an integral part of reducing the number of uninsured children. But last year, for the first time since 1998, the number of uninsured children in the country actually increased, and even more children will go without coverage if Congress does not act tonight to avoid the funding shortfall currently projected for next year.

Again, I would like to thank my colleagues Mr. DINGELL and Mr. BARTON, as well as their staffs, who helped work out this compromise, as well as our Senate counterparts. Thanks to our efforts, we will help preserve access to health care coverage for millions of low income children, as well as their families.

Finally, Mr. Speaker, while we have temporarily prevented a cut to the SCHIP program tonight, we must not forget that there are still approximately 8 million American children who currently have no health insurance, many of which are eligible to participate in SCHIP. Reauthorization of the SCHIP program must be addressed early next year and we must work together to help expand coverage and increase participation. Failure to do so will undoubtedly jeopardize the health of those most vulnerable in our Nation, our children.

I would like to thank everyone again.

Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I urge that we pass this bill unanimously, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6164.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3546) to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

The Clerk read as follows:

S. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dietary Supplement and Nonprescription Drug Consumer Protection Act".

SEC. 2. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter H—Serious Adverse Event Reports

"SEC. 760. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

"(a) DEFINITIONS.—In this section:

"(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a nonprescription drug that is adverse, including—

"(A) an event occurring from an overdose of the drug, whether accidental or intentional;

"(B) an event occurring from abuse of the drug;

"(C) an event occurring from withdrawal from the drug; and

"(D) any failure of expected pharmacological action of the drug.

"(2) NONPRESCRIPTION DRUG.—The term 'nonprescription drug' means a drug that is—

"(A) not subject to section 503(b); and

"(B) not subject to approval in an application submitted under section 505.

"(3) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

"(A) results in—

"(i) death;

"(ii) a life-threatening experience;

"(iii) inpatient hospitalization;

"(iv) a persistent or significant disability or incapacity; or

"(v) a congenital anomaly or birth defect; or

"(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(4) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

"(b) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The manufacturer, packer, or distributor whose name (pursuant to section 502(b)(1)) appears on the label of a nonprescription drug marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such drug when used in the United States, accompanied by a copy of the label on or within the retail package of such drug.

"(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the nonprescription drug to submit the required reports for such drugs to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such drug that are reported to the retailer through the address or telephone number described in section 502(x).

"(c) SUBMISSION OF REPORTS.—

"(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 502(x).

"(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

"(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

"(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

"(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for nonprescription drugs, and may be accompanied by additional information.

"(e) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

"(2) RECORDS INSPECTION.—

"(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section, during an inspection pursuant to section 704.

"(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services who has—

"(i) appropriate credentials, as determined by the Secretary; and

"(ii) been duly designated by the Secretary to have access to the records required under this section.

"(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

"(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

"(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

"(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the nonprescription drug involved caused or contributed to the adverse event.

"(h) PREEMPTION.—

"(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for nonprescription drugs, that is different from, in addition to, or otherwise not identical to, this section.

"(2) EFFECT OF SECTION.—

"(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

"(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

"(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

"(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

"(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(b) MODIFICATIONS.—The Secretary of Health and Human Services may modify requirements under the amendments made by this section in accordance with section 553 of title 5, United States Code, to maintain consistency with international harmonization efforts over time.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking ", or 704(a);" and inserting ", 704(a), or 760;"; and

(2) striking ", or 564" and inserting ", 564, or 760".

(d) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United States, unless the label of such drug includes a domestic address or domestic phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 502(x) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any nonprescription drug (as defined in such section 502(x)) labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report described under the amendments made by this Act.

SEC. 3. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SEC. 761. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

"(a) DEFINITIONS.—In this section:

"(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a dietary supplement that is adverse.

"(2) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

"(A) results in—

"(i) death;

"(ii) a life-threatening experience;

"(iii) inpatient hospitalization;

"(iv) a persistent or significant disability or incapacity; or

"(v) a congenital anomaly or birth defect; or

"(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(3) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

"(b) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The manufacturer, packer, or distributor of a dietary supplement whose name (pursuant to section 403(e)(1)) appears on the label of a dietary supplement marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.

"(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the dietary supplement to submit the required reports for such dietary supplements to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such dietary supplement that are reported to the retailer through the address or telephone number described in section 403(y).

"(c) SUBMISSION OF REPORTS.—

"(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 403(y).

"(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

"(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

"(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

"(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for dietary supplements, and may be accompanied by additional information.

"(e) MAINTENANCE AND INSPECTION OF RECORDS.—

"(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

"(2) RECORDS INSPECTION.—

"(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

"(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

"(i) appropriate credentials, as determined by the Secretary; and

"(ii) been duly designated by the Secretary to have access to the records required under this section.

"(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

"(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

"(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

"(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event.

"(h) PREEMPTION.—

"(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for dietary supplements, that is different from, in addition to, or otherwise not identical to, this section.

"(2) EFFECT OF SECTION.—

"(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

"(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

"(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

"(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

"(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.".

(b) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking ", or 760;" and inserting ", 760, or 761;"; and

(2) striking ", or 760" and inserting ", 760, or 761".

(c) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(y) If it is a dietary supplement that is marketed in the United States, unless the label of such dietary supplement includes a domestic address or domestic phone number through which the responsible person (as described in section 761) may receive a report of a serious adverse event with such dietary supplement.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 403(y) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any dietary supplement labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report as described under the amendments made by this Act.

SEC. 4. PROHIBITION OF FALSIFICATION OF REPORTS.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. IMPORTATION OF CERTAIN NONPRESCRIPTION DRUGS AND DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) in subsection (a), by inserting after the third sentence the following: "If such article is subject to a requirement under section 760 or 761 and if the Secretary has credible evidence or information indicating that the responsible person (as defined in such section 760 or 761) has not complied with a requirement of such section 760 or 761 with respect to any such article, or has not allowed access to records described in such section 760 ,or 761, then such article shall be refused admission, except as provided in subsection (b) of this section."; and

(2) in the second sentence of subsection (b)—

(A) by inserting "(1)" before "an article included";

(B) by inserting before "final determination" the following: "or (2) with respect to an article included within the provision of the fourth sentence of subsection (a), the responsible person (as defined in section 760 or 761) can take action that would assure that the responsible person is in compliance with section 760 or 761, as the case may be,"; and

(C) by inserting ", or, with respect to clause (2), the responsible person," before "to perform".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act, and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, could I ask for a copy of the legislation at this time? We seem to be concerned about the fact that changes have been made that we were not aware of on the Democratic side.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, there are no changes on this bill that I am aware of.

The SPEAKER pro tempore. Could the gentleman provide the gentleman a copy of the bill?

Mr. BARTON of Texas. We will provide a copy, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act. By some estimates, the dietary supplement industry is a $20 billion industry. Over half the American population regularly uses dietary supplements, with as many as 60 percent of Americans using dietary supplements daily in an effort to maintain or improve their healthy lifestyles.

Many responsible dietary supplement companies and manufacturers already voluntarily report serious adverse events associated with their products to the FDA. However, in order to ensure the safety of consumers, all companies should be required by law to report such events. This bill accomplishes that goal.

The legislation before us today would amend the Food, Drug, and Cosmetic Act to require that the manufacturer, packer or distributor of a dietary supplement or over-the-counter drug notify the FDA within 15 business days of any serious adverse event reports it receives that are associated with one of their dietary supplements or over-the-counter products.

A serious adverse event is described as a health-related event that results in death, a life-threatening experience, in-patient hospitalization, a persistent or significant disability or incapacity, or congenital anomaly or birth defect.

Adverse event reports provide an early warning signal to the FDA about potential product problems, like product contamination or adulteration, tampering, bioterrorism and ingredient safety issues. By requiring that this information be submitted to a single source, manufacturers increase the likelihood that problems will be identified more quickly and fewer consumers will be affected.

Although the FDA currently receives adverse event reports from consumers, health care providers, poison control centers and even many manufacturers on a voluntary basis, this legislation will ensure that a greater number of serious adverse event reports are transmitted to the FDA for review.

Consumers should be assured that when a serious incident happens, the manufacturer will be held responsible for informing the Federal agency that regulates these products. Adverse event reporting by the manufacturer is already required for other FDA regulated products, such as medical devices, prescription drugs and certain over-the-counter-drugs. It is time that we require the same reporting standards for dietary supplements, and this change will help protect consumers and build greater confidence in the safety of dietary supplements.

Again, I would like to thank Senators HATCH, HARKIN and DURBIN, as well as all the industry and consumer groups who worked hard on developing this legislation, and I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the chairman yielding me time.

Mr. Speaker, I rise in opposition to this bill. Having just seen this legislation within the last hour, this is a significant change to current law. It is one that has had no House hearings during this session. This is what we used to describe at the State level as the dangerous time for legislation, and this is clearly one of those instances.

I don't think that anybody is opposed to decreasing the number of adverse events or of serious adverse events. But when you read through the bill, the level of problem that can occur that would result in an adverse event can be relatively minor; an adverse event occurring from the abuse of a drug, which would require companies to report to the FDA, adverse event occurring from the withdrawal from a drug, any failure of expected pharmacologic action of the drug itself. This is just a huge reach right at this point for the FDA and the Secretary.

So I would encourage the House to not support this bill. I would encourage the House to go through regular order on this piece of legislation, which is a significant change, and would ask for the House to turn down this suspension bill.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate Chairman BARTON allowing me time to speak on this bill.

Mr. Speaker, I rise opposing this Dietary Supplemental and Nonprescription Drug Consumer Protection Act. The bill would replace the current system of adverse event reporting by medical professionals through the MedWatch Program with a mandatory system that would require manufacturers and retailers to keep records and to report to the FDA when they received reports of adverse events.

The bill redirects complaints of adverse effects away from local health responders, health care professionals, to manufacturers and retailers and then to the FDA. Consumers who are injured should be directed to medical professionals trained to determine whether the condition is caused by ingredients in the supplement or by other factors, not by self-diagnosis.

Secondly, this bill depends on those who may be responsible for types of drugs or drug supplements to report adverse effects to the FDA. Those guilty of violating the law are less likely to report adverse effects to the government and to follow the law.

I think this is a bad bill. I hope that we reject it.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time, and urge support of the bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, I would urge support of the bill. The dietary supplement industry is a mature industry now, and I would estimate over 90 to 95 percent of those in the industry support passage of this bill. There are some segments of the industry that do oppose it.

This is a Senator ORRIN HATCH bill. I know that Congressman CANNON here in our body strongly supports it. I would hope that we would pass it.

Mr. CANNON. Mr. Speaker, I rise in support of S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act. I am the sponsor of the companion bill, H.R. 6168, here in the House.

S. 3546 would require mandatory adverse event reporting of serious events for dietary supplements and over-the-counter drugs, OTCs, within the FDA.

Currently, an adverse event reporting system for supplements and some OTCs exists, yet it is strictly voluntary. Under the proposed system, manufacturers, packers or distributors of OTC drugs or dietary supplements in the United States must report to the FDA within 15 business days any serious adverse event associated with their products. Serious events include those that result in death, a life-threatening experience, inpatient hospitalization, disability or incapacity, birth defect, or medical/surgical intervention to prevent one of these outcomes.

S. 3546 brings needed regulation to guarantee consumer protection from non-legitimate companies. This legislation will expose corrupt businesses that are misleading consumers and breaking the law, as well as protecting individuals from serious health risks.

S. 3546 would not restrict nor limit access to dietary supplements but in fact would strengthen the regulatory structure for dietary supplements building greater consumer confidence in this category of FDA-regulated products.

Mandatory adverse event reporting would not affect the regulation of dietary supplements under DSHEA. Although manufacturers would be required to report serious adverse events to FDA, the Food Drug and Cosmetic Act clearly distinguishes dietary supplements from drugs.

S. 3546 would actually counter critics who believe dietary supplements are under-regulated and should be treated as drugs.

The dietary supplement industry is a $20 billion industry. It is estimated that over 60 percent of Americans regularly use dietary supplements to improve health. Consumers should be confident that these dietary supplements are legitimate.

S. 3546 is supported by the major consumer and trade associations. Including the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the National Nutritional Foods Association, the Council for Responsible Nutrition, the American Herbal Products Association, and the United Natural Products Alliance.

The Dietary Supplement and Nonprescription Drug Consumer Act is necessary legislation to safeguard Americans and uncover illegal manufacturers who are jeopardizing consumer's health.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3546.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have not responded in the affirmative.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—REDUCING PRETERM LABOR AND DELIVERY AND THE RISK OF PREGNANCY-RELATED DEATHS AND COMPLICATIONS

Sec. 101. Purpose.
Sec. 102. Research relating to preterm labor and delivery and the care, treatment, and outcomes of preterm and low birthweight infants.
Sec. 103. Public and health care provider education and support services.
Sec. 104. Interagency Coordinating Council on Prematurity and Low Birthweight.
Sec. 105. Surgeon general's conference on preterm birth.

TITLE II—CONTACT LENS CONSUMER PROTECTION

Sec. 201. Short title.
Sec. 202. Availability of contact lenses.
Sec. 203. Prescriber verification.
Sec. 204. FTC Studies.
Sec. 205. FDA consumer safety study.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Effective date of certain Head Start regulations.
Sec. 302. Medicare Critical Access Hospital Designation.

TITLE I—REDUCING PRETERM LABOR AND DELIVERY AND THE RISK OF PREGNANCY-RELATED DEATHS AND COMPLICATIONS

SEC. 101. PURPOSE.

It the purpose of this title to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 102. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) General Expansion of Cdc Research.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.".

(b) Studies on Relationship Between Prematurity and Birth Defects.—

(1) In general.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between prematurity, birth defects, and developmental disabilities.

(2) Report.—Not later than 2 years after the date of enactment of this title, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) Pregnancy Risk Assessment Monitoring Survey.—

(1) In general.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out paragraph (1) $3,000,000 for each of fiscal years 2007 through 2011.

(d) Evaluation of Existing Tools and Measures.—The Secretary of Health and Human Services shall review existing tools and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, except for subsection (c), $5,000,000 for each of fiscal years 2007 through 2011.

SEC. 103. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

"(a) In General.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

"(b) Activities.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

"(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

"(A) the signs of preterm labor, updated as new research results become available;

"(B) the screening for and the treating of infections;

"(C) counseling on optimal weight and good nutrition, including folic acid;

"(D) smoking cessation education and counseling;

"(E) stress management; and

"(F) appropriate prenatal care;

"(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

"(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

"(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.".

SEC. 104. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) Purpose.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) Establishment.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) Composition.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) Activities.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this title.

SEC. 105. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) Convening of Conference.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) Purpose of Conference.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) Report.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

TITLE II—CONTACT LENS CONSUMER PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Contact Lens Consumer Protection Act".

SEC. 202. AVAILABILITY OF CONTACT LENSES.

(a) Requirement for the Availability of Contact Lenses.—The Fairness to Contact Lens Consumers Act (15 U.S.C. 7601 et seq.) is amended by inserting after section 7 (15 U.S.C. 7606) the following new section:

"SEC. 7A. REQUIREMENT FOR THE AVAILABILITY OF CONTACT LENSES.

"(a) In General.—A manufacturer shall make any contact lens the manufacturer produces, markets, distributes, or sells available in a commercially reasonable and nondiscriminatory manner to—

"(1) prescribers;

"(2) entities associated with prescribers; and

"(3) alternative channels of distribution.

"(b) Exclusion.—

"(1) In general.—For purposes of this section, the term 'contact lens' does not include lenses that are described in paragraph (2).

"(2) Lenses described.—The lenses described in this paragraph are—

"(A) rigid gas permeable lenses;

"(B) bitoric gas permeable lenses;

"(C) bifocal gas permeable lenses;

"(D) keratoconus lenses;

"(E) custom soft toric lenses; and

"(F) any other custom designed lenses that are manufactured for an individual patient and are not mass marketed or mass produced.

"(c) Definitions.—As used in this section:

"(1) Manufacturer.—The term 'manufacturer' includes the manufacturer and the parent company of the manufacturer, and any subsidiaries, affiliates, successors, and assigns of the manufacturer.

"(2) Alternative channels of distribution.—The term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, or mass merchandise outlet, without regard to whether the entity is associated with a prescriber, unless the entity is a competitor.

"(3) Competitor.—The term 'competitor' means an entity that manufactures contact lenses and sells the lenses in direct competition with another manufacturer.

"(d) Safe Harbor for Manufacturers.—Nothing in this section shall be deemed to impose on a manufacturer an obligation to—

"(1) sell to a competitor;

"(2) sell contact lenses to different contact lens distributors or customers at the same price, consistent with applicable Federal law;

"(3) open or maintain any account for a seller who is not in substantial compliance with this Act;

"(4) decide whether to sell to a low volume account directly or through a distributor; or

"(5) make available to sellers in all geographic areas lenses that are being test marketed on a limited basis in one geographic area.

"(e) RULEMAKING.—The Federal Trade Commission shall prescribe rules under section 8 to carry out this section.".

(b) DEADLINE FOR RULES.—The first rules prescribed by the Federal Trade Commission to carry out section 7A of the Fairness to Contact Lens Consumers Act; as added by subsection (a), shall take effect not later than 180 days after the date of the enactment of this title.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect when the rules required by subsection (b) take effect.

SEC. 203. PRESCRIBER VERIFICATION.

(a) TELEPHONE AND FAX SERVICE.—Section 4 of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7603) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

"(7) A telephone number and fax number for prescribers to contact the seller regarding a verification request, as required under subsection (h).";

(2) by redesignating subsections (f) and (g) as subsections (g) and (I), respectively; and

(3) by inserting after subsection (g), as redesignated by paragraph (2), the following new subsection:

"(h) TELEPHONE AND FAX SERVICE FOR VERIFICATION RESPONSES.—

"(1) IN GENERAL.—A seller of contact lenses who requests verification of a contact lens prescription pursuant to subsection (c) shall provide a telephone and fax service operable during business hours that is dedicated to use by prescribers responding to verification requests. The telephone and fax service shall be maintained with a sufficient number of working telephone lines and live operators to enable ready access by prescribers. Such telephone and fax service shall be toll-free, except as provided pursuant to paragraph (2).

"(2) RULES.—In prescribing rules under section 8 to carry out paragraph (1), the Federal Trade Commission shall prescribe the following:

"(A) The maximum amount of time between the time when a telephone call is placed and the time when the caller speaks to a live operator to constitute ready access for prescribers.

"(B) Exceptions to the requirement that a telephone and fax service required to be provided by a seller under paragraph (1) be provided on a toll-free basis, with such exceptions to be determined based on the contact lens sales volume of sellers and such other factors as the Commission considers appropriate.".

(b) INVALID PRESCRIPTIONS.—Subsection (e) of such section is amended to read as follows:

"(e) INVALID PRESCRIPTIONS.—

"(1) INACCURATE PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is inaccurate—

"(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification;

"(B) the prescriber shall, as part of the prescriber's response to the verification request, specify the basis for the inaccuracy of the prescription and correct it; and

"(C) the seller, upon receipt of the corrected prescription under subparagraph (B), may fill the prescription as corrected.

"(2) EXPIRED PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription has expired—

"(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification;

"(B) the prescriber may authorize an extension of the prescription if the extension is not contingent upon the consumer purchasing the lenses from the prescriber or an affiliated retailer; and

"(C) the seller, upon receipt of the extension of the prescription under subparagraph (B), may fill the prescription in accordance with the extension.

"(3) OTHERWISE INVALID PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is invalid for a reason other than a reason specified in paragraph (1) or (2)—

"(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification; and

"(B) the prescriber shall, as part of the prescriber's response to the verification request, specify the basis for the invalidity of the prescription; and

"(C) the seller, upon receipt of the corrected prescription, may fill the prescription as corrected.".

(c) OVERFILLING OF PRESCRIPTIONS.—Such section is further amended by inserting after subsection (e), as amended by subsection (b), the following new subsection:

"(f) OVERFILLING OF PRESCRIPTIONS.—

"(1) LIMITATION.—If a patient orders more contact lenses than can be reasonably used during the period remaining on the patient's prescription, the seller may fill the prescription only to the extent of the quantity described in paragraph (2), unless the prescription is otherwise verified in accordance with section 4(d).

"(2) MAXIMUM QUANTITY.—The quantity referred to in paragraph (1) is the greater of—

"(A) the quantity that can be reasonably used during the period remaining on the patient's prescription; or

"(B) the minimum number of lenses available for sale (based on product packaging).".

(d) DEADLINE FOR RULES.—The Federal Trade Commission shall prescribe under section 8 of the Fairness to Contact Lens Consumers Act rules to carry out the amendments made by this section. The first rules prescribed for such purpose shall take effect not later than 180 days after the date of the enactment of this title.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect when the rules required by subsection (d) take effect.

SEC. 204. FTC STUDIES.

(a) IMPLEMENTATION OF FAIRNESS TO CONTACT LENS CONSUMERS ACT.—Not later than 12 months after the date of the enactment of this title, the Federal Trade Commission shall submit to Congress a report providing the results of a review by the Commission of the implementation of the Fairness to Contact Lens Consumers Act (Public Law 108-164; 15 U.S.C. 7601 et seq.) and the rules prescribed under that Act.

(b) PRESCRIBER'S PREFERRED METHOD OF COMMUNICATION.—Not later than 12 months after the date of the enactment of this title, the Federal Trade Commission shall submit to Congress a report providing the views of the Commission of the advisability of providing by law for prescribers of contact lens prescriptions to have authority to require, by written notification provided to a seller of contact lenses, that all requests for verification from that seller be communicated to that prescriber by that prescriber's preferred method of communication.

SEC. 205. FDA CONSUMER SAFETY STUDY.

(a) ADVERSE EFFECTS OF VIOLATIONS.—The Secretary of Health and Human Services shall undertake a study to examine the adverse and potentially adverse effects on consumers of seller violations of the prescription verification and sales requirements of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7601 et seq.). The study shall be undertaken in consultation with the Federal Trade Commission. The study shall specifically address the following:

(1) The overfilling of prescriptions with quantities of lenses that exceed the normal expiration dates of the prescriptions.

(2) The dispensing of prescriptions that have expired or are inaccurate.

(3) The failure by a seller to allow prescribers to contact the seller within 8 business hours to advise that a prescription is inaccurate or expired.

(4) The health risks to the consumer of receiving the incorrect prescription from a seller.

(5) The economic risks to the consumer of receiving the incorrect prescription from a seller.

(6) The improper advertising to consumers about what constitutes a valid prescription or valid prescription information, or advertising that no prescription is needed.

(7) Any other issue that has an impact on the health of the consumer from violations of the verification or sales requirements of the Fairness to Contact Lens Consumers Act.

(b) REPORT.—Not later than 12 months after the date of the enactment of this title, the Secretary shall transmit to Congress a report providing the results of the study required by this section.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

SEC. 302. MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.

Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(I)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(I)(I)) of one hospital in Cass County, Minnesota, as a necessary provider of health services to residents in the area of the hospital.".

Amend the title so as to read: "A Bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of Senate 707, the PREEMIE Act, as amended. This bipartisan bill would expand research into the causes and prevention of premature births, the number one cause of infant deaths in the first month of life, and a serious and growing problem in the United States.

The rate of prematurity has increased more than 30 percent since 1981. We have made vast improvements in treating premature infants, but we have had little success in understanding and preventing premature birth.

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The knowledge that we have gained has not been translated into improved perinatal outcomes. As the science stands now, nearly 50 percent of all premature births have no known cause. Scientists are learning more about numerous factors that may play a role in premature birth, ranging from genetic factors, environmental triggers, and obesity to socioeconomic factors and life stress. All factors that could possibly play a role in premature birth should be explored.

Please join me in acting now to approve this bill and substantially strengthen our Nation's commitment to reducing our spiraling rate of premature births and the often tragic human and societal toll they exact.

At this time, I would like to thank the author of the bill, Mr. UPTON from Michigan, for his hard work on this important legislation. I also want to thank Senator LAMAR ALEXANDER from Tennessee and Senator TOM HARKIN from Iowa for their strong work in the other body on this bipartisan bill.

I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Unfortunately, Mr. Speaker, I have to rise in opposition to this legislation, and the reason is very simple. Those of us on the Democratic side were very supportive of the PREEMIE Act, S. 707, when it was given to us in the last few days, and we were prepared to support it. However, the bill that I have in front of me now, S. 707, which has a time of 12:44 a.m. and we received it after 1:00, which was less than an hour ago, has 10 pages that have been added by the majority, much of which does not seem, on first reaction here, to even be related to the issue, and we simply cannot support something that has been changed this dramatically without having the opportunity to see it at 1:45 a.m. in the morning on the last day before we adjourn sine die.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman.

I had the opportunity to review the bill briefly, and this is a bill that purports by its title to relate to the care and study of premature babies, but it also has a whole section dealing with contact lenses and the industry; and it also has a provision that deals with the Head Start program; and it also has a provision that deals with the Medicare program.

Now, I want to say that I think that we have misunderstood our Republican colleagues because this is the first bill that I have seen that deals with health care from cradle to grave, and so we ought to give them better consideration in the new Congress.

However, with this bill, it raises questions about exactly what we are doing here at this hour where they are throwing everything in.

So I would ask the gentleman from New Jersey to pursue a course of action here not only of objection but of calling upon the soon-to-be expiring majority to not belabor this case any longer. If you have a clean bill you can send over here, fine, we will look at it, but there are at least four bills they have rolled into one, and I think Mr. PALLONE's point is well-taken.

Mr. PALLONE. Mr. Speaker, I would say, again, the problem that we face right now is we have 10 pages that have been added to this bill within the last hour, much of which does not seem to relate to the PREEMIE Act whatsoever.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the committee.

Mr. TERRY. Mr. Speaker, I want to thank the good chairman for bringing this bill to the floor tonight, which also, as the gentleman from Ohio mentioned, does include a consumer protection which I wrote in regarding contact lenses which ensures that manufacturers cannot have tie-in agreements with retail shops where they are the exclusive providers of the contact lens, therefore thwarting the law that we passed in Congress several years ago, about 3 years ago, that allows the consumer the opportunity to shop around. I want to make sure that consumers have that right to shop around. That is what this protection allows.

I want to thank the folks that have allowed this to come to the floor tonight in our last night, regardless of the vehicle. It is a good consumer protection measure.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

While there is some confusion on this bill, I want to speak in full disclosure on what is in the bill. The primary vehicle before us is a premature infant bill which I think is the number one legislative item for the March of Dimes. As far as I know, there is absolutely no controversy about that bill. I do not know that anybody and any Member opposes that bill.

There is also a contact lens bill that deals with the verification program between 1-800 contact lens providers, mail order contact lens providers, and optometrists on verification of the prescription, and that on that particular bill I would say 90 percent of that has been agreed to by the stakeholders.

The part that is in dispute is exactly mechanically how to verify the contact lens prescription. The bill would give the FTC the authority to conduct a study and report to Congress on how to solve that problem, I believe within 180 days of passage of the bill. The optometrists, or at least some optometrists, do oppose that.

The other item in the bill is an extension of a rule for 6 months dealing with Head Start that Congressman HARKIN and Congressman GRASSLEY called about and that I made sure was cleared on both the minority and majority sides at the leadership level and the committee level before I agreed to put that in.

The last thing in this bill is an item dealing with a critical care access hospital in Minnesota that was put in at the request of the Senate leadership on both sides of the aisle this evening.

That is the content of the bill.

Mr. Speaker, I reserve my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to repeat, just having the cursory look at this additional 10 pages right now, it refers to contact lenses, Medicare changes with regard to hospitalization, a number of other things that do not relate to the PREEMIE Act.

So, again, I would say that at this point, because we have not had a chance to review this, I continue to oppose the bill.

Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished doctor from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank Chairman BARTON for giving me an opportunity.

I hope we can work out with the other side, and of course, they are doing the due diligence they should do in watching in these waning hours, that as we approach sine die to look out for any mischief, but I think as Representative TERRY described, this is a very good piece of legislation that was added to an outstanding piece of legislation, the PREEMIE Act.

I am standing to support the PREEMIE Act, not the additions, but hopefully, like I say, the concerns can be allayed and we can work this out. But I am the granddad of premature, indeed immature, infants that were born at 26 weeks, weighing 1.12 ounces. They are 9-year-olds today. My daughter is on the board of directors of the March of Dimes of the State of Georgia and has worked very hard and asked me to support this bill.

As Chairman BARTON says, this is the number one piece of legislation for the national March of Dimes, and I would really hate to see this great bill go down sine die because of some additions to it, but hopefully, those will be accepted by the other side, and I support the bill. I encourage my colleagues to support it as well.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Understand that we are very supportive of the PREEMIE Act and the underlying legislation. It is just these additional provisions that have been added. I was going to suggest that the majority simply take out those 10 pages or so at this time because without having the opportunity to further review it we cannot support the legislation at this point.

Mr. UPTON. Mr. Speaker, I rise tonight in strong support of S. 707, the PREEMIE Act, which I hope still comes up for passage yet tonight. This bipartisan bill will improve prenatal care for women and boost research into why one in eight American babies is born early. I want to take this opportunity to thank ANNA ESHOO, our original cosponsor, and her staff for their support and assistance in moving the bill forward, and I also want to express my gratitude to my Chairman, JOE BARTON and his staffer Randy Pate for making it possible to bring this bill to the floor today.

As a nation, we must do what we can to ensure that our children are born healthy. In this age of technology and state-of-the-art medicine, it is difficult to comprehend that one in eight babies born in the United States is premature. It is essential that we are successful in reducing the spiraling rate of premature births—they have risen 30 percent since 1981. The stakes are too high to fail—the health of our children hangs in the balance.

Premature birth is a serious and growing problem—the statistics are alarming. In February 2004, the National Center for Health Statistics reported the first increase in the U.S. infant mortality rate since 1958. Each day 1,305 babies are born too soon. Prematurity affects more than 480,000 babies in the United States each year. Tragically, premature infants are 14 times more likely to die in their first year of life.

Further, premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Pre-term delivery can happen to any pregnant woman, and in nearly one-half of the cases, the cause is undeterminable. The costs are also staggering. The average lifetime medical costs for a premature baby are conservatively estimated at $500,000.

Although we have made vast improvements in treating premature infants, we have had little success in understanding and preventing premature birth, and the knowledge that we have gained has not been translated into improved perinatal outcomes. This has got to change.

The PREEMIE Act is designed to reduce the rates of pre-term labor and delivery, promote the use of evidence-based care for pregnant women at risk of pre-term labor and for infants born pre-term, and reduce infant mortality and disabilities caused by premature birth. This will be accomplished by expanding federal research related to pre-term labor and delivery and increasing public and provider education and support services.

The legislation is strongly supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetrics and Gynecology, and the Association of Women's Health, Obstetric and Neonatal Nurses.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I have no other requests for time and urge passage, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, again, I would urge opposition to the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 707, as amended.

The question was taken; and (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

CITY OF YUMA IMPROVEMENT ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1529) to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "City of Yuma Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Yuma, Arizona.

(2) FEDERAL LAND.—The term "Federal land" means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) MAP.—The term "map" means the map entitled "City of Yuma Proposed Property Ownership" and dated July 25, 2005.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the non-Federal land depicted on the map and generally known as the "Railroad Parcels".

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) TITLE TO NON-FEDERAL LAND.—

(1) IN GENERAL.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) REQUIREMENTS.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) ADMINISTRATION OF ACQUIRED LAND.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) RELEASE FROM LIABILITY.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) ADMINISTRATIVE COSTS.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) Requirements.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) Equalization of values.—

(i) In general.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) Disposition of proceeds.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) In General.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) Consideration.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) Administrative Costs.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) Disposition and Use of Proceeds.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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EUGENE LAND CONVEYANCE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2150) to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eugene Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) City.—The term "City" means the city of Eugene, Oregon.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE CITY OF EUGENE, OREGON.

(a) In General.—Except as provided in subsection (c), the Secretary shall convey to the City, without consideration, and subject to all valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)(1) for the purposes of—

(1) establishing a wildlife viewing area; and

(2) the construction and operation of an environmental education center.

(b) Description of Land.—

(1) In general.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled "West Eugene Wetlands Land Transfer" and dated April 11, 2005.

(2) Survey.—

(A) In general.—The legal description of the land described in paragraph (1) may be based on the survey of the land completed in 1979.

(B) Cost.—If the Secretary determines that a new survey of the land is required, the City shall be responsible for paying the cost of the survey.

(c) Reversion.—

(1) In general.—If the Secretary determines that the land conveyed under subsection (a) is not being used for the purposes described in that subsection—

(A) all right, title, and interest in and to the land (including any improvements to the land) shall, at the discretion of the Secretary, revert to the United States; and

(B) the United States shall have the right of immediate entry to the land.

(2) Hearing.—Any determination of the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions for the conveyance under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PINE SPRINGS LAND EXCHANGE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pine Springs Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Federal land.—The term "Federal land" means the 3 parcels of Forest land (including any improvements on the land), comprising approximately 80 acres, as depicted on the map.

(2) Forest.—The term "Forest" means the Lincoln National Forest in the State of New Mexico.

(3) Map.—The term "map" means the map entitled "Pine Springs Land Exchange" and dated May 25, 2004.

(4) Non-Federal land.—The term "non-Federal land" means the parcel of University land comprising approximately 80 acres, as depicted on the map.

(5) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(6) University.—The term "University" means Lubbock Christian University in the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) In General.—In exchange for the conveyance to the Secretary of the non-Federal land by the University, the Secretary shall convey to the University, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) Map.—

(1) Availability of map.—The map shall be on file and available for inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Supervisor of Lincoln National Forest.

(2) Minor errors.—The Secretary and the University may correct any minor errors in the map.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) In General.—The conveyance of Federal land under section 3(a) shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) Acceptable Title.—Title to the non-Federal land shall—

(1) conform with the title approval standards of the Attorney General applicable to Federal land acquisitions; and

(2) otherwise be acceptable to the Secretary.

(c) Compliance With Federal Land Policy and Management Act.—The land exchange authorized under section 3(a) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) Costs.—The costs of carrying out the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and the University.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) Revocation and Withdrawal.—

(1) Revocation of orders.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land in accordance with this Act.

(2) Withdrawal of federal land.—Subject to valid existing rights, pending the completion of the land exchange under section 3(a), the Federal land is withdrawn from all forms of location, entry, and patent under the public land laws, including—

(A) the mining and mineral leasing laws; and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) ADMINISTRATION OF LAND ACQUIRED BY THE UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—On acceptance of title by the Secretary to the non-Federal land—

(A) the non-Federal land shall become part of the Forest; and

(B) the boundaries of the Forest shall be adjusted to include the acquired land.

(2) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Forest, as modified under paragraph (1), shall be considered to be boundaries of the Forest as of January 1, 1965.

(3) MANAGEMENT.—The Secretary shall manage the non-Federal land acquired under section 3(a) in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any other laws (including regulations) applicable to National Forest System land.

(c) DUTIES OF SECRETARY.—In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

HOLLOMAN AIR FORCE BASE LAND EXCHANGE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Holloman Air Force Base Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the land administered by the Secretary consisting of a total of approximately 320 acres, as depicted on the map.

(2) MAP.—The term "map" means the map entitled "Holloman AFB Land Exchange" and dated May 19, 2006.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel consisting of a total of approximately 241 acres of land, as depicted on the map, that is—

(A) contiguous to Holloman Air Force Base, New Mexico; and

(B) located within the required safety zone surrounding munitions storage bunkers at the installation.

(4) OWNER.—The term "owner" means an owner that is able to convey to the United States clear title to the non-Federal land.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—If the owner submits to the Secretary a request to exchange the non-Federal land for the Federal land or a portion of the Federal land, the Secretary shall convey to the owner all right, title, and interest of the United States in and to the Federal land or the applicable portion of the Federal land.

(b) CONSIDERATION.—As consideration for the conveyance of the Federal land under subsection (a), the owner shall convey to the United States all right, title, and interest of the owner in and to the non-Federal land.

(c) ADDITION TO MILITARY RESERVATION.—On acquisition of the non-Federal land by the Secretary, the Secretary shall—

(1) assume jurisdiction over the non-Federal land; and

(2) amend the withdrawal for the Holloman Air Force Base to include the non-Federal land.

(d) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this Act shall include the conveyance of all surface, subsurface, mineral, and water rights to the Federal land and non-Federal land exchanged.

(e) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Federal land.

(f) NO AMENDMENT TO MANAGEMENT PLAN REQUIRED.—The exchange of Federal land and non-Federal land shall not require an amendment to the White Sands Resource Management Plan.

(g) DISPOSITION AND USE OF PROCEEDS.—

(1) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under this Act in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be expended in accordance with section 206(c) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(c)).

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for the land exchange that the Secretary considers to be appropriate to protect the interests of the United States.

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2205) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006".

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1,

2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WATER RESOURCES RESEARCH ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 2, strike line 14 and insert the following:

"(B) the exploration of new ideas that—

"(i) address water problems; or

"(ii) expand understanding of water and water-related phenomena;

On page 4, line 5, strike "and":

On page 4, strike lines 6 and 7 and insert the following:

"(C) advances in water infrastructure and water quality improvements; and

"(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.".

On page 4, line 10, strike "5" and insert: *"7.5"*

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1378) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Historic Preservation Act Amendments Act of 2006".

(b) REFERENCE.—A reference in this Act to "the Act" shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking "four" and inserting "seven".

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking "(5) and".

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking "Nine" and inserting "12".

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

"(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUSCONETCONG WILD AND SCENIC RIVERS ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Musconetcong Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System;

(2) the Musconetcong Wild and Scenic River Study Task Force, with assistance from the National Park Service, has prepared a river management plan for the study area entitled "Musconetcong River Management Plan" and dated April 2003 that establishes goals and actions to ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the Musconetcong River; and

(3) 13 municipalities and 3 counties along segments of the Musconetcong River that

are eligible for designation have passed resolutions in which the municipalities and counties—

(A) express support for the Musconetcong River Management Plan;

(B) agree to take action to implement the goals of the management plan; and

(C) endorse designation of the Musconetcong River as a component of the Wild and Scenic Rivers System.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADDITIONAL RIVER SEGMENT.—The term "additional river segment" means the approximately 4.3-mile Musconetcong River segment designated as "C" in the management plan, from Hughesville Mill to the Delaware River Confluence.

(2) MANAGEMENT PLAN.—The term "management plan" means the river management plan prepared by the Musconetcong River Management Committee, the National Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association entitled "Musconetcong River Management Plan" and dated April 2003 that establishes goals and actions to—

(A) ensure long-term protection of the outstanding values of the river segments; and

(B) compatible management of land and water resources associated with the river segments.

(3) RIVER SEGMENT.—The term "river segment" means any segment of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by section 3(a)(167) of the Wild and Scenic Rivers Act (as added by section 4).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(167) MUSCONETCONG RIVER, NEW JERSEY.—

"(A) DESIGNATION.—The 24.2 miles of river segments in New Jersey, consisting of—

"(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

"(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

"(B) ADMINISTRATION.—Notwithstanding section 10(c), the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.".

SEC. 5. MANAGEMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall manage the river segments in accordance with the management plan.

(2) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) RESTRICTIONS ON WATER RESOURCE PROJECTS.—For purposes of determining whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the Secretary shall consider the extent to which the proposed water resources project is consistent with the management plan.

(4) IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(b) COOPERATION.—

(1) IN GENERAL.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(c) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(d) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the additional river segment is suitable for designation as a recreational river if the Secretary determines that there is adequate local support for the designation of the additional river segment in accordance with paragraph (3).

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register notice of the designation of the segment;

(B) the segment shall be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider the preferences of local governments expressed in resolutions concerning designation of the additional river segment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 1086) supporting the goals and ideals of "National Teen Dating Violence Awareness and Prevention Week," and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 1086

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue;

Whereas the week of February 5, 2007, has been recognized by the National Network to End Domestic Violence, Break the Cycle, the American Bar Association, and other organizations as an appropriate week for activities furthering awareness of teen dating violence; and

Whereas recognizing a "National Teen Dating Violence Awareness and Prevention Week" would benefit schools, communities, and families regardless of socioeconomic status, race, or gender: Now, therefore, be it

Resolved, That the House of Representatives should raise awareness of teen dating violence in the Nation by supporting the goals and ideals of "National Teen Dating Violence Awareness and Prevention Week".

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE DETROIT SHOCK FOR WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 488) congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 488

Whereas on September 9, 2006, the Detroit Shock, playing in Joe Louis Arena in Detroit, Michigan, in front of a crowd of 19,671, defeated the Sacramento Monarchs, who were defending their title as the 2005 Women's National Basketball Association (WNBA) champion;

Whereas the Detroit Shock fans sold out Joe Louis Arena to cheer for their hometown team in the championship game;

Whereas in Game 5 of the championship series, the Detroit Shock rallied from a first-half deficit of 8 points, beginning the second half with a 10–0 run, to defeat the Sacramento Monarchs with an 80–75 win;

Whereas Deanna Nolan, who led the team with 24 points on 10-of-23 shooting in the final game, was named the WNBA Finals Most Valuable Player;

Whereas the Detroit Shock won the WNBA Eastern Conference 2 games to 1, in the best-of-three-game series over the Connecticut Sun, to earn the right to play in the WNBA championship;

Whereas the Detroit Shock's victory marked the second time in 4 years that the team has succeeded in winning the WNBA championship title;

Whereas the Detroit Shock never lost its confidence, even while the team was trailing by 1 game to 2 in the best-of-five-game championship series;

Whereas the Detroit Shock set WNBA finals records for defensive rebounds with a total of 30 and defensive rebounds in a half with a total of 19;

Whereas Ruth Riley set a WNBA finals record for shot blocks in a half with a total of 4;

Whereas Bill Laimbeer, the head coach of the Detroit Shock, has assured his legacy as one of the great head coaches in professional basketball by winning his second WNBA championship;

Whereas prior to his career as the head coach of the Detroit Shock, Bill Laimbeer enjoyed a career as a National Basketball Association (NBA) All-Star with the Detroit Pistons;

Whereas the city of Detroit celebrated the Detroit Shock's championship on September 12, 2006, and the Detroit City Council recognized the outstanding achievement and perseverance of the Detroit Shock players and coaching staff;

Whereas William Davidson, Managing Partner; Tom Wilson, President and Chief Executive Officer; Craig Turnbull, Chief Operating Officer; Bill Laimbeer, Head Coach; Rick Mahorn, Assistant Coach; Cheryl Reeve, Assistant Coach; Mike Perkins, Athletic Trainer; and everyone associated with the Detroit Shock franchise contributed to the championship win by successfully recruiting, coaching, managing, supporting, and maintaining a WNBA team of high-quality, winning players;

Whereas the Detroit Shock organization has had a beneficial impact on the city of Detroit and the Southeast Michigan community, and Detroit Shock players have served as positive role models for female athletes throughout the State of Michigan; and

Whereas the Detroit Shock fans have contributed to the championship season by supporting the team and giving the team the energy, strength, motivation, and passion to compete in every game in an intensely competitive sport: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Detroit Shock for winning the 2006 Women's National Basketball Association (WNBA) Championship and for their outstanding performance during the 2006 WNBA season;

(2) congratulates Detroit Shock guard Deanna Nolan for winning the 2006 WNBA Finals Most Valuable Player Award;

(3) recognizes and praises the achievements of the Detroit Shock players, coaches, management, and support staff whose hard work, dedication, and resilience proved instrumental throughout the Detroit Shock's championship season;

(4) commends Detroit Shock Head Coach Bill Laimbeer, the Southeast Michigan community, the city of Detroit, and the Detroit Shock fans for their dedication; and

(5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) each of the Detroit Shock players;

(B) Bill Laimbeer, Detroit Shock Head Coach;

(C) William Davidson, Detroit Shock Managing Partner;

(D) each of the Detroit Shock coaches;

(E) the Honorable Kwame Kilpatrick, Mayor of the city of Detroit;

(F) the Honorable L. Brooks Patterson, County Executive, Oakland County, Michigan; and

(G) the Honorable Jennifer Granholm, Governor of the State of Michigan.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL HOME ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2653) to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Call Home Act of 2006".

SEC. 2. TELEPHONE RATES FOR MEMBERS OF ARMED FORCES DEPLOYED ABROAD.

(a) IN GENERAL.—The Federal Communications Commission shall take such action as may be necessary to reduce the cost of calling home for Armed Forces personnel who are stationed outside the United States under official military orders or deployed outside the United States in support of military operations, training exercises, or other purposes as approved by the Secretary of Defense, including the reduction of such costs through the waiver of government fees, assessments, or other charges for such calls. The Commission may not regulate rates in order to carry out this section.

(b) FACTORS TO CONSIDER.—In taking the action described in subsection (a), the Commission, in coordination with the Department of Defense and the Department of State, shall—

(1) evaluate and analyze the costs to Armed Forces personnel of such telephone calls to and from American military bases abroad;

(2) evaluate methods of reducing the rates imposed on such calls, including deployment of new technology such as voice over internet protocol or other Internet protocol technology;

(3) encourage telecommunications carriers (as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44))) to adopt flexible billing procedures and policies for Armed Forces personnel and their dependents for telephone calls to and from such Armed Forces personnel; and

(4) seek agreements with foreign governments to reduce international surcharges on such telephone calls.

(c) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term "Armed Forces" has the meaning given that term by section 2101(2) of title 5, United States Code.

(2) MILITARY BASE.—The term "military base" includes official duty stations to include vessels, whether such vessels are in port or underway outside of the United States.

SEC. 3. REPEAL OF EXISTING AUTHORIZATION.

Section 213 of the Telecommunications Authorization Act of 1992 (47 U.S.C. 201 note) is repealed.

SEC. 4. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109-171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 335) supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 335

Whereas epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering;

Whereas approximately 12,500 individuals in the United States are affected by the disease;

Whereas data from the National Epidermolysis Bullosa Registry indicates that of every one million live births, 20 infants are born with the disease;

Whereas there currently is no cure for the disease;

Whereas children with the disease require almost around-the-clock care;

Whereas approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

Whereas the skin is so fragile for individuals with the disease that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

Whereas most individuals with the disease have inherited the disease through genes they receive from one or both parents;

Whereas epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

Whereas individuals with epidermolysis bullosa often feel isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

Whereas more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

Whereas the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa;

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment; as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecologic Cancer Education and Awareness Act of 2005" or "Johanna's Law".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding "(JOHANNA'S LAW)" at the end; and

(2) by adding at the end the following:

"(d) JOHANNA'S LAW.—

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

"(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

"(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

"(ii) distributing the materials to members of the public upon request.

"(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

"(2) REPORT AND STRATEGY.—

"(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

"(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

"(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

"(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

"(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

"(II) The background and history of such activity, including—

"(aa) the goals of such activity;

"(bb) the communications objectives of such activity;

"(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

"(dd) how such activity is or was expected to result in change.

"(III) How long the activity lasted or is expected to last.

"(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

"(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

"(B) STRATEGY.—

"(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

"(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

"(3) FULL COMPLIANCE.—

"(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

"(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.".

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. DELAURO. Mr. Speaker, let me thank again everyone who has made this legislation such a priority in the Congress—Congressmen ISSA and LEVIN for their leadership, as well as everyone outside this institution, particularly Sheryl Silver—she is an inspiration. I have always said that when it comes to life and death issues like cancer, Congress speaks with one voice. And today, it does.

For me, passage of Johanna's Law is one big battle in a fight I, myself, have waged for 20 years. Indeed, 20 years ago, I was diagnosed with ovarian cancer during an unrelated doctor's visit. I was fortunate to have excellent doctors who detected the cancer by accident in Stage 1, and I underwent radiation treatment for the next two and a half months. Like many survivors, the experience still haunts me today—hardly a day goes by that I do not think about those weeks, the most difficult of my life. But I am proud to say that I have now been cancer-free for a full two decades.

And so you can understand when I say I take great pride in this victory against cancer today. Great pride—because making sure no woman has to depend on luck when it comes to cancer is personal. Moments like these are why I came to Congress.

And this step is so critical. Almost 21,000 women are diagnosed every year with ovarian cancer; nearly 16,000 will die. With a 45-percent 5-year survival rate, it claims the lives of nearly three-quarters of women diagnosed simply because the disease is not detected until it is too late.

The tragedy is that ovarian cancer, like other gynecologic cancers, can be cured if it is detected soon enough. When ovarian cancer is detected in the early stages, 94 percent of women survive longer than 5 years, and most are cured completely. Unfortunately, women have never had a reliable and accurate method of screening for ovarian cancer in the early stages. On top of that, many doctors misdiagnose this disease, with 85 percent of women reporting they do not know which symptoms to look for.

For all our progress—through research at the NIH, at the Department of Defense, and with the recent approval of the HPV vaccine—Johanna's Law recognizes that one of the most effective weapons we have to beat gynecologic cancers like ovarian, cervical, and uterine cancer is public education. In creating a federal campaign to educate women and health care providers alike, as this legislation does, we can take a bold step toward ensuring women know which symptoms to look for and how to seek help before it is too late.

This legislation represents only a first step. But this is a fight every woman has a stake in—a fight the Silver family has dedicated itself to making sure we win. And so I urge my colleagues to help us pass this bill and take such an important step forward. It is, indeed, an idea whose time has come.

Mr. SOUDER. Mr. Speaker, today the House passed H.R. 1245, the Gynecologic Cancer Education and Awareness Act of which I am a co-sponsor.

This bill directs the Department of Health and Human Services (HHS) to carry out a national campaign to increase the awareness and knowledge of gynecologic cancers. It mirrors a similar law passed by Congress in 2000 that directed HHS to educate women and health care providers about cervical cancer. Unfortunately, the 2000 law has never been fully implemented which is, in part, why this new law is needed.

I am pleased that the Senate revised the bill to set a deadline of March 2008 for HHS to enact this bill and the 2000 law.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has been very active in cervical cancer issues over the past 5 years. I have been very disappointed with the lack of progress enacting the 2000 cervical cancer awareness law. I introduced a bipartisan resolution in 2003 urging federal agencies to comply with this law, held a hearing on the topic in 2004, and have sent numerous letters to the agencies responsible for carrying out this law. Yet 6 years after being signed, the law has still not been fully enacted and that is why setting a deadline has become necessary.

This is important because thousands of women die of and many more are diagnosed with cervical cancer every year in the U.S. Yet many women and few Americans are even aware of the facts about cervical cancer, including what causes it and how it can be prevented.

Medical experts agree that infection with certain strains of human papillomavirus (HPV) is the primary cause of nearly all cervical cancer. The Centers for Disease Control and Prevention (CDC) estimates 20 million Americans are currently infected with HPV and 5.5 million Americans become infected with HPV every year. According to the American Cancer Society, nearly 13,000 women develop invasive cervical cancer annually in the United States and over 4,000 women die of the disease every year. HPV infection is also associated with other cancers and more than 1 million pre-cancerous lesions. By way of comparison, nearly the same number of women die annually as a result of cervical cancer as do of HIV/AIDS in the United States.

HPV is a sexually transmitted disease and despite claims by condom manufacturers and advocates, studies have repeatedly found that condoms do not provide effective protection against HPV infection.

In a February 1999 letter to the U.S. House Commerce Committee, Dr. Richard D. Klausner, then-Director of the National Cancer Institute, stated "Condoms are ineffective against HPV because the virus is prevalent not only in the mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted."

In 2001, the National Institute of Allergy and Infectious Diseases along with FDA, CDC, and the U.S. Agency for International Development issued a consensus report regarding condom effectiveness that concluded "there was no epidemiologic evidence that condom use reduced the risk of HPV infection."

In November 2002, a meta-analysis of "the best available data describing the relationship between condoms and HPV-related conditions" from the previous two decades was published in the journal Sexually Transmitted Diseases. The meta-analysis concluded: "There was no consistent evidence of a protective effect of condom use on HPV DNA detection, and in some studies, condom use was associated with a slightly increased risk for these lesions."

CDC issued a report in 2004 that concluded:

> Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e., refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . .
>
> The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection.

Based on these findings, the law required CDC to "prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address modes of transmission, consequences of infection, including the link between HPV and cervical cancer, the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV, and the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer."

The CDC has largely ignored this provision of the law and as a result few women are aware of HPV or its link to cervical cancer. According to a 2005 Health Information National Trends Survey, only 40 percent of women have ever heard about HPV. Of those that have heard of HPV, less than 20 percent knew that HPV could sometimes lead to cervical cancer, meaning that only about 8 percent of American women are aware that HPV can cause cervical cancer. The only factors associated with having accurate knowledge—knowing that it could lead to cervical cancer—was an abnormal Pap test or testing positive on an HPV test. This suggests that most women are finding out about HPV only after experiencing a negative consequence. This is the real life consequence of the CDC's failure to enact this law and to make women aware of the facts regarding HPV and cervical cancer.

The law also directs the Food and Drug Administration (FDA) to ensure that such condom labels are medically accurate regarding the lack of effectiveness of condoms in preventing HPV infection.

The Subcommittee first wrote to the FDA requesting a status update on the enactment of this law on August 23, 2001. "FDA is currently developing an implementation plan for carrying out Public Law 106–554," was the response from Melinda K. Plaisier, FDA Associate Commissioner for Legislation, dated November 20, 2001.

On February 12, 2004, the Subcommittee wrote to Dr. Mark B. McClellan, FDA Commissioner, requesting "the agency's timetable for relabeling condoms in compliance with Public Law 106–554." In a response to the Subcommittee dated March 10, 2004, Amit K.

Sachdev, FDA Associate Commissioner for Legislation, stated, "the Agency is working on developing a proposed rule to be accompanied by draft labeling guidance for public comment later this year."

In a hearing before the Subcommittee on March 11, 2004, Dr. Daniel G. Schultz, FDA Director of Device Evaluation, stated "FDA is working to present a balanced view of the risks and benefits in condom labeling . . . FDA is preparing new guidance on condom labeling to address these issues, with the target of publishing that guidance as a draft for public comment later this year."

On November 19, 2004, the Subcommittee sent a letter to Acting FDA Commissioner Lester Crawford requesting an update on whether or not the oft repeated deadline previously provided would be met.

And earlier this year, I sent a letter to HHS Secretary Michael Leavitt again asking for a date certain when the FDA will finally be in compliance with Public Law 106–554 by requiring condom labeling to be medically accurate and an explanation for the continued delay by the FDA in complying with this 4-year-old law.

Just this week, mere days before the 6-year anniversary of the signing of the law, FDA staff has admitted that the agency is still in the beginning stages of crafting a new medically accurate informational label for condom packages. By way of comparison, it took 410 days to build the Empire State Building and 2 years, 2 months and 5 days to construct the Eiffel Tower.

Over the 6 years since this law was signed, CDC and FDA have repeatedly delayed and found excuses to avoid complying with the simple requirements of the law that would empower women with lifesaving information. This continued delay undermines the scientific integrity of both agencies and further jeopardizes the confidence of the public and many in Congress in these agencies' ability to fulfill their very important missions.

It is my hope that a year from now Congress will not have to pass yet another new law to direct HHS, CDC and FDA to enact the existing law. The lives of our sisters, daughters, mothers, or friends are too important to allow yet another one to fall victim to this silent epidemic.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1245, "Johanna's Law," which earlier today passed the Senate by unanimous consent.

It was more than 4 years ago that Sheryl Silver first told me about her sister, Johanna, who died of ovarian cancer in 2000 after a fierce, hard-fought battle.

This legislation, in honor of Johanna Silver and her valiant fight, is emblematic of the fight undertaken by so many women across the country battling gynecological cancer and their determination to help other women be treated sooner.

Like so many women, Johanna had experienced symptoms, which were not identified initially. By the time she was properly diagnosed, her cancer had advanced significantly, to a point where treatment is considerably more complicated. Because gynecological cancers are highly treatable at early stages, public education for women and their primary care physicians is all the more important.

Johanna's Law does just this, creating a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers, but goes a step further, requiring HHS to quickly develop a national strategy to get this information to women at the highest risk and their health care providers.

After 3 years since this legislation was first introduced, it is finally coming to fruition. Its passage is a real victory for everyone who has been fighting to get the facts out about gynecologic cancers.

I want to thank all the people whose determined efforts have gotten us to where we are today, including Sheryl Silver, who worked tirelessly from the conception of this legislation through to the organization of the advocacy done by many organizations and individuals to assure its passage, as well as cancer survivors and families across the country, physicians, my colleagues on both sides of the aisle, especially DARRELL ISSA, ROSA DELAURO, and KAY GRANGER, and our counterparts in the Senate for getting the bill back to us in such short order.

I urge all of my colleagues to support Johanna's Law and strike a blow against gynecologic cancers.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 4092) to clarify certain land use in Jefferson County, Colorado, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5472) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006".

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking "2000" and inserting "2020"; and

(B) by striking "by the year 2000" and inserting "by the year 2020";

(2) in section 1503, by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary may waive the requirements of paragraphs (1) and (4) of subsection (a) if the Secretary finds that—

"(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(ii) the application of such requirements would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(B) granting such a waiver to the State will not reduce the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a), including screening procedures for both breast and cervical cancers; and

"(C) granting such a waiver to the State will not adversely affect the quality of any of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period of 2 years; and

"(ii) upon request of a State, may extend a waiver for additional 2-year periods in accordance with subparagraph (B).

"(B) ADDITIONAL PERIODS.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of each 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary finds that—

"(i)(I) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(II) without an extension of the waiver, the application of the requirements of paragraphs (1) and (4) of subsection (a) would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(ii) the waiver has not reduced, and granting the waiver extension will not reduce, the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(iii) the waiver has not adversely affected, and granting the waiver extension will not adversely affect, the quality in the State of any of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

"(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under this subsection and how these amounts were used.

"(B) With respect to States receiving a waiver under this subsection, a description of—

"(i) the percentage of the grant that is expended on services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(ii) the percentage of the grant that is expended on services or activities described in paragraphs (3) through (6) of section 1501(a).

"(C) A description of the number of States receiving waivers under this subsection annually.

"(D) With respect to States receiving a waiver under this subsection, a description of the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver.";

(3) in section 1504(a), by striking "pursuant to paragraphs (1) and (2) of section 1501(a)" and inserting "pursuant to paragraphs (1), (2), and (3) of section 1501(a)"; and

(4) in section 1510(a)—

(A) by striking "and" after "$150,000,000 for fiscal year 1994,"; and

(B) by inserting ", and $250,000,000 for each of fiscal years 2007 through 2011" before the period at the end.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006".

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking "2000" and inserting "2020"; and

(B) by striking "by the year 2000" and inserting "by the year 2020";

(2) in section 1503, by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project under which the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may waive the requirements of paragraphs (1) and (4) of subsection (a) for not more than 5 States, if—

"(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

"(ii) the application of such requirement would result in a barrier to the enrollment of qualifying women;

"(B) the State involved provides assurances that the State will, on an annual basis, demonstrate to the Secretary the manner in which the State will use such waiver to maintain or expand the level of screening and follow-up services provided immediately prior to the waiver, and provide documentation of compliance with such maintenance or expansion requirement;

"(C) the State involved submits to the Secretary a plan for maintaining the level of activities carried out under the waiver after the expiration of the waiver;

"(D) the Secretary finds that granting such a waiver to a State will not reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

"(E) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period of 2 years; and

"(ii) upon request of a State, may extend a waiver for an additional 2-year period in accordance with subparagraph (B).

"(B) ADDITIONAL PERIOD.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of the 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary determines that—

"(i)(I) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women; or

"(II) the State requesting such extended waiver will use the waiver to leverage private funds to supplement the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(ii) the waiver has not, and will not, reduce the number of women in the State that receive the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(iii) the waiver has not, and will not, result in lower quality in the State of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(iv) the State has maintained the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the 2 years for which the waiver was granted at a level that is not less than the level of the State fiscal expenditures for such services and activities for the year preceding the first year for which the waiver is granted.

"(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

"(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under paragraph (1) and how these amounts were used.

"(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in—

"(i) paragraphs (1) and (2) of section 1501(a); and

"(ii) paragraphs (3) through (6) of section 1501(a).

"(C) A description of the number of States receiving waivers under paragraph (1) annually.

"(D) With respect to States receiving a waiver under paragraph (1), a description of—

"(i) the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver; and

"(ii) the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the year preceding the first year for which the waiver was granted.

"(4) LIMITATION.—Amounts to which a waiver applies under this subsection shall not be used to increase the number of salaried employees.

"(5) DEFINITIONS.—In this subsection:

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

"(C) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, an Indian tribe, and a tribal organization.";

(3) in section 1508—

(A) in subsection (a), by striking "evaluations of the extent to which" and all that follows through the period and inserting: "evaluations of—

"(1) the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c); and

"(2) the extent to which each State receiving a grant under this title is in compliance with section 1502, including identification of—

"(A) the amount of the non-Federal contributions by the State for the preceding fiscal year, disaggregated according to the source of the contributions; and

"(B) the proportion of such amount of non-Federal contributions relative to the amount of Federal funds provided through the grant to the State for the preceding fiscal year."; and

(B) in subsection (b), by striking "not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter" and inserting "not later than 1 year after the date of the enactment of the National Breast and

Cervical Cancer Early Detection Program Reauthorization of 2006, and annually thereafter"; and

(4) in section 1510(a)—

(A) by striking "and" after "$150,000,000 for fiscal year 1994,"; and

(B) by inserting ", $225,000,000 for fiscal year 2007, $245,000,000 for fiscal year 2008, $250,000,000 for fiscal year 2009, $255,000,000 for fiscal year 2010, and $275,000,000 for fiscal year 2011" before the period at the end.

The SPEAKER pro tempore (during the reading). Without objection, the Clerk will dispense with the reading.

Mr. PALLONE. Mr. Speaker, if I could just reserve. My concern at this point is whether or not the legislation before us, as amended, with the amendment the chairman just mentioned, is in fact the version that I have that is timed at 12:50 a.m.

The SPEAKER pro tempore. Will the gentleman from Texas answer that?

Mr. BARTON of Texas. My understanding is the version they have is the version the Clerk has, the 12:50 a.m. version.

Mr. PALLONE. The 12:50 a.m. is the amendment that you just asked us to consider?

Mr. BARTON of Texas: Yes, sir.

Mr. PALLONE. All right. Thank you. I have no objection.

The SPEAKER pro tempore. The gentleman withdraws his reservation.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3678) to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Act".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.
Sec. 202. Using information technology to improve situational awareness in public health emergencies.
Sec. 203. Public health workforce enhancements.
Sec. 204. Vaccine tracking and distribution.
Sec. 205. National Science Advisory Board for Biosecurity.
Sec. 206. Revitalization of Commissioned Corps.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National disaster medical system.
Sec. 302. Enhancing medical surge capacity.
Sec. 303. Encouraging health professional volunteers.
Sec. 304. Core education and training.
Sec. 305. Partnerships for State and regional hospital preparedness to improve surge capacity.
Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

Sec. 401. Biomedical Advanced Research and Development Authority.
Sec. 402. National Biodefense Science Board.
Sec. 403. Clarification of countermeasures covered by Project BioShield.
Sec. 404. Technical assistance.
Sec. 405. Collaboration and coordination.
Sec. 406. Procurement.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES";

and

(2) by amending subtitle A to read as follows:

"Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

"(a) In General.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(b) Interagency Agreement.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency, except that members of the armed forces under the authority of the Secretary of Defense shall remain under the command and control of the Secretary of Defense, as shall any associated assets of the Department of Defense.".

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) Assistant Secretary for Preparedness and Response.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended—

(1) in the subtitle heading, by inserting "All-Hazards" before "Emergency Preparedness";

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

"SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

"(a) In General.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

"(b) Duties.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

"(1) Leadership.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

"(2) Personnel.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

"(3) Countermeasures.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F-1) and qualified pandemic or epidemic products (as defined in section 319F-3).

"(4) Coordination.—

"(A) Federal integration.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

"(B) State, local, and tribal integration.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

"(C) Emergency medical services.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

"(5) Logistics.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

"(6) Leadership.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

"(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

"(1) have authority over and responsibility for—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act); and

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

"(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

"(A) the Medical Reserve Corps pursuant to section 2813;

"(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

"(C) the Strategic National Stockpile; and

"(D) the Cities Readiness Initiative; and

"(3) assume other duties as determined appropriate by the Secretary."; and

(4) by striking "Assistant Secretary for Public Health Emergency Preparedness" each place it appears and inserting "Assistant Secretary for Preparedness and Response".

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

(c) STOCKPILE.—Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d-6b(a)(1)) is amended by—

(1) inserting "in collaboration with the Director of the Centers for Disease Control and Prevention, and" after "Secretary,"; and

(2) inserting at the end the following: "The Secretary shall conduct an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.".

(d) AT-RISK INDIVIDUALS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 303 of this Act, is amended by inserting after section 2813 the following:

"SEC. 2814. AT-RISK INDIVIDUALS.

"The Secretary, acting through such employee of the Department of Health and Human Services as determined by the Secretary and designated publicly (which may, at the discretion of the Secretary, involve the appointment or designation of an individual as the Director of At-Risk Individuals), shall—

"(1) oversee the implementation of the National Preparedness goal of taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);

"(2) assist other Federal agencies responsible for planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals;

"(3) provide guidance to and ensure that recipients of State and local public health grants include preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency, as described in section 319C-1(b)(2)(A)(iii);

"(4) ensure that the contents of the strategic national stockpile take into account at-risk populations as described in section 2811(b)(3)(B);

"(5) oversee the progress of the Advisory Committee on At-Risk Individuals and Public Health Emergencies established under section 319F(b)(2) and make recommendations with a focus on opportunities for action based on the work of the Committee;

"(6) oversee curriculum development for the public health and medical response training program on medical management of casualties, as it concerns at-risk individuals as described in subparagraphs (A) through (C) of section 319F(a)(2);

"(7) disseminate novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies; and

"(8) not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, prepare and submit to Congress a report describing the progress made on implementing the duties described in this section.".

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh-11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

"SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

"(a) IN GENERAL.—

"(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant committees of Congress a coordinated strategy (to be known as the National Health Security Strategy) and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. Such National Health Security Strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

"(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C-2.

"(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

"(b) PREPAREDNESS GOALS.—The National Health Security Strategy shall include provisions in furtherance of the following:

"(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

"(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

"(B) integrating public and private sector public health and medical donations and volunteers.

"(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

"(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

"(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

"(C) Risk communication and public preparedness.

"(D) Rapid distribution and administration of medical countermeasures.

"(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems, with respect to public health emergencies, which shall include developing plans for the following:

"(A) Strengthening public health emergency medical management and treatment capabilities.

"(B) Medical evacuation and fatality management.

"(C) Rapid distribution and administration of medical countermeasures.

"(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

"(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(4) AT-RISK INDIVIDUALS.—

"(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

"(B) For purpose of this section and sections 319C–1, 319F, and 319L, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

"(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between, Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

"(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.".

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: "**IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**";

(2) by striking subsections (a) through (i) and inserting the following:

"(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

"(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

"(1)(A) be a State;

"(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (i)(4)); or

"(C) be a consortium of entities described in subparagraph (A); and

"(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

"(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

"(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

"(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

"(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

"(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

"(v) a description of how the entity will include the State Unit on Aging in public health emergency preparedness;

"(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity under subsection (g);

"(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

"(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

"(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

"(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

"(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

"(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

"(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

"(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

"(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

"(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

"(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

"(2) minimize duplicative funding of programs and activities;

"(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities; and

"(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

"(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of, measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C–2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall—

"(A) include outcome goals representing operational achievement of the National Preparedness Goals developed under section 2802(b); and

"(B) at a minimum, require entities to—

"(i) measure progress toward achieving the outcome goals; and

"(ii) at least annually, test, exercise, and rigorously evaluate the public health and medical emergency preparedness and response capabilities of the entity, and report to the Secretary on such measured and tested capabilities and measured and tested progress toward achieving outcome goals, based on criteria established by the Secretary.

"(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

"(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

"(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

"(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

"(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

"(6) AMOUNTS DESCRIBED.—

"(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

"(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

"(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

"(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

"(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

"(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

"(7) REALLOCATION OF AMOUNTS WITHHELD.—

"(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C–2 to entities described in subsection (b)(1) of such section.

"(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C–2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C–2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

"(8) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

"(h) GRANTS FOR REAL-TIME DISEASE DETECTION IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

"(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

"(A)(i) a hospital, clinical laboratory, university; or

"(ii) a poison control center or professional organization in the field of poison control; and

"(B) a participant in the network established under subsection 319D(d).

"(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this subsection shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under section 319D(d).

"(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

"(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

"(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

"(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.";

(3) by redesignating subsection (j) as subsection (i);

(4) in subsection (i), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h), for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(4) of this section and section 2814.

"(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

"(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

"(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

"(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTAINING STATE FUNDING.—

"(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(3) DETERMINATION OF AMOUNT.—

"(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.";

(B) in paragraph (4)(A)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)";

(C) in paragraph (4)(D), by striking "2002" and inserting "2006";

(D) in paragraph (5)—

(i) by striking "2003" and inserting "2007"; and

(ii) by striking "(A)(i)(I)"; and

(E) by striking paragraph (6) and inserting the following:

"(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities."; and

(5) by adding at the end the following:

"(j) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

"(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines and describes within 180 days of the date of enactment of the Pandemic and All-Hazards Preparedness Act (after consultation with the States) to be necessary to—

"(A) secure an accurate description of those activities;

"(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

"(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2;

"(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2; and

"(E) publish such information on a Federal Internet website consistent with subsection (k).

"(2) AUDITS; IMPLEMENTATION.—

"(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

"(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

"(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(3) MAXIMUM CARRYOVER AMOUNT.—

"(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

"(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

"(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

"(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B), or reduce the amount determined under such subparagraph, for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

"(k) COMPILATION AND AVAILABILITY OF DATA.—The Secretary shall compile the data submitted under this section and make such data available in a timely manner on an appropriate Internet website in a format that is useful to the public and to other entities and that provides information on what activities are best contributing to the achievement of the outcome goals described in subsection (g).".

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting "domestically and abroad" after "public health threats"; and

(2) by adding at the end the following:

"(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

"(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

"(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

"(A) State, local, and tribal public health entities, including public health laboratories;

"(B) Federal health agencies;

"(C) zoonotic disease monitoring systems;

"(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

"(E) such other sources as the Secretary may deem appropriate.

"(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

"(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

"(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

"(B) define minimal data elements for such network;

"(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

"(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

"(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

"(1) IN GENERAL.—To implement the network described in subsection (d), the Secretary may award grants to States or consortia of States to enhance the ability of such States or consortia of States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with appropriate public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State or consortium of States shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State or consortium of States will submit to the Secretary—

"(A) reports of such data, information, and metrics as the Secretary may require;

"(B) a report on the effectiveness of the systems funded under the grant; and

"(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

"(3) USE OF FUNDS.—A State or consortium of States that receives an award under this subsection—

"(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies;

"(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in subparagraph (A); and

"(C) may conduct a pilot program for the development of multi-State telehealth network test beds that build on, enhance, and securely link existing State and local telehealth programs to prepare for, monitor, respond to, and manage the events of public health emergencies, facilitate coordination and communication among medical, public health, and emergency response agencies, and provide medical services through telehealth initiatives within the States that are involved in such a multi-State telehealth network test bed.

"(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

"(A) interoperability and other technological standards, as determined by the Secretary; and

"(B) data collection and reporting requirements for the network described in subsection (d).

"(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report concerning the activities conducted under this subsection and subsection (d).

"(f) TELEHEALTH ENHANCEMENTS FOR EMERGENCY RESPONSE.—

“(1) EVALUATION.—The Secretary, in consultation with the Federal Communications Commission and other relevant Federal agencies, shall—

“(A) conduct an inventory of telehealth initiatives in existence on the date of enactment of the Pandemic and All-Hazards Preparedness Act, including—

“(i) the specific location of network components;

“(ii) the medical, technological, and communications capabilities of such components;

“(iii) the functionality of such components; and

“(iv) the capacity and ability of such components to handle increased volume during the response to a public health emergency;

“(B) identify methods to expand and interconnect the regional health information networks funded by the Secretary, the State and regional broadband networks funded through the rural health care support mechanism pilot program funded by the Federal Communications Commission, and other telehealth networks;

“(C) evaluate ways to prepare for, monitor, respond rapidly to, or manage the events of, a public health emergency through the enhanced use of telehealth technologies, including mechanisms for payment or reimbursement for use of such technologies and personnel during public health emergencies;

“(D) identify methods for reducing legal barriers that deter health care professionals from providing telemedicine services, such as by utilizing State emergency health care professional credentialing verification systems, encouraging States to establish and implement mechanisms to improve interstate medical licensure cooperation, facilitating the exchange of information among States regarding investigations and adverse actions, and encouraging States to waive the application of licensing requirements during a public health emergency;

“(E) evaluate ways to integrate the practice of telemedicine within the National Disaster Medical System; and

“(F) promote greater coordination among existing Federal interagency telemedicine and health information technology initiatives.

“(2) REPORT.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the findings and recommendations pursuant to subparagraphs (A) through (F) of paragraph (1).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of fiscal years 2007 through 2011.”.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l) is amended by adding at the end the following:

“SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

“(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

“(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

“(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

“(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

“(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

“(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.”.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

“(j) PUBLIC HEALTH LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

“(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

“(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

“(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

“(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.”.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

(a) IN GENERAL.—Section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended to read as follows:

“SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

“(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

“(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

“(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

“(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

“(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).”.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking sections 319B and 319C.

(2) TECHNICAL AMENDMENT.—Section 319D(a)(3) of the Public Health Service Act (42 U.S.C. 247d–4(a)(3)) is amended by striking ", taking into account evaluations under section 319B(a),".

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity.

SEC. 206. REVITALIZATION OF COMMISSIONED CORPS.

(a) PURPOSE.—It is the purpose of this section to improve the force management and readiness of the Commissioned Corps to accomplish the following objectives:

(1) To ensure the Corps is ready to respond rapidly to urgent or emergency public health care needs and challenges.

(2) To ensure the availability of the Corps for assignments that address clinical and public health needs in isolated, hardship, and hazardous duty positions, and, when required, to address needs related to the well-being, security, and defense of the United States.

(3) To establish the Corps as a resource available to Federal and State Government agencies for assistance in meeting public health leadership and service roles.

(b) COMMISSIONED CORPS READINESS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. DEPLOYMENT READINESS.

"(a) READINESS REQUIREMENTS FOR COMMISSIONED CORPS OFFICERS.—

"(1) IN GENERAL.—The Secretary, with respect to members of the following Corps components, shall establish requirements, including training and medical examinations, to ensure the readiness of such components to respond to urgent or emergency public health care needs that cannot otherwise be met at the Federal, State, and local levels:

"(A) Active duty Regular Corps.

"(B) Active Reserves.

"(2) ANNUAL ASSESSMENT OF MEMBERS.—The Secretary shall annually determine whether each member of the Corps meets the applicable readiness requirements established under paragraph (1).

"(3) FAILURE TO MEET REQUIREMENTS.—A member of the Corps who fails to meet or maintain the readiness requirements established under paragraph (1) or who fails to comply with orders to respond to an urgent or emergency public health care need shall, except as provided in paragraph (4), in accordance with procedures established by the Secretary, be subject to disciplinary action as prescribed by the Secretary.

"(4) WAIVER OF REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may waive one or more of the requirements established under paragraph (1) for an individual who is not able to meet such requirements because of—

"(i) a disability;

"(ii) a temporary medical condition; or

"(iii) any other extraordinary limitation as determined by the Secretary.

"(B) REGULATIONS.—The Secretary shall promulgate regulations under which a waiver described in subparagraph (A) may be granted.

"(5) URGENT OR EMERGENCY PUBLIC HEALTH CARE NEED.—For purposes of this section and section 214, the term 'urgent or emergency public health care need' means a health care need, as determined by the Secretary, arising as the result of—

"(A) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.);

"(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(C) a public health emergency declared by the Secretary under section 319 of this Act; or

"(D) any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the Corps.

"(b) CORPS MANAGEMENT FOR DEPLOYMENT.—The Secretary shall—

"(1) organize members of the Corps into units for rapid deployment by the Secretary to respond to urgent or emergency public health care needs;

"(2) establish appropriate procedures for the command and control of units or individual members of the Corps that are deployed at the direction of the President or the Secretary in response to an urgent or emergency public health care need of national; State or local significance;

"(3) ensure that members of the Corps are trained, equipped and otherwise prepared to fulfill their public health and emergency response roles; and

"(4) ensure that deployment planning takes into account—

"(A) any deployment exemptions that may be granted by the Secretary based on the unique requirements of an agency and an individual's functional role in such agency; and

"(B) the nature of the urgent or emergency public health care need.

"(c) DEPLOYMENT OF DETAILED OR ASSIGNED OFFICERS.—For purposes of pay, allowances, and benefits of a Commissioned Corps officer who is detailed or assigned to a Federal entity, the deployment of such officer by the Secretary in response to an urgent or emergency public health care need shall be deemed to be an authorized activity of the Federal entity to which the officer is detailed or assigned.".

(c) PERSONNEL DEPLOYMENT AUTHORITY.—

(1) PERSONNEL DETAILED.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following:

"(e) Except with respect to the United States Coast Guard and the Department of Defense, and except as provided in agreements negotiated with officials at agencies where officers of the Commissioned Corps may be assigned, the Secretary shall have the sole authority to deploy any Commissioned Corps officer assigned under this section to an entity outside of the Department of Health and Human Services for service under the Secretary's direction in response to an urgent or emergency public health care need (as defined in section 203A(a)(5)).".

(2) NATIONAL HEALTH SERVICE CORPS.—Section 331(f) of the Public Health Service Act (42 U.S.C. 254d(f)(1)) is amended by inserting before the period the following: ", except when such members are Commissioned Corps officers who entered into a contract with Secretary under section 338A or 338B after December 31, 2006 and when the Secretary determines that exercising the authority provided under section 214 or 216 with respect to any such officer to would not cause unreasonable disruption to health care services provided in the community in which such officer is providing health care services".

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting "national disaster medical system";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking "Federal Emergency Management Agency" and inserting "Department of Homeland Security"; and

(B) in paragraph (3)(C), by striking "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" and inserting "Pandemic and All-Hazards Preparedness Act";

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting "MODIFICATIONS";

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

"(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2803(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.";

(6) by striking "subsection (b)" each place it appears and inserting "subsection (a)";

(7) by striking "subsection (d)" each place it appears and inserting "subsection (c)"; and

(8) in subsection (g), as so redesignated, by striking "2002 through 2006" and inserting "2007 through 2011".

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking ", the National Disaster Medical System,"; and

(2) in section 503(5), by striking ", the National Disaster Medical System".

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking "CHILDREN AND TERRORISM" and inserting "AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES";

(2) in subparagraph (A), by striking "Children and Terrorism" and inserting "At-Risk Individuals and Public Health Emergencies";

(3) in subparagraph (B)—

(A) in clause (i), by striking "bioterrorism as it relates to children" and inserting "public health emergencies as they relate to at-risk individuals";

(B) in clause (ii), by striking "children" and inserting "at-risk individuals"; and

(C) in clause (iii), by striking "children" and inserting "at-risk individuals";

(4) in subparagraph (C), by striking "children" and all that follows through the period and inserting "at-risk populations."; and

(5) in subparagraph (D), by striking "one year" and inserting "six years".

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d-6(b)(3)(B)) is amended by striking "and the working group under subsection (a)".

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

"SEC. 2803. ENHANCING MEDICAL SURGE CAPACITY.

"(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

"(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency;

"(2) integrating the practice of telemedicine within the National Disaster Medical System; and

"(3) other strategies to improve such capacity as determined appropriate by the Secretary.

"(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

"(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

"(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

"(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.".

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) the direction or relocation of an individual to receive medical screening in an alternative location—

"(i) pursuant to an appropriate State emergency preparedness plan; or

"(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;";

(B) in the third sentence, by striking "and shall be limited to" and inserting "and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to"; and

(C) by adding at the end the following: "If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

"SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

"(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

"(c) COMPOSITION.—The Corps shall be composed of individuals who—

"(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

"(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

"(2) are certified in accordance with the certification program developed under subsection (d);

"(3) are geographically diverse in residence;

"(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

"(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

"(d) CERTIFICATION; DRILLS.—

"(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

"(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

"(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

"(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

"(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

"(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

"(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

"(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

"(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.".

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d-7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency.

"(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) (referred to in this section as the 'verification network') shall include—

"(1) with respect to each volunteer health professional included in the verification network—

"(A) information necessary for the rapid identification of, and communication with, such professionals; and

"(B) the credentials, certifications, licenses, and relevant training of such individuals; and

"(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.";

(3) in subsection (c), strike "system" and insert "network"; and

(4) by striking subsection (d) and inserting the following:

"(d) ACCESSIBILITY.—The Secretary shall ensure that the verification network is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

"(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the verification network.

"(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

"(g) UPDATING OF INFORMATION.—The States that are participants in the verification network shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in the verification network.

"(h) CLARIFICATION.—Inclusion of a health professional in the verification network shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

"(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board."; and

(5) in subsection (k) (as so redesignated), by striking "2006" and inserting "2011".

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d-6) is amended—

(1) by striking subsection (a) and inserting the following;

"(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

"(2) CURRICULUM.—The public health and medical response training program may include course work related to—

"(A) medical management of casualties, taking into account the needs of at-risk individuals;

"(B) public health aspects of public health emergencies;

"(C) mental health aspects of public health emergencies;

"(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

"(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

"(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

"(4) CREDIT.—The Secretary and the Secretary of Defense shall—

"(A) take into account continuing professional education requirements of public health and healthcare professions; and

"(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

"(5) DISSEMINATION AND TRAINING.—

"(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

"(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

"(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.".

(2) by striking subsections (c) through (g) and inserting the following:

"(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

"(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

"(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

"(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

"(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

"(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

"(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

"(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

"(A) define the public health preparedness and response needs of the community involved;

"(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

"(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

"(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

"(7) Public Health Systems Research.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.";

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

"(f) Authorization of Appropriations.—

"(1) Fiscal year 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

"(A) to carry out subsection (a)—

"(i) $5,000,000 to carry out paragraphs (1) through (4); and

"(ii) $7,000,000 to carry out paragraph (5);

"(B) to carry out subsection (c), $3,000,000; and

"(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

"(2) Subsequent fiscal years.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year."; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

"SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

"(a) In General.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

"(b) Eligibility.—To be eligible for an award under subsection (a), an entity shall—

"(1)(A) be a partnership consisting of—

"(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

"(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

"(iii)(I) one or more political subdivisions;

"(II) one or more States; or

"(III) one or more States and one or more political subdivisions; and

"(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

"(2)(A) be an entity described in section 319C–1(b)(1); and

"(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C–1(b)(2) and an assurance that the State will adhere to any applicable guidelines established by the Secretary.

"(c) Use of Funds.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

"(d) Preferences.—

"(1) Regional coordination.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

"(A) will enhance coordination—

"(i) among the entities described in subsection (b)(1)(A)(i); and

"(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

"(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

"(2) Other preferences.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

"(A) include one or more hospitals that are participants in the National Disaster Medical System;

"(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

"(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

"(e) Consistency of Planned Activities.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials..

"(f) Limitation on Awards.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

"(g) Coordination With Local Response Capabilities.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

"(h) Maintenance of Funding.—

"(1) In general.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

"(2) Rule of construction.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

"(i) Performance and Accountability.—The requirements of section 319C–1(g), (j), and (k) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C–1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

"(j) Authorization of Appropriations.—

"(1) In general.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

"(2) Reservation of amounts for partnerships.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

"(3) Awards to States and political subdivisions.—

"(A) In general.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

"(B) Amount.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).".

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking "chemical or biological attack" and inserting "a public health emergency (as defined in section 2801 of the Public Health Service Act)";

(ii) striking "an attack" and inserting "such an emergency"; and

(iii) striking "public health emergencies" and inserting "such emergencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

"(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.";

(2) in subsection (c), by striking "a chemical or biological attack or other terrorist attack." and inserting "a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.";

(3) in subsection (d), by—

(A) striking "develop and";

(B) striking "biological, chemical, or radiological attacks" and inserting "public health emergencies"; and

(C) by inserting "consistent with section 319F(a) of the Public Health Service Act" before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking "2811(b)" and inserting "2812"; and

(B) in paragraph (2)—

(i) by striking "bioterrorism and other"; and

(ii) by striking "319F(a)" and inserting "319F".

(b) Authorization of Appropriations.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

"(g) Authorization of Appropriations.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.".

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

SEC. 401. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

"(a) Definitions.—In this section:

"(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

"(2) Fund.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

"(3) Other transactions.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

"(4) Qualified countermeasure.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

"(5) Qualified pandemic or epidemic product.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

"(6) Advanced research and development.—

"(A) In general.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

"(i) are conducted after basic research and preclinical development of the product; and

"(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

"(B) Activities included.—The term under subparagraph (A) includes—

"(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

"(ii) design and development of tests or models, including animal models, for such testing;

"(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

"(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

"(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

"(7) Security countermeasure.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

"(8) Research tool.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

"(9) Program manager.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

"(10) Person.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

"(b) Strategic Plan for Countermeasure Research, Development, and Procurement.—

"(1) In general.—Not later than 6 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products. The Secretary shall carry out such activities as may be practicable to disseminate the information contained in such plan to persons who may have the capacity to substantially contribute to the activities described in such strategic plan. The Secretary shall update and incorporate such plan as part of the National Health Security Strategy described in section 2802.

"(2) Content.—The strategic plan under paragraph (1) shall guide—

"(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

"(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

"(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

"(c) Biomedical Advanced Research and Development Authority.—

"(1) Establishment.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

"(2) In general.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate the acceleration of countermeasure and product advanced research and development by—

"(A) facilitating collaboration between the Department of Health and Human Services and other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

"(B) promoting countermeasure and product advanced research and development;

"(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

"(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

"(3) Director.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

"(4) Duties.—

"(A) Collaboration.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

"(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

"(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

"(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

"(ii) at least annually—

"(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

"(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

"(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

"(iii) carry out the activities described in section 405 of the Pandemic and All-Hazards Preparedness Act.

"(B) Support advanced research and development.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

"(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

"(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

"(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

"(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

"(C) Facilitating advice.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

"(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

"(ii) with respect to persons performing countermeasure and product advanced research and development funded under this section, enable such offices or employees to provide to the extent practicable such advice in a manner that is ongoing and that is otherwise designed to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

"(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

"(i) innovation in technologies that may assist countermeasure and product advanced research and development;

"(ii) research on and development of research tools and other devices and technologies; and

"(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

"(5) TRANSACTION AUTHORITIES.—

"(A) OTHER TRANSACTIONS.—

"(i) IN GENERAL.—The Secretary shall have the authority to enter into other transactions under this subsection in the same manner as the Secretary of Defense enters into such transactions under section 2371 of title 10, United States Code.

"(ii) LIMITATIONS ON AUTHORITY.—

"(I) IN GENERAL.—Subsections (b), (c), and (h) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) shall apply to other transactions under this subparagraph as if such transactions were for prototype projects described by subsection (a) of such section 845.

"(II) WRITTEN DETERMINATIONS REQUIRED.—The authority of this subparagraph may be exercised for a project that is expected to cost the Department of Health and Human Services in excess of $20,000,000 only upon a written determination by the senior procurement executive for the Department (as designated for purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))), that the use of such authority is essential to promoting the success of the project. The authority of the senior procurement executive under this subclause may not be delegated.

"(iii) GUIDELINES.—The Secretary shall establish guidelines regarding the use of the authority under clause (i). Such guidelines shall include auditing requirements.

"(B) EXPEDITED AUTHORITIES.—

"(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.

"(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

"(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

"(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

"(C) ADVANCE PAYMENTS; ADVERTISING.—The Secretary may waive the requirements of section 3324(a) of title 31, United States Code, or section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) upon the determination by the Secretary that such waiver is necessary to obtain countermeasures or products under this section.

"(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

"(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

"(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may assess the feasibility and appropriateness of establishing, through contract, grant, cooperative agreement, or other transaction, an arrangement with an existing research center in order to achieve the goals of this section. If such an agreement is not feasible and appropriate, the Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers, in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U:S.C. 253(c)(3)).

"(6) AT-RISK INDIVIDUALS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, elderly, and other at-risk individuals.

"(7) PERSONNEL AUTHORITIES.—

"(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—

"(i) IN GENERAL.—In addition to any other personnel authorities, the Secretary may—

"(I) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

"(II) compensate them in the same manner and subject to the same terms and conditions in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(ii) MANNER OF EXERCISE OF AUTHORITY.—The authority provided for in this subparagraph shall be exercised subject to the same limitations described in section 319F–1(e)(2).

"(iii) TERM OF APPOINTMENT.—The term limitations described in section 9903(c) of title 5, United States Code, shall apply to appointments under this subparagraph, except that the references to the 'Secretary' and to the 'Department of Defense's national security missions' shall be deemed to be to the Secretary of Health and Human Services and to the mission of the Department of Health and Human Services under this section.

"(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may appoint special consultants pursuant to section 207(f).

"(C) LIMITATION.—

"(i) IN GENERAL.—The Secretary may hire up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less, under the authorities provided for in subparagraphs (A) and (B).

"(ii) REPORT.—The Secretary shall report to Congress on a biennial basis on the implementation of this subparagraph.

"(d) FUND.—

"(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section in addition to such amounts as are otherwise available for this purpose.

"(2) FUNDING.—To carry out the purposes of this section, there are authorized to be appropriated to the Fund—

"(A) $1,070,000,000 for fiscal years 2006 through 2008, the amounts to remain available until expended; and

"(B) such sums as may be necessary for subsequent fiscal years, the amounts to remain available until expended.

"(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

"(1) DISCLOSURE.—

"(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c) that reveals significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

"(B) REVIEW.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years, or more frequently as determined necessary by the Secretary, to determine the relevance or necessity of continued nondisclosure.

"(C) SUNSET.—This paragraph shall cease to have force or effect on the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act.

"(2) REVIEW.—Notwithstanding section 14 of the Federal Advisory Committee Act, a working group of BARDA under this section and the National Biodefense Science Board under section 319M shall each terminate on the date that is 5 years after the date on which each such group or Board, as applicable, was established. Such 5-year period may be extended by the Secretary for one or more additional 5-year periods if the Secretary determines that any such extension is appropriate.".

SEC. 402. NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 401, is further amended by inserting after section 319L the following:

“SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the ‘Board’) to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

“(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

“(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

“(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

“(C) four individuals representing academia; and

“(D) five other members as determined appropriate by the Secretary, of whom—

“(i) one such member shall be a practicing healthcare professional; and

“(ii) one such member shall be an individual from an organization representing healthcare consumers.

“(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

“(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

“(5) DUTIES.—The Board shall—

“(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

“(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

“(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

“(6) MEETINGS.—

“(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall hold the first meeting of the Board.

“(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

“(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

“(9) POWERS.—

“(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

“(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(10) PERSONNEL.—

“(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

“(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

“(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

“(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

“(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

“(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

“(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.”.

SEC. 403. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

“(2) DEFINITIONS.—In this section:

“(A) QUALIFIED COUNTERMEASURE.—The term ‘qualified countermeasure’ means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

“(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

“(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph.

“(B) INFECTIOUS DISEASE.—The term ‘infectious disease’ means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.”.

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by striking “treat, identify, or prevent” each place it appears and inserting “diagnose, mitigate, prevent, or treat”.

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: “None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 319F–2(c)(1)(B).”.

SEC. 404. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 565. TECHNICAL ASSISTANCE.

“The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.”.

SEC. 405. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a)) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the "Chairman"), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation, and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security:

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a oountermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection. Such transcript (or a portion thereof) shall not be disclosed under section 552 of title 5, United States Code, to the extent that the Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure of such transcript (or portion thereof) would pose a threat to national security. The transcript (or portion thereof) with respect to which the Secretary has made such a determination shall be deemed to be information described in subsection (b)(3) of such section 552.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term "antitrust laws"—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term "countermeasure or product" refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "covered activities" includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term "covered activities" shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 406. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting "**AND SECURITY COUNTERMEASURE PROCUREMENTS**" before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking "BIOMEDICAL";

(B) in paragraph (3)—

(i) by striking "COUNTERMEASURES.—The Secretary" and inserting the following: "COUNTERMEASURES.—

"(A) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(B) INFORMATION.—The Secretary shall institute a process for making publicly available the results of assessments under subparagraph (A) while withholding such information as—

"(i) would, in the judgment of the Secretary, tend to reveal public health vulnerabilities; or

"(ii) would otherwise be exempt from disclosure under section 552 of title 5, United States Code.";

(C) in paragraph (4)(A), by inserting "not developed or" after "currently";

(D) in paragraph (5)(B)(i), by striking "to meet the needs of the stockpile" and inserting "to meet the stockpile needs";

(E) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through "Homeland Security Secretary" and inserting the following: "INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary"; and

(ii) by striking clause (ii);

(F) in paragraph (7)(C)(ii)—

(i) by amending subclause (I) to read as follows:

"(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract, except that such payments shall not exceed 50 percent of the total contract amount. If the specified milestones are reached, the advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government."; and

(ii) by adding at the end the following:

"(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

"(VIII) WARM BASED SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

"(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

"(aa) the dosing and administration requirements for countermeasures to be developed and procured;

"(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

"(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section."; and

(G) in paragraph (8)(A), by adding at the end the following: "Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this subsection for the procurement of countermeasures.".

Mr. BARTON of Texas. Mr. Speaker, please insert this exchange of correspondence on S. 3678 into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We write to clarify the intent of Title I of S. 3678, the "Pandemic and All-Hazards Preparedness Act," regarding the respective roles and responsibilities of the Secretary of Homeland Security and the Secretary of Health and Human Services during Incidents of National Significance under the National Response Plan (NRP). Title I of S. 3678 should not be construed to designate the Department of Health and Human Services as the lead Federal agency under the NRP during incidents of National Significance that require a medical and/or public health response.

The NRP is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. Under the NRP, the Department of Homeland Security (DHS) is the Federal department responsible for coordinating Federal operations and/or resources during Incidents of National Significance, while the Department of Health and Human Services (DHHS) is the Federal coordinator and primary agency for Emergency Support Function 8, Public Health and Medical Services. Nothing in Title I should be interpreted to change or affect the existing relationship between DHS as the incident manager and DHHS as the primary agency for medical services, as currently defined by the NRP for Incidents of National Significance.

Rather than amending or otherwise diminishing the existing responsibilities of the Secretary of Homeland Security under the NRP, S. 3678 is intended to clarify and more specifically define the medical preparedness and response authorities of the Secretary of Health and Human Services with respect to the Public Health Service Act.

A copy of this letter will be included in the RECORD during consideration of the bill on the House floor and should be construed as a definitive expression of Congressional intent on this matter.

Sincerely,

PETER T. KING,
Chairman, Committee on Homeland Security.
JOE BARTON,
Chairman, Committee on Energy and Commerce.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 8, 2006.

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: The House is tentatively scheduled to consider today S. 3678, the "Pandemic and All-Hazards Preparedness Act." The bill contains certain provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation to the floor, I agree to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 8, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC

DEAR MR. CHAIRMAN, Thank you for your letter regarding S. 3678, the "Pandemic and All-Hazards Preparedness Act," and your willingness to forego consideration of S. 3678 by the Government Reform Committee.

In the interest of permitting the House to proceed expeditiously to consider S. 3678, I appreciate your willingness to support this legislation moving to the floor. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter.

I appreciate you willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

JOE BARTON,
Chairman.

Ms. ESHOO. Mr. Speaker, as the Democratic sponsor of the House version of this bill, H.R. 5533, I am proud to rise today in strong support of this legislation. This bill addresses an urgent issue which is critical to our Nation's security and public health: The threat of bioterror and pandemic disease.

Last week the State Department issued a warning that the continuing spread of a highly contagious avian influenza (H5N1) virus among animals in Asia, Africa, the Middle East and Europe has the potential to significantly threaten human health. The virus has already caused nearly 150 human deaths around the world. If a virus such as H5N1 mutates and spreads easily from one person to another, avian influenza could break out globally. While there are no reports of sustained human-to-human transmission of avian influenza, the U.S. government and international health agencies are scrambling to prepare for a possible pandemic.

In hearings earlier this year on the Project Bioshield Act, it was apparent that gaps remain in our effort to address emerging threats to public health. In particular, we learned that very few companies are willing to risk their limited resources to develop the vaccines and antidotes to respond to chemical, biological, radiological or nuclear attacks or to a fast-spreading influenza such as H5N1. Put simply, there is little economic incentive for companies to conduct the vital research necessary in this field.

The centerpiece of our legislation is a new office within HHS, the Biomedical Advanced Research and Development Authority (BARDA), which will be a single point of federal authority for the development of medical countermeasures.

The bill enables the Secretary of HHS and the BARDA Director to collaborate and consult with agency leaders, academia, and industry on developing needed medical countermeasures and pandemic or epidemic products. This bill also empowers BARDA to make milestone payments to drug developers at key stages of their work, helping to reduce the financial risks of taking on such a great challenge.

This legislation has broad bipartisan support in the House of Representatives and the Senate, and I thank the bill's many cosponsors for their support. I especially want to thank Congressman MIKE ROGERS for his leadership on this issue. This bill demonstrates the good that can come out of bipartisan teamwork and I'm proud to have worked with him to make this bill a reality.

I also want to thank Chairmen BARTON and DEAL as well as Ranking Member DINGELL for acknowledging the importance of this legislation and working with us every step of the way to get it done before the end of the year.

I also want to thank the staff members who have put so much time and energy into this legislation: Kelly Childress with Representative ROGERS, Nandan Kenkeremath with Chairman BARTON, Brandon Clark with Chairman DEAL, John Ford with Representative DINGELL, and Jason Mahler and Jennifer Nieto of my staff.

Mr. Speaker, this is a good bill that ensures our country is doing its best to prepare for the worst. Thank you for bringing this bill before the House today and I urge my colleagues to support it.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in strong support of the Pandemic and All-Hazards Preparedness Act and specifically the Biodefense and Pandemic Vaccine and Drug Development Act.

I would like to thank Chairman BARTON, and the Energy and Commerce Committee staff for their support. I would also like to extend a special thanks to my colleague Congresswoman ANNA ESHOO for her work on the issue.

Biological weapons have been proven to work, are capable of causing massive disaster, are relatively cheap, and are increasingly easy to design, build and disseminate.

The materials and technical know-how needed to make a bio-weapon that could infect hundreds of thousands of people are already widely distributed around the planet, and the number of people who possess the expertise needed to create bioweapons is rapidly growing as biotechnology and pharmaceutical research and production expand into developing countries.

Preventing either a natural epidemic or a bioterrorist attack is, unfortunately, unlikely. Therefore, the Nation's ability to rapidly and effectively respond in the face of a bio-security crisis must be a central pillar in our bio-security strategy.

Medicines and vaccines that can counter illnesses caused by exposure to bioterror agents are obviously an essential component of biodefense and would be critical to controlling the spread of contagious disease.

This legislation will enable the government to better develop, procure, and make available countermeasures to chemical, biological, radiological and nuclear agents for use in a public health emergency.

Bioterror countermeasures for agents of terrorism have no market other than the government. This legislation will provide assurance to companies that the government is fully engaged and a willing and able business partner.

This legislation will speed up the development and procurement process by reorganizing and enhancing these responsibilities into the Biomedical Advanced Research and Development Agency, BARDA.

1. BARDA would create a single point of authority within government.

2. BARDA would streamline the approval and acquisition process to help bridge the "valley of death" for bio-pharmaceutical research.

3. BARDA is an aggressive partnering with universities, research institutions and industry on the advanced development of promising drugs and vaccines and would of these countermeasures.

As the Chairman and my colleagues on both sides of our aisle know, the House passed version of this legislation also included specific authority under BioShield for HHS to enter into procurement contracts with multiple companies for multiple products and technologies.

We all know from lessons learned that this is a complicated and uncertain process. These vaccines and other medical countermeasures are only in the early stage of development and history suggests that most will not be successfully developed or only a few will receive FDA approval.

That is why the House-passed bill included a provision intended to direct a risk mitigation strategy that the Department not put all their eggs in one basket.

Is it the understanding that while the bill passed by the Senate had no similar provision, that currently the BioShield statute provides authority for the Department to enter into multiple procurement contracts for products and technologies for the development and acquisition of countermeasures and that this is an important risk mitigation strategy for the government.

I have been in communication with Senator BURR and he agrees with this policy.

I urge your support of this important piece of legislation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. KUCINICH. Reserving the right to object. Mr. Speaker, I just have an inquiry. The title of the bill seems pretty far reaching. Would you like to, for the benefit of those of us who aren't familiar with it, just give a couple-sentence summary that elaborates a little bit?

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. BARTON of Texas. This is just a bill on spam and enforcement of antispam and spyware, things of this sort. The bill would provide additional authority to the FCC to investigate spam that originates overseas and fraudulent practices of that sort.

Mr. KUCINICH. Mr. Speaker, I withdraw my reservation.

□ 0215

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) Short Title.—This Act may be cited as the "Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2005" or the "U.S. SAFE WEB Act of 2005".

(b) Findings.—The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

(c) Purpose.—The purpose of this Act is to enhance the ability of the Federal Trade Commission to protect consumers from illegal spam, spyware, and cross-border fraud and deception and other consumer protection law violations.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

"'Foreign law enforcement agency' means—

"(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).".

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

"(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

"(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

"(ii) involve material conduct occurring within the United States.

"(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.".

SEC. 4. POWERS OF THE COMMISSION.

(a) Publication of Information; Reports.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting "(1)" after "such information" the first place it appears; and

(2) by striking "purposes." and inserting "purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).".

(b) Other Powers of the Commission.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

"(j) Investigative Assistance for Foreign Law Enforcement Agencies.—

"(1) In general.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

"(2) Type of assistance.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

"(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

"(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

"(3) Criteria for determination.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

"(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

"(B) whether compliance with the request would prejudice the public interest of the United States; and

"(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

"(4) International agreements.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

"(A) provide assistance using the powers set forth in this subsection;

"(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

"(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

"(5) Additional authority.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

"(6) Limitation.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

"(7) Assistance to certain countries.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(k) Referral of Evidence for Criminal Proceedings.—

"(1) In general.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

"(2) International information.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

"(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

"(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

"(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel and transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking "clauses (a) and (b)" in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting "subsections (a), (b), and (j)".

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

"(c) FOREIGN LITIGATION.—

"(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

"(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

"(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

"(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.".

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by adding at the end "The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

"(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

"(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

"(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.".

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b-2(f)) is amended to read as follows:

"(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

"(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

"(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

"(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.".

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

"SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

"(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

"(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

"(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

"(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

"(c) Ex Parte Application by Commission.—

"(1) In general.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

"(2) Application.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

"(3) Limitation.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

"(d) No Liability for Failure To Notify.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

"(1) the underlying conduct reported;

"(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

"(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

"(e) Venue and Procedure.—

"(1) In general.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

"(2) In camera proceedings.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

"(f) Section Not To Apply to Antitrust Investigations or Proceedings.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

"(g) Adverse Result Defined.—For purposes of this section the term 'adverse result' means—

"(1) endangering the life or physical safety of an individual;

"(2) flight from prosecution;

"(3) the destruction of, or tampering with, evidence;

"(4) the intimidation of potential witnesses; or

"(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

"(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

"(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

"(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.".

(b) Conforming Amendment.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking "or" after the semicolon;

(2) in subparagraph (D) by inserting "or" after the semicolon; and

(3) by inserting after subparagraph (D) the following:

"(E) under section 21A of this Act;".

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

"SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

"(a) In General.—

"(1) No liability for providing certain material.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

"(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

"(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

"(2) Limitations.—Nothing in this subsection shall be construed to exempt any such entity from liability—

"(A) for the underlying conduct reported; or

"(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

"(b) Certain Financial Institutions.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

"(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

"(A) related to possibly fraudulent or deceptive commercial practices;

"(B) related to persons involved in such practices; or

"(C) otherwise subject to recovery by the Commission; or

"(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

"(c) Consumer Complaints.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

"(d) Application.—This section applies to the following entities, whether foreign or domestic:

"(1) A financial institution as defined in section 5312 of title 31, United States Code.

"(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

"(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

"(4) An Internet service provider or provider of telephone services.".

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

"SEC. 25A. STAFF EXCHANGES.

"(a) In General.—The Commission may—

"(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

"(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

"(b) Reciprocity and Reimbursement.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

"(c) Standards of Conduct.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.".

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting "the Federal Trade Commission," after "the Securities and Exchange Commission,".

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

"SEC. 26. REIMBURSEMENT OF EXPENSES.

"The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

"SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

"(a) In General.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of 10 title 31, United States Code, accept voluntary and uncompensated services.

"(b) Limitations.—

"(1) Conflicts of interest.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

"(2) Voluntary services.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

"(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

"(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

"(3) Tort liability of volunteers.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.".

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of S. 1608, the "Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers Beyond Borders Act", also known as the SAFE WEB Act. Mr. Speaker, my Committee dealt with this issue in the 108th Congress because it is a growing problem. The issue is important because fraud perpetrated against our citizens increasingly originates or is committed outside the United States: the Federal Trade Commission reports 20 percent of the complaints it received are "cross-border" fraud complaints. Under current law, there is little the FTC can do to stop or prosecute a perpetrator outside the United States.

The Safe Web Act will make two significant changes to help stop the fraud and protect consumers. First, it amends the FTC Act definition of "unfair or deceptive acts or practices" to include acts or practices involving foreign commerce. Second, it allows the FTC to share information and cooperate with foreign governments to investigate and take action on fraud complaints consistent with existing law enforcement practices.

I am pleased to see that S. 1608 reflects and codifies the interagency agreement reached in 2004. We have an amendment that will make a few minor changes to S. 1608. The Amendment strikes the findings, eliminates the gift provision to the FTC, and sunsets the legislation after 7 years.

This is good consumer protection legislation and will help law enforcement agencies find and prosecute criminals outside our borders committing fraud against our citizens.

I would like to thank FTC Chairwoman Majoras as well as Jeanne Bumpus at the FTC for their efforts to help make this legislation a law.

I urge my colleagues to pass the bill so we can continue to protect consumers and prosecute criminals.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Barton of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006" or the "U.S. SAFE WEB Act of 2006".

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

"'Foreign law enforcement agency' means—

"(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).".

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

"(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

"(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

"(ii) involve material conduct occurring within the United States.

"(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.".

SEC. 4. POWERS OF THE COMMISSION.

(a) Publication of Information; Reports.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting "(1)" after "such information" the first place it appears; and

(2) by striking "purposes." and inserting "purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).".

(b) Other Powers of the Commission.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

"(j) Investigative Assistance for Foreign Law Enforcement Agencies.—

"(1) In general.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

"(2) Type of assistance.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

"(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

"(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

"(3) Criteria for determination.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

"(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

"(B) whether compliance with the request would prejudice the public interest of the United States; and

"(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number,of persons.

"(4) International agreements.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

"(A) provide assistance using the powers set forth in this subsection;

"(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

"(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

"(5) Additional authority.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

"(6) Limitation.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

"(7) Assistance to certain countries.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(k) Referral of Evidence for Criminal Proceedings.—

"(1) In general.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

"(2) International information.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

"(l) Expenditures for Cooperative Arrangements.—To expend appropriated funds for—

"(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

"(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel and transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

(c) Authorization of Appropriations.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) Conforming Amendment.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking "clauses (a) and (b)" in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting "subsections (a), (b), and (j)".

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

"(c) Foreign Litigation.—

"(1) Commission attorneys.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

"(2) Reimbursement for foreign counsel.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

"(3) Limitation on use of funds.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

"(4) Other authority.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.".

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by adding at the end "The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

"(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

"(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

"(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.".

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b-2(f)) is amended to read as follows:

"(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

"(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

"(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

"(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.".

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

"SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

"(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

"(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

"(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

"(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

"(c) EX PARTE APPLICATION BY COMMISSION.—

"(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

"(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

"(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

"(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

"(1) the underlying conduct reported;

"(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

"(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

"(e) VENUE AND PROCEDURE.—

"(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the

United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

"(2) In Camera Proceedings.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

"(f) Section Not To Apply to Antitrust Investigations or Proceedings.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

"(g) Adverse Result Defined.—For purposes of this section the term 'adverse result' means—

"(1) endangering the life or physical safety of an individual;

"(2) flight from prosecution;

"(3) the destruction of, or tampering with, evidence;

"(4) the intimidation of potential witnesses; or

"(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

"(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

"(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

"(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.".

(b) Conforming Amendment.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking "or" after the semicolon;

(2) in subparagraph (D) by inserting "or" after the semicolon; and

(3) by inserting after subparagraph (D) the following:

"(E) under section 21A of this Act;".

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

"SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

"(a) In General.—

"(1) No liability for providing certain material.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

"(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

"(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

"(2) Limitations.—Nothing in this subsection shall be construed to exempt any such entity from liability—

"(A) for the underlying conduct reported; or

"(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

"(b) Certain Financial Institutions.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

"(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

"(A) related to possibly fraudulent or deceptive commercial practices;

"(B) related to persons involved in such practices; or

"(C) otherwise subject to recovery by the Commission; or

"(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

"(c) Consumer Complaints.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

"(d) Application.—This section applies to the following entities, whether foreign or domestic:

"(1) A financial institution as defined in section 5312 of title 31, United States Code.

"(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

"(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

"(4) An Internet service provider or provider of telephone services.".

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

"SEC. 25A. STAFF EXCHANGES.

"(a) In General.—The Commission may—

"(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

"(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

"(b) Reciprocity and Reimbursement.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

"(c) Standards of Conduct.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.".

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting "the Federal Trade Commission," after "the Securities and Exchange Commission,".

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

"SEC. 26. REIMBURSEMENT OF EXPENSES.

"The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.".

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. SUNSET.

This Act, and the amendments made by this Act, shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

SEC. 14. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission

Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6143) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing lifesaving care for those with HIV/AIDS, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Modernization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

Sec. 101. Establishment of program; general eligibility for grants.
Sec. 102. Type and distribution of grants; formula grants.
Sec. 103. Type and distribution of grants; supplemental grants.
Sec. 104. Timeframe for obligation and expenditure of grant funds.
Sec. 105. Use of amounts.
Sec. 106. Additional amendments to part A.
Sec. 107. New program in part A; transitional grants for certain areas ineligible under section 2601.
Sec. 108. Authorization of appropriations for part A.

TITLE II—CARE GRANTS

Sec. 201. General use of grants.
Sec. 202. AIDS Drug Assistance Program.
Sec. 203. Distribution of funds.
Sec. 204. Additional amendments to subpart I of part B.
Sec. 205. Supplemental grants on basis of demonstrated need.
Sec. 206. Emerging communities.
Sec. 207. Timeframe for obligation and expenditure of grant funds.
Sec. 208. Authorization of appropriations for subpart I of part B.
Sec. 209. Early diagnosis grant program.
Sec. 210. Certain partner notification programs; authorization of appropriations.

TITLE III—EARLY INTERVENTION SERVICES

Sec. 301. Establishment of program; core medical services.
Sec. 302. Eligible entities; preferences; planning and development grants.
Sec. 303. Authorization of appropriations.
Sec. 304. Confidentiality and informed consent.
Sec. 305. Provision of certain counseling services.
Sec. 306. General provisions.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

Sec. 401. Women, infants, children, and youth.
Sec. 402. GAO Report.

TITLE V—GENERAL PROVISIONS

Sec. 501. General provisions.

TITLE VI—DEMONSTRATION AND TRAINING

Sec. 601. Demonstration and training.
Sec. 602. AIDS education and training centers.
Sec. 603. Codification of minority AIDS initiative.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Hepatitis; use of funds.
Sec. 702. Certain references.
Sec. 703. Repeal.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

SEC. 101. ESTABLISHMENT OF PROGRAM; GENERAL ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—Section 2601 of the Public Health Service Act (42 U.S.C. 300ff–11) is amended by striking subsections (b) through (d) and inserting the following:

"(b) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

"(1) to meet the requirements of subsection (a); and

"(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

"(c) BOUNDARIES.—For purposes of determining eligibility under this part—

"(1) with respect to a metropolitan area that received funding under this part in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or

"(2) with respect to a metropolitan area that becomes eligible to receive funding under this part in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this part.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended—

(1) by striking "through (d)" and inserting "through (c)"; and

(2) by inserting "and confirmed by" after "reported to".

(c) DEFINITION OF METROPOLITAN AREA.—Section 2607(2) of the Public Health Service Act (42 U.S.C. 300ff–17(2)) is amended—

(1) by striking "area referred" and inserting "area that is referred"; and

(2) by inserting before the period the following: ", and that has a population of 50,000 or more individuals".

SEC. 102. TYPE AND DISTRIBUTION OF GRANTS; FORMULA GRANTS.

(a) DISTRIBUTION PERCENTAGES.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended—

(1) in the first sentence—

(A) by striking "50 percent of the amount appropriated under section 2677" and inserting "66⅔ percent of the amount made available under section 2610(b) for carrying out this subpart"; and

(B) by striking "paragraph (3)" and inserting "paragraphs (3) and (4)".

(2) by striking the last sentence.

(b) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(1) in subparagraph (B), by striking "estimated living cases of acquired immune deficiency syndrome" and inserting "living cases of HIV/AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention)"; and

(2) by striking subparagraphs (C) through (E) and inserting the following:

"(C) LIVING CASES OF HIV/AIDS.—

"(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for an eligible area for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

"(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, an eligible area is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living names-based non-AIDS cases of HIV be reported unless—

"(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State in which the area is located, subject to clause (viii); or

"(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, in consultation with the chief executive of the State in which the area is located, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

"(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for an eligible area applies only if, by October 1, 2006—

"(I)(aa) the State in which the area is located had submitted to the Secretary a plan for making the transition to sufficiently accurate and

reliable names-based reporting of living non-AIDS cases of HIV; or

"(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

"(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

"(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for an eligible area applies only if, as of April 1, 2008, the State in which the area is located is substantially in compliance with the agreement under clause (iii)(II).

"(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for an eligible area if the State in which the area is located submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

"(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

"(I) IN GENERAL.—With respect to an eligible area that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the eligible area in order to adjust for duplicative reporting in and among systems that use code-based reporting.

"(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for an eligible area shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the area.

"(vii) MULTIPLE POLITICAL JURISDICTIONS.—With respect to living non-AIDS cases of HIV, if an eligible area is not entirely within one political jurisdiction and as a result is subject to more than one reporting system for purposes of this subparagraph:

"(I) Names-based reporting under clause (i) applies in a jurisdictional portion of the area, or an exemption under clause (ii) applies in such portion (subject to applicable provisions of this subparagraph), according to whether names-based reporting or code-based reporting is used in such portion.

"(II) If under subclause (I) both names-based reporting and code-based reporting apply in the area, the number of code-based cases shall be reduced under clause (vi).

"(viii) LIST OF ELIGIBLE AREAS MEETING STANDARD REGARDING DECEMBER 31, 2005.—

"(I) IN GENERAL.—If an eligible area or portion thereof is in a State specified in subclause (II), the eligible area or portion shall be considered to meet the standard described in clause (ii)(I). No other eligible area or portion thereof may be considered to meet such standard.

"(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

"(ix) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

"(I) CASES OF AIDS.—With respect to an eligible area that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

"(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (viii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

"(x) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.".

(c) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following subparagraph:

"(D) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT .—.

"(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (C)(vi)) applies in an eligible area or any portion thereof as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to this paragraph for such area for such fiscal year may not—

"(I) for fiscal year 2007, exceed by more than 5 percent the amount of the grant for the area that would have been made pursuant to this paragraph and paragraph (4) for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'; and

"(II) for each of the fiscal years 2008 and 2009, exceed by more than 5 percent the amount of the grant pursuant to this paragraph and paragraph (4) for the area for the preceding fiscal year.

"(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the fiscal year involved, subject to paragraph (4) and section 2610(d)(2).".

(d) HOLD HARMLESS.—Section 2603(a) of the Public Health Service Act (42 U.S.C. 300ff–13(a)) is amended—

(1) in paragraph (3)(A)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by inserting after and below clause (ii) the following:

"which product shall then, as applicable, be increased under paragraph (4).".

(2) by amending paragraph (4) to read as follows:

"(4) INCREASES IN GRANT.—

"(A) IN GENERAL.—For each eligible area that received a grant pursuant to this subsection for fiscal year 2006, the Secretary shall, for each of the fiscal years 2007 through 2009, increase the amount of the grant made pursuant to paragraph (3) for the area to ensure that the amount of the grant for the fiscal year involved is not less than the following amount, as applicable to such fiscal year:

"(i) For fiscal year 2007, an amount equal to 95 percent of the amount of the grant that would have been made pursuant to paragraph (3) and this paragraph for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'.

"(ii) For each of the fiscal years 2008 and 2009, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2007.

"(B) SOURCE OF FUNDS FOR INCREASE.—

"(i) IN GENERAL.—From the amounts available for carrying out the single program referred to in section 2609(d)(2)(C) for a fiscal year (relating to supplemental grants), the Secretary shall make available such amounts as may be necessary to comply with subparagraph (A), subject to section 2610(d)(2).

"(ii) PRO RATA REDUCTION.—If the amounts referred to in clause (i) for a fiscal year are insufficient to fully comply with subparagraph (A) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to this subsection for the fiscal year, other than grants for eligible areas for which increases under subparagraph (A) apply. A reduction under the preceding sentence may not be made in an amount that would result in the eligible area involved becoming eligible for such an increase.

"(C) LIMITATION.—This paragraph may not be construed as having any applicability after fiscal year 2009.".

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS; SUPPLEMENTAL GRANTS.

Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Not later than" and all that follows through "the Secretary shall" and inserting the following: "Subject to subsection (a)(4)(B)(i) and section 2610(d), the Secretary shall";

(B) in subparagraph (B), by striking "demonstrates the severe need in such area" and inserting "demonstrates the need in such area, on an objective and quantified basis,";

(C) by striking subparagraph (F) and inserting the following:

"(F) demonstrates the inclusiveness of affected communities and individuals with HIV/AIDS;";

(D) in subparagraph (G), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(H) demonstrates the ability of the applicant to expend funds efficiently by not having had, for the most recent grant year under subsection (a) for which data is available, more than 2 percent of grant funds under such subsection canceled or covered by any waivers under subsection (c)(3)."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "severe need" and inserting "demonstrated need";

(B) by striking subparagraph (B) and inserting the following:

"(B) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of paragraph (1)(B) may include any or all of the following:

"(i) The unmet need for such services, as determined under section 2602(b)(4) or other community input process as defined under section 2609(d)(1)(A).

"(ii) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

"(iii) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

"(iv) The current prevalence of HIV/AIDS.

"(v) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

"(vi) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

"(vii) The prevalence of homelessness.

"(viii) The prevalence of individuals described under section 2602(b)(2)(M).

"(ix) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

"(x) The impact of a decline in the amount received pursuant to subsection (a) on services available to all individuals with HIV/AIDS identified and eligible under this title."; and

(C) by striking subparagraphs (C) and (D) and inserting the following:

"(C) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this subsection to an eligible area to address the decline or disruption of all EMA-provided services related to the decline in the amounts received pursuant to subsection (a) consistent with the grant award for the eligible area for fiscal year 2006, to the extent that the factor under subparagraph (B)(x) (relating to a decline in funding) applies to the eligible area.".

SEC. 104. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Section 2603 of the Public Health Service Act (42 U.S.C. 300ff–13) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

"(1) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made pursuant to subsection (a) or (b) for a fiscal year are available for obligation by the eligible area involved through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the area (referred to in this subsection as the 'grant year for the award'), except as provided in paragraph (3)(A).

"(2) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (b) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award—

"(A) the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area; and

"(B) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under subparagraph (A) to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

"(3) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

"(A) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (a) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area, unless—

"(i) before the end of the grant year, the chief elected official of the area submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the area intends to expend the funds involved; and

"(ii) the Secretary approves the waiver.

"(B) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under subparagraph (A) that is approved for a balance that is unobligated as of the end of a grant year for an award:

"(i) The unobligated funds are available for expenditure by the eligible area involved for the one-year period beginning upon the expiration of the grant year (referred to in this subsection as the 'carryover year').

"(ii) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area.

"(C) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under subparagraph (A) or (B)(ii), the grant funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such subparagraph to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

"(D) CORRESPONDING REDUCTION IN FUTURE GRANT.—

"(i) IN GENERAL.—In the case of an eligible area for which a balance from a grant award under subsection (a) is unobligated as of the end of the grant year for the award—

"(I) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such subsection for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under subparagraph (A) has been approved with respect to such balance); and

"(II) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants pursuant to subsection (b) for such first fiscal year, subject to subsection (a)(4) and section 2610(d)(2);

except that this clause does not apply to the eligible area if the amount of the unobligated balance was 2 percent or less.

"(ii) RELATION TO INCREASES IN GRANT.—A reduction under clause (i) for an eligible area for a fiscal year may not be taken into account in applying subsection (a)(4) with respect to the area for the subsequent fiscal year."; and

(3) by adding at the end the following:

"(e) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

"(1) the total amount of supplemental funds available under this section for the year involved;

"(2) the amount of supplemental funds used in accordance with the hold harmless provisions of subsection (a)(4);

"(3) the amount of supplemental funds disbursed pursuant to subsection (b)(2)(C);

"(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

"(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).".

SEC. 105. USE OF AMOUNTS.

Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended to read as follows:

"SEC. 2604. USE OF AMOUNTS.

"(a) REQUIREMENTS.—The Secretary may not make a grant under section 2601(a) to the chief elected official of an eligible area unless such political subdivision agrees that—

"(1) subject to paragraph (2), the allocation of funds and services within the eligible area will be made in accordance with the priorities established, pursuant to section 2602(b)(4)(C), by the HIV health services planning council that serves such eligible area;

"(2) funds provided under section 2601 will be expended only for—

"(A) core medical services described in subsection (c);

"(B) support services described in subsection (d); and

"(C) administrative expenses described in subsection (h); and

"(3) the use of such funds will comply with the requirements of this section.

"(b) DIRECT FINANCIAL ASSISTANCE TO APPROPRIATE ENTITIES.—

"(1) IN GENERAL.—The chief elected official of an eligible area shall use amounts from a grant under section 2601 to provide direct financial assistance to entities described in paragraph (2) for the purpose of providing core medical services and support services.

"(2) APPROPRIATE ENTITIES.—Direct financial assistance may be provided under paragraph (1) to public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area.

"(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

"(1) IN GENERAL.—With respect to a grant under section 2601 for an eligible area for a grant year, the chief elected official of the area shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (1) and (5)(B)(i) of subsection (h), use not less than 75 percent to provide core medical services that are needed in the eligible area for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

"(2) WAIVER.—

"(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a chief elected official for a grant year if the Secretary determines that, within the eligible area involved—

"(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

"(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) NOTIFICATION OF WAIVER STATUS.—When informing the chief elected official of an eligible area that a grant under section 2601 is being made for the area for a grant year, the Secretary shall inform the official whether a waiver under subparagraph (A) is in effect for such year.

"(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual), means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (e).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(d) SUPPORT SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(e) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(f) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

"(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

"(2) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of paragraph (1) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

"(g) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(1) PROVISION OF SERVICE.—Subject to paragraph (2), the Secretary may not make a grant under section 2601(a) for the provision of services under this section in a State unless, in the case of any such service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State—

"(A) the political subdivision involved will provide the service directly, and the political subdivision has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(B) the political subdivision will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

"(2) WAIVER.—

"(A) IN GENERAL.—In the case of an entity making an agreement pursuant to paragraph (1)(B) regarding the provision of services, the requirement established in such paragraph shall be waived by the HIV health services planning council for the eligible area if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(B) DETERMINATION.—A determination by the HIV health services planning council of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the entity accepts voluntary donations for the purpose of providing services to the public.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—The chief elected official of an eligible area shall not use in excess of 10 percent of amounts received under a grant under this part for administrative expenses.

"(2) ALLOCATIONS BY CHIEF ELECTED OFFICIAL.—In the case of entities and subcontractors to which the chief elected official of an eligible area allocates amounts received by the official under a grant under this part, the official shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

"(3) ADMINISTRATIVE ACTIVITIES.—For purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the development of a clinical quality management program as described in paragraph (5), the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the activities carried out by the HIV health services planning council as established under section 2602(b), the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

"(4) SUBCONTRACTOR ADMINISTRATIVE ACTIVITIES.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead activities, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities.

"(5) CLINICAL QUALITY MANAGEMENT.—

"(A) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—From amounts received under a grant awarded under this subpart for a fiscal year, the chief elected official of an eligible area may use for activities associated with the clinical quality management program required in subparagraph (A) not to exceed the lesser of—

"(I) 5 percent of amounts received under the grant; or

"(II) $3,000,000.

"(ii) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under subparagraph (A) may not be considered administrative expenses for purposes of the limitation established in paragraph (1).

"(i) CONSTRUCTION.—A chief elected official may not use amounts received under a grant awarded under this part to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.".

SEC. 106. ADDITIONAL AMENDMENTS TO PART A.

(a) REPORTING OF CASES.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended by striking "for the most recent period" and inserting "during the most recent period".

(b) PLANNING COUNCIL REPRESENTATION.—Section 2602(b)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(2)(G)) is amended by inserting ", members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C" after "disease".

(c) APPLICATION FOR GRANT.—

(1) PAYER OF LAST RESORT.—Section 2605(a)(6)(A) of the Public Health Service Act (42 U.S.C. 300ff–15(a)(6)(A)) is amended by inserting "(except for a program administered by or providing the services of the Indian Health Service)" before the semicolon.

(2) AUDITS.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) that the chief elected official will submit to the lead State agency under section 2617(b)(4), audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this part every 2 years and shall include necessary client-based data to compile unmet need calculations and Statewide coordinated statements of need process.".

(3) COORDINATION.—Section 2605(b) of the Public Health Service Act (42 U.S.C. 300ff–15(b)) is amended—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(5) the manner in which the expected expenditures are related to the planning process for States that receive funding under part B (including the planning process described in section 2617(b)); and

“(6) the expected expenditures and how those expenditures will improve overall client outcomes, as described under the State plan under section 2617(b), and through additional outcomes measures as identified by the HIV health services planning council under section 2602(b).”.

SEC. 107. NEW PROGRAM IN PART A; TRANSITIONAL GRANTS FOR CERTAIN AREAS INELIGIBLE UNDER SECTION 2601.

(a) In General.—Part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11) is amended—

(1) by inserting after the part heading the following:

“Subpart I—General Grant Provisions”; and

(2) by adding at the end the following:

“Subpart II—Transitional Grants

“SEC. 2609. ESTABLISHMENT OF PROGRAM.

“(a) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of providing services described in section 2604 in transitional areas, subject to the same provisions regarding the allocation of grant funds as apply under subsection (c) of such section.

“(b) Transitional Areas.—For purposes of this section, the term ‘transitional area’ means, subject to subsection (c), a metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 1,000, but fewer than 2,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

“(c) Certain Eligibility Rules.—

“(1) Fiscal Year 2007.—With respect to grants under subsection (a) for fiscal year 2007, a metropolitan area that received funding under subpart I for fiscal year 2006 but does not for fiscal year 2007 qualify under such subpart as an eligible area and does not qualify under subsection (b) as a transitional area shall, notwithstanding subsection (b), be considered a transitional area.

“(2) Continued Status as Transitional Area.—

“(A) In General.—Notwithstanding subsection (b), a metropolitan area that is a transitional area for a fiscal year continues, except as provided in subparagraph (B), to be a transitional area until the metropolitan area fails, for three consecutive fiscal years—

“(i) to qualify under such subsection as a transitional area; and

“(ii) to have a cumulative total of 1,500 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

“(B) Exception Regarding Status as Eligible Area.—Subparagraph (A) does not apply for a fiscal year if the metropolitan area involved qualifies under subpart I as an eligible area.

“(d) Application of Certain Provisions of Subpart I.—

“(1) Administration; Planning Council.—

“(A) In General.—The provisions of section 2602 apply with respect to a grant under subsection (a) for a transitional area to the same extent and in the same manner as such provisions apply with respect to a grant under subpart I for an eligible area, except that, subject to subparagraph (B), the chief elected official of the transitional area may elect not to comply with the provisions of section 2602(b) if the official provides documentation to the Secretary that details the process used to obtain community input (particularly from those with HIV) in the transitional area for formulating the overall plan for priority setting and allocating funds from the grant under subsection (a).

“(B) Exception.—For each of the fiscal years 2007 through 2009, the exception described in subparagraph (A) does not apply if the transitional area involved received funding under subpart I for fiscal year 2006.

“(2) Type and Distribution of Grants; Timeframe for Obligation and Expenditure of Grant Funds.—

“(A) Formula Grants; Supplemental Grants.—The provisions of section 2603 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I, subject to subparagraphs (B) and (C).

“(B) Formula Grants; Increase in Grant.—For purposes of subparagraph (A), section 2603(a)(4) does not apply.

“(C) Supplemental Grants; Single Program with Subpart I Program.—With respect to section 2603(b) as applied for purposes of subparagraph (A):

“(i) The Secretary shall combine amounts available pursuant to such subparagraph with amounts available for carrying out section 2603(b) and shall administer the two programs as a single program.

“(ii) In the single program, the Secretary has discretion in allocating amounts between eligible areas under subpart I and transitional areas under this section, subject to the eligibility criteria that apply under such section, and subject to section 2603(b)(2)(C) (relating to priority in making grants).

“(iii) Pursuant to section 2603(b)(1), amounts for the single program are subject to use under sections 2603(a)(4) and 2610(d)(1).

“(3) Application; Technical Assistance; Definitions.—The provisions of sections 2605, 2606, and 2607 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I.”.

(b) Conforming Amendments.—Subpart I of part A of title XXVI of the Public Health Service Act, as designated by subsection (a)(1) of this section, is amended by striking “this part” each place such term appears and inserting “this subpart”.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

Part A of title XXVI of the Public Health Service Act, as amended by section 106(a), is amended by adding at the end the following:

“Subpart III—General Provisions

“SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—For the purpose of carrying out this part, there are authorized to be appropriated $604,000,000 for fiscal year 2007, $626,300,000 for fiscal year 2008, and $649,500,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

“(b) Reservation of Amounts.—

“(1) Fiscal Year 2007.—Of the amount appropriated under subsection (a) for fiscal year 2007, the Secretary shall reserve—

“(A) $458,310,000 for grants under subpart I; and

“(B) $145,690,000 for grants under section 2609.

“(2) Subsequent Fiscal Years.—Of the amount appropriated under subsection (a) for fiscal year 2008 and each subsequent fiscal year—

“(A) the Secretary shall reserve an amount for grants under subpart I; and

“(B) the Secretary shall reserve an amount for grants under section 2609.

“(c) Transfer of Certain Amounts; Change in Status as Eligible Area or Transitional Area.—Notwithstanding subsection (b):

“(1) If a metropolitan area is an eligible area under subpart I for a fiscal year, but for a subsequent fiscal year ceases to be an eligible area by reason of section 2601(b)—

“(A)(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for the first such subsequent year of not being an eligible area is deemed to be reduced by an amount equal to the amount of the grant made pursuant to section 2603(a) for the metropolitan area for the preceding fiscal year; and

“(ii)(I) if the metropolitan area qualifies for such first subsequent fiscal year as a transitional area under 2609, the amount reserved under paragraph (1)(B) or (2)(B) of subsection (b) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year; or

“(II) if the metropolitan area does not qualify for such first subsequent fiscal year as a transitional area under 2609, an amount equal to the amount of such reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623; and

“(B) if a transfer under subparagraph (A)(ii)(II) is made with respect to the metropolitan area for such first subsequent fiscal year, then—

“(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for such year is deemed to be reduced by an additional $500,000; and

“(ii) an amount equal to the amount of such additional reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

“(2) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year ceases to be a transitional area by reason of section 2609(c)(2) (and does not qualify for such subsequent fiscal year as an eligible area under subpart I)—

“(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of not being a transitional area is deemed to be reduced by an amount equal to the total of—

“(i) the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

“(ii) $500,000; and

“(B) an amount equal to the amount of the reduction under subparagraph (A) for such year is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

“(3) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year qualifies as an eligible area under subpart I—

“(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of becoming an eligible area is deemed to be reduced by an amount equal to the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

"(B) the amount reserved under subsection (b)(2)(A) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year.

"(d) Certain Transfers; Allocations Between Programs Under Subpart I.—With respect to paragraphs (1)(B)(i) and (2)(A)(ii) of subsection (c), the Secretary shall administer any reductions under such paragraphs for a fiscal year in accordance with the following:

"(1) The reductions shall be made from amounts available for the single program referred to in section 2609(d)(2)(C) (relating to supplemental grants).

"(2) The reductions shall be made before the amounts referred to in paragraph (1) are used for purposes of section 2603(a)(4).

"(3) If the amounts referred to in paragraph (1) are not sufficient for making all the reductions, the reductions shall be reduced until the total amount of the reductions equals the total of the amounts referred to in such paragraph.

"(e) Rules of Construction Regarding First Subsequent Fiscal Year.—Paragraphs (1) and (2) of subsection (c) apply with respect to each series of fiscal years during which a metropolitan area is an eligible area under subpart I or a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year ceases to be such an area by reason of section 2601(b) or 2609(c)(2), respectively, rather than applying to a single such series. Paragraph (3) of subsection (c) applies with respect to each series of fiscal years during which a metropolitan area is a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year becomes an eligible area under subpart I, rather than applying to a single such series.".

TITLE II—CARE GRANTS

SEC. 201. GENERAL USE OF GRANTS.

(a) In General.—Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended to read as follows:

"SEC. 2612. GENERAL USE OF GRANTS.

"(a) In General.—A State may use amounts provided under grants made under section 2611 for—

"(1) core medical services described in subsection (b);

"(2) support services described in subsection (c); and

"(3) administrative expenses described in section 2618(b)(3).

"(b) Required Funding for Core Medical Services.—

"(1) In general.—With respect to a grant under section 2611 for a State for a grant year, the State shall, of the portion of the grant remaining after reserving amounts for purposes of subparagraphs (A) and (E)(ii)(I) of section 2618(b)(3), use not less than 75 percent to provide core medical services that are needed in the State for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

"(2) Waiver.—

"(A) In general.—The Secretary shall waive the application of paragraph (1) with respect to a State for a grant year if the Secretary determines that, within the State—

"(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

"(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) Notification of waiver status.—When informing a State that a grant under section 2611 is being made to the State for a fiscal year, the Secretary shall inform the State whether a waiver under subparagraph (A) is in effect for the fiscal year.

"(3) Core medical services.—For purposes of this subsection, the term 'core medical services', with respect to an individual infected with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (d).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(c) Support Services.—

"(1) In general.—For purposes of this subsection, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) Definition of medical outcomes.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(d) Early Intervention Services.—

"(1) In general.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by States, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) Conditions.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the State involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(e) Priority for Women, Infants, Children, and Youth.—

"(1) In general.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

"(2) Waiver.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if such State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

"(f) Construction.—A State may not use amounts received under a grant awarded under section 2611 to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.".

(b) HIV Care Consortia.—Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking "may use" and inserting "may, subject to subsection (f), use"; and

(B) by striking "section 2612(a)(1)" and inserting "section 2612(a)"; and

(2) by adding at the end the following subsection:

"(f) Allocation of Funds; Treatment as Support Services.—For purposes of the requirement of section 2612(b)(1), expenditures of grants under section 2611 for or through consortia under this section are deemed to be support services, not core medical services. The preceding sentence may not be construed as having any legal effect on the provisions of subsection (a) that relate to authorized expenditures of the grant.".

(c) Technical Amendments.—Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) in section 2611—

(A) in subsection (a), by striking the subsection designation and heading; and

(B) by striking subsection (b);

(2) in section 2614—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "section 2612(a)(2)" and inserting "section 2612(b)(3)(J)"; and

(B) in subsection (c)(2)(B), by striking "homemaker or";

(3) in section 2615(a) by striking "section 2612(a)(3)" and inserting "section 2612(b)(3)(F)"; and

(4) in section 2616(a) by striking "section 2612(a)(5)" and inserting "section 2612(b)(3)(B)".

SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.

(a) Requirement of Minimum Drug List.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) ensure that the therapeutics included on the list of classes of core antiretroviral therapeutics established by the Secretary under subsection (e) are, at a minimum, the treatments provided by the State pursuant to this section;";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) List of Classes of Core Antiretroviral Therapeutics.—For purposes of subsection (c)(1), the Secretary shall develop and maintain a list of classes of core antiretroviral therapeutics, which list shall be based on the therapeutics included in the guidelines of the Secretary known as the Clinical

Practice Guidelines for Use of HIV/AIDS Drugs, relating to drugs needed to manage symptoms associated with HIV. The preceding sentence does not affect the authority of the Secretary to modify such Guidelines.".

(b) DRUG REBATE PROGRAM.—Section 2616 of the Public Health Service Act, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

"(g) DRUG REBATE PROGRAM.—A State shall ensure that any drug rebates received on drugs purchased from funds provided pursuant to this section are applied to activities supported under this subpart, with priority given to activities described under this section.".

SEC. 203. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—

(1) STATE DISTRIBUTION FACTOR.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)) is amended—

(A) in subparagraph (B), by striking "estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved" and inserting "number of living cases of HIV/AIDS in the State involved"; and

(B) by amending subparagraph (D) to read as follows:

"(D) LIVING CASES OF HIV/AIDS.—

"(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for a State for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS in the State that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

"(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, a State is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living non-AIDS names-based cases of HIV be reported unless—

"(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State, subject to clause (vii); or

"(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, after consultation with the chief executive of the State, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

"(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for a State applies only if, by October 1, 2006—

"(I)(aa) the State had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

"(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

"(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

"(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for a State applies only if, as of April 1, 2008, the State is substantially in compliance with the agreement under clause (iii)(II).

"(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for a State if the State submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

"(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

"(I) IN GENERAL.—With respect to a State that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the State in order to adjust for duplicative reporting in and among systems that use code-based reporting.

"(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for a State shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the State.

"(vii) LIST OF STATES MEETING STANDARD REGARDING DECEMBER 31, 2005.—

"(I) IN GENERAL.—If a State is specified in subclause (II), the State shall be considered to meet the standard described in clause (ii)(I). No other State may be considered to meet such standard.

"(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

"(viii) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

"(I) CASES OF AIDS.—With respect to a State that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

"(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (vii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

"(ix) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.".

(2) NON-EMA DISTRIBUTION FACTOR.—Section 2618(a)(2)(C) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)(C)) is amended—

(A) in clause (i), by striking "estimated number of living cases of acquired immune deficiency syndrome" each place such term appears and inserting "number of living cases of HIV/AIDS"; and

(B) in clause (ii), by amending such clause to read as follows:

"(ii) a number equal to the sum of—

"(I) the total number of living cases of HIV/AIDS that are within areas in such State that are eligible areas under subpart I of part A for the fiscal year involved, which individual number for an area is the number that applies under section 2601 for the area for such fiscal year; and

"(II) the total number of such cases that are within areas in such State that are transitional areas under section 2609 for such fiscal year, which individual number for an area is the number that applies under such section for the fiscal year.".

(b) FORMULA AMENDMENTS GENERALLY.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "The amount referred to" in the matter preceding clause (i) and all that follows through the end of clause (i) and inserting the following: "For purposes of paragraph (1), the amount referred to in this paragraph for a State (including a territory) for a fiscal year is, subject to subparagraphs (E) and (F)—

"(i) an amount equal to the amount made available under section 2623 for the fiscal year involved for grants pursuant to paragraph (1), subject to subparagraph (G); and"; and

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ".80" and inserting "0.75"; and

(II) by striking "and" at the end;

(ii) in subclause (II)—

(I) by inserting "non-EMA" after "respective"; and

(II) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(III) if the State does not for such fiscal year contain any area that is an eligible area under subpart I of part A or any area that is a transitional area under section 2609 (referred to in this subclause as a 'no-EMA State'), the product of 0.05 and the ratio of the number of cases that applies for the State under subparagraph (D) to the sum of the respective numbers of cases that so apply for all no-EMA States.";

(2) by striking subparagraphs (E) through (H);

(3) by inserting after subparagraph (D) the following subparagraphs:

"(E) CODE-BASED STATES; LIMITATION ON INCREASE IN GRANT.—

"(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (D)(vi)) applies in a State as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to paragraph (1) for the State may not for the fiscal year involved exceed by more than 5 percent the amount of the grant pursuant to this paragraph for the State for the preceding fiscal year, except that the limitation under this clause may not result in a grant pursuant to paragraph (1) for a fiscal year that is less than the minimum amount that applies to the State under such paragraph for such fiscal year.

"(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to section 2620, subject to subparagraph (H)."; and

(4) by redesignating subparagraph (I) as subparagraph (F).

(c) SEPARATE ADAP GRANTS.—Section 2618(a)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(G)), as redesignated by subsection (b)(4) of this section, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "section 2677" and inserting "section 2623";

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding after and below subclause (II) the following:

"which product shall then, as applicable, be increased under subparagraph (H).";

(2) in clause (ii)—

(A) by striking subclauses (I) through (III) and inserting the following:

"(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall award supplemental grants to States described in subclause (II) to enable such States to purchase and distribute to eligible individuals under section 2616(b) pharmaceutical therapeutics described under subsections (c)(2) and (e) of such section.

"(II) ELIGIBLE STATES.—For purposes of subclause (I), a State shall be an eligible State if the State did not have unobligated funds subject to reallocation under section 2618(d) in the previous fiscal year and, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under this clause. For purposes of determining severe need, the Secretary shall consider eligibility standards, formulary composition, the number of eligible individuals to whom a State is unable to provide therapeutics described in section 2616(a), and an unanticipated increase of eligible individuals with HIV/AIDS.

"(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that the State will make available (directly or through donations of public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant, except that the Secretary may waive this subclause if the State has otherwise fully complied with section 2617(d) with respect to the grant year involved. The provisions of this subclause shall apply to States that are not required to comply with such section 2617(d).".

(B) in subclause (IV), by moving the subclause two ems to the left;

(C) in subclause (V), by striking "3 percent" and inserting "5 percent"; and

(D) by striking subclause (VI); and

(3) by adding at the end the following clause:

"(iii) CODE-BASED STATES; LIMITATION ON INCREASE IN FORMULA GRANT.—The limitation under subparagraph (E)(i) applies to grants pursuant to clause (i) of this subparagraph to the same extent and in the same manner as such limitation applies to grants pursuant to paragraph (1), except that the reference to minimum grants does not apply for purposes of this clause. Amounts available as a result of the limitation under the preceding sentence shall be made available by the Secretary as additional amounts for grants under clause (ii) of this subparagraph.".

(d) HOLD HARMLESS.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)), as amended by subsection (b)(4) of this section, is amended by adding at the end the following subparagraph:

"(H) INCREASE IN FORMULA GRANTS.—

"(i) ASSURANCE OF AMOUNT.—

"(I) GENERAL RULE.—For fiscal year 2007, the Secretary shall ensure, subject to clauses (ii) through (iv), that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 95 percent of such total for the State for fiscal year 2006.

"(II) RULE OF CONSTRUCTION.—With respect to the application of subclause (I), the 95 percent requirement under such subclause shall apply with respect to each grant awarded under paragraph (1) and with respect to each grant awarded under subparagraph (G).

"(ii) FISCAL YEAR 2007.—For purposes of clause (i) as applied for fiscal year 2007, the references in such clause to subparagraph (G) are deemed to be references to subparagraph (I) as such subparagraph was in effect for fiscal year 2006.

"(iii) FISCAL YEARS 2008 AND 2009.—For each of the fiscal years 2008 and 2009, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 100 percent of such total for the State for fiscal year 2007.

"(iv) SOURCE OF FUNDS FOR INCREASE.—

"(I) IN GENERAL.—From the amount reserved under section 2623(b)(2) for a fiscal year, and from amounts available for such section pursuant to subsection (d) of this section, the Secretary shall make available such amounts as may be necessary to comply with clause (i).

"(II) PRO RATA REDUCTION.—If the amounts referred to in subclause (I) for a fiscal year are insufficient to fully comply with clause (i) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to paragraph (1) for the fiscal year, other than grants for States for which increases under clause (i) apply and other than States described in paragraph (1)(A)(i)(I). A reduction under the preceding sentence may not be made in an amount that would result in the State involved becoming eligible for such an increase.

"(v) APPLICABILITY.—This paragraph may not be construed as having any applicability after fiscal year 2009.".

(e) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff–28(b)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6);

(2) in paragraph (2) (as so redesignated)—

(A) by striking "paragraph (5)" and inserting "paragraph (4)"; and

(B) by striking "paragraph (6)" and inserting "paragraph (5)";

(3) in paragraph (3) (as so redesignated)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Subject to paragraph (4,) and except as provided in paragraph (5), a State may not use more than 10 percent of amounts received under a grant awarded under section 2611 for administration.";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) ALLOCATIONS.—In the case of entities and subcontractors to which a State allocates amounts received by the State under a grant under section 2611, the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).";

(D) in subparagraph (C) (as so redesignated), by inserting before the period the following: ", including a clinical quality management program under subparagraph (E)"; and

(E) by adding at the end the following:

"(E) CLINICAL QUALITY MANAGEMENT.—

"(i) REQUIREMENT.—Each State that receives a grant under section 2611 shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(ii) USE OF FUNDS.—

"(I) IN GENERAL.—From amounts received under a grant awarded under section 2611 for a fiscal year, a State may use for activities associated with the clinical quality management program required in clause (i) not to exceed the lesser of—

"(aa) 5 percent of amounts received under the grant; or

"(bb) $3,000,000.

"(II) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under clause (i) may not be considered administrative expenses for purposes of the limitation established in subparagraph (A).";

(4) in paragraph (4) (as so redesignated)—

(A) by striking "paragraph (6)" and inserting "paragraph (5)"; and

(B) by striking "paragraphs (3) and (4)" and inserting "paragraphs (2) and (3)"; and

(5) in paragraph (5) (as so redesignated), by striking "paragraphs (3)" and all that follows through "(5)," and inserting the following: "paragraphs (2) and (3), may, notwithstanding paragraphs (2) through (4),".

(f) . REALLOCATION FOR SUPPLEMENTAL GRANTS.—Section 2618(d) of the Public Health Service Act (42 U.S.C. 300ff–28(d)) is amended to read as follows:

"(d) REALLOCATION.—Any portion of a grant made to a State under section 2611 for a fiscal year that has not been obligated as described in subsection (c) ceases to be available to the State and shall be made available by the Secretary for grants under section 2620, in addition to amounts made available for such grants under section 2623(b)(2).".

(g) DEFINITIONS; OTHER TECHNICAL AMENDMENTS.—Section 2618(a) of the Public Health Service Act (42 U.S.C. 300ff–28(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "section 2677" and inserting "section 2623";

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking "each of the several States and the District of Columbia" and inserting "each of the 50 States, the District of Columbia, Guam, and the Virgin Islands (referred to in this paragraph as a 'covered State')"; and

(B) in clause (i)—

(i) in subclause (I), by striking "State or District" and inserting "covered State"; and

(ii) in subclause (II)—

(I) by striking "State or District" and inserting "covered State"; and

(II) by inserting "and" after the semicolon; and

(3) in paragraph (1)(B), by striking "each territory of the United States, as defined in paragraph (3)," and inserting "each territory other than Guam and the Virgin Islands";

(4) in paragraph (2)(C)(i), by striking "or territory"; and

(5) by striking paragraph (3).

SEC. 204. ADDITIONAL AMENDMENTS TO SUBPART I OF PART B.

(a) REFERENCES TO PART B.—Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by striking "this part" each place such term appears and inserting "section 2611".

(b) HEPATITIS.—Section 2614(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–24(a)(3)) is amended by inserting ", including specialty care and vaccinations for hepatitis co-infection," after "health services".

(c) APPLICATION FOR GRANT.—

(1) COORDINATION.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3), the following:

"(4) the designation of a lead State agency that shall—

"(A) administer all assistance received under this part;

"(B) conduct the needs assessment and prepare the State plan under paragraph (3);

"(C) prepare all applications for assistance under this part;

"(D) receive notices with respect to programs under this title;

"(E) every 2 years, collect and submit to the Secretary all audits, consistent with Office of

Management and Budget circular A133, from grantees within the State, including audits regarding funds expended in accordance with this part; and

"(F) carry out any other duties determined appropriate by the Secretary to facilitate the coordination of programs under this title.";

(C) in paragraph (5) (as so redesignated)—

(i) in subparagraph (E), by striking "and" at the end; and

(ii) by inserting after subparagraph (F) the following:

"(G) includes key outcomes to be measured by all entities in the State receiving assistance under this title; and"; and

(D) in paragraph (7) (as so redesignated), in subparagraph (A)—

(i) by striking "paragraph (5)" and inserting "paragraph (6)"; and

(ii) by striking "paragraph (4)" and inserting "paragraph (5)".

(2) NATIVE AMERICAN REPRESENTATION.—Section 2617(b)(6) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before "representatives of grantees" the following: "members of a Federally recognized Indian tribe as represented in the State,".

(3) PAYER OF LAST RESORT.—Section 2617(b)(7)(F)(ii) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before the semicolon the following: "(except for a program administered by or providing the services of the Indian Health Service)".

(d) MATCHING FUNDS; APPLICABILITY OF REQUIREMENT.—Section 2617(d)(3) of the Public Health Service Act (42 U.S.C. 300ff–27(d)(3)) is amended—

(1) in subparagraph (A), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS"; and

(2) in subparagraph (C), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS".

SEC. 205. SUPPLEMENTAL GRANTS ON BASIS OF DEMONSTRATED NEED.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) by redesignating section 2620 as section 2621; and

(2) by inserting after section 2619 the following:

"SEC. 2620. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—For the purpose of providing services described in section 2612(a), the Secretary shall make grants to States—

"(1) whose applications under section 2617 have demonstrated the need in the State, on an objective and quantified basis, for supplemental financial assistance to provide such services; and

"(2) that did not, for the most recent grant year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) for which data is available, have more than 2 percent of grant funds under such sections canceled or covered by any waivers under section 2622(c).

"(b) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of subsection (a)(1) may include any or all of the following:

"(1) The unmet need for such services, as determined under section 2617(b).

"(2) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

"(3) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

"(4) The current prevalence of HIV/AIDS.

"(5) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

"(6) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

"(7) The prevalence of homelessness.

"(8) The prevalence of individuals described under section 2602(b)(2)(M).

"(9) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

"(10) The impact of a decline in the amount received pursuant to section 2618 on services available to all individuals with HIV/AIDS identified and eligible under this title.

"(c) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this section to a State to address the decline in services related to the decline in the amounts received pursuant to section 2618 consistent with the grant award to the State for fiscal year 2006, to the extent that the factor under subsection (b)(10) (relating to a decline in funding) applies to the State.

"(d) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

"(1) the total amount of supplemental funds available under this section for the year involved;

"(2) the amount of supplemental funds used in accordance with the hold harmless provisions of section 2618(a)(2);

"(3) the amount of supplemental funds disbursed pursuant to subsection (c);

"(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

"(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).

"(e) CORE MEDICAL SERVICES.—The provisions of section 2612(b) apply with respect to a grant under this section to the same extent and in the same manner as such provisions apply with respect to a grant made pursuant to section 2618(a)(1).

"(f) APPLICABILITY OF GRANT AUTHORITY.—The authority to make grants under this section applies beginning with the first fiscal year for which amounts are made available for such grants under section 2623(b)(1).".

SEC. 206. EMERGING COMMUNITIES.

Section 2621 of the Public Health Service Act, as redesignated by section 205(1) of this Act, is amended—

*(1) in the heading for the section, by striking "**SUPPLEMENTAL GRANTS**" and inserting "**EMERGING COMMUNITIES**";*

(2) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) agree that the grant will be used to provide funds directly to emerging communities in the State, separately from other funds under this title that are provided by the State to such communities; and".

(3) by striking subsections (d) and (e) and inserting the following:

"(d) DEFINITIONS OF EMERGING COMMUNITY.—For purposes of this section, the term 'emerging community' means a metropolitan area (as defined in section 2607) for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 500, but fewer than 1,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

"(e) CONTINUED STATUS AS EMERGING COMMUNITY.—Notwithstanding any other provision of this section, a metropolitan area that is an emerging community for a fiscal year continues to be an emerging community until the metropolitan area fails, for three consecutive fiscal years—

"(1) to meet the requirements of subsection (d); and

"(2) to have a cumulative total of 750 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

"(f) DISTRIBUTION.—The amount of a grant under subsection (a) for a State for a fiscal year shall be an amount equal to the product of—

"(1) the amount available under section 2623(b)(1) for the fiscal year; and

"(2) a percentage equal to the ratio constituted by the number of living cases of HIV/AIDS in emerging communities in the State to the sum of the respective numbers of such cases in such communities for all States.".

SEC. 207. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 2622. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

"(a) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G), or under section 2620 or 2621, are available for obligation by the State through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the State (referred to in this section as the 'grant year for the award'), except as provided in subsection (c)(1).

"(b) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(2)(G)(ii), or under section 2620 or 2621, has an unobligated balance as of the end of the grant year for the award—

"(1) the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State; and

"(2) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under paragraph (1) to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

"(c) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

"(1) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State, unless—

"(A) before the end of the grant year, the State submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes

for which the State intends to expend the funds involved; and

"(B) the Secretary approves the waiver.

"(2) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under paragraph (1) that is approved for a balance that is unobligated as of the end of a grant year for an award:

"(A) The unobligated funds are available for expenditure by the State involved for the one-year period beginning upon the expiration of the grant year (referred to in this section as the 'carryover year').

"(B) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State.

"(3) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under paragraph (1) or (2)(B), the grant funds involved shall be made available by the Secretary as additional amounts for grants under section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such paragraph to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

"(4) CORRESPONDING REDUCTION IN FUTURE GRANT.—

"(A) IN GENERAL.—In the case of a State for which a balance from a grant award made pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) is unobligated as of the end of the grant year for the award—

"(i) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such section for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under paragraph (1) has been approved with respect to such balance); and

"(ii) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants under section 2620 for such first fiscal year, subject to section 2618(a)(2)(H);

except that this subparagraph does not apply to the State if the amount of the unobligated balance was 2 percent or less.

"(B) RELATION TO INCREASES IN GRANT.—A reduction under subparagraph (A) for a State for a fiscal year may not be taken into account in applying section 2618(a)(2)(H) with respect to the State for the subsequent fiscal year.

"(d) TREATMENT OF DRUG REBATES.—For purposes of this section, funds that are drug rebates referred to in section 2616(g) may not be considered part of any grant award referred to in subsection (a).".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR SUBPART I OF PART B.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 207, is further amended by adding at the end the following:

"SEC. 2623. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,195,500,000 for fiscal year 2007, $1,239,500,000 for fiscal year 2008, and $1,285,200,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

"(b) RESERVATION OF AMOUNTS.—

"(1) EMERGING COMMUNITIES.—Of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve $5,000,000 for grants under section 2621.

"(2) SUPPLEMENTAL GRANTS.—

"(A) IN GENERAL.—Of the amount appropriated under subsection (a) for a fiscal year in excess of the 2006 adjusted amount, the Secretary shall reserve ⅓ for grants under section 2620, except that the availability of the reserved funds for such grants is subject to section 2618(a)(2)(H) as applied for such year, and except that any amount appropriated exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(G)) is not subject to this subparagraph.

"(B) 2006 ADJUSTED AMOUNT.—For purposes of subparagraph (A), the term '2006 adjusted amount' means the amount appropriated for fiscal year 2006 under section 2677(b) (as such section was in effect for such fiscal year), excluding any amount appropriated for such year exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(I), as so in effect).".

SEC. 209. EARLY DIAGNOSIS GRANT PROGRAM.

Section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33) is amended to read as follows:

"SEC. 2625. EARLY DIAGNOSIS GRANT PROGRAM.

"(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, acting through the Centers for Disease Control and Prevention, shall make grants to such States for the purposes described in subsection (c).

"(b) DESCRIPTION OF COMPLIANT STATES.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if, under such laws or regulations (including programs carried out pursuant to the discretion of State officials), both of the policies described in paragraph (1) are in effect, or both of the policies described in paragraph (2) are in effect, as follows:

"(1)(A) Voluntary opt-out testing of pregnant women.

"(B) Universal testing of newborns.

"(2)(A) Voluntary opt-out testing of clients at sexually transmitted disease clinics.

"(B) Voluntary opt-out testing of clients at substance abuse treatment centers.

The Secretary shall periodically ensure that the applicable policies are being carried out and recertify compliance.

"(c) USE OF FUNDS.—A State may use funds provided under subsection (a) for HIV/AIDS testing (including rapid testing), prevention counseling, treatment of newborns exposed to HIV/AIDS, treatment of mothers infected with HIV/AIDS, and costs associated with linking those diagnosed with HIV/AIDS to care and treatment for HIV/AIDS.

"(d) APPLICATION.—A State that is eligible for the grant under subsection (a) shall submit an application to the Secretary, in such form, in such manner, and containing such information as the Secretary may require.

"(e) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) to a State for a fiscal year may not be made in an amount exceeding $10,000,000.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to pre-empt State laws regarding HIV/AIDS counseling and testing.

"(g) DEFINITIONS.—In this section:

"(1) The term 'voluntary opt-out testing' means HIV/AIDS testing—

"(A) that is administered to an individual seeking other health care services; and

"(B) in which—

"(i) pre-test counseling is not required but the individual is informed that the individual will receive an HIV/AIDS test and the individual may opt out of such testing; and

"(ii) for those individuals with a positive test result, post-test counseling (including referrals for care) is provided and confidentiality is protected.

"(2) The term 'universal testing of newborns' means HIV/AIDS testing that is administered within 48 hours of delivery to—

"(A) all infants born in the State; or

"(B) all infants born in the State whose mother's HIV/AIDS status is unknown at the time of delivery.

"(h) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated annually to the Centers for Disease Control and Prevention for HIV/AIDS prevention activities, $30,000,000 shall be made available for each of the fiscal years 2007 through 2009 for grants under subsection (a), of which $20,000,000 shall be made available for grants to States with the policies described in subsection (b)(1), and $10,000,000 shall be made available for grants to States with the policies described in subsection (b)(2). Funds provided under this section are available until expended.".

SEC. 210. CERTAIN PARTNER NOTIFICATION PROGRAMS; AUTHORIZATION OF APPROPRIATIONS.

Section 2631(d) of the Public Health Service Act (42 U.S.C. 300ff–38(d)) is amended by striking "there are" and all that follows and inserting the following: "there is authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2009.".

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM; CORE MEDICAL SERVICES.

(a) IN GENERAL.—Section 2651 of the Public Health Service Act (42 U.S.C. 300ff–51) is amended to read as follows:

"SEC. 2651. ESTABLISHMENT OF A PROGRAM.

"(a) IN GENERAL.—For the purposes described in subsection (b), the Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private entities specified in section 2652(a).

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to expend the grant only for—

"(A) core medical services described in subsection (c);

"(B) support services described in subsection (d); and

"(C) administrative expenses as described in section 2664(g)(3).

"(2) EARLY INTERVENTION SERVICES.—An applicant for a grant under subsection (a) shall expend not less than 50 percent of the amount received under the grant for the services described in subparagraphs (B) through (E) of subsection (e)(1) for individuals with HIV/AIDS.

"(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

"(1) IN GENERAL.—With respect to a grant under subsection (a) to an applicant for a fiscal year, the applicant shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (3) and (5) of section 2664(g), use not less than 75 percent to provide core medical services that are needed in the area involved for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

"(2) WAIVER.—

"(A) The Secretary shall waive the application of paragraph (1) with respect to an applicant for a grant if the Secretary determines that, within the service area of the applicant—

"(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

"(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

"(B) NOTIFICATION OF WAIVER STATUS.—When informing an applicant that a grant under subsection (a) is being made for a fiscal year, the Secretary shall inform the applicant whether a waiver under subparagraph (A) is in effect for the fiscal year.

"(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

"(A) Outpatient and ambulatory health services.

"(B) AIDS Drug Assistance Program treatments under section 2616.

"(C) AIDS pharmaceutical assistance.

"(D) Oral health care.

"(E) Early intervention services described in subsection (e).

"(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

"(G) Home health care.

"(H) Medical nutrition therapy.

"(I) Hospice services.

"(J) Home and community-based health services as defined under section 2614(c).

"(K) Mental health services.

"(L) Substance abuse outpatient care.

"(M) Medical case management, including treatment adherence services.

"(d) SUPPORT SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

"(2) DEFINITION OF MEDICAL OUTCOMES.—In this section, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

"(e) SPECIFICATION OF EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—The early intervention services referred to in this section are—

"(A) counseling individuals with respect to HIV/AIDS in accordance with section 2662;

"(B) testing individuals with respect to HIV/AIDS, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from HIV/AIDS;

"(C) referrals described in paragraph (2);

"(D) other clinical and diagnostic services regarding HIV/AIDS, and periodic medical evaluations of individuals with HIV/AIDS; and

"(E) providing the therapeutic measures described in subparagraph (B).

"(2) REFERRALS.—The services referred to in paragraph (1)(C) are referrals of individuals with HIV/AIDS to appropriate providers of health and support services, including, as appropriate—

"(A) to entities receiving amounts under part A or B for the provision of such services;

"(B) to biomedical research facilities of institutions of higher education that offer experimental treatment for such disease, or to community-based organizations or other entities that provide such treatment; or

"(C) to grantees under section 2671, in the case of a pregnant woman.

"(3) REQUIREMENT OF AVAILABILITY OF ALL EARLY INTERVENTION SERVICES THROUGH EACH GRANTEE.—

"(A) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each of the early intervention services specified in paragraph (2) will be available through the grantee. With respect to compliance with such agreement, such a grantee may expend the grant to provide the early intervention services directly, and may expend the grant to enter into agreements with public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, under which the entities provide the services.

"(B) OTHER REQUIREMENTS.—Grantees described in—

"(i) subparagraphs (A), (D), (E), and (F) of section 2652(a)(1) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of paragraph (1) directly and onsite or at sites where other primary care services are rendered; and

"(ii) subparagraphs (B) and (C) of section 2652(a)(1) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in paragraph (1)(C), and for follow-up concerning such referrals.".

(b) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT PROGRAM.—Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff-64(g)) is amended—

(1) in paragraph (3), by amending the paragraph to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for administrative expenses with respect to the grant, including planning and evaluation, except that the costs of a clinical quality management program under paragraph (5) may not be considered administrative expenses for purposes of such limitation;"; and

(2) in paragraph (5), by inserting "clinical" before "quality management".

SEC. 302. ELIGIBLE ENTITIES; PREFERENCES; PLANNING AND DEVELOPMENT GRANTS.

(a) MINIMUM QUALIFICATION OF GRANTEES.—Section 2652(a) of the Public Health Service Act (42 U.S.C. 300ff-52(a)) is amended to read as follows:

"(a) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—The entities referred to in section 2651(a) are public entities and nonprofit private entities that are—

"(A) federally-qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(B) grantees under section 1001 (regarding family planning) other than States;

"(C) comprehensive hemophilia diagnostic and treatment centers;

"(D) rural health clinics;

"(E) health facilities operated by or pursuant to a contract with the Indian Health Service;

"(F) community-based organizations, clinics, hospitals and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use; or

"(G) nonprofit private entities that provide comprehensive primary care services to populations at risk of HIV/AIDS, including faith-based and community-based organizations.

"(2) UNDERSERVED POPULATIONS.—Entities described in paragraph (1) shall serve underserved populations which may include minority populations and Native American populations, ex-offenders, individuals with comorbidities including hepatitis B or C, mental illness, or substance abuse, low-income populations, inner city populations, and rural populations.".

(b) PREFERENCES IN MAKING GRANTS.—Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS"; and

(B) in subparagraph (D), by inserting before the semicolon the following: "and the number of cases of individuals co-infected with HIV/AIDS and hepatitis B or C"; and

(2) in subsection (d)(2), by striking "special consideration" and inserting "preference".

(c) PLANNING AND DEVELOPMENT GRANTS.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "HIV"; and

(B) in subparagraph (B), by striking "HIV" and inserting "HIV/AIDS"; and

(2) in paragraph (3), by striking "or underserved communities" and inserting "areas or to underserved populations".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. .300ff–55) is amended by striking "such sums" and all that follows through "2005"and inserting ", $218,600,000 for fiscal year 2007, $226,700,000 for fiscal year 2008, and $235,100,000 for fiscal year 2009".

SEC. 304. CONFIDENTIALITY AND INFORMED CONSENT.

Section 2661 of the Public Health Service Act (42 U.S.C. 300ff–61) is amended to read as follows:

"SEC. 2661. CONFIDENTIALITY AND INFORMED CONSENT.

"(a) CONFIDENTIALITY.—The Secretary may not make a grant under this part unless, in the case of any entity applying for a grant under section 2661, the entity agrees to ensure that information regarding the receipt of early intervention services pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

"(b) INFORMED CONSENT.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in testing an individual for HIV/AIDS, the applicant will test an individual only after the individual confirms that the decision of the individual with respect to undergoing such testing is voluntarily made.".

SEC. 305. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662 of the Public Health Service Act (42 U.S.C. 300ff–62) is amended to read as follows:

"SEC. 2662. PROVISION OF CERTAIN COUNSELING SERVICES.

"(a) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing conducted for HIV/AIDS indicate that an individual does not have such condition, the applicant will provide the individual information, including—

"(1) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, hepatitis C, and other sexually transmitted diseases;

"(2) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C;

"(3) the significance of the results of such testing, including the potential for developing AIDS, hepotitis B, or hepatitis C;

"(4) the appropriateness of further counseling, testing, and education of the individual

regarding HIV/AIDS and other sexually transmitted diseases;

"(5) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

"(6) information regarding the availability of hepatitis B vaccine and information about hepatitis treatments.

"(b) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing for HIV/AIDS indicate that the individual has such condition, the applicant will provide to the individual appropriate counseling regarding the condition, including—

"(1) information regarding—

"(A) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, and hepatitis C;

"(B) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C; and

"(C) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

"(2) reviewing the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases; and

"(3) providing counseling—

"(A) on the availability, through the applicant, of early intervention services;

"(B) on the availability in the geographic area of appropriate health care, mental health care, and social and support services, including providing referrals for such services, as appropriate;

"(C)(i) that explains the benefits of locating and counseling any individual by whom the infected individual may have been exposed to HIV/AIDS, hepatitis B, or hepatitis C and any individual whom the infected individual may have exposed to HIV/AIDS, hepatitis B, or hepatitis C; and

"(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV/AIDS, hepatitis B, or hepatitis C; and

"(D) on the availability of the services of public health authorities with respect to locating and counseling any individual described in subparagraph (C);

"(4) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

"(5) information regarding the availability of hepatitis B vaccine.

"(c) ADDITIONAL REQUIREMENTS REGARDING APPROPRIATE COUNSELING.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in counseling individuals with respect to HIV/AIDS, the applicant will ensure that the counseling is provided under conditions appropriate to the needs of the individuals.

"(d) COUNSELING OF EMERGENCY RESPONSE EMPLOYEES.—The Secretary may not make a grant under this part to a State unless the State agrees that, in counseling individuals with respect to HIV/AIDS, the State will ensure that, in the case of emergency response employees, the counseling is provided to such employees under conditions appropriate to the needs of the employees regarding the counseling.

"(e) RULE OF CONSTRUCTION REGARDING COUNSELING WITHOUT TESTING.—Agreements made pursuant to this section may not be construed to prohibit any grantee under this part from expending the grant for the purpose of providing counseling services described in this section to an individual who does not undergo testing for HIV/AIDS as a result of the grantee or the individual determining that such testing of the individual is not appropriate.".

SEC. 306. GENERAL PROVISIONS.

(a) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2663 of the Public Health Service Act (42 U.S.C. 300ff–63) is amended by striking "will, without" and all that follows through "be carried" and inserting "with funds appropriated through this Act will be carried".

(b) ADDITIONAL REQUIRED AGREEMENTS.—Section 2664(a) of the Public Health Service Act (42 U.S.C. 300ff–64(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by adding at the end the following:

"(C) information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process described in section 2602) and for States funded under part B (including the planning process described in section 2617(b)); and

"(D) a specification of the expected expenditures and how those expenditures will improve overall client outcomes, as described in the State plan under section 2617(b);";

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(3) the applicant agrees to provide additional documentation to the Secretary regarding the process used to obtain community input into the design and implementation of activities related to such grant; and

"(4) the applicant agrees to submit, every 2 years, to the lead State agency under section 2617(b)(4) audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this title and shall include necessary client level data to complete unmet need calculations and Statewide coordinated statements of need process.".

(c) PAYER OF LAST RESORT.—Section 2664(f)(1)(A) of the Public Health Service Act (42 U.S.C. 300ff–64(f)(1)(A)) is amended by inserting "(except for a program administered by or providing the services of the Indian Health Service)" before the semicolon.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

SEC. 401. WOMEN, INFANTS, CHILDREN, AND YOUTH.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended to read as follows:

"PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

"SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth with HIV/AIDS.

"(b) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—Funds provided under grants awarded under subsection (a) may be used for the following support services:

"(1) Family-centered care including case management.

"(2) Referrals for additional services including—

"(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

"(B) referrals for other social and support services, as appropriate.

"(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

"(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

"(c) COORDINATION WITH OTHER ENTITIES.—A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

"(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act, including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

"(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

"(3) The applicant will every 2 years submit to the lead State agency under section 2617(b)(4) audits regarding funds expended in accordance with this title and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

"(d) ADMINISTRATION; APPLICATION.—A grant may only be awarded to an entity under subsection (a) if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. Such application shall include the following:

"(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 2602) and for States funded under part B (including the planning process outlined in section 2617(b)).

"(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 2617(b)) or through additional outcome measures.

"(e) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

"(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

"(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

"(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

"(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

"(f) ADMINISTRATIVE EXPENSES.—

"(1) LIMITATION.—A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

"(2) CLINICAL QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(g) TRAINING AND TECHNICAL ASSISTANCE.—From the amounts appropriated under subsection (i) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

"(h) DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE EXPENSES.—The term 'administrative expenses' means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

"(2) INDIRECT COSTS.—The term 'indirect costs' means costs included in a Federally negotiated indirect rate.

"(3) SERVICES.—The term 'services' means—

"(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

"(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated, $71,800,000 for each of the fiscal years 2007 through 2009.".

SEC. 402. GAO REPORT.

Not later than 24 months after the date of enactment of this Act, the Comptroller General of the Government Accountability Office shall conduct an evaluation, and submit to Congress a report, concerning the funding provided for under part D of title XXVI of the Public Health Service Act to determine—

(1) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, for individuals with HIV/AIDS;

(2) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, to family members of women, infants, children, and youth infected with HIV/AIDS;

(3) how funds are used to provide family-centered care involving outpatient or ambulatory care authorized under section 2671(a) of such title;

(4) how funds are used to provide additional services authorized under section 2671(b) of such title; and

(5) how funds are used to help identify HIV-positive pregnant women and their children who are exposed to HIV and connect them with care that can improve their health and prevent perinatal transmission.

TITLE V—GENERAL PROVISIONS

SEC. 501. GENERAL PROVISIONS.

Part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–80 et seq.) is amended to read as follows:

"PART E—GENERAL PROVISIONS

"SEC. 2681. COORDINATION.

"(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Centers for Medicare & Medicaid Services coordinate the planning, funding, and implementation of Federal HIV programs (including all minority AIDS initiatives of the Public Health Service, including under section 2693) to enhance the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for assistance under this title.

"(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease.

"(c) INTEGRATION BY STATE.—As a condition of receipt of funds under this title, a State shall provide assurances to the Secretary that health support services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV/AIDS is enhanced.

"(d) INTEGRATION BY LOCAL OR PRIVATE ENTITIES.—As a condition of receipt of funds under this title, a local government or private nonprofit entity shall provide assurances to the Secretary that services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

"SEC. 2682. AUDITS.

"(a) IN GENERAL.—For fiscal year 2009, and each subsequent fiscal year, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.

"(b) POSTING ON THE INTERNET.—All audits that the Secretary receives from the State lead agency under section 2617(b)(4) shall be posted, in their entirety, on the Internet website of the Health Resources and Services Administration.

"SEC. 2683. PUBLIC HEALTH EMERGENCY.

"(a) IN GENERAL.—In an emergency area and during an emergency period, the Secretary shall have the authority to waive such requirements of this title to improve the health and safety of those receiving care under this title and the general public, except that the Secretary may not expend more than 5 percent of the funds allocated under this title for sections 2620 and section 2603(b).

"(b) EMERGENCY AREA AND EMERGENCY PERIOD.—In this section:

"(1) EMERGENCY AREA.—The term 'emergency area' means a geographic area in which there exists—

"(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

"(B) a public health emergency declared by the Secretary pursuant to section 319.

"(2) EMERGENCY PERIOD.—The term 'emergency period' means the period in which there exists—

"(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

"(B) a public health emergency declared by the Secretary pursuant to section 319.

"(c) UNOBLIGATED FUNDS.—If funds under a grant under this section are not expended for an emergency in the fiscal year in which the emergency is declared, such funds shall be returned to the Secretary for reallocation under sections 2603(b) and 2620.

"SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds appropriated under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

"SEC. 2685. PRIVACY PROTECTIONS.

"(a) IN GENERAL.—The Secretary shall ensure that any information submitted to, or collected by, the Secretary under this title excludes any personally identifiable information.

"(b) DEFINITION.—In this section, the term 'personally identifiable information' has the meaning given such term under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"SEC. 2686. GAO REPORT.

"The Comptroller General of the Government Accountability Office shall biennially submit to the appropriate committees of Congress a report that includes a description of Federal, State, and local barriers to HIV program integration, particularly for racial and ethnic minorities, including activities carried out under subpart III of part F, and recommendations for enhancing the continuity of care and the provision of prevention services for individuals with HIV/AIDS or those at risk for such disease. Such report shall include a demonstration of the manner in which funds under this subpart are being expended and to what extent the services provided with such funds increase access to prevention and care services for individuals with HIV/AIDS and build stronger community linkages to address HIV prevention and care for racial and ethnic minority communities.

"SEC. 2687. SEVERITY OF NEED INDEX.

"(a) DEVELOPMENT OF INDEX.—Not later than September 30, 2008, the Secretary shall develop and submit to the appropriate committees of Congress a severity of need index in accordance with subsection (c).

"(b) DEFINITION OF SEVERITY OF NEED INDEX.—In this section, the term 'severity of need index' means the index of the relative needs of individuals within a State or area, as identified by a number of different factors, and is a factor or set of factors that is multiplied by the number of living HIV/AIDS cases in a State or area, providing different weights to those cases based on needs. Such factors or set of factors may be different for different components of the provisions under this title.

"(c) REQUIREMENTS FOR SECRETARIAL SUBMISSION.—When the Secretary submits to the appropriate committees of Congress the severity of *need index under subsection (a), the Secretary shall provide the following:*

"(1) Methodology for and rationale behind developing the severity of need index, including information related to the field testing of the severity of need index.

"(2) An independent contractor analysis of activities carried out under paragraph (1).

"(3) Information regarding the process by which the Secretary received community input regarding the application and development of the severity of need index.

"(d) Annual Reports.—If the Secretary fails to submit the severity of need index under subsection (a) in either of fiscal years 2007 or 2008, the Secretary shall prepare and submit to the appropriate committees of Congress a report for such fiscal year—

"(1) that updates progress toward having client level data;

"(2) that updates the progress toward having a severity of need index, including information related to the methodology and process for obtaining community input; and

"(3) that, as applicable, states whether the Secretary could develop a severity of need index before fiscal year 2009.

"SEC. 2688. DEFINITIONS.

"For purposes of this title:

"(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

"(2) Co-occurring conditions.—The term 'co-occurring conditions' means one or more adverse health conditions in an individual with HIV/AIDS, without regard to whether the individual has AIDS and without regard to whether the conditions arise from HIV.

"(3) Counseling.—The term 'counseling' means such counseling provided by an individual trained to provide such counseling.

"(4) Family-centered care.—The term 'family-centered care' means the system of services described in this title that is targeted specifically to the special needs of infants, children, women and families. Family-centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV/AIDS.

"(5) Families with HIV/AIDS.—The term 'families with HIV/AIDS' means families in which one or more members have HIV/AIDS.

"(6) HIV.—The term 'HIV' means infection with the human immunodeficiency virus.

"(7) HIV/AIDS.—

"(A) In general.—The term 'HIV/AIDS' means HIV, and includes AIDS and any condition arising from AIDS.

"(B) Counting of cases.—The term 'living cases of HIV/AIDS', with respect to the counting of cases in a geographic area during a period of time, means the sum of—

"(i) the number of living non-AIDS cases of HIV in the area; and

"(ii) the number of living cases of AIDS in the area.

"(C) Non-AIDS cases.—The term 'non-AIDS', with respect to a case of HIV, means that the individual involved has HIV but does not have AIDS.

"(8) Human immunodeficiency virus.—The term 'human immunodeficiency virus' means the etiologic agent for AIDS.

"(9) Official poverty line.—The term 'official poverty line' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(10) Person.—The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

"(11) State.—

"(A) In general.—The term 'State' means each of the 50 States, the District of Columbia, and each of the territories.

"(B) Territories.—The term 'territory' means each of American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(12) Youth with HIV.—The term 'youth with HIV' means individuals who are 13 through 24 years old and who have HIV/AIDS.".

TITLE VI—DEMONSTRATION AND TRAINING

SEC. 601. DEMONSTRATION AND TRAINING.

Subpart I of part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended to read as follows:

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) In General.—Of the amount appropriated under each of parts A, B, C, and D for each fiscal year, the Secretary shall use the greater of $20,000,000 or an amount equal to 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer special projects of national significance to—

"(1) quickly respond to emerging needs of individuals receiving assistance under this title; and

"(2) to fund special programs to develop a standard electronic client information data system to improve the ability of grantees under this title to report client-level data to the Secretary.

"(b) Grants.—The Secretary shall award grants under subsection (a) to entities eligible for funding under parts A, B, C, and D based on—

"(1) whether the funding will promote obtaining client level data as it relates to the creation of a severity of need index, including funds to facilitate the purchase and enhance the utilization of qualified health information technology systems;

"(2) demonstrated ability to create and maintain a qualified health information technology system;

"(3) the potential replicability of the proposed activity in other similar localities or nationally;

"(4) the demonstrated reliability of the proposed qualified health information technology system across a variety of providers, geographic regions, and clients; and

"(5) the demonstrated ability to maintain a safe and secure qualified health information system; or

"(6) newly emerging needs of individuals receiving assistance under this title.

"(c) Coordination.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

"(d) Privacy Protection.—The Secretary may not make a grant under this section for the development of a qualified health information technology system unless the applicant provides assurances to the Secretary that the system will, at a minimum, comply with the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(e) Replication.—The Secretary shall make information concerning successful models or programs developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance for grantees funded under this part.".

SEC. 602. AIDS EDUCATION AND TRAINING CENTERS.

(a) Amendments Regarding Schools and Centers.—Section 2692(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and Native Americans" after "minority individuals"; and

(B) by striking "and" at the end;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) train or result in the training of health professionals and allied health professionals to provide treatment for hepatitis B or C co-infected individuals.".

(b) Authorizations of Appropriations for Schools, Centers, and Dental Programs.—Section 2692(c) of the Public Health Service Act (42 U.S.C. 300ff–111(c)) is amended to read as follows:

"(c) Authorization of Appropriations.—

"(1) Schools; centers.—For the purpose of awarding grants under subsection (a), there is authorized to be appropriated $34,700,000 for each of the fiscal years 2007 through 2009.

"(2) Dental schools.—For the purpose of awarding grants under subsection (b), there is authorized to be appropriated $13,000,000 for each of the fiscal years 2007 through 2009.".

SEC. 603. CODIFICATION OF MINORITY AIDS INITIATIVE.

Part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended by adding at the end the following:

"Subpart III—Minority AIDS Initiative

"SEC. 2693. MINORITY AIDS INITIATIVE.

"(a) In General.—For the purpose of carrying out activities under this section to evaluate and address the disproportionate impact of HIV/AIDS on, and the disparities in access, treatment, care, and outcomes for, racial and ethnic minorities (including African Americans, Alaska Natives, Latinos, American Indians, Asian Americans, Native Hawaiians, and Pacific Islanders), there are authorized to be appropriated $131,200,000 for fiscal year 2007, $135,100,000 for fiscal year 2008, and $139,100,000 for fiscal year 2009.

"(b) Certain Activities.—

"(1) In general.—In carrying out the purpose described in subsection (a), the Secretary shall provide for—

"(A) emergency assistance under part A;

"(B) care grants under part B;

"(C) early intervention services under part C;

"(D) services through projects for HIV-related care under part D; and

"(E) activities through education and training centers under section 2692.

"(2) Allocations among activities.—Activities under paragraph (1) shall be carried out by the Secretary in accordance with the following:

"(A) For competitive, supplemental grants to improve HIV-related health outcomes to reduce existing racial and ethnic health disparities, the Secretary shall, of the amount appropriated under subsection (a) for a fiscal year, reserve the following, as applicable:

"(i) For fiscal year 2007, $43,800,000.

"(ii) For fiscal year 2008, $45,400,000.

"(iii) For fiscal year 2009, $47,100,000.

"(B) For competitive grants used for supplemental support education and outreach services to increase the number of eligible racial and ethnic minorities who have access to treatment through the program under section 2616 for therapeutics, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

"(i) For fiscal year 2007, $7,000,000.

"(ii) For fiscal year 2008, $7,300,000.

"(iii) For fiscal year 2009, $7,500,000.

"(C) For planning grants, capacity-building grants, and services grants to health care providers who have a history of providing culturally and linguistically appropriate care and services to racial and ethnic minorities, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

"(i) For fiscal year 2007, $53,400,000.

"(ii) For fiscal year 2008, $55,400,000.

"(iii) For fiscal year 2009, $57,400,000.

"(D) For eliminating racial and ethnic disparities in the delivery of comprehensive, culturally and linguistically appropriate care services for HIV disease for women, infants, children, and youth, the Secretary shall, of the amount appropriated under subsection (a), reserve $18,500,000 for each of the fiscal years 2007 through 2009.

"(E) For increasing the training capacity of centers to expand the number of health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV disease-related treatments and medical care for racial and ethnic minority adults, adolescents, and children with HIV disease, the Secretary shall, of the amount appropriated under subsection (a), reserve $8,500,000 for each of the fiscal years 2007 through 2009.

"(c) CONSISTENCY WITH PRIOR PROGRAM.—With respect to the purpose described in subsection (a), the Secretary shall carry out this section consistent with the activities carried out under this title by the Secretary pursuant to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002 (Public Law 107–116).".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. HEPATITIS; USE OF FUNDS.

Section 2667 of the Public Health Service Act (42 U.S.C. 300ff–67) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.".

SEC. 702. CERTAIN REFERENCES.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is amended—

(1) by striking "acquired immune deficiency syndrome" each place such term appears, other than in section 2687(1) (as added by section 501 of this Act), and inserting "AIDS";

(2) by striking "such syndrome" and inserting "AIDS"; and

(3) by striking "HIV disease" each place such term appears and inserting "HIV/AIDS".

SEC. 703. REPEAL.

Effective on October 1, 2009, title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is repealed.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ENGEL. Mr. Speaker, as home to 17 percent of the Nation's AIDS population, there are few pieces of legislation we will pass this year that are as profoundly important to New York as the Ryan White CARE Act. New York remains the epicenter of the HIV/AIDS crisis, leading the Nation in both the number of persons living with HIV/AIDS and the number of new cases of HIV/AIDS each year.

This vital program which provides lifesaving services for individuals with HIV/AIDS has unfortunately been relegated to a vicious formula fight over the past year pitting States against each other, with a lot of false statements being lodged along the way. I want to be clear that despite what some may say, the HIV/AIDS epidemic has not "shifted," it has expanded. One-half of all people living with AIDS reside in five States: New York, California, Florida, Texas and New Jersey. Three of these States: NY, NJ, and FL, will continue to face losses under this reauthorization. There is no question that other States have mounting epidemics and they are absolutely entitled and deserving of more funding.

An ideal Ryan White bill would have ensured that every State had enough money to meet their full needs. I offered an amendment in committee to increase funding for the bill with Mr. TOWNS, Ms. ESHOO and Mrs. CAPPS. It failed on an essentially party line vote, which is a shame as this will minimize our ability to alleviate the growing unmet need for HIV/AIDS treatment services in our communities nationwide.

However, there is no question that through hard work and real compromise the bill that we will vote on today is dramatically better than the Ryan White bill we voted on September 28. I am proud to have been able to help negotiate changes with my House and Senate colleagues that will contain essential protections for New York and other States. While, NY will still endure losses that I believe are unjust for the State that remains the epicenter of the AIDS Crisis, the most draconian cuts have largely been mitigated and no longer threaten to decimate our State's system of care. For this we can all be proud.

I am also pleased that the troubling Severity of Need Index (SONI) provision, which would have taken State and local resources into account when determining Federal funding has been improved. We have always viewed caring for our HIV/AIDS patients as a partnership between the local, State and Federal governments and strongly believe the Severity of Need Index is a powerful disincentive for States and local areas to take action. In this bill, HRSA will be allowed to work towards developing a SONI but will be prohibited from using it to determine Federal funding in this reauthorization. Another victory for responsible public policy.

Finally, it was an astute decision to intentionally shorten this reauthorization from 5 to 3 years to incentivize the stakeholders and authorizing committees to work swiftly and astutely on crafting a new Ryan White bill that will be more just for all HIV/AIDS patients nationwide.

Is this the bill I wanted? Of course not. I remain concerned that States' differing HIV surveillance systems will prevent funding from truly following the epidemic during the 3 years of the reauthorization. However, I am grateful that this bill strongly limits formula losses to counter potential undeserved funding shifts.

So, in the end, our mutual compromise has resulted in a new bill that we can accept if not embrace. I wish to thank all the people who worked so hard on this bill, including John Ford and William Garner of Mr. DINGELL's staff who strove to accommodate so many varying regional concerns about HIV/AIDS. I am grateful for the tireless efforts of the NY delegation, the New York Department of Health and NYC Mayor's office who worked many long nights and weekends with us to help advocate for the best possible bill we could negotiate. This was certainly a team effort, and I know that the knowledge gained from the countless hours of discussions we have had over the past year will strengthen our ability to craft an even better Ryan White reauthorization in 3 years.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

CHRISTOPHER AND DANA REEVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1554) to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. PALLONE. Mr. Speaker, reserving the right to object, again on this one, I would ask the chairman if the bill we are considering now, as amended, is the one timed 12:24, November 30, 2006, 12:24 p.m.

Again, I am concerned at this hour about what we are actually considering.

Mr. BARTON of Texas. We have to ask the desk. I think the answer is yes. The desk has the copy. The number is on the bottom left-hand corner. It has been cleared.

The SPEAKER pro tempore. It says December 8, 2006.

Mr. PALLONE. So this is something that was changed within the last hour or so again?

Mr. BARTON of Texas. We can withdraw it. I have no problem asking unanimous consent to withdraw this request to verify that what you have is the right version.

Mr. PALLONE. I would appreciate that.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to withdraw the amendment to H.R. 1554.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5280) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

Mr. Speaker, the bill I called up, it came over from the Senate and we do not have a copy of it.

Mr. Speaker, I ask unanimous consent to withdraw my motion on H.R. 5280 until we get everything straightened out.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHRISTOPHER AND DANA REEVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1554) to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christopher Reeve Paralysis Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PARALYSIS RESEARCH

Sec. 101. Expansion and coordination of activities of the National Institutes of Health with respect to research on paralysis.

TITLE II—PARALYSIS REHABILITATION RESEARCH AND CARE

Sec. 201. Expansion and coordination of activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

TITLE III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

Sec. 301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

TITLE IV—ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

Sec. 401. Expansion and coordination of activities of the Veterans Health Administration.
Sec. 402. Definitions.

TITLE I—PARALYSIS RESEARCH

SEC. 101. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) IN GENERAL.—

(1) ENHANCED COORDINATION OF ACTIVITIES.—The Director of the National Institutes of Health (in this section referred to as the "Director") may expand and coordinate the activities of such Institutes with respect to research on paralysis. In order to further expand upon the activities of this section, the Director may consider the methods outlined in the report under section 2(b) of Public Law 108-427 with respect to spinal cord injury and paralysis research (relating to the Roadmap for Medical Research of the National Institutes of Health).

(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute of Neurological Disorders and Stroke (in this section referred to as the "Institute") and in collaboration with any other agencies that the Director determines appropriate.

(b) COORDINATION.—

(1) IN GENERAL.—The Director may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the agencies of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(2) REPORT.—Not later than December 1, 2005, the Director shall prepare a report to Congress that provides a description of the paralysis activities of the Institute and strategies for future activities.

(c) CHRISTOPHER REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may under subsection (a)(1) make awards of grants to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded under grants as a Christopher Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication between members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(d) PUBLIC INPUT.—The Director may under subsection (a)(1) provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.

TITLE II—PARALYSIS REHABILITATION RESEARCH AND CARE

SEC. 201. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—

(1) EXPANSION OF ACTIVITIES.—The Director of the National Institutes of Health (in this section referred to as the "Director") may expand and coordinate the activities of such Institutes with respect to research with implications for enhancing daily function for people with paralysis.

(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute on Child Health and Human Development and the National Center for Medical Rehabilitation Research and in collaboration with the National Institute on Neurological Disorders and Stroke, the Centers for Disease Control and Prevention, and any other agencies that the Director determines appropriate.

(b) PARALYSIS CLINICAL TRIALS NETWORKS.—

(1) IN GENERAL.—The Director may make awards of grants to public or nonprofit private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(2) RESEARCH.—Each multicenter clinical trial network may—

(A) focus on areas of key scientific concern, including—

(i) improving functional mobility;

(ii) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(iii) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(iv) developing improved assistive technology to improve function and independence; and

(v) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(B) replicate the findings of network members for scientific and translation purposes.

(3) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks and ensure regular communication between members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

(c) REPORT.—Not later than December 1, 2005, the Director shall submit to the Congress a report that provides a description of research activities with implications for enhancing daily function for persons with paralysis.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.

TITLE III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

SEC. 301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this title referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Comprehensive Paralysis and Other Physical Disability Quality of Life Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, establish a hospital-based paralysis registry and conduct relevant population-based research; and

(4) the development of comprehensive, unique and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) physical activity;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing paralysis registries for the support of relevant population-based research;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing state-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To nonprofit private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with state-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service.

(e) REPORT TO CONGRESS.—Not later than December 1, 2005, the Secretary shall submit to the Congress a report describing the results of the evaluation under subsection (a), and as applicable, the strategies developed under such subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009.

TITLE IV—ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 401. EXPANSION AND COORDINATION OF ACTIVITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—

(1) ENHANCED COORDINATION OF ACTIVITIES.—The Secretary of Veterans Affairs may expand and coordinate activities of the Veterans Health Administration of the Department of Veterans Affairs with respect to research on paralysis.

(2) ADMINISTRATION OF PROGRAM.—The Secretary shall carry out this section through the Chief Research and Development Officer of the Administration and in collaboration with the National Institutes of Health and other agencies the Secretary determines appropriate.

(b) ESTABLISHMENT OF PARALYSIS RESEARCH, EDUCATION, AND CLINICAL CARE.—

(1) IN GENERAL.—The Secretary may establish within the Department of Veterans Affairs centers to be known as Paralysis Research, Education and Clinical Care Centers. Such centers shall be established through the award of grants to Administration medical centers that are affiliated with medical schools or other organizations the Secretary considers appropriate. Such grants may be used to pay all or part of the costs of planning, establishing, improving, and providing basic operating support for such centers.

(2) RESEARCH.—Each center under paragraph (1)—

(A) may focus on basic biomedical research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(B) may focus on clinical science research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(C) may focus on rehabilitation research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(D) may focus on health services research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma to improve health outcomes, increase the cost-effectiveness of service, and implement best practices in the treatment of such types of paralysis; and

(E) may facilitate and enhance the dissemination of scientific findings and evidence-based practices.

(3) COORDINATION OF CENTERS INTO CONSORTIA.—The Secretary may, as appropriate, provide for the linkage and coordination of information among centers under paragraph (1) in order to create national consortia of centers and to ensure regular communications between members of the centers. Each consortium—

(A) may expand the capacity of its Administration medical centers to conduct basic, clinical, rehabilitation, and health-sciences research with respect to paralysis by increasing the available research resources;

(B) may identify gaps in research, clinical service, or implementation strategies;

(C) may operate as a multidisciplinary research and clinical care team to determine best practices, to develop standards of care, and to establish guidelines for implementation throughout the Department of Veterans Affairs; and

(D) may use the facilities of a single lead institution, or facilities formed from several cooperating institutions, that meet such requirements as prescribed by the Secretary and—

(i) may provide core funding that will enhance ongoing research by bringing together paralysis health care and research communities in a manner that will enrich the effectiveness of clinical care, present research and future directions; and

(ii) may include administrative, research, clinical, educational and implementation cores, other cores may be proposed.

(4) COORDINATION OF INFORMATION; REPORTS.—The Secretary may, as appropriate, provide for the coordination of information among centers and consortia under this section and ensure regular communication with respect to the activities of the centers and consortia, and may require the periodic preparation of reports on the activities of the centers and consortia, and require the submission of such reports.

(c) ESTABLISHMENT OF QUALITY ENHANCEMENT RESEARCH INITIATIVES FOR PARALYSIS.—

(1) IN GENERAL.—The Secretary may make grants to Administration medical centers for the purpose of carrying out projects to translate clinical findings and recommendations with respect to paralysis into evidence-based best practices for use by the Administration. Such projects shall be designated by the Secretary as Quality Enhancement Research Initiative projects (referred to in this subsection as "QUERI projects").

(2) REQUIREMENT.—A grant may be made under paragraph (1) to an Administration medical center only if the center is affiliated with a school of medicine or with another entity determined by the Secretary to be appropriate.

(3) CERTAIN USES OF GRANT.—The activities for which a grant under paragraph (1) may be expended by a QUERI project include the following:

(A) To pay all or part of the costs of planning, establishing, improving and providing basic operating support for the project.

(B) To work toward implementing best practices identified under paragraph (1) throughout the Administration through efforts to facilitate comprehensive organizational change, and to evaluate and refine such implementation efforts through the collection, analysis, and reporting of data on critical patient outcomes and system performance.

(C) To identify high-risk or high-volume primary or secondary consequences of paralysis that results from neurologic dysfunction, neurodegeneration, or trauma.

(D) To systematically examine quality of care for persons with paralysis from neurologic dysfunction, neurodegeneration, or trauma.

(E) To define existing practice patterns and outcomes for persons with paralysis throughout the Administration and current variation from best practices both within and outside of the Department of Veterans Affairs.

(F) To enhance ongoing research by bringing together paralysis clinical care and health service research communities to identify the health care needs of the paralysis community, examine standard practices, determine best practices and to implement best practices for persons with paralysis and their families.

(G) To formulate health service research protocols aimed at determining paralysis-care related best practices, closing the gap between current practices in paralysis care in the Department of Veterans Affairs, assessing the best practices within and outside of the Department of Veterans Affairs, and developing strategies for the implementation of best practices.

(H) To implement information, tools, products and other interventions determined to be in the best interest of persons with paralysis (including performance criteria for clinicians and psychosocial interventions for veterans and their families).

(I) To disseminate findings in scientific peer-reviewed journals and other venues deemed appropriate, such as veteran service organization publications.

(4) ORGANIZATION OF PROJECT.—Each QUERI project may use the facilities of a single lead Administration medical center, or be formed from cooperating such centers that meet such requirements as may be prescribed by the Secretary.

(5) MAINTENANCE OF EFFORT.—A grant may be made under paragraph (1) only if, with respect to activities for which the award is authorized to be expended, the applicant for the award agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the applicant for the fiscal year preceding the first fiscal year for which the applicant receives such an award.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for fiscal years 2006 through 2009. Amounts appropriated under this section are in addition to any other amounts appropriated for such purpose.

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) The term "Administration" means the Veterans Health Administration of the Department of Veterans Affairs.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act".

SEC. 2. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality-of-life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Comprehensive Paralysis and Other Physical Disability Quality of Life Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality-of-life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a hospital-based registry, and the conduct of relevant population-based research, on motor disability (including paralysis); and

(4) the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality-of-life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) physical activity;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordination of services and removal of barriers that prevent full participation and integration into the community; and

(G) recognition of the unique needs of underserved populations.

(c) GRANTS.—In carrying out subsection (a), the Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing paralysis registries for the support of relevant population-based research;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To nonprofit private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other activities of the Public Health Service.

(e) REPORT TO CONGRESS.—Not later than December 1, 2007, the Secretary shall submit to the Congress a report describing the results of the study under subsection (a) and, as applicable, the national plan developed under subsection (b)(1).

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2007 through 2010.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) as science and research have advanced, so too has the need to increase strategic planning across the National Institutes of Health to identify research that is important to the advancement of biomedical science; and

(2) research involving collaboration among the national research institutes and national centers of the National Institutes of Health is crucial for advancing research on paralysis and thereby improving rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

Mr. PALLONE. Mr. Speaker, reserving an objection at this time, again I was going to ask the chairman, the version I have now is December 8 at 5:25 p.m. Does that include the amendment that the gentleman now proposed? Or is this something new?

Mr. BARTON of Texas. Yes.

Mr. PALLONE. So the amendment that you proposed would be the version that I have now for December 8 at 5:25 p.m.?

Mr. BARTON of Texas. Yes.

Mr. PALLONE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 1554, the Christopher Reeve Paralysis Act, legislation that will enhance paralysis research and improve the lives of people suffering from mobility impairments caused by disease or accident.

I first introduced the Christopher Reeve Paralysis Act in 2003 after meeting with the extraordinary man for whom this bill is named. Christopher Reeve told me how dramatically the accident that left him paralyzed changed his life and forced him to completely depend on others for his everyday needs.

What impressed me so much about Christopher was not only his strength and courage in dealing with what only people similarly situated can understand, but his resolve and determination to one day walk again and help others who shared his condition. And though Chris never walked again before his death, he and his wife Dana, who also has since so tragically passed away, pushed to the national forefront the issue of the need for better research into paralysis and greater emphasis on rehabilitation. This bill is part of their legacy.

The substitute amendment offered to the bill this evening represents a significant step forward in our efforts to find a cure for paralysis and mobility impairment. The amendment authorizes grants through the Department of Health and Human Services to expand research on paralysis, better coordinate that research, and intensify efforts to translate clinical research into progress on rehabilitation and improving the quality-of-life of people with paralysis and mobility impairment.

The bill will encourage the development of unique programs through the Centers for Disease Control and Prevention to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. CDC grants could be used to help states develop coordinated services to assist people with paralysis or for non-profit organizations to improve access to important services and better integrate people with paralysis into society.

It is my hope that efforts in these areas ultimately will help translate clinical research into evidence-based best practices for treating paralysis and improving quality-of-life for mobility-impaired individuals.

Finally, the amendment renames the bill the Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act, to appropriately recognize the tireless efforts of both Chris and Dana Reeve, both of whom were taken from this Earth much too soon.

There is no question that this bill is desperately needed. Though Christopher Reeve was certainly one of the most vocal and visible advocates for people affected by paralysis, he fought for many more who shared his condition. And while there are tremendous economic costs associated with disability caused by paralysis, we cannot begin to measure the impact that this condition has on those living with paralysis and on those who love and care for them.

Before I conclude, I want to thank Energy and Commerce Committee Chairman JOE BARTON and Health Subcommittee Chairman NATHAN DEAL, both for their willingness to move forward on this bill and for their leadership on issues important to so many of us. I am proud to have worked with you both for so many years and wish you well as you continue your service in Congress.

I also want to thank full Committee Ranking Member JOHN DINGELL, Subcommittee Ranking Member SHERROD BROWN, and the majority and minority committee staffs for their work on this measure, especially Randy Pate of the majority staff and Cheryl Jaeger of Majority Whip BLUNT's staff. I also would be remiss if I did not thank several former staffers of mine, Steve Tilton, Jeremy Allen, and Jeanne Haggerty, for their previous work on this bill. The work of all of these dedicated people has led us to where we are today.

Mr. Speaker, we clearly need to better focus and enhance our national effort to cure paralysis and improve the lives of people who suffer from mobility impairment. The passage and enactment of the Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act will be another critical step toward helping millions of Americans walk again, and carrying on the fight that Christopher and Dana Reeve fought so valiantly. I urge all of our colleagues to support it.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6164, H.R. 5280, H.R. 5472, H.R. 1245, S. 3718, S. 1608, S. 3678, S. 707, H.R. 6143, H.R. 1554, S. 3546. S. 2563, S. 4092 and H. Res. 335, and to insert extraneous material on the bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FALLEN FIREFIGHTERS ASSISTANCE TAX CLARIFICATION ACT OF 2006

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 6429) to treat payments by charitable organizations with respect to certain firefighters as exempt payments, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Firefighters Assistance Tax Clarification Act of 2006".

SEC. 2. PAYMENTS BY CHARITABLE ORGANIZATIONS WITH RESPECT TO CERTAIN FIREFIGHTERS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, payments made on behalf of any firefighter who died as the result of the October 2006 Esperanza Incident fire in southern California to any family member of such firefighter by an organization described in paragraph (1) or (2) of section 509(a) of such Code shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied.

(b) APPLICATION.—Subsection (a) shall apply only to payments made on or after October 26, 2006, and before June 1, 2007.

Mr. LEWIS of California. Mr. Speaker, the communities in our Southern California mountains, and the community of Federal firefighters, suffered a terrible tragedy a little more than a month ago when five Federal firefighters were killed protecting our homes and families. Our constituents have promised to provide for the survivors of Engine Captain Mark Loutzenhiser, Fire Engine Operator Jess McLean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, and Firefighter Pablo Cerda. With the help of the Riverside County Board of Supervisors and a local United Way chapter, nearly $1 million has been raised. But we need to ensure that our tax regulations do not block the distribution of this money to the deserving families. My colleague and friend Representative MARY BONO has introduced a very simple bill, which would give permission to the United Way to organize the fund's dispersal. It is a narrow bill that creates a one-time income tax exemption for those firefighter families receiving money from the fund. It also allows donations to the fund to be deductible. Mr. Speaker, it is my hope that the members of this body will help us help these families, who have suffered a terrible loss in the name of public service and protecting our communities from wildfires.

Mrs. BONO. Mr. Speaker, after five United States Forest Service fire fighters were killed in the line of duty battling the Esperanza fire to protect life and property, a fund was set up to help care for the families of these brave men.

Thousands of citizens from across the country donated to this worthy cause. The response was so overwhelming that soon, the County of Riverside found itself with approximately $1 million to distribute to their survivors. The County turned to the Central County United Way in Hemet, CA to help manage these donations.

Local officials were surprised to learn soon thereafter that tax-exempt charitable organizations are not allowed to raise money for a group as small and specific as the families of these five American heros.

My colleagues, Chairman JERRY LEWIS and Congressman KEN CALVERT, and I, along with Senators BARBARA BOXER and DIANNE FEINSTEIN, are trying to remedy this situation.

The pain these families have suffered through should not be worsened due to their inability to receive funds that Americans so generously donated. Nor should the United Way jeopardize its tax exempt status to help distribute these donations.

Sometimes, our rules and regulations just don't make sense and they prevent charity and kind heartedness from being furthered. While no amount of money will ease the suffering of the families of these fallen firefighters, Congress can take an important step to help get them the donations they deserve.

I want to thank Chairman BILL THOMAS, Majority Leader JOHN BOEHNER and Ranking Member CHARLES RANGEL for helping to make this bill possible. Your kindness and thoughtfulness will not be forgotten.

I urge the passage of this critical piece of legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOCIAL SECURITY TRUST FUNDS RESTORATION ACT OF 2006

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the Senate bill (S. 4091) to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for others purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. KUCINICH. Reserving the right to object, the title said "for other purposes." Would you elaborate?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. THOMAS. That is boilerplate language that is used. This is something that we do virtually every year because there are always accounting errors, and this allows for the correcting of the accounting errors.

Mr. KUCINICH. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Trust Funds Restoration Act of 2006".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) CLERICAL ERROR.—The term "clerical error" means the bookkeeping errors at the Social Security Administration that resulted in the overpayment of amounts transferred from the Trust Funds to the general fund of the Treasury during the period commencing with 1999 and ending with 2005 as transfers, under the voluntary withholding program authorized by section 3402(p) of the Internal Revenue Code of 1986, of anticipated taxes on benefit payments under title II of the Social Security Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(3) TRUST FUNDS.—The term "Trust Funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 3. RESTORATION OF TRUST FUNDS.

(a) APPROPRIATION.—There is hereby appropriated to each of the Trust Funds, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the difference between—

(1) the sum of—

(A) the amounts that the Secretary determines, in consultation with the Commissioner of Social Security, were overpaid from such Trust Fund to the general fund of the Treasury by reason of the clerical error, and

(B) the amount that the Secretary determines, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the interest income that would have been payable to such Trust Fund pursuant to section 201(d) of the Social Security Act on obligations issued under chapter 31 of title 31, United States Code, that was not paid by reason of the clerical error, and

(2) the sum of—

(A) the amounts that are refunded to such Trust Fund as overpayments by reason of the clerical error to the extent not limited by periods of limitation under applicable provisions of the Internal Revenue Code of 1986, and

(B) the interest that is paid to such Trust Fund on the overpayments resulting from the clerical error to the extent allowed under applicable provisions of such Code.

(b) INVESTMENT.—The Secretary shall invest the amounts appropriated (a) to each of the Trust Funds under subsection (a) in accordance with the currently applicable investment policy for such Trust Fund.

SEC. 4. TIMING.

(a) ACTIONS BY THE SECRETARY.—The Secretary shall take such actions as are necessary to accomplish the restoration described in section 3 not later than 120 days after the date of the enactment of this Act.

(b) ACTION BY THE COMMISSIONER.—The Commissioner of Social Security shall cooperate with the Secretary to the extent necessary to enable the Secretary to meet the requirements of subsection (a).

SEC. 5. CONGRESSIONAL NOTIFICATION.

Not later than 30 days after the Secretary takes the last action necessary to accomplish the restoration described in section 3, the Secretary shall notify each House of the Congress in writing of the actions so taken.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 3885) to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

"(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Coinage Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

"(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CASTLE:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(r) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

"(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

"(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Coinage Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

"(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. CASTLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 3885, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act. I want to thank both Chairman OXLEY and Chairman PRYCE for the Financial Services Committee's support for this legislation, and Leader BOEHNER and incoming chairman BARNEY FRANK for their help in getting the bill to the floor as the 109th Congress winds down.

The legislation before us would create a 1-year program following the end of the popular 50 State Quarter program that would create circulating quarters that bear images honoring the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Mr. Speaker, the 50 State Quarter program has proved to be a great success—it has reinvigorated interest in coin collecting, has proven an invaluable educational tool, and has contributed close to $6 billion dollars to the U.S. Treasury, so far, through seigniorage and the sale of products for collectors. These savings will reduce interest on the debt, something we should all support. The state quarters have been the most popular coin program in the United State's Mint history, with an estimated 140 million Americans collecting the coins. Next year, in a program modeled after the state quarters, the Mint will begin issuing dollar coins bearing the images of the Presidents, changing the design four times a year.

Mr. Speaker, DC and the territories weren't included in the state quarter program, but they deserve their own quarters and Americans deserve to be able to get those quarters and learn about their history. This legislation is a good bipartisan bill supported by other members of the Financial Services Committee and passed in the House in every Congress since we approved the state quarter legislation. I am pleased today that we have brought this much-needed bill to the floor. I urge my colleagues on both sides of the aisle to join me in supporting this important legislation, and I hope our colleagues in the other body now will approve it as well. The Mint needs adequate time to plan the designs for these coins, and sending this bill to the President 2 years from now is too late.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

COMMEMORATING ONE-YEAR ANNIVERSARY OF NOVEMBER 9, 2005, TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. PENCE. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 1095) commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 1095

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the House of Representatives—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and its government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5304, de novo;

S. 3718, de novo;

S. 3546, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

☐ 0230

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5304, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5304, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

POOL AND SPA SAFETY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3718.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3718.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. WESTMORELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 191, nays 108, not voting 134, as follows:

[Roll No. 542]

YEAS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Boehner
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Butterfield
Cannon
Capito

Capps
Capuano
Cardin
Carnahan
Castle
Chabot
Chandler
Cleaver
Clyburn
Cooper
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeLauro
Dent
Diaz-Balart, M.
Doggett
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Ferguson
Fitzpatrick (PA)
Fortenberry
Fossella
Frank (MA)
Gilchrest
Gingrey
Gonzalez
Green, Al
Green, Gene
Hinchey
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind

King (NY)
Kirk
Kline
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Murphy
Nadler
Napolitano
Northup
Oberstar
Obey
Olver
Pallone
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert

Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—108

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chocola
Cole (OK)
Conaway
Doolittle
Drake
Dreier
Duncan
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert

Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Jones (OH)
Kelly
King (IA)
Kingston
Knollenberg
Kuhl (NY)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant

McCotter
McHenry
McHugh
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Osborne
Pearce
Pence
Poe
Pombo
Price (GA)
Putnam
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sekula Gibbs
Sessions
Shadegg
Sherwood
Sodrel
Souder
Sullivan
Terry
Thornberry
Tiahrt
Turner
Walden (OR)
Westmoreland
Wilson (SC)

NOT VOTING—134

Baker
Bass
Beauprez
Berry
Bilirakis
Blumenauer
Bonilla
Boucher
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Carson
Case
Clay
Coble
Conyers
Costa
Costello
Cramer
Cubin
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
Diaz-Balart, L.
Dicks
Dingell
Doyle
Emerson
English (PA)
Evans
Everett
Fattah
Feeney
Filner
Ford
Frelinghuysen
Gallegly
Gerlach
Gibbons

Gillmor
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herger
Herseth
Higgins
Hinojosa
Holden
Hooley
Hyde
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Lantos
Larson (CT)
Leach
Lewis (CA)
Linder
Markey
Marshall
McCrery
McKinney
McMorris Rodgers
Meehan
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Neal (MA)
Norwood
Nunes
Nussle
Ortiz

Otter
Owens
Oxley
Pascrell
Pastor
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Rush
Ryan (OH)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shuster
Simpson
Slaughter
Smith (TX)
Solis
Stark
Stearns
Strickland
Sweeney
Tancredo
Taylor (NC)
Velázquez
Wamp
Waters
Watson
Waxman
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

☐ 0253

Messrs. LEWIS of Kentucky, AKIN, ISSA, ROGERS of Alabama, CAMP, MARCHANT and BRADLEY of New Hampshire changed their vote from "yea" to "nay."

Messrs. CANNON, CAPUANO and KANJORSKI changed their vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

DIETARY SUPPLEMENT AND NON-PRESCRIPTION DRUG CONSUMER PROTECTION ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the Senate bill, S. 3546.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3546, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 98, not voting 132, as follows:

[Roll No. 543]

YEAS—203

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boren
Boswell
Boyd
Brady (PA)
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Castle
Chabot
Chandler
Cleaver
Clyburn
Cooper
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
DeLauro
Diaz-Balart, M.
Doggett
Doolittle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Ferguson
Fortenberry
Fossella
Frank (MA)
Gilchrest
Gonzalez
Granger
Green (WI)

Green, Al
Green, Gene
Harris
Hastert
Hastings (WA)
Herseth
Hinchey
Hobson
Holt
Honda
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Murphy
Nadler
Napolitano
Northup
Oberstar
Obey
Olver

Osborne
Pallone
Payne
Pelosi
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Wolf
Woolsey
Wu
Wynn

NAYS—98

Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carter
Chocola

Cole (OK)
Conaway
DeFazio
Dent
Drake
Duncan
Fitzpatrick (PA)
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hall
Hart
Hayes

Hayworth
Hensarling
Hoekstra
Hostettler
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaTourette
Lewis (KY)
Lofgren, Zoe
Lucas
Manzullo
Marchant

McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (MN)
Platts
Poe
Price (GA)
Putnam
Rehberg
Renzi
Rogers (AL)
Royce
Ryan (WI)
Sekula Gibbs
Sessions
Shadegg
Sherwood
Sodrel
Souder
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Wexler
Wilson (NM)
Wilson (SC)

NOT VOTING—132

Baker
Bass
Beauprez
Berry
Bilirakis
Blumenauer
Bonilla
Boucher
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Case
Clay
Coble
Conyers
Costa
Costello
Cramer
Cubin
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
Diaz-Balart, L.
Dicks
Dingell
Doyle
Emerson
English (PA)
Evans
Farr
Fattah
Feeney
Filner
Ford
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herger
Higgins
Hinojosa
Holden
Hooley
Hyde
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Lantos
Larson (CT)
Leach
Lewis (CA)
Linder
Markey
Marshall
Matsui
McCrery
McKinney
Meehan
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Neal (MA)
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Ryan (OH)
Ryun (KS)
Sánchez, Loretta
Sanders
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shuster
Simpson
Slaughter
Smith (TX)
Solis
Stark
Stearns
Strickland
Sweeney
Tancredo
Taylor (NC)
Thompson (CA)
Velázquez
Wamp
Waters
Watson
Waxman
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

□ 0306

Mr. FRANK of Massachusetts and Mr. EVERETT changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Premature birth is a serious and growing problem. The rate of preterm birth increased 27 percent between 1982 and 2002 (from 9.4 percent to 11.9 percent). In 2001, more than 480,000 babies were born prematurely in the United States.

(2) Preterm birth accounts for 24 percent of deaths in the first month of life.

(3) Premature infants are 14 times more likely to die in the first year of life.

(4) Premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

(5) Preterm and low birthweight birth is a significant financial burden in health care. The estimated charges for hospital stays for infants with any diagnosis of prematurity/low birthweight were $15,500,000,000 in 2002. The average lifetime medical costs of a premature baby are conservatively estimated at $500,000.

(6) The proportion of preterm infants born to African-American mothers (17.3 percent) was significantly higher compared to the rate of infants born to white mothers (10.6 percent). Prematurity or low birthweight is the leading cause of death for African-American infants.

(7) The cause of approximately half of all premature births is unknown.

(8) Women who smoke during pregnancy are twice as likely as nonsmokers to give birth to a low birthweight baby. Babies born to smokers weigh, on average, 200 grams less than nonsmokers' babies.

(9) To reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, the development of treatments for prevention of preterm birth, and treatments improving outcomes for infants born preterm.

(b) Purposes.—It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) General Expansion of NIH Research.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409J. EXPANSION AND COORDINATION OF RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND INFANT MORTALITY.

"(a) In General.—The Director of NIH shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on the causes of preterm labor and delivery, infant mortality, and improving the care and treatment of preterm and low birthweight infants.

"(b) Authorization of Research Networks.—There shall be established within the National Institutes of Health a Maternal-Fetal Medicine Units Network and a Neonatal Research Units Network. In complying with this subsection, the Director of NIH shall utilize existing networks.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

(b) General Expansion of CDC Research.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.".

(c) Study on Assisted Reproduction Technologies.—Section 1004(c) of the Children's Health Act of 2000 (Public Law 106-310) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) consider the impact of assisted reproduction technologies on the mother's and children's health and development.".

(d) Study on Relationship Between Prematurity and Birth Defects.—

(1) In General.—The Director of the Centers for Disease Control and Prevention shall conduct a study on the relationship between prematurity, birth defects, and developmental disabilities.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) Review of Pregnancy Risk Assessment Monitoring Survey.—The Director of the Centers for Disease Control and Prevention shall conduct a review of the Pregnancy Risk Assessment Monitoring Survey to ensure that the Survey includes information relative to medical care and intervention received, in order to track pregnancy outcomes and reduce instances of preterm birth.

(f) Study on the Health and Economic Consequences of Preterm Birth.—

(1) In General.—The Director of the National Institutes of Health in conjunction with the Director of the Centers for Disease Control and Prevention shall enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study to define and address the health and economic consequences of preterm birth. In conducting the study, the Institute of Medicine shall—

(A) review and assess the epidemiology of premature birth and low birthweight, and the associated maternal and child health effects in the United States, with attention paid to categories of gestational age, plurality, maternal age, and racial or ethnic disparities;

(B) review and describe the spectrum of short and long-term disability and health-related quality of life associated with premature births and the impact on maternal health, health care and quality of life, family employment, caregiver issues, and other social and financial burdens;

(C) assess the direct and indirect costs associated with premature birth, including morbidity, disability, and mortality;

(D) identify gaps and provide recommendations for feasible systems of monitoring and assessing associated economic and quality of life burdens associated with prematurity;

(E) explore the implications of the burden of premature births for national health policy;

(F) identify community outreach models that are effective in decreasing prematurity rates in communities;

(G) consider options for addressing, as appropriate, the allocation of public funds to biomedical and behavioral research, the costs and benefits of preventive interventions, public health, and access to health care; and

(H) provide recommendations on best practices and interventions to prevent premature birth, as well as the most promising areas of research to further prevention efforts.

(2) Report.—Not later than 1 year after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the appropriate committees of Congress a report concerning the results of the study conducted under such paragraph.

(g) Evaluation of National Core Performance Measures.—

(1) In general.—The Administrator of the Health Resources and Services Administration shall conduct an assessment of the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known risk factors of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

"(a) In General.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, shall conduct a demonstration project to improve the provision of information on prematurity to health professionals and other health care providers and the public.

"(b) Activities.—Activities to be carried out under the demonstration project under subsection (a) shall include the establishment of programs—

"(1) to provide information and education to health professionals, other health care providers, and the public concerning—

"(A) the signs of preterm labor, updated as new research results become available;

"(B) the screening for and the treating of infections;

"(C) counseling on optimal weight and good nutrition, including folic acid;

"(D) smoking cessation education and counseling; and

"(E) stress management; and

"(2) to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight.

"(c) Requirement.—Any program or activity funded under this section shall be evidence-based.

"(d) NICU Family Support Programs.—The Secretary shall conduct, through the awarding of grants to public and nonprofit private entities, projects to respond to the emotional and informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death. Activities under such projects may include providing books and videos to families that provide information about the neonatal intensive care unit experience, and providing direct services that provide emotional support within the neonatal intensive care unit setting.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) Purpose.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) Establishment.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) Composition.—The Council shall be composed of members to be appointed by the Secretary, including representatives of—

(1) the agencies of the Department of Health and Human Services; and

(2) voluntary health care organizations, including grassroots advocacy organizations, providers of specialty obstetrical and pediatric care, and researcher organizations.

(d) Activities.—The Council shall—

(1) annually report to the Secretary of Health and Human Services on current Departmental activities relating to prematurity and low birthweight;

(2) plan and hold a conference on prematurity and low birthweight under the sponsorship of the Surgeon General;

(3) establish a consensus research plan for the Department of Health and Human Services on prematurity and low birthweight;

(4) report to the Secretary of Health and Human Services and the appropriate committees of Congress on recommendations derived from the conference held under paragraph (2) and on the status of Departmental research activities concerning prematurity and low birthweight;

(5) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(6) oversee the coordination of the implementation of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of fiscal years 2005 through 2009.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. ESHOO. Mr. Speaker, as the Democratic sponsor of this bill, I am proud to rise today in strong support of this legislation.

Since 1981, the CDC estimates that the number of infants born too soon has increased by over 30 percent. More than 500,000 infants are born prematurely each year. Tragically, premature infants are 14 times more likely to die in their first year of life and premature babies who survive may suffer lifelong consequences including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman and in nearly half of the cases, no one knows why.

This legislation will help identify the causes of prematurity and reduce the episodes of preterm labor and delivery. It also aims to reduce the risk of pregnancy-related deaths and complications due to pregnancy, and reduce infant mortality caused by prematurity. But the overarching goal of this legislation is to bring hope to the 1,305 babies born too soon each day, and extend hope to their families. This legislation gives us a chance to make a difference.

The PREEMIE Act requires HHS and the CDC to expand and coordinate their research activities on preterm labor and delivery and infant mortality, and to conduct research on the relationship between prematurity, birth defects, and developmental disabilities. In order to increase awareness of preterm birth as a serious, common and costly public health problem, the bill also requires the Surgeon General to conduct an expert conference on prematurity and report to Congress its recommendations for how the public and private sectors can identify the causes of and risk factors for preterm labor and delivery, and improve treatments.

This bill has the strong endorsement of the March of Dimes, which has worked closely with us to craft this legislation. I salute and thank them for their advocacy.

This legislation has broad bipartisan support in the House of Representatives and the Senate. I thank the bill's many cosponsors for their support and I especially want to pay tribute to the sponsor of this legislation, Congressman Fred Upton, for his leadership on this issue. We introduced this bill together in previous Congresses and I'm proud to have worked with him to make this bill a reality.

I also want to thank the bill's champions in the Senate, Senators Lamar Alexander and Chris Dodd. It has been a rewarding experience for me to work in a bipartisan, bicameral fashion to enact this legislation, and I think our collective efforts have made this bill stronger because of it.

I want to thank Chairman BARTON for acknowledging the importance of acting on this legislation before the end of the year and bringing it to the floor today. I also want to thank the staff members who have put so much time and energy into this legislation: Page Kranbuhl with Senator ALEXANDER, Tamar Magarik with Senator DODD, Jane Williams with Representative UPTON, Randy Pate with Chairman BARTON, and Jennifer Nieto of my staff.

Mr. Speaker, this is an important bill which will help make a difference in the lives of families across America and around the world and I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. PURPOSE.

It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.".

(b) STUDIES ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1) $3,000,000 for each of fiscal years 2007 through 2011.

(d) EVALUATION OF EXISTING TOOLS AND MEASURES.—The Secretary of Health and Human Services shall review existing tools and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, except for subsection (c), $5,000,000 for each of fiscal years 2007 through 2011.

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

"(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

"(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

"(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

"(A) the signs of preterm labor, updated as new research results become available;

"(B) the screening for and the treating of infections;

"(C) counseling on optimal weight and good nutrition, including folic acid;

"(D) smoking cessation education and counseling;

"(E) stress management; and

"(F) appropriate prenatal care;

"(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

"(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

"(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.".

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this Act.

SEC. 6. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) CONVENING OF CONFERENCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) PURPOSE OF CONFERENCE.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) REPORT.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

SEC. 7. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PALLONE. Reserving the right to object, I would just like to ask the chairman if the bill as amended now is the version that we have dated December 8 at 11:35 p.m.?

Mr. BARTON of Texas. That is exactly the bill that is at the desk. I have a copy here and I have read it and I can assure the Members that it is okay on both sides of the aisle.

Mr. PALLONE. Thank you, Mr. Chairman. We have no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REAUTHORIZING SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, on behalf of the 4,400 rural schools who will lose funding and the counties and the forests of America, I ask unanimous consent that the Committees on Ways and Means, Agriculture and Resources be discharged from further consideration of the bill (H.R. 6423) to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 and to offset the cost of payments to States and counties under such Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to consideration of the bill?

Mr. HULSHOF. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 1108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1108

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO COMMITTEE TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER. Pursuant to House Resolution 1108, the Chair appoints the following Members of the House to the committee to notify the President:

The gentleman from Ohio (Mr. BOEHNER).

The gentlewoman from California (Ms. PELOSI).

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 109th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, DECEMBER 13, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day pursuant to this order, it adjourn to meet on the third Constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 503, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 13, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 13, 2006.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF HON. JOHN BOEHNER, HON. FRANK R. WOLF, AND HON. TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 109TH CONGRESS

The SPEAKER laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2006.

I hereby appoint the Honorable JOHN BOEHNER, the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Ninth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

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REAPPOINTMENT AND APPOINTMENT AS MEMBERS TO THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER. Pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Chair reappoints the following member on the part of the House Coordinating Council on Juvenile Justice and Delinquency Prevention:

Ms. Adele I. Grubbs, Georgia, to a 1-year term; and, in addition, the appointment of Ms. Pamela F. Rodriquez, Illinois, to a 3-year term.

REAPPOINTMENT AS MEMBER TO THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Chair reappoints the following member on the part of the House to the United States-China Economic and Security Review Commission:

Mr. Larry Wortzel, Williamsburg, Virginia, for a term expiring December 31, 2008.

His current term expires December 31, 2006.

APPOINTMENT AS MEMBER TO BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, the Chair appoints the following member on the part of the House to the Board of Visitors to the United States Air Force Academy:

Mr. Terry Isaacson, Tempe, Arizona.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 2 p.m. and the balance of the week on account of meeting with constituents in the district.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 4:00 p.m. on account of illness.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Wednesday, December 6, 2006:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

On Thursday, December 7, 2006:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. An act to provide for certain lands to be held in trust for Utu Utu Gwaitu Paiute Tribe.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building".

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherryhill Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building".

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

On Friday, December 8, 2006:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles on Thursday, December 7, 2006:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

On Friday, December 8, 2006:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building.

SINE DIE ADJOURNMENT

Mr. BOEHNER. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Wednesday, December 13, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 503, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Thereupon (at 3 o'clock and 17 minutes a.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Wednesday, December 13, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 503, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10508. A letter from the Congressional Review Coordinator, APHIS, Deparment of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. APHIS-2006-0149] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10509. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation entitled, "For the purpose of providing relief and assistance to the village of Caseyville, Illinois regarding flood prevention and easement of issues in the area of Caseyville"; to the Committee on Agriculture.

10510. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Shelled Garden Peas From Kenya [Docket No. APHIS-2006-0073] (RIN: 0579-AC17) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10511. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Addition of Counties in Arkansas and Tennessee to the List of Quarantined Areas [Docket No. APHIS-2006-0080] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Application of Pesticides to Waters of the United States in Compliance With FIFRA [OW-2003-0063; FRL-8248-1] (RIN: 2040-AE79) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2006-0815; FRL-8098-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Paraquat dichloride; Pesticide Tolerance Correction [EPA-HQ-OPP-2006-0664; FRL-8100-3] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyproconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0654; FRL-8093-4] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2006-0902; FRL-8105-5] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10517. A letter from the Principal Deputy Associate Administrator, Evironmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances [EPA-HQ-OPP-2006-0181; FRL-8103-8] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10518. A letter from the Secretary, Department of Homeland Security, transmitting a preliminary report of a violation of the Antideficiency Act by the Transportation Security Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10519. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jerry L. Sinn, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10520. A letter from the Assistant Secretary for Special Operations and Low-Interest Conflict, Department of Defense, transmitting the Department's Fiscal Year 2006 annual report on the Regional Defense Counterterrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

10521. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10522. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital Regulation Amendment (RIN: 2550-AA35) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10523. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Advertisement of Membership (RIN: 3064-AD05) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10524. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's second Report to Congress Under Sections 313(b) of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

10525. A letter from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Record Retention (RIN: 2550-AA34) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10526. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Filing of Transfer Agent Forms [Release No. 34-54864; File No. S7-14-06] (RIN: 3235-AJ68) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10527. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment [Docket No. S-051A] (RIN: 1218-AC16) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10528. A letter from the Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, transmitting the Department's final rule — Steel Erection; Slip Resistance of Skeletal Structural Steel [Docket No. S-775 A] (RIN: 1218-AC14) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10529. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefit's Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10530. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Technical Amendments: Transfer of Office Functions and Removal of Obsolete Regulations (RIN: 1901-AB22) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10531. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings [Docket No. EE-RM/STD-02-112] (RIN: 1904-AB13) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10532. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Nonprocurement Debarment and Suspension (RIN: 1991-AB74) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10533. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Export Notification; Change to Reporting Requirements; Technical Correction [EPA-HQ-OPPT-2005-0058; FRL-8104-9] (RIN: 2070-AJ01) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants: Asbestos Management and Control; State of New Hampshire Department of Environmental Services [EPA-R01-OAR-2006-0345; FRL-8238] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10535. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Removal of Douglas County Transportation Control Measure [EPA-R04-OAR-2006-0577-2006(a); FRL-8248-7] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10536. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Reid Vapor Pressure Requirements for Gasoline [EPA-R06-OAR-2006-0016; FRL-8248-3] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10537. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Site Remediation [EPA-HQ-OAR-2002-0021; FRL-8249-3] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10538. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas [EPA-HQ-OAR-2003-0090; FRL-8249-4] (RIN: 2060-AN90) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10539. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phrase II of the Nitrogen Oxides (NOx) SIP Call; Correction [EPA-R03-OAR-2006-072; FRL-8249-7] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10540. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2006-0900; FRL-8250-7] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10541. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-092; FRL-8250-9] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10542. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-083 ; FRL-8251-2] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10543. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Ground Water Rule [EPA-HQ-OW-2002-0061; FRL-8231-9] (RIN: 2040-AA97) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Delaware; Amendments to the Definition of a "major source" [FDMS Docket No. EPA-R03-OAR-2006-0933; FRL-8252-3] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10545. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of TSCA Section 4 Testing Requirements for Coke-Oven Light Oil (Coal) [EPA-HQ-OPPT-2005-0033; FRL-8103-2] (RIN: 2070-AD16) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10546. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections [EPA-HQ-OAR-2002-0058; FRL-8252-2] (RIN: 2060-AN32) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10547. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Monitoring and Volatile Organic Compound Rules [EPA-R09-OAR-0630; FRL-8243-9] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans South Carolina: Revisions to State Implementation Plan [EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005-200620b; FRL-8252-9] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Redesignation of the Portland, Maine and the Hancock, Knox, Lincoln, and Waldo Counties, Maine Ozone Nonattainment Areas to Attainment and Approval of these Areas' Maintenance Plans [EPA-R01-OAR-2006-OAR-0226; FRL-8253-4] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Regulation 1102 — Permits [EPA-R03-OAR-2006-0696; FRL-8252-5] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10551. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Burkesville, Greensburg, Hodgenville, Horse Cave, Lebanon, Lebanon Junction, Lewisport, Louisville, Lyndon, New Haven, Springfield and St, Matthews, Kentucky, Edinburgh, Hope, Tell City and Versailles, Indiana, Belle Meade, Goodlettsville, Hendersonville, Manchester and Millersville, Tennessee) [MB Docket No. 06-77; RM-11324; RM-1134] received November 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10552. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma) [MB Docket No. 06-65] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10553. A letter from the Associate Bureau Chief, Chief of Staff, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications [WT Docket No. 00-48] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10554. A letter from the Associate Bureau Chief, Chief of Staff, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service [WT Docket No. 01-289] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10555. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Maritime Automatic Indentification Systems [WT Docket No. 04-344] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10556. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ione, Oregon; Walla Walla, Washington and Athena, Hermiston, La Grande, and Arlington, Oregon) [MB Docket No. 05-9] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10557. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of

Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eattonton and Lexington, Georgia) [MB Docket No. 04-379] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10558. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Oak Harbor and Sedro-Woolley, Washington) [MB Docket No. 04-305] received December December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10559. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbus and Monona, Wisconsin) [MB Docket No. 05-122] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10560. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Huntsville, Missouri) [MB Docket No. 04-115] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10561. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Atwood, Kansas, McCook and Ogallala, Nebraska, Burlington and Flagler, COlorado) [MB Docket No. 05-45] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10562. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Homerville, Georgia) [MB Docket No. 05-32] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10563. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port Norris, New Jersey, Fruitland, and Willards, Maryland, Chester, Lakeside, and Warsaw, Virginia) [MB Docket No. 04-409] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10564. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Broadcast Stations (Powers, Oregon) [MB Docket No. 05-14] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10565. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Boonville and Wheatland, Missouri) [MB Docket No. 06-88] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10566. A letter from the Acting Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands [ET Docket No. 04-186] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10567. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Carrizo Springs, Texas) [MB Docket No. 06-50] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10568. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities [Docket No. RM06-12-000; Order No. 689] (RIN: 1902-AD16) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10569. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's second annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10570. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — National Source Tracking of Sealed Sources (RIN: 3150-AH48) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10571. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 24-06 informing of an intent to sign the Visual Science and Technology for Deployable Distribution Mission Operations Simulations between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10572. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 25-06 informing of an intent to sign the Battle Control System — Fixed Modernization Memorandum of Understanding between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10573. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 26-06 informing of an intent to sign a Memorandum of Understanding Concerning an Improvement Program to the Rolling Airframe Missile Antiship Missile Defense System between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10574. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 27-06 informing of an intent to sign a Memorandum of Understanding Concerning Research, Development, Test and Evaluation Projects between the United States and France, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10575. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10576. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-03, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

10577. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-07, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

10578. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-09, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

10579. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-01, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the North Atlantic Treaty Organization for defense articles and services; to the Committee on International Relations.

10580. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-02, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

10581. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-08, concerning the Department of the Air Force's and Navy's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

10582. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the June 2006 Australia Group (AG) Plenary Meeting; Clarifications and Corrections; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 061027281-6281-01] (RIN: 0694-AD86) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-04, Waiving Prohibition on United States Military Assistance with Respect to Comoros and Saint Kitts and Nevis; to the Committee on International Relations.

10584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Intercountry Adoption — Department Issuance of Certification in Hague Convention Adoption Cases (RIN: 1400-AC19) received October 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10585. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of Japan (Transmittal No. DDTC 057-06); to the Committee on International Relations.

10586. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Canada (Transmittal No. RSAT-11-06); to the Committee on International Relations.

10587. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Spain (Transmittal No. RSAT-08-06); to the Committee on International Relations.

10588. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Singapore (Transmittal No. DDTC 070-06); to the Committee on International Relations.

10589. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of France (Transmittal No. DDTC 069-06); to the Committee on International Relations.

10590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of South Korea (Transmittal No. DDTC 071-06); to the Committee on International Relations.

10591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Belgium (Transmittal No. DDTC 066-06); to the Committee on International Relations.

10592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 041-06); to the Committee on International Relations.

10593. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 076-06); to the Committee on International Relations.

10594. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Singapore (Transmittal No. DDTC 073-06); to the Committee on International Relations.

10595. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 077-06); to the Committee on International Relations.

10596. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 074-06); to the Committee on International Relations.

10597. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Sweden (Transmittal No. DDTC 060-06); to the Committee on International Relations.

10598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 021-06); to the Committee on International Relations.

10599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 065-06); to the Committee on International Relations.

10600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of the United Kingdom (Transmittal No. DDTC 072-06); to the Committee on International Relations.

10601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Japan (Transmittal No. DDTC 068-06); to the Committee on International Relations.

10602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Norway (Transmittal No. DDTC 062-06); to the Committee on International Relations.

10603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 061-06); to the Committee on International Relations.

10604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a strategic plan regarding, "Establishment of Visa and Passport Security Program in the Department of State," pursuant to Public Law 108-458, section 7218; to the Committee on International Relations.

10605. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10606. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10607. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10608. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10609. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10610. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10611. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10612. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10613. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2006 through September 30, 2006; to the Committee on Government Reform.

10614. A letter from the Acting General Deputy General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10615. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10616. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2006 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10617. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2005 prepared in accordance with Section 203 of the, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

10618. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10619. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10620. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2006; to the Committee on Government Reform.

10621. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2006 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Government Reform.

10622. A letter from the Chairman, Federal Election Commission, transmitting the semiannual report of activities of the Inspector General covering the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10623. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-14; Introduction [Docket FAR-2--6-0023, Sequence 7] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10624. A letter from the Chief Executive Officer, Millennium Challenge Corporation, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006; to the Committee on Government Reform.

10625. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10626. A letter from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a copy of the Administration's first annual report on Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act; to the Committee on Government Reform.

10627. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

10628. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10629. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2006 to September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10630. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

10631. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2006 through September 30, 2006 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10632. A letter from the Clerk of the House of Representatives, transmitting a copy of the Fourth Report of the Advisory Committee on the Records of Congress for the period January 1, 2001 to December 31, 2006, pursuant to Public Law 101-509, section 2703; (H. Doc. No. 109-156); to the Committee on Government Reform and ordered to be printed.

10633. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 092106G] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10634. A letter from the Director, Office of Sustainablr Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule -- Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 092206E] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10635. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 051104293-5344-02; I.D. 092206D] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10636. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices [Docket No. 050428118-5118-01] (RIN: 0694-AC82) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10637. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Addition of "Montenegro" and "Serbia" as separate countries in the Export Administration Regulations based on U.S. recognition of Montenegro as a sovereign state [Docket No. 061101286-6286-01] (RIN: 0694-AD85) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10638. A letter from the Staff Director, Commission on Civil Rights, transmitting a copy of the charter of the California State Advisory Committeed to the Comission on Civil Rights; to the Committee on the Judiciary.

10639. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Motts Channel, Wrightsville Beach, NC [CGD05-06-106] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10640. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sanibel Island Bridge Span C, Ft. Myers Beach, FL [COTP St. Petersburg 06-220] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10641. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule -- Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-109] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10642. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Cocheco River Dredging Project, Cocheco River, NH [CGD01-06-131] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

10643. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kealakekua Bay, HI [COTP Honolulu 06-007] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10644. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Louis River/Duluth/Interlake Tar [CGD09-06-122] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10645. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zonel; Sanibel Island Bridge Span A, Ft. Myers Beach, FL [COTP St. Petersburg 06-219] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10646. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Caloosahatchee River, FL [COTP Sector St. Petersburg 06-195] (RIN: 0625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10647. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Albert Witted Air Show, Tampa Bay, FL [COTP Sector St. Petersburg 06-175] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10648. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tacoma Narrows, WA [CGD13-06-047] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10649. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Channel Closure for Bridge Construction Rehabilitation, Bayville Bridge at Mile 0.1, Mill Creek, Town of Oyster Bay, Nassau County, NY [CGD01-06-116] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10650. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River, NJ [CGD05-05-131] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10651. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St, Croix River, Prescott, WI [CGD08-06-021] (RIN: 0625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10652. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Missouri River, Iowa, Kansas, Missouri [CGD08-06-002] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10653. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Thames River, New London, CT [CGD01-06-122] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10654. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chincoteague Channel, Chincoteague, VA [CGD05-06-002] (RIN: 1625-AA09) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10655. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; S.E. Third Avenue, Andrews Avenue, Marshall/Seventh Avenue and Davie Boulevard/S.W. Twelth Steet bridges, New River and New River South Fork, Miles 1.4, 2.3, 2.7, and 0.9 at Fort Lauderdale, FL [CGD07-06-019] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10656. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Saugus River, Lynn and Revere, MA [CGD01-06-051] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10657. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, Queens, NY [CGD01-06-033] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10658. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fuji Heavy Industries, Ltd. FA-200 Series Airplanes [Docket No. FAA-2006-25259; Directorate Identifier 2006-CE-36-AD; Amendment 39-14783; AD 2006-20-13] (RIN: 2120-AA64) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10659. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Modification to Class E; Clovis, NM [Docket No. FAA-2006-25499; Airspace Docket No. 06-ASW-09] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10660. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Half Moon Bay, CA [Docket No. FAA-2006-24781; Airspace Docket No. 06-AWP-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10661. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Provo, UT [Docket No. FAA-2006-25647; Airspace Docket No. 06-AWP-14] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docket No. 06-AWP-5] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10663. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Barter Island, AK [Docket No. FAA-2006-23714; Airspace Docket No. 06-AAL-07] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10664. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10665. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-24243; Airspace Docket No. 06-AWP-11] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10666. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docekt No. 06-AWP-5] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10667. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Amendment of Class Airspace; Leesburg, FL [Docket No. FAA-2006-23866; Airspace Docket No. 06-ASO-3] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10668. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mooresville, NC [Docket No. FAA-2006-24858; Airspace Docket No. 06-ASO-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Willow, AK [Docket No. FAA-2006-23709; Airspace Docket No. 06-AAL-02] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10670. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Adak, AK [Docket No. FAA-2006-24003; Airspace Docket No. 06-AAL-12] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10671. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington, KS [Docket No. FAA-2006-24869; Airspace Docket No. 06-ACE-4] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10672. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kaiser/Lake Ozark, MO [Docket No. FAA-2006-25008; Airspace Docket No. 06-ACE-6] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

10673. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mason City, IA [Docket No. FAA-2006-24370; Airspace Docket No. 06-ACE-3] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10674. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, NE [Docket No. FAA-2006-25007; Airspace Docket No. 06-ACE-5] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10675. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Keokuk, IA [Docket No. FAA-2006-25009; Airspace Docket No. 06-ACE-7] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10676. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Higginsville, MO [Docket No. FAA-2006-25059; Airspace Docket No. 06-ACE-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10677. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Plains, MO [Docket No. FAA-2006-25502; Airspace Docket No. 06-ACE-10] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10678. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Eagle, CO [Docket No. FAA-2006-24467; Airspace Docket No. 06-ANM-2] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Broomfield, CO [Docket No. FAA-2006-25153; Airspace Docket No. 06-AWP-10] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2006-24697; Directorate Identifier 2006-NM-045-AD; Amendment 39-14781; AD 2006-20-11] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-23145; Directorate Identifier 2000-NM-215-AD; Amendment 39-14777; AD 2006-20-08] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA02006-24256; Directorate Identifier 2006-NM-010-AD; Amendment 39-14782; AD 2006-20-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon (Beech) Model 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes [Docket No. FAA-2006-26004; Directorate Identifier 2006-NM-212-AD; Amendment 39-14785; AD 2006-21-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2006-23815; Directorate Identifier 2005-NM-222-AD; Amendment 39-14784; AD 2006-21-01] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No. FAA-2006-25722; Directorate Identifier 2006-NM-141-AD; Amendment 39-14749; AD 2006-18-10] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-21 Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-41 Airplanes; and Model DC-9-51 Airplanes [Docket No. FAA-2006-24585; Directorate Identifier 2004-NM-275-AD; Amendment 39-14743; AD 2006-18-05] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-22125; Directorate Identifier 2005-NM-130-AD; Amendment 39-14745; AD 2006-18-07] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24199; Directorate Identifier 2006-NM-025-AD; Amendment 39-14744; AD 2006-18-06] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodyear Aviation Tires, Part Number 217K22-1, Installed on Various Transport Category Airplanes, Including But Not Limited to Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes; and Gulfstream Model G-1159, G-1159A, G-1159B, G-IV, GIV-X, GV, and GV-SP Series Airplanes [Docket No. FAA-2006-24667; Directorate Identifier 2006-NM-009-AD; Amendment 39-14746; AD 2006-18-08] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Tay 650-15 and Tay 651-54 Turbofan Engines [Docket No. FAA-2006-25513; Directorate Identifier 99-NE-61-AD; Amendment 39-14753; AD 2006-18-14] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket No. FAA-2006-24951; Directorate Identifier 2005-NM-184-AD; Amendment 39-14752; AD 2006-18-13] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. 2003-NM-114-AD; Amendment 39-14751; AD 2006-18-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()2Y()—() Series Propellers [Docket No. FAA-2006-25244; Directorate Identifier 2006-NE-25-AD; Amendment 39-14754; AD 2006-18-15] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2006-24640; Directorate Identifier 2006-CE-26-AD; Amendment 39-14755; AD 2006-18-16] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-23873; Directorate Identifier 2005-NM-110-AD; Amendment 39-14756; AD 2006-18-17] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Arrow Falcon Exporters, Inc. (previously Utah State University)

[Docket No. FAA-2006-25097; Directorate Identifier 2005-SW-19-AD; Amendment 39-14762; AD 2006-19-05] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30513; Amdt. No. 3184] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 3014; Amdt. 3185] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Additional Types of Child Restraints Systems That May Be Furnished and Used on Aircraft; Corrections [Docket No. 2006-25334; Amendment Nos. 125-51 and 135-106] (RIN: 2120-AI76) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30508, Amdt. 3180] received December 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30515, Amdt. 3187] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30506, Amdt. 3178] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30517, Amdt. No. 3188] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10704. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Insrtument Approach Procedures; Miscellaneous Amendments [Docket No. 30518; Amdt. No. 3189] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10705. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines [Docket No. FAA-2006-23807; Directorate Identifier 2005-NE-51-AD; Amendment 39-14763; AD 2006-19-06] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fuji Heavy Industries, Ltd. FA-200 Series Airplanes [Docket No. FAA-2006-25259; Directorate Identifier 2006-CE-36-AD; Amendment 39-14783; AD 2006-20-13] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10707. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revisions to the Civil Penalty Inflation Adjustment Rule and Tables; Correction [Docket No. FAA-2002-11483; Amendment No. 13-33] (RIN: 2120-AI52) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-324] (RIN: 2120-AH14) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Disqualification for Airman and Medical Certification Holders Based on Alcohol Violations and Refusals To Submit to Drug or Alcohol Testing [Docket No. FAA-2004-19835] (RIN: 2120-AH82) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10710. A letter from the Program Analsyt, FAA, Department of Transportation, transmitting the Department's final rule — Disqualification for Airman and Airman Medical Certificate Holders Based on Alcohol Violations or Refusals to Submit to Drug and Alcohol Testing [Docket No. FAA-2004-19835: Amendment No. 61-114, 63-34, 65-47, 67-19, 91-291, 121-325, 135-105] (RIN: 2120-AH82) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation by Reference [Docket No, 29334; Amendment 71-38] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Thermal/Acoustic Insulation Installed on Transport Category Airplanes [Docket No. 2005-23462] (RIN: 2120-AI64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Removal of References to Part 123 from 14 CFR Part 43 — received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrator Devices Onboard Aircraft [Docket No. FAA-2004-18596; SFAR 106] (RIN: 2120-AI81) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30516; Amdt. No. 3186] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30510; Amdt. No. 463] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Airworthiness Certification of New Aircraft; Correction [Docket No. FAA-2003-14825; Amendment No. 21-88, 91-293] (RIN: 2120-AH90) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Licensing and Safety Requirements for Launch; Correction [Docket No. FAA-2000-7953; Amendment Nos. 401-4, 406-3, 413-7, 415-4, 417-0] (RIN: 2120-AG37) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30496; Amdt. No. 462] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30511; Amdt. No. 3182] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30512; Amdt. No. 3183] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10722. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Major Issues in Rail Rate Cases — received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Public Participation in Class Exemption Proceedings — received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the Chairman, John F. Kennedy Center for the Performing Arts, transmitting the Center's audited financial statements for the period ending October 3, 2004 and October 2, 2005, pursuant to 20 U.S.C. 761(c); to the Committee on Transportation and Infrastructure.

10725. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Security Guards and Patrol Services Industry (RIN: 3245-AF28) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10726. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Surety Bond Guarantee Program (RIN: 3245-AE81) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10727. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees (RIN: 2900-AM13) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10728. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medical: Informed Consent — Extension of Time Period and Modification of Witness Requirement for Signature Consent (RIN: 2900-AM19) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10729. A letter from the Secretary, Department of Labor, transmitting the Department's thirteenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2006, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

10730. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of a draft bill to provide the Department of the Treasury with the authority to complete the reimbursement of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (the Social Security Trust Funds) for certain bookkeping errors by the Social Security Administration; to the Committee on Ways and Means.

10731. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Erickson Post Acquisition, Inc. v. Commissioner [Docket Number: 8218-00; T.C. Memo. 2003-218] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10732. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Disregarded Entities Under Section 752 [TD 9289] (RIN: 1545-BD48) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10733. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Computation of taxable income from sources within the United States and from other sources and activities [Rev. Proc. 2006-42] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10734. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Exemption of Work Activity as a Basis for a Continuing Disability Review [Docket No. SSA-2006-0101] (RIN: 0960-AE93) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10735. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Rules for the Issuance of Work Report Receipts, Payment of Benefits for Trial Work Period Service Months After a Fraud Conviction Changes to the Student Earned Income Exclusion, and Expansion of the Reentitlement Period for Childhood Disability Benefits [Docket No. SSA-2006-0099] (RIN: 0960-AG10) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10736. A letter from the Deputy Chief Counsel for Regulations, TSA, Department of Homeland Security, transmitting the Department's final rule — Air Cargo Security Requirements; Compliance Dates; Amendment [Docket No. TSA-2004-19515; Amendment Nos. 1544-6, 1546-3, and 1548-3] (RIN: 1652-AA52) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10737. A letter from the Cheif, Border Security Regulations Branch, CBP, Department of Homeland Security, transmitting the Department's final rule — Documents Required for Travelers Departing From or Arriving in the United States at Air Ports-of-Entry from within the Western Hemisphere (RIN: 1651-AA66) received November 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10738. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Notification of Hospital Discharge Appeal Rights [CMS-4105-F] (RIN: 0938-AO41) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10739. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospital Conditions of Participation; Requirements for History and Physical Examinations; Authentication of Verbal Orders; Securing Medications; and Postanesthesia Evaluations [CMS-3122-F] (RIN: 0938-AM88) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10740. A letter from the Regulations Coodinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Mediaid Programs; Hospital Conditions of Participation: Patients' Rights [CMS-3018-F] (RIN: 0938-AN30) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10741. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions [CMS-1201-F] (RIN: 0938-AN83) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10742. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "the OASIS study: The Costs and Benefits Associated With The Collection of Outcome and Assesment Information Set (OASIS) Data on Private Pay Home Health Patients" as required by section 704 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAXTON: Joint Economic Committee. Report of the Joint Economic Committee on the 2006 Economic Report of the President (Rept. 109–726). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 1105. Resolution providing for consideration of the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes (Rept. 109–727). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Transportation and Infrastructure discharged from further consideration. H.R. 2567 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 3509 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Science and Energy and Commerce discharged from further consideration. H.R. 4941 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Homeland Security and Science discharged from further consideration. H.R. 5316 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2567. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable, with an amendment; referred to the Committees on the Judiciary, and Transportation and Infrastructure for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(1), rule X and clause 1(r), rule X respectively (Rept. 109–730, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3509. A bill to establish a statute of repose for durable goods used in a trade or business, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 109–728, Pt. 1). Ordered to be printed.

Mr. KING of New York: Committee on Homeland Security. H.R. 4941. A bill to reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes, with an amendment; referred to the Committees on Science, and Energy and Commerce for a period ending not later than December 8, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(o), rule X and clause 1(f), rule X, respectively (Rept. 109–729, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5316. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes, with an amendment; referred to the Committee on Science for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X (Rept. 109–519, Pt. 2). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5316. Referral to the Committee on Homeland Security extended for a period ending not later than December 8, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 6420. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain medical care providers that fail to provide a minimum level of charity medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. BARTON of Texas, and Mr. BOEHLERT):

H.R. 6421. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H.R. 6422. A bill to amend the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) to reflect the actual costs of living in various regions of the country and to bring the minimum to a fair wage that can support federal workers and contractors and their families; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself, Mr. BARTON of Texas, Mr. DEFAZIO, Mr. DOOLITTLE, Mr. DICKS, Mr. THOMPSON of California, and Mr. HASTINGS of Washington):

H.R. 6423. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 and to offset the cost of payments to States and counties under such Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 6424. A bill to increase the Federal Housing Administration mortgage commitment level for fiscal year 2007 to carry out the purposes of sections 238 and 519 of the National Housing Act, and for other purposes; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Ms. DELAURO, Mr. FORTUÑO, Mr. KILDEE, and Mrs. SCHMIDT):

H.R. 6425. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARTON of Texas (for himself and Mr. TERRY):

H.R. 6426. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration on December 31, 2009, to eliminate the actual budget deficit for fiscal year 2009, and for other purposes; to the Committee on the Budget.

By Mr. LATHAM:

H.R. 6427. A bill to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes; to the Committee on the Judiciary. considered and passed.

By Mr. BAKER (for himself and Mr. MELANCON):

H.R. 6428. A bill to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Transportation and Infrastructure. considered and passed.

By Mrs. BONO (for herself, Mr. LEWIS of California, and Mr. CALVERT):

H.R. 6429. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Ways and Means. considered and passed.

By Mr. MANZULLO (for himself and Mr. PETERSON of Minnesota):

H.R. 6430. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 6431. A bill to direct the Secretary of Health and Human Services to approve the Change In Scope Request submitted by Family HealthCare Network to the Bureau of Primary Health Care on December 8, 2005; to the Committee on Energy and Commerce.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. ROSS, and Mr. SKELTON):

H.R. 6432. A bill to provide a clarification with respect to the Mississippi River and Tributaries project; to the Committee on Transportation and Infrastructure.

By Mr. FARR:

H.R. 6433. A bill to authorize assistance for the reconstruction and stabilization of Lebanon; to the Committee on International Relations.

By Mrs. MILLER of Michigan:

H.R. 6434. A bill to amend the Miscellaneous Trade and Technical Corrections Act of 2004 to authorize the establishment of Integrated Border Inspection Areas at the Blue Water Bridge connecting Port Huron, Michigan, and Point Edward, Ontario, Canada; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. WELLER, Mr. WAMP, and Mr. UDALL of New Mexico):

H.R. 6435. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 6436. A bill to amend the Colorado River Storage Project Act and Public Law 87-483, to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Resources.

By Mr. ROYCE:

H. Con. Res. 502. Concurrent resolution to correct the enrollment of the bill H. R. 5682; considered and agreed to.

By Mr. GUTKNECHT:

H. Con. Res. 503. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Ninth Congress; considered and agreed to.

By Ms. LEE (for herself, Mr. DOGGETT, Mr. AL GREEN of Texas, Ms. WATSON, Mr. PAYNE, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. CAPUANO, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. HOLT, Mr. REICHERT, Mr. CROWLEY, Ms. NORTON, Mr. WEXLER, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. LANTOS, Ms. MOORE of Wisconsin, Ms. WATERS, Mr. FATTAH, Mr. STARK, Mr. BERMAN, Mr. CLEAVER, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. WYNN, Mr. ENGEL, Mr. LEWIS of Georgia, Ms. HARMAN, Mr. COSTA, Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Mr. DAVIS of Alabama, Mrs. JONES of

Ohio, Mr. SCHIFF, Ms. MILLENDER-McDONALD, Mr. FARR, Mr. MEEKS of New York, Ms. WOOLSEY, and Mr. OLVER):

H. Con. Res. 504. Concurrent resolution calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; to the Committee on International Relations.

By Mr. EHLERS (for himself and Ms. MILLENDER-McDONALD):

H. Res. 1104. A resolution providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House; to the Committee on House Administration.

By Ms. McKINNEY:

H. Res. 1106. A resolution Articles of Impeachment against George Walker Bush, President of the United States of America, and other officials, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. GUTKNECHT:

H. Res. 1107. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress; considered and agreed to.

By Mr. BOEHNER:

H. Res. 1108. A resolution appointing a committee to inform the President; considered and agreed to.

By Mr. BURTON of Indiana:

H. Res. 1109. A resolution honoring Physicians for Peace for its efforts to foster peace and diplomacy throughout the world, and paying tribute to the life and achievements of its founder, Dr. Charles E. Horton, on the occasion of his death; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. DAVIS of Illinois, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Ms. WATSON, Mr. McGOVERN, Ms. McCOLLUM of Minnesota, Ms. SOLIS, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. KUCINICH, Ms. WATERS, Mr. MICHAUD, Mr. DEFAZIO, Mr. LYNCH, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. HINCHEY, Mr. FARR, Mr. STARK, Mr. VAN HOLLEN, Mr. HOLT, Mr. BROWN of Ohio, Mr. PASCRELL, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, and Mr. FILNER):

H. Res. 1110. A resolution expressing the sense of the House of Representatives that the President should express public support for the workers' rights and protection provisions of China's "Draft Labor Contract Law" and repudiate efforts by some United States corporations and their representatives in China to diminish such rights and protection provisions; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. KILPATRICK of Michigan.

H.R. 147: Ms. BORDALLO.

H.R. 414: Mr. PETRI and Mr. LANTOS.

H.R. 699: Mr. RAHALL.

H.R. 1264: Mr. FORTUÑO.

H.R. 1298: Mr. GOHMERT.

H.R. 1507: Mrs. McCARTHY.

H.R. 1548: Ms. PRYCE of Ohio.

H.R. 1642: Mr. ANDREWS.

H.R. 1690: Ms. BORDALLO.

H.R. 2230: Mr. TIAHRT.

H.R. 2561: Mr. PASTOR.

H.R. 2869: Mr. RAHALL.

H.R. 2952: Mr. POMBO, Mrs. BONO, and Mr. BILBRAY.

H.R. 3098: Mrs. BIGGERT.

H.R. 3954: Mr. CRAMER and Ms. DELAURO.

H.R. 4033: Mr. SHERMAN and Mr. FATTAH.

H.R. 4222: Mr. FATTAH.

H.R. 4597: Mr. SPRATT.

H.R. 5005: Mr. TOM DAVIS of Virginia.

H.R. 5179: Mr. SOUDER.

H.R. 5200: Ms. BORDALLO.

H.R. 5312: Mr. ALLEN.

H.R. 5557: Mr. BLUMENAUER.

H.R. 5635: Ms. SCHWARTZ of Pennsylvania.

H.R. 5680: Mr. TIBERI.

H.R. 5707: Mr. PEARCE.

H.R. 5787: Mr. DENT.

H.R. 5850: Ms. BEAN.

H.R. 5928: Mr. FILNER, Mr. HONDA, and Mr. FATTAH.

H.R. 6040: Ms. FOXX.

H.R. 6046: Ms. ROYBAL-ALLARD and Mr. OLVER.

H.R. 6064: Mr. MORAN of Virginia and Ms. DEGETTE.

H.R. 6067: Mr. BLUMENAUER.

H.R. 6132: Mr. McCOTTER.

H.R. 6178: Mr. STARK.

H.R. 6193: Mr. BARTLETT of Maryland.

H.R. 6216: Ms. MILLENDER-McDONALD.

H.R. 6237: Ms. SCHAKOWSKY.

H.R. 6269: Mr. EHLERS.

H.R. 6309: Mr. WATT.

H.R. 6313: Mr. TANNER, Mr. CASTLE, and Mr. CLAY.

H.R. 6327: Mr. CAMPBELL of California, Mr. CONAWAY, Mr. McCAUL of Texas, Mrs. McMORRIS RODGERS, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. TAYLOR of North Carolina, Mrs. CAPITO, Mr. SHUSTER, Mrs. JO ANN DAVIS of Virginia, Mr. POE, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GOODLATTE, Ms. BEAN, Mr. BOUCHER, Mr. HONDA, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. ROSS, and Mr. SNYDER.

H.R. 6328: Mr. FRANK of Massachusetts.

H.R. 6373: Mr. FLAKE.

H.R. 6384: Mr. BOREN.

H.R. 6404: Mr. McKEON, Mr. ABERCROMBIE, Mr. CONYERS, and Mr. YOUNG of Alaska.

H. Con. Res. 69: Mr. BEAUPREZ and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 397: Ms. SCHAKOWSKY.

H. Con. Res. 404: Ms. McCOLLUM of Minnesota, Mr. PASTOR, Ms. SOLIS, Mr. NADLER, Ms. VELÁZQUEZ, and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 424: Ms. McCOLLUM of Minnesota and Mr. LEVIN.

H. Con. Res. 457: Mr. FRANK of Massachusetts and Ms. SCHWARTZ of Pennsylvania.

H. Res. 518: Mr. ROGERS of Kentucky.

H. Res. 790: Mr. HINOJOSA and Mr. ANDREWS.

H. Res. 984: Mr. MEEHAN.

H. Res. 1050: Ms. BERKLEY.

H. Res. 1080: Ms. SCHWARTZ of Pennsylvania and Mr. GONZALEZ.

H. Res. 1081: Ms. McCOLLUM of Minnesota, Mr. TOWNS, Mr. EVANS, and Mr. KING of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6136: Mr. ENGEL.

PETITIONS, ETC.

Under clause 3 of rule XII,

160. The SPEAKER presented a petition of Mr. Jamie T. Richardson, a citizen of Columbus, Ohio, relative to a petition urging the Congress of the United States to create a new national holiday; which was referred to the Committee on Government Reform.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 14 by Mr. FILNER on House Resolution 917: Rodney Alexander.

Petition 15 by Mr. DOGGETT on House Resolution 987: Louie Gohmert, Danny K. Davis, and John T. Salazar.

SENATE—*Friday, December 8, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who alone spreads out the heavens and rules the raging of the sea, as we approach the end of the 109th Congress, our hearts sing in gratitude for Your providential care. While facing mountains and valleys, victories and defeats, we have been sustained by Your power and love. Through experiences of profit and loss, of success and failure, of health and sickness, of triumph and tragedy, You have worked for our good. Because of Your mercies, the weapons formed against us have not prospered.

Thank You for Your favor that rests upon our land, for freedoms that cause our hearts to soar. Thank You for guiding our Senators in their efforts to do Your will. In the days to come, we commit ourselves anew to seek Your guidance and follow Your plan.

We pray in Your all-powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30 a.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, this morning the Senate will debate the motion to invoke cloture on the nomination of Kent Jordan to be a U.S. circuit judge. Under the regular order, that cloture vote will occur at 10:30 a.m. this morning. Once cloture has been invoked, we would hope to have a vote on confirmation shortly.

There are many critical legislative and executive items that must be completed before the Senate adjourns sine die, including a continuing resolution, the tax extender package, the U.S.-Indian nuclear agreement, and a number of other items that both sides are attempting to clear for action.

The Senate will remain in session into the weekend, if necessary, in order to finish our work.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CLERK

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that if cloture is invoked this morning on the Jordan nomination, there be 2 hours of debate equally divided between the chairman and ranking member and that following that time, the Senate proceed immediately to vote on the confirmation of the nomination with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 4110

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The legislative clerk read as follows:

> A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spyware and cross-border fraud and deception, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

PERMITTING EXPENDITIURES FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 6131 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 6131) to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6131) was ordered to a third reading, was read the third time, and passed.

UNITED STATES TSUNAMI WARNING AND PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1674 received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 1674) to strengthen and authorize the Tsunami Protection, Warning and Mitigation Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1674) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, that completes one round of business we will be doing over the course of the day. We will be coming to the floor to take care of business as it is completed. There is a lot of activity between the House and the Senate, and as we continue to move on these unanimous consent requests we will bring them to the floor over the course of the day.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HEALTH CARE POLICY

Mr. FRIST. Mr. President, I wish to briefly comment on health care policy which we have been able to accomplish over the last several years.

As most people know, for 20 years before I entered politics, I devoted my life to healing and to helping people one-on-one through medicine, and now for 12 years in the Senate I have tried to focus on healing and helping people using public policy.

From the outset, I have worked hard to place medicine and health care at the center of our national agenda.

I had a meeting at the White House earlier this morning. I restated how important it is that we address what is a coming tsunami as our aging population incessantly is coming toward us similar to a big tidal wave. It will be here in a few years.

Health care affects our global competitiveness. It affects our $8.5 trillion debt, our deficit, and our State budgets. It is intensely personal. It affects all of us in a very direct way because we are all sick at one time or another.

I am very proud of the work we have been able to accomplish on the floor in this body on health care policy. Thanks to a new Medicare Part D drug benefit, millions of seniors today are receiving access to drugs they didn't have before—drugs that can prevent heart attack or can prevent a stroke or can prevent various kinds of maladies from which people suffer. People today who have this affordable access to drugs no longer have to worry about having an illness or serious illness hit them and being able to buy those drugs which they need to treat that illness.

In that prescription drug coverage legislation which we passed, all Americans gained better access to health care through what we put in as Health Savings Accounts, accounts that you own, that you can control, that you can take with you.

Over a 5-year period in this body, we had an initiative which was completed to double the NIH budget. That leads to new cures today and new therapies tomorrow.

I am also particularly proud of this body passing the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act. As my colleagues know, respectively, 3 million people die of the first, 2 million of the second, and 1 million of the third of the disease I mentioned. Move than 5 million people die a year. These are three deadly infectious diseases that can be controlled.

We took a major step forward with that $15 billion commitment. There is a lot more to do to address our health care system today. I am a great advocate of aligning our values and our incentives on results and outcomes. I believe in that vision of a health care system that is centered around a patient, or "the patient," that is provider friendly, that is driven by three things: 21st century information; second, by choice; and third, driven by some element of control. A consumer-driven system is that vision, that model, to which we should all strive.

We need to change the way we think about health care, we need to reign in those frivolous lawsuits. We tried again and again to do so in the Senate the last 4 years and have been unsuccessful. The frivolous lawsuits drive up the cost of your health care, my colleagues' health care, and the cost of health care of everyone in this country.

We also need to address quality of health care to make sure those medical errors are eliminated, those needless medical errors that are made in our health care system today.

I am proud of the contributions Congress has made. We have much more to do.

Mr. President, when I placed my hand on the Bible and took my oath of office on a cold morning in 1995, I did not know many things I know today. But I knew with certainty that medicine would play a major role in my career in the Senate.

I kept the letters M.D. beside my name in my Senate office. I kept a stethoscope on my desk. And I kept my mind on the work of healing—of helping.

For 20 years before I entered politics, I devoted my life to helping people one-on-one. I performed 150 major transplants and, I hope, did a little to advance the science of transplantation. For 12 years in the Senate, I focused on the needs and interests of the people of Tennessee, the nation and, and around the world.

And, throughout it, I have done my best to remember where I came from: medicine. At the onset of my Senate career, I began working to place medicine at the center of our national agenda and promote its role around the world. Health care, after all, affects all of us, at every stage of our lives. I've spent enormous time on health and I hope it has made a difference.

I am proud of the work I have done to improve Medicare and preserve its promise to America's seniors. Thanks to the new Medicare Part D drug benefit, millions of American seniors will no longer have to worry about how they will pay for their prescriptions. Just as importantly, the new Part D benefit serves as a template for the future of Medicare: it empowers consumers and lets them choose the plan that fits their needs best. Most seniors have more than 20 choices, satisfaction is high, and costs to consumers have been less than we projected. The plan is a success. And we did it without having to impose price controls or caps that would stifle innovation and dry up the supply of new medicines.

The changes we created with the historic Medicare Modernization Act of 2003 do not end with the drug benefit. Medicare has begun to change its focus as well: it includes a first-ever "welcome to Medicare" exam and new coverage for tests that will help us prevent and treat diseases before they become major problems. Under the same legislation, nearly all Americans also gained much broader access to a new type of health coverage—Health Savings Accounts that they own, control, and carry with them from job to job.

I believe my efforts with regard to the National Institutes of Health embody the same forward-looking spirit that led to improvements in Medicare. For years, NIH's budget grew only about as fast as our overall economy even though medicine became an increasingly important economic activity. My medical colleagues told me that necessary research could not always find funding—and the American people made it clear they wanted a stronger federal commitment to medical research.

Over a 5-year period, I helped lead a bipartisan effort to double NIH's budget. And it's paying off. Among other things, NIH research has discovered new triggers for childhood asthma, innovative new ways to prevent diabetes, treatments to reduce mother-to-child HIV/AIDS transmission, new treatments for stroke, and dozens of other innovative medical techniques. Thanks to NIH research, the miracle medicines of tomorrow have begun to arrive more quickly. NIH research has saved thousands of lives.

Our efforts to improve medicine have not stopped at America's shores. Health care can as a currency of peace. It can provide hope. It can give relief. And I'm proud of the way I have worked to improve it around the world.

I am particularly proud of the leadership role I played in the United States Leadership Against Global HIV/AIDS, Tuberculosis, and Malaria Act of 2003. These three deadly infectious diseases kill over a million people each year in the underdeveloped world. These infectious diseases do the most damage to the world's health. AIDS, the World Health Organization reports, steals more years of healthy life than any other disease. TB and Malaria—although usually not fatal—do enormous damage to health throughout the underdeveloped world and cost some of the poorest countries billions of dollars. It's vital that we attack them, fight them, and win. And we're making progress. Water has improved, reducing malaria. More and more people in the underdeveloped world are getting antiretrovirals to fight HIV/AIDS. Widespread education on the Abstain/Be Faithful/Use Condom ABC model has proven effective in limiting the spread of AIDS. In my own missionary work in Africa-trips—I've taken every couple years—I have seen what these diseases can do—and the devastation that they can cause. The result: we've slowed the progress of these diseases, and we've saved millions of lives.

We still have much work ahead of us. Enormous numbers of Americans still lack insurance. Through the State Children's Health Insurance Program SCHIP and HSAs we have made it easier for some Americans to get health insurance. But we haven't done enough. Over the next several years, I hope Congress will work to change our health care system so all Americans have affordable, reliable health coverage.

But simply expanding insurance coverage isn't enough. We need to change the way we think about health care so we focus on results and value for patients. Getting there isn't going to be easy. To do it, we need national, interoperable, privacy protected electronic medical records for all Americans who want them. We need to rethink the way we structure medical practices, and we need to do a better job monitoring quality.

We also need to reign in predatory trial lawyers who stand in the way of the doctor-patient relationship by encouraging doctors to care more about avoiding liability and less about providing high quality medical care. Medicare and Medicaid, too, need additional and sustained reforms to ensure our federal programs are in line with ever-changing realities.

American health care still faces enormous problems. We have tremendous work ahead of us. I am proud to have played a role in the health care reforms of the past 12 years, and I will continue to speak, think, and write about the vital importance of health care to our future as a nation. I entered this body as a physician and I will leave as one.

REASSIGNING THE HENRY CLAY DESK

Mr. McCONNELL. Mr. President, 6½ years ago the Senate acted to ensure that the desk of Henry Clay would forever stay in the family of Kentucky Senators.

Henry Clay, the greatest statesman that my home State ever produced, served the people as speaker of the Kentucky House of Representatives, Speaker of the U.S. House of Representatives, Secretary of State under President John Quincy Adams, and of course as one of the greatest Senators to ever walk through the Capitol.

He was also honored to receive his party's nomination for President three times, in 1824, 1832 and 1844.

The essence of legislating in the Senate, as 100 viewpoints are brought together to create one law, is compromise. Henry Clay became known as the Great Compromiser by forging the compromise that would keep his precious Union together.

Clay did not compromise in the sense of forsaking his principles. Rather, his skill was to bring together disparate ideas and forge a consensus among his colleagues. That is a skill we could certainly use more of now.

We recognize his dedication and service to our Nation by displaying his portrait just off the Senate floor as one of history's most outstanding Senators.

In the 106th Congress, the Senate unanimously resolved that the Senate desk once used by Henry Clay would be assigned to the senior Senator from Kentucky, to maintain the Clay legacy.

Only two other desks are so honored. In the 94th Congress, the Senate assigned the desk of Daniel Webster to the senior Senator from New Hampshire. And in the 104th Congress, the Senate assigned the desk of Jefferson Davis to the senior Senator from Mississippi.

Since 1999 I have been honored to use the Clay desk, and would have been honored to do so for the remainder of my Senate career. However, in January I will begin service as the 15th Republican leader.

With the Republican leader's position comes the Republican leader's desk—a desk equally steeped in tradition. First used by Republican Leader Charles McNary of Oregon in 1937, it has been passed to nearly every Republican leader since.

Leaders such as Robert Taft, William Knowland, and Everett Dirksen have sat behind it. So have leaders I have been fortunate to know and work with, men like Howard Baker, Bob Dole, Trent Lott and, currently, Bill Frist.

In fact, Senator Lott spoke on the floor on behalf of my resolution of 1999, and he also had some very kind words for me that I have not forgotten. I want to thank my good friend, the Senator from Mississippi, for that kindness.

So I was faced with a decision, the same decision that faced Senator Styles Bridges of New Hampshire when he was elected Republican leader in 1952.

At that time, Senator Bridges was using the famed Daniel Webster desk. Rather than give up that desk, he chose to have it moved to the front row of the Chamber, and he became the only Republican leader since Senator McNary to not use the Republican leader's desk. In fact, the Congressional Directory lists the desk as unassigned during 1952.

I can understand Senator Bridges's decision to keep the Webster desk in the family of New Hampshire Senators.

And yet it would be a shame not to follow the custom set by the Republican leaders I have just named, as well. So today, I come to the floor to offer a resolution to keep both of these venerable traditions alive.

This resolution will amend the resolution of 1999 by adding that, if the senior Senator from Kentucky is also a floor leader, then the Henry Clay desk will go to the junior Senator from Kentucky. That way, we can ensure the Bluegrass State will maintain its link to a tradition symbolized by this mahogany desk.

I am sure my colleague and friend Senator Bunning will honor and keep the legacy of the Henry Clay desk—a legacy I have been proud to help continue. Mr. President, I ask unanimous consent that a list of every Republican leader to have used the Republican leader's desk be printed the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

LIST OF SENATE REPUBLICAN LEADERS WHO HAVE USED THE REPUBLICAN LEADER'S DESK

The first Senate Republican Leader to use the Leader's desk was Senator Charles L. McNary of Oregon, who began serving as Leader in 1933 and began using the Leader's desk in 1937. Since 1937, 11 Republican Leaders have been assigned the desk:

Charles L. McNary (Oregon), 1937–1944
Wallace H. White Jr. (Maine), 1945–1949
Kenneth S. Wherry (Nebraska), 1949–1951

(Note: Sen. Wherry died on November 29, 1951. During 1952 the Congressional Directory lists the Republican Leader's desk as unassigned.)

Robert A. Taft (Ohio), 1953
William F. Knowland (California), 1953–1959
Everett M. Dirksen (Illinois), 1959–1969
Hugh D. Scott Jr. (Pennsylvania), 1969–1977
Howard H. Baker Jr. (Tennessee), 1977–1985
Robert J. Dole (Kansas), 1985–1996
Trent Lott (Mississippi), 1996–2003
William H. Frist (Tennessee), 2003–2007

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 630 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 630) allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 630) was agreed to, as follows:

S. RES. 630

Resolved, That S. Res. 89 (106th Congress) is amended by—

(1) inserting "(a)" after "That"; and

(2) adding at the end the following:

"(b) If, in any Congress, the senior Senator from the State of Kentucky is serving as party leader, the desk referred to in subsection (a) may be assigned to the junior Senator from Kentucky upon the request of the senior Senator.".

Mr. McCONNELL. Mr. President, I have passed the baton, if you will, of the Henry Clay desk to my colleague from Kentucky, Senator BUNNING, who is also here.

I yield the floor and look forward to hearing his remarks.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, first, I thank my senior colleague—not senior colleague but senior Senator from Kentucky for this wonderful gesture.

Every young student in Kentucky knows the legend of Henry Clay. My wife Mary and our children all learned about Henry Clay in Kentucky schools. Many of my grandchildren in Kentucky have also heard the stories of Henry Clay's time spent as a member of the Kentucky House of Representatives where he became speaker, Speaker of the U.S. House of Representatives, Secretary of State in the United States, and U.S. Senator.

Henry Clay served the people of Kentucky for nearly one-half a century. He also is called and should be called one of the greatest Senators in the history of the Senate for the compromises he brokered during the divisive war years before the Civil War.

Henry Clay's legends remains with all Kentuckians today. His home in Lexington is a revered site in Kentucky. A statue and portrait of Henry Clay stands just off the Senate floor, and the desk of Henry Clay used when he served in this great body remains with us today, as well. As my colleague Senator McCONNELL said, he has used that desk since it was assigned to the senior Senator from Kentucky.

Senator McCONNELL is a student of Kentucky history and a student also of the history of the Senate. Like Henry Clay, Senator McCONNELL has become a respected leader in this Senate. Now with Senator McCONNELL's new role as the Republican leader in the 110th Congress comes a new desk and with it, its own special history. He has been gracious to introduce and pass a resolution to allow Henry Clay's desk to remain forever in the family of Kentucky Senators.

As the junior Senator from Kentucky, it would be an honor to serve in this Senate with the same desk that Henry Clay once called his own. It is with deep gratitude and thanks to my senior Senator from Kentucky for his work on this resolution that I have cosponsored, and I hope my colleagues are as excited as I am about what has just happened, the fact that my time in the Senate will at least be spent, partially, at the desk of Henry Clay, the great compromiser from Kentucky.

I thank my senior Senator for all the work he has done in his entire Senate career and particularly today on passing Henry Clay's desk on to the junior Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

TRIBUTE TO ALEC GIFFORD

Ms. LANDRIEU. Mr. President, I pay tribute this morning to a great American journalist from New Orleans, LA. Alec Gifford will be formally retiring from WDSU in New Orleans this December after an extraordinarily lengthy, fulfilling, and energetic career covering politics and a whole range of issues over decades, including hurricanes, storms and other disasters. He even hosted, believe it or not, a cooking show.

Alec came from a family of journalists. His father covered Governor Huey Long for the Times-Picayune, and his grandfather published one of the first local French language newspapers. So his family tradition has deep roots in Louisiana and in New Orleans. After serving in the U.S. Navy, Alec came to WDSU in 1955. He introduced the people of Louisiana to a very young Senator at the time, John F. Kennedy, as he sought to become—and ultimately did—the President of the United States. Just as we have spent many hours on this floor in recent months and years discussing the share of royalties that Louisiana should get from energy production off of our coast—and I believed I was the first on the story—I was corrected by my staff that Alec Gifford was one of the first on the story four decades ago.

He asked Senator Kennedy his position on how these royalties would be handled when he came in to campaign for the Presidency back then. And he also pressed him on the Nation's path toward an equal education for all of our children during that extraordinary historic interview.

Louisiana later gave all of its electoral votes to Senator Kennedy, who became our 35th President. We then, of course, passed major legislation for equal opportunity, and today or tomorrow we will be passing a historic piece of legislation on royalty sharing after all these many years.

Alec was a journalist who always knew the important stories and managed to explain them to the people at home in a way they could grasp and understand the impact on their daily, everyday lives, and their future.

But Alec really made a name for himself in 1965, demonstrating his dedication to the story when Hurricane Betsy struck Louisiana. While every other station had lost their ability to broadcast back in 1965—the city and region were basically dark and shut down, and the winds were howling, and the waters were almost as high as during Katrina—Alec stood in the path of the hurricane and brought images of the storm into every home that could receive a television signal.

Forty years later, he was there again for us with Hurricanes Katrina and Rita. He evacuated himself to Jackson, MS, but stayed on the story, as many brave journalists did. But Alec has been doing this for so long. His accomplishments throughout this were singular. Working his way—scratching, crawling his way—back to New Orleans, like many of our journalists did, he continued to stay on the story.

The hurricanes could not stop him. The flooding could not stop him. And in a few simple sentences, Alec Gifford illustrated the magnitude of the impact that Hurricanes Katrina and Rita have had on Louisiana, when he said:

> This is nothing like Betsy. . . . Betsy was a horrible storm. Betsy was a walk in the park. I cannot believe how Katrina and Rita have turned our world upside down and backward. Isn't it amazing how everything changes?

But Alec has not changed at all over these decades. He has stayed resolute, committed to his craft, energetic, and absolutely consistent in his work ethic. He is almost 80 years young, and he has never slowed down. His colleague, Travers Mackel, can attest to that. He said:

> I'm 31 years old, and I have a tough time keeping up with him. He's the first one in to work [in the morning] and the last one out the door.

His news director, Anzio Williams, said: "I don't ever want to hear anybody complain," he says to his staff, "about being overworked and overstressed. This guy, [referring to Alec], outworks everybody."

But after a half a century on the air, at WDSU, WVUE, and for NBC News, Alec has decided to retire. He has certainly left his mark on the news in New Orleans, hiring the next generation of WDSU in anchor Norm Robinson and reporter Richard Angelico—who both have done an outstanding job for our community—but he will now be able to spend more time with the people he cares about most, his wife Delores, his five children, and his eight grandchildren.

He is truly part of the soul of our city, and a shining example of the best in his craft—a reporter to the core, a man willing to stay on the job, no matter what, to tell the story, to tell it right, to tell it clearly. Alec Gifford may be leaving the studio, but he is not leaving our hearts and our memories. I for one would not be surprised to see him on television again. I am sure he will come back in a different capacity, in a different way, but this Senator would like to say how much I have personally appreciated his service to our community and wanted to pay tribute to Alec Gifford today on the eve of his retirement from WDSU.

HONORING SENATORIAL SERVICE

Ms. LANDRIEU. Mr. President, I have a few more minutes before the 10:30 vote, and I take this time to say a few words about some of my colleagues who are retiring. We had a good bit of time yesterday devoted to their tremendous contributions, and as each of us, the 100 of us, do know each other pretty well, I have come to the floor to say a few things about several of the colleagues I have had the distinct pleasure of working with very closely.

BILL FRIST

Mr. President, one is, of course, Senator BILL FRIST, our retiring majority leader. I had the wonderful opportunity to be invited to travel with Senator FRIST. I guess you could say it was clearly an opportunity. It was not necessarily a pleasurable trip in the sense that the first trip I took with him was to tour the devastation of the tsunami. Soon after he assumed the role of leader, the tsunami hit the Indian coastline. It was one of the largest disasters in the recent history of the world.

I had a chance to go to that region with Senator FRIST. I actually saw him firsthand don his doctor's coat and take off, if you will, his hat as Senator and put on his coat as doctor and operate. I agreed to go on that trip with him under one condition, that I myself would not have to go with him into the operating rooms. So I stayed outside and talked with people while he went in and actually did the hard work of saving people's lives and bringing them back to health.

But what I will most remember about that trip—and there were about six of us on it—is that he was the first one awake in the morning, the last one to go to bed at night, constantly working until the point where those of us said we are unlikely to ever travel with him again because we could not get any rest through the entire week and were so exhausted when we got back. We said: If he calls again to ask us to travel, tell him I am doing something else. I am kidding, of course. But I say that with the greatest admiration for a man who has an extraordinary work ethic. And through so many ups and downs, literally, of these helicopters and trips, I remember him staying so steady and so calm, even when we saw some of the most horrific sights you can imagine.

But he has led this Chamber and brought his own style of leadership and his own gifts that God has given him to this Chamber. I am a Senator who truly admires that particular aspect of his service and wanted to put that into the RECORD in a small way this morning.

JIM JEFFORDS

Mr. President, I also want to remember for a minute the good work of Senator JEFFORDS. Senator JEFFORDS tends to be one of the quiet Members of the Senate. Some of us talk a lot more than others. He does not do much talking, but he sure gets a lot done. I will never forget, and the people of Louisiana are so grateful to Senator JEFFORDS, as he chaired the EPW Committee, for being one of the first Senators in this Chamber to recognize the extraordinary loss of our wetlands and what it would mean to south Louisiana and the Gulf of Mexico. And ultimately, of course, we saw the tragedy unfold before our eyes. Had we listened to Senator JEFFORDS, and the other few voices who were calling out years ago, perhaps some of that loss of life and billions of dollars of loss of property could have been averted.

Senator JEFFORDS came down to Louisiana on several occasions. One I will never forget is standing with him in this very southern part of the State in Lafourche Parish, literally almost into the gulf waters, we were so far down south. I was explaining to him—and this is far out from New Orleans. You have to try a little hard to get there. You fly into the big airport, and then you have to go by either bus or helicopter, and it is difficult. And, of course, Senator JEFFORDS' health has not been great lately. But he was a real trooper, and he said: No, Mary. I want to go, and I want to see it.

So we flew him way down to the wetlands, and he and I were standing there, and I was explaining to him how his work in the Senate was affecting the lives of my constituents down in the bayou and was saying: Senator, almost once a week or so some fishing vessel or shrimp trawler runs into this bridge. And when the bridge shuts down, we literally not only keep schoolchildren from getting to school and parents from getting to their children, but we literally shut down the whole offshore oil and gas industry or a big part of it, because when a bridge shuts down, none of the trucks can move, no supplies can get out to the rigs. Don't you think this country, which spends trillions of dollars every year, can spend a few million dollars to fix this bridge?

The words had not gotten out of my mouth when a shrimp trawler hit the bridge, and the bridge moved slightly. The big wings of the shrimp trawler collapsed, and Senator JEFFORDS looked at me and said: Now, Mary, you have gotten way too dramatic on this point. You did not have to set that stage for that boat to hit that bridge. He said: I get the message. So we, of course, had a laugh about that.

But his sense of humor, his commitment, and his passion for the environment and the people who live on the land, the people who live in this natural environment, is what has always made me a real fan of his. I want him to know I am going to miss him and his staff who have also been extremely kind to me and my staff in the Senate.

MIKE DEWINE

Mr. President, I wish to speak about Senator DEWINE, my distinguished colleague from Ohio, and a good friend, and a man whom I have worked very closely with in our capacity as appropriators. Also, we share a passion for the child welfare system in this Nation, trying to improve it—of course, promoting adoption, the notion that there is no such thing as unwanted children, just unfound families.

I could not but come to the floor and say that MIKE DEWINE is literally one of the most compassionate men I have ever known. That compassion is obvious to anyone who works closely with him day in and day out. It is not fake. It is very real. And the spiritual depths of which he and his wife Fran and their children live their faith—not just talk about it, not just use it as a shield to protect them, but as a way to serve others—is quite extraordinary.

This Senator has seen that in him and his work, side by side with him. I want my other colleagues to know that if it were not for Senator MIKE DEWINE, the District of Columbia would not have their family court, the country would not have the stable families legislation he and Senator ROCKEFELLER pushed through this Chamber at a time when not that many people understood the consequence of a foster care system in disrepair and what happens to children when they get stuck in a system that does not appreciate their dignity or respect their right to a family.

Senator DEWINE, a family man himself, most certainly understands that and pushed that legislation through, and dozens of other pieces of legislation that I had the privilege to help him with, and to assist him with, and to watch him lead on. So I am certainly going to miss his leadership. But I will commit to him my focus on Haiti. I will never be able to fill the shoes he has laid out with the work he has done, but several of us intend to continue his work with Haiti, the poorest nation on the Earth, and continue his great passion, as much as we can, in our time here in the Senate.

LINCOLN CHAFEE

Mr. President, Senator LINCOLN CHAFEE of Rhode Island has been an independent voice for his State and the issues he believes in, regardless of partisan consideration. He will be missed by all of us.

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has represented his State of Montana for three terms. He has been a stalwart on behalf of his constituents and his philosophy of government. We thank him for his public service.

GEORGE ALLEN

Mr. President, finally, I want to recognize the Senator from Virginia, GEORGE ALLEN, for his service as Senator and as Governor of his State. We have worked together on a range of issues on the Energy and Small Business Committees as well as on the historic antilynching bill.

To all of our retiring Members, I say thank you. Thank you for your efforts on behalf of my State when you were needed and thank you for your service to America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF KENT A. JORDAN

Mr. SPECTER. Mr. President, we are due to vote in 2 minutes on the cloture motion to cut off debate so we can proceed to a vote on the nomination of Kent A. Jordan to serve on the U.S. Court of Appeals for the Third Circuit. Kent Jordan now is Judge Jordan on the U.S. District Court for the District of Delaware. He has an outstanding academic and professional record. He graduated cum laude from the Georgetown Law Center.

Judge Jordan was nominated to serve on the U.S. Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his BA from Brigham Young University, where he graduated with high honors. In 1984, he received his JD from the Georgetown Law Center, where he graduated cum laude.

Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and cocounsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation.

From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE.

In 2002, he was nominated and confirmed as a district judge for the District of Delaware, where he still sits.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt, and Widener. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: "Federal Appellate Procedure "and" Federal Civil Procedure Before Trial."

Judge Jordan has received a unanimous "well qualified" rating from the American Bar Association.

Mr. President, I ask unanimous consent that his resume and a full statement of his accomplishments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT A. JORDAN, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth:

Oct. 24, 1957, West Point, New York

Legal Residence:

Delaware

Education:

B.A., Brigham Young University, with high honors, 1981

J.D., Georgetown Law Center, cum laude, 1984

Employment:

Law Clerk, James L. Latchum, U.S. District Court for the District of Delaware, 1984–1985

Associate, Potter Anderson & Corroon, 1985–1987

Assistant United States Attorney, U.S. Attorney's Office for the District of Delaware, 1987–1992

Associate, Morris James Hitchens & Williams, 1992–1993; Partner, 1994–1997

Vice-President and General Counsel, Corporation Service Company, 1998–2002

United States District Judge, District of Delaware, 2002–present

Selected Activities:

Member of the Board of Directors, Community Legal Aid Society, Inc., 1994–1997

Member, Delaware State Bar Association, 1984–present

Member, District of Columbia Bar Association, 1996–present

Member, American Bar Association, 1984 to early 1990s

Member, Federalist Society, 1995–1997

Adjunct professor at: Widener University School of Law, 1995–1996; 2006–present; Vanderbilt University School of Law, 2003–present; University of Pennsylvania Law School, 2005–present.

Judge Kent Jordan, of the United States District Court for the District of Delaware, was nominated to serve on the United States Court of Appeals for the Third Circuit on June 28, 2006. A hearing was held for his nomination on September 6, 2006. His nomination reported out of the Judiciary Committee with a favorable recommendation on September 26, 2006.

In 1981, Judge Jordan received his B.A. from Brigham Young University, where he graduated with high honors. In 1984, he received his J.D. from the Georgetown Law Center, where he graduated cum laude. Following law school Judge Jordan served as a law clerk to the Honorable James L. Latchum, U.S. District Judge for the District of Delaware. After his clerkship, he entered private practice as an associate at Potter Anderson & Corroon. From 1987 to 1992, he served as an Assistant United States Attorney in the U.S. Attorney's Office for the District of Delaware, where he became the office's lead attorney on civil matters and served as lead and co-counsel on a variety of criminal matters.

He then joined Morris James Hitchens & Williams as an associate in 1992, becoming a partner in 1994. While at the firm he handled intellectual property, corporate, and commercial litigation. From 1998 to 2002, he served as vice-president and general counsel for the Corporation Service Company in Wilmington, DE. In 2002, he was nominated and confirmed as a District Judge for the District of Delaware.

Judge Jordan is also a scholar who teaches as an adjunct professor at three law schools: the University of Pennsylvania, Vanderbilt University, and Widener University. Judge Jordan has spoken and published articles on intellectual property, civil procedure, advocacy, and professional responsibility. He has also contributed chapters to several legal titles, including two manuals used in the Third Circuit: Federal Appellate Procedure and Federal Civil Procedure Before Trial.

Judge Jordan has received a unanimous "Well Qualified" rating from the American Bar Association. He enjoys the strong support of both Delaware Senators.

Mr. SPECTER. Mr. President, in the 30 seconds remaining, I urge my colleagues to proceed to vote on the nomination of Judge Jordan and also on the pending nominations of some 13 district court judges, all of whom have been reported out favorably by the Judiciary Committee. Regrettably, the Senate does not focus as much attention on these judgeships as I think it should. The distinguished Presiding Officer has a judge on the docket from the State of Georgia. And with the enormous business pressures we have—on Iraq and on taxes and on appropriations—there is too little attention on judges. When a judge is not present on the Third Circuit, and currently there are four vacancies on that circuit, they have a judicial emergency situation. Their docket is clogged and people have to wait a long time to have their cases heard.

Similarly, if there is not a judge sitting in Georgia or in Ohio, where Senator DEWINE and Senator VOINOVICH want a nominee confirmed, people are prejudiced and disadvantaged. And from the Western District of Michigan, a Congressman was over yesterday, urging Senators to move ahead on the three pending nominations in that district. I ask that every step be taken at every level of the Senate to confirm these judges.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to executive session for a vote on the motion to invoke cloture on the nomination of Kent Jordan, which the clerk will report.

The assistant legislative clerk read the nomination of Kent A. Jordan, of

Delaware, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott, Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 924, the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. McCAIN), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—7

Biden
Dodd
Graham
Hatch
McCain
Talent
Warner

The PRESIDING OFFICER. On this vote, the yeas are 93, nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

There are 2 hours of debate equally divided.

The Senator from Vermont.

Mr. GREGG. Mr. President, parliamentary inquiry: Will the Senator yield for a question?

Mr. LEAHY. Without losing my right to the floor, yes.

Mr. GREGG. I was wondering if the Senator will allow us to set up a sequence of speakers after the Senator speaks.

Mr. LEAHY. I will do anything to accommodate my neighbor from New Hampshire, as he knows.

Mr. GREGG. I ask unanimous consent that at the conclusion of the statement of the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes and then that I be recognized for 15 minutes. Does the Senator from Ohio seek recognition, also?

Mr. DEWINE. I do, but not on this topic.

Mr. GREGG. It doesn't matter. Then the Senator from Ohio be recognized after I complete my remarks.

Mr. LEAHY. Mr. President, if the Senator would amend that to add the Senator from Delaware. The judge is from Delaware. I ask that Senator CARPER be recognized for up to 10 minutes following that.

Mr. GREGG. At the conclusion of the remarks of the Senator from Ohio.

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Following the Senator from Vermont, the Senator from North Dakota be recognized for 5 minutes, then the Senator from New Hampshire for 15 minutes, then the Senator from Ohio for 15 minutes, and the Senator from Delaware for 10 minutes. Is there objection?

Mr. LEAHY. I have no objection.

Mr. GREGG. I thank the Senator from Vermont for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased the Senate finally has an opportunity to consider the nomination of Kent Jordan of Delaware for a lifetime appointment to the U.S. Court of Appeals for the Third Circuit. Judge Jordan is a well-qualified nominee with the support of both home State Democratic Senators, as well as that of the chairman of the Judiciary Committee, whose State is within the Third Circuit. I support this nomination, and I will vote to confirm him.

I regret that the Republican leadership chose to eschew bipartisan discussion of nominations and unilaterally filed an unnecessary cloture vote on Judge Jordan's nomination, especially after we worked so hard to expedite it in September. We could very easily have voted on this in September instead of having this folderol of urgency now. Most of us wanted to vote on this weeks ago, and I am not sure what political last gasp is involved in saying we have to have cloture. That was never necessary.

I wish, instead, the leadership had followed the customary practice in the Senate of the Republican and Democratic leaders to have sat down with the chairman and ranking member of the Judiciary Committee and worked out a process to conclude the consideration of judicial nominations for this session. Had they done so, we could have capitalized on the hard work done by the chairman and the Judiciary Democrats to report consensus nominations. Instead—and I mention this to those from States such as Georgia and elsewhere—this is the only judicial nomination the Republican leadership has scheduled for consideration in months.

I mention this for my colleagues who might be from States that have some of these judicial nominees—apparently those from those States do not particularly care. I mention it in case anybody is reading the RECORD later on. I was going to suggest a way to get some of them, but there does not seem to be an interest in it, so I will not.

What they have left unexplained is why they refuse to go forward with the President's nomination of Judge Janet Neff from Michigan. The Federal court serving the Western District of Michigan has three Federal trial court vacancies that are judicial emergency vacancies three in one district. The Senators from Michigan have worked with the White House on the President's nomination of three nominees to fill these emergency vacancies. The Judiciary Committee has proceeded unanimously on all three.

Working with Chairman SPECTER, the Democratic members of the committee cooperated to expedite their consideration.

On September 16 we held a confirmation hearing for those three nominees on an expedited basis. Regrettably, the President waited until July to make these nominations. Had he acted sooner, as some of us suggested earlier this year, we would not be in this situation. From the beginning I have urged the President to work with us on consensus nominations, and I have worked hard to proceed. I continue to do so even at this late date in the session, in spite of the pocket filibusters employed by Republicans to stall and block more than

60 of President Clinton's qualified judicial nominees.

Democrats cooperated to expedite consideration of a number of matters and reported the three judicial nominees to fill the emergency vacancies in the Western District of Michigan on September 29. Regrettably the White House, Republican leadership, and objections by Republican Senators continued to undermine this process. Instead of focusing on consensus nominees, the President sent back to the Senate in September and, again, following the November election, highly controversial nominees who had been returned to the White House in the hope that the President would work with us on a bipartisan basis.

We have been accommodating, and we will continue to be. I urge all Democrats to vote for confirmation of Judge Jordan, as I will. But neither the Judiciary Committee nor the Senate should be a rubberstamp for this President or any President. We should be taking our constitutional responsibility to advise and consent seriously. These are the only lifetime appointments in the Federal Government, and they will have an enormous impact on the lives, the rights, and future of Americans.

We were accommodating when Judge Jordan was pending before the Judiciary Committee. I knew this nomination was from Chairman SPECTER's circuit, and I cooperated with his request for a special executive business meeting. We came to the meeting and made sure we had a quorum, even though the meeting was out of the normal course.

The chairman said that the meeting would be held to expedite consideration of noncontroversial nominees. I agreed to let the majority meet to hold over the nomination of Judge Jordan in order to expedite its consideration at our next meeting. In order to be more accommodating, I went further and continued to meet so that nominees of interest to Senator GRASSLEY and Senator DEWINE could be moved forward in the process as well.

The Democratic Senators on the Judiciary Committee and our staffs worked especially hard as time ran down in this Congress to be accommodating on judicial nominations. The chairman held four nomination hearings in September. Three of these hearings were for four nominees, an extraordinary number in one hearing, and the fourth was an unprecedented hearing for two nominees who had received "not qualified" ratings from the American Bar Association. This was a faster pace than is traditional for the committee so late in the session, particularly in an election year. It was a much faster pace than is ideal for careful consideration of lifetime appointments to the Nation's courts. But we nonetheless cleared nominees at this pace to be accommodating and to keep the nominations moving forward.

Sadly, rather than meet to work out a process to conclude the consideration of judicial nominations for this session, the Republican leadership has apparently made the unilateral decision to stall certain of these nominations, including those for the judicial emergencies in the Western District of Michigan, and particularly the President's nomination of Judge Janet Neff.

, This fall, an editorial in the Richmond Times-Dispatch entitled "No Vacancies," highlighted the administration's counterproductive approach to judicial nominations. The editorial criticized the administration before the November elections and before the President renominated those controversial choices, for failing to turn vacancies into judges and instead pursuing political fights. According to the Richmond Times-Dispatch:

> The president erred by renominating . . . [Haynes] and may be squandering his opportunity to fill numerous other vacancies with judges of right reason.

The Richmond Times-Dispatch focused on the renomination of William James Haynes II to the Fourth Circuit. Of course Mr. Haynes has yet to fulfill the pledge he made to me under oath at his hearing to supply the materials he discussed in his opening statement regarding his role in developing the legal justifications and policies having to do with torture, detention and other matters.

The Richmond Times-Dispatch editorial could just as easily have been written about Judge Terrence Boyle, whom the President also renominated again to a seat on the Fourth Circuit. He did so despite the fact that as a sitting U.S. district judge and while a circuit court nominee, the President's nominee, Judge Boyle, ruled on multiple cases involving corporations in which he held investments. The President should have heeded the call of the North Carolina Police Benevolent Association or the North Carolina Troopers Association or the Police Benevolent Associations themselves from South Carolina and Virginia or the National Association of Police Organizations or the Professional Firefighters and Paramedics of North Carolina, as well as the advice of our former colleague, Senator John Edwards, to withdraw this ill-advised nomination and not renominate him. Law enforcement officers from North Carolina and across the country oppose the nomination. Civil rights groups oppose the nomination. Those knowledgeable and respectful of judicial ethics oppose this nomination. This nomination has been pending on the floor calendar in a Republican-controlled Senate for more than a year after being forced out of the committee on a solid party-line vote. The Senate actually did the President a favor by returning this nomination to the White House before the summer recess and again before the election. Republican Senators tell me they don't want to vote on this nomination, but the White House keeps sending it back up.

The President also squandered an opportunity to fill Idaho's vacancy in the Ninth Circuit by renominating William Gerry Myers III for that seat again in September and again after the November elections. This is another administration insider and lobbyist whose record has raised very serious questions about his ability to be a fair and impartial judge. I opposed this nomination when it was before the Judiciary Committee in March 2005. Actually, this was a nomination which the so-called Gang of 14 expressly listed as someone for whom they made no commitment to vote for cloture, and with good reason.

Mr. Myers' record as Solicitor General for the Department of the Interior suggests that he was part of a culture of corruption documented in the testimony of the Interior Department's inspector general, Earl Devaney, at a hearing of the House Government Reform Subcommittee on Energy. Listen to what the Inspector General in the Bush administration says about this Bush nominee. Mr. Devaney testified about a "culture of managerial irresponsibility and lack of accountability" at the upper levels of the Interior Department in which, "[s]imply stated, short of a crime, anything goes at the highest levels of the Department of the Interior." He also testified, "I have observed one instance after another when the good work of my office has been disregarded by the Department. Ethics failures on the part of senior Department officials—taking the form of the appearances of impropriety, favoritism and bias—have been routinely dismissed with a promise 'not to do it again.'" Apparently, reading this record, it was done again and again.

While Mr. Myers' anti-environmental record is reason enough to oppose his confirmation, his connection to the "culture of managerial irresponsibility and lack of accountability" raises further concerns. But these are the kinds of judges who keep getting sent back to the White House when even a Republican-controlled Senate won't bring them up for a vote. You would think somebody at the White House would be listening when they say: We are trying to send you a signal. Don't keep sending them back.

In particular, questions remain about his role in authorizing a lawyer who worked for him, Bob Comer, to arrange a sweetheart settlement agreement for a politically well-connected rancher, Frank Robbins. Mr. Comer was found, in an investigation by the Department of the Interior's inspector general, to have been responsible for arranging the deal. Documents have come to light recently showing that Mr. Myers had been given materials about the deal, which certainly undermine his assertions made under oath that he was merely misled by Mr. Comer. If anyone sought to proceed to this nomination, then we would want to know a lot more about these new documents, and we would need to explore any connections to the lobbying scandals associated with the Interior Department and Republican lobbyist Jack Abramoff. Recent reports in the Denver Post raise additional questions about the thoroughness of what Mr. Myers told us since the report that Mr. Myers and Mr. Abramoff attended at least one party together has gone unrefuted and unexplained.

So it is particularly troubling to see Mr. Myers be nominated because the President squandered yet another opportunity to fill a vacancy. I had suggested he renominate Norman Randy Smith, a Republican nominee, for the vacancy created by the retirement of Judge Thomas Nelson from Idaho. Instead, the President has again nominated Judge Smith, but not to this seat. He has nominated him to a California seat of the Ninth Circuit, effectively stealing California's seat. That is wrong. I support the California Senators in their opposition to this. I had urged President Bush to resolve this impasse and turn Idaho's vacancy into a judge by withdrawing the controversial and tainted Myers nomination—tainted Myers nomination—and instead nominate Judge Smith for the Idaho vacancy to which he could be easily confirmed. Alternatively, he could have renominated them both but merely switched the vacancies for which they were nominated, thereby allowing the Smith nomination an opportunity to proceed.

In addition, the President has renominated, again, Michael Wallace to the vacant seat on the Fifth Circuit even though he received the first ABA rating of unanimously "not qualified" that I have seen for a circuit court nominee in a quarter of a century, from Republican and Democratic administrations. That in itself should have been enough of an embarrassment not to send the name back, especially when a Republican-controlled Senate did not bring it forth. Committee proceedings on this nomination detailed the significant concern raised by numerous jurists around the country regarding Mr. Wallace's judicial temperament, his lack of commitment to equal justice to the poor and minorities, his lack of tolerance, and his closemindedness. It detailed concerns from judges and lawyers that Mr. Wallace may not follow the law and is driven by his "personal agenda."

Of course, the troubling issues raised in the ABA's testimony echo significant concerns about Mr. Wallace's record on civil rights, his opposition to the Voting Rights Act, his support for tax exemptions for Bob Jones University, his opposition to prison safety regulations, and his attempt, as President Reagan's director of the board of the Legal Services Corporation, to undermine efforts to provide legal services to low-income clients. Don't they understand that even a rubberstamp Republican Senate which has gone along with just about everything this Bush administration has done had something in mind when they sent this nomination back to the White House? Instead, the White House sent it back.

Months ago—months—ago before the last recess, I was urging Senate action on nominees such as the Michigan District Court nominees and Judge Jordan, whom we have before us now. What little progress we might have made has been undone by some on the Republican side. I have been here 32 years. I have never seen anything with either Republican leadership or Democratic leadership with a judge like this who could have been easily passed—Democrats and Republicans supported him—months ago, and here we are stalled because nobody can figure out what to do the last few days of a session. Suddenly, it is like, My God, we have to have a cloture vote on him. We could have had 30 hours of debate afterwards, which I said let's not do, and we have a unanimous consent agreement that we would not. But to have gotten to a cloture vote on somebody who would have passed on a bed check vote months ago—well, if this is theater, it is theater of the absurd. If this is theater, it would close after opening night on Broadway or anywhere else.

This goes beyond a farce. And it is particularly ironic that after months of Republicans repeating a new mantra that every one of the President's nominees, whether qualified or not, whether engaged in conflicts of interest or not, whether found by their own peers to be not qualified or not, whether they are supported by home State senators or not, is entitled to a swift up-or-down vote, after we heard this over and over—guess what—it was Republican objections that stalled more than a dozen judicial nominees.

After the last working session in October, I learned that several Republicans were objecting to Senate votes on some of President Bush's own judicial nominees. This is theater of the absurd. You had Republicans on the campaign trail saying: Oh, my, God, those Democrats are holding up President Bush's poor nominees for these highly paid lifetime appointments. They are holding them up. And guess what happened. All these nominees of President Bush, we said: Fine, let's just pass them. We were told: Oh, can't do it. Can't do it because we have Republicans who put holds on them. Talk about having it both ways. Republicans hold up the judges so they can go on the campaign trail and say: Oh these terrible Democrats. They are holding up our judges. Oh, my heart cries for them.

In fact, according to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination even though he raised no objection to the nomination when she was unanimously reported out of the Judiciary Committee. Later, without going through the committee, Senator BROWNBACK sent questions to Judge Neff about her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts. Senator BROWNBACK spoke of these matters and his concerns on one of the Sunday morning talk shows.

So where is the consultation about this with the leaders of the committee? Where is the cooperation? Where is the working together? Where is the attempt to be uniters and not dividers? Where is the wonderful statement by the President, after he got shellacked in the last election, saying: We are going to work together. Where is the explanation why the Republican leadership has chosen not to proceed with the Neff nomination to a judicial emergency vacancy? Can it really be that her attendance at a commitment ceremony of a family friend failed some Republican litmus test of ideological purity, that her lifetime of achievement and qualifications are to be ignored and that her nomination is to be pocket-filibustered by Republicans like the 60 they pocket-filibustered of President Clinton's? Oh, goodness gracious.

The Republican approach to nominations, of using nominations to score political points rather than filling vacancies and administering justice, has led to a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to me and to others about the situation in that district where several judges on senior status—one is over 90 years old—continue to carry heavy caseloads to ensure justice is administered in that district. In fact, Judge Bell is the only active judge. If it had not been for Republicans blocking President Bush's nominations, those vacancies would be filled.

Of course, this is not the first time Republicans objected to an up-or-down vote on judicial nominees. They objected and stopped up-or-down votes on more than 60 of President Clinton's judicial nominees. Last year, the President's nomination of Harriet Miers to a vacancy on the Supreme Court was stalled and withdrawn, not because a single Democrat in this body objected but because Republicans objected. Republicans questioned her qualifications, demanded answers about her work in the White House and her legal philosophy and, although Democrats said go ahead and give her a hearing, they then defeated her nomination without allowing a hearing.

With regard to judicial nominations, I do want to acknowledge the kind words of the majority leader, who noted before the October recess that we made "tremendous progress" in confirming qualified judicial nominees. By Senator FRIST's count, the Senate "has confirmed 88 percent of President Bush's judicial nominees, giving him the highest confirmation rate since President Reagan." He calculates that "95 percent of all judgeships are filled, including more than 92 percent of all circuit court judgeships and more than 95 percent of all district court judgeships." He notes that the Senate has confirmed "[n]early 160 nominees" for judgeships under the 46 months of his leadership—160 in just 46 months. He leaves out the fact that 100 of the President's judicial nominees were confirmed during 17 months when the Democrats were in charge. Senator Daschle was leader, I was chairman of the committee, and ironically—I guess it is something that got overlooked because it doesn't fit in the campaign slogans—President Bush's judges moved much faster under Democratic leadership than they have under Republican leadership.

Likewise, Chairman SPECTER acknowledged before the recess that Democrats on the Judiciary Committee in the Senate have been extremely accommodating. I hope he doesn't get in trouble for that because his statements sharply diverged from the vitriolic attack the Republican National Committee made on me, personally. It went way beyond campaign rhetoric to flatout lies.

This year we have confirmed 31 judicial nominees so far. That far surpasses the total number of judges confirmed in the 1996 Congressional session, when Republicans controlled the Senate and pocket filibustered President Clinton's nominees. In that session, Republicans would not confirm a single appellate court judge—not one—and moved forward on only 17 district court judges all session. That was the only session of the Senate I can remember, in my 32 years, in which the Senate simply refused to consider appellate court nominations. That was part of their pocket filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. In confirming eight circuit court judges so far this year, we have already confirmed more circuit judges than in 1996, 1997, 1999, and 2000.

We could have accomplished a lot more this year if the White House had sent over consensus nominations earlier in the year. Regrettably the administration concentrated on a few highly controversial nominees and delayed until recently sending other nominations and thereby prevented us from having the time to do any meaningful review. As I said before, we could have done the Jordan nomination before us now back in September instead of having this high drama.

If I were at all cynical—and we Vermonters are not, by nature—I would almost think this vote had been set up to distract the people from the fact that the Senate and House leadership have failed to figure out a way to get us out of this morass, after they failed to follow the law and pass a budget this year. They broke the law, didn't follow it, to pass a budget this year, even though they control both bodies of the Congress. Then they failed to pass our appropriations bills by the end of September, even though they are required to do so. Could it be that this nomination, this high drama of something that is going to pass unanimously, was brought up so maybe the press would be fooled into thinking that this was so important it might distract them from the fiasco from the fiscal train wreck they have got us into?

Even though this Republican controlled Congress has sent back a few of the most controversial nominations, the administration keeps sending them back. By contrast, there are six judicial emergencies still that have no nominee at all. Nor has President Bush fulfilled his solemn pledge to make a nomination for every vacancy within 180 days. Of the vacancies currently without a nominee, seven have been vacant for more than 180 days. An additional 14 of the pending nominees were nominated only after their vacancies had occurred for more than 180 days.

I want to note, again, so nobody will think that we even had to be taking the time here now: I support the confirmation of Judge Jordan. I helped expedite his consideration by the committee so we could vote on him nearly 3 months ago, in September. But we didn't in September. Of course, we didn't in October. We didn't in November. Here we are in December. But even with his confirmation, only 32 judicial nominees will have been confirmed in the last 12 months. Contrast that to the 17 months when Democrats were in charge of this body and I was chairman when we confirmed 100 judges. In the last two years of Republican control, with a Republican President and Republican Senate, we confirmed half of that, just 53 nominees. Think how much higher it could have been with some cooperation.

We have been accommodating, and we will continue to be, as we vote for confirmation of Judge Jordan today. But neither the Judiciary Committee nor the Senate should be a rubberstamp for the President. In case anybody is wondering, the Senate Judiciary Committee will not be a rubberstamp for this President or any President. Our success in this process depends on the White House sending consensus nominees, as opposed to the highly controversial nominees it sent the Senate repeatedly. I was encouraged by President Bush's pledge after the election to work with Congress in a bipartisan and cooperative way. But I was disappointed barely a week later when he broke that pledge and renominated a slate of his most controversial nominees who had failed to win confirmation, even under a Republican-controlled Senate. If they could not win confirmation when the Republicans were in control, my guess—I can't speak for other Senators—but my guess, with a Democratic chairman and Democratic-controlled Senate, they probably will not win confirmation there either. If they weren't good enough for the Republicans, they probably won't be good enough for the Democrats.

I am hopeful we can find a better approach in the 110th Congress. It starts with the President. If the President would consult with us and work with us to send consensus picks instead of failed controversial nominations for important lifetime appointments, we can make good progress filling vacancies.

We owe it to the American people. The American people do not want nominations to be about partisan politics but about Government responsibility to provide justice. The American people expect the Federal courts to be fair forums, where justice is dispensed without favor to anybody based on their political philosophy.

These are the only lifetime appointments in our entire Government. They matter a great deal to our future. Most of them will serve long after most of us in the Senate have left office; certainly after the President who nominates them has left office. I said over and over again, the Federal judiciary should not be an arm of the Democratic Party nor the Republican Party. Otherwise we lose all faith in the independence of the judiciary. Just as I have opposed those who call for the impeachment of judges when they disagree with a particular opinion or give speeches seemingly condoning violence against judges and their families, I, also, do not want to see a Federal judiciary politicized. I will continue, in the 110th Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent and able to provide justice to all Americans.

I congratulate Judge Jordan and his family because I know he will be confirmed today.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. CONRAD. Mr. President, I rise today to pay tribute to one of the Senate's finest Members, Senator PAUL

SARBANES, who is retiring after 30 years of service in this Chamber. Senator SARBANES has served this Senate, his State, and our country with dignity, wit, and uncommon wisdom. He is simply one of the smartest, most principled people I have ever known. He is, quite simply, a class act.

PAUL SARBANES has focused his energies on governance and effective legislating. This thoughtful approach has served him well, served his State well, and served this Chamber well. PAUL SARBANES never lost an election, and he is the longest serving Senator in the history of the State of Maryland.

In the Senate, PAUL SARBANES served with great distinction as chairman and ranking member of the Banking and Joint Economic Committees and has long provided wise counsel on the Foreign Relations Committee.

At the Banking Committee, he has been relentless in protecting consumers from unscrupulous financial acts. When the country was hit by scandals in the Enron and WorldCom cases, PAUL SARBANES acted to protect against further abuse and the Sarbanes-Oxley Act is the result. That is an act that has stopped further abuse.

PAUL SARBANES also fought for affordable housing, for adequate public transportation, for transparency at the Federal Reserve. In debating former Fed Chairmen and the current one, he has never let central bankers forget that they must pursue a dual mandate, with jobs for Americans on an equal footing with fighting inflation.

It has been my honor and my privilege to serve with Senator SARBANES on the Budget Committee. Few can match his understanding of economics and the interaction between the budget and the economy. His insightful and tenacious questioning, his even temper, and his humor have made being his colleague on the Budget Committee both rewarding and a pleasure.

My favorite story about PAUL SARBANES is from his youth. PAUL SARBANES was an outstanding athlete. He was a great baseball player and a great basketball player. In fact, he was so good in baseball that he was chosen as a Maryland All Star. He was chosen to play shortstop on that team. When he showed up for the first practice, the manager directed him to second base. PAUL SARBARNES was a little surprised by that because he had been chosen to play shortstop. But he went out and played second base. He thought there might be some mistake. The next day, he came to the next practice and was again directed by the manager to play second base. At this point, Senator SARBANES thought he should go to the manager and inquire why—since he had been chosen to play shortstop—he was playing second base. The manager looked him in the eye and said, "Sarbanes. Kaline will be playing shortstop." Of course, the Kaline was Al Kaline, who became a Hall of Fame baseball player.

That is some measure of the extraordinary athletic talent that PAUL SARBARNES had. It was not his athletic talent that so distinguished him in this body; it was his remarkable academic talent, his remarkable ability to deal with others.

I think in my time in the Senate I have never dealt with a person of greater wisdom than PAUL SARBARNES.

I wish Senator SARBANES the very best in his retirement and whatever endeavors he will pursue. His wife, too, has become a special favorite to our family—so bright, so talented, and such a good partner with PAUL SARBARNES. I know they are deeply proud that their son has been elected to the Congress of the United States to represent a district in Maryland.

PAUL SARBARNES has been a great colleague and a very dear friend to me. I will miss him and his service on the Budget Committee and in the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I thank the Chair.

EXTENDERS

Mr. GREGG. Mr. President, I rise to discuss what is the last pending major piece of business relative to this Congress and is headed toward the Senate from the House, something called the extenders bill.

To put this in the proper context, there are a number of tax initiatives which are going to lapse this year and need to be extended—things such as the R&D tax credit, such as the deduction which teachers can take when they buy materials for their classrooms. Teachers—especially elementary teachers—seem to do a lot of that. They deserve that recognition; also, things such as tuition tax credit. These are all extenders which should occur. Were they to occur in the proper order, they might cost as much as $12 billion. However, the bill that is headed toward us doesn't cost $12 billion; it is going to cost $39.5 billion. At least that is what we think it is going to cost. We haven't had it finally scored. But that is what we believe is a reasonable number to put on that.

That will be added to the deficit. It will be at least $17 billion over what is known as pay-go, which is a mechanism that disciplines tax cuts. It doesn't discipline spending, regrettably. I hope we can restructure it, and then I might be a supporter of it. But it is $17 billion over what is known as the pay-go baseline. This represents $39 billion of funding which will be added to the debt. That is incredible as the last act of Congress. It will actually be, arguably—depending on how you define the Part D premium exercise, which added trillions of dollars in the outyear debt—either the largest or the second largest budget buster passed by this Congress, $39 billion. It has in it a large amount of items which have nothing to do with extending taxes and has a lot to do with personal interests of various special interest groups around this country who have the capacity to get things put in bills.

Probably the most significant one is conversion of a program called the Abandoned Mine Land Program which basically will create a new $4 billion cost to the American taxpayer to pay for health insurance of mine workers and former mine workers which should have been paid for by the coal companies. In other words, it is a direct transfer of payment from the corporate coal companies' obligations to support the health care of these miners to the American taxpayer. And it is a directed program, a mandatory program, not a discretionary program. So it basically cannot be reviewed or adjusted in the outyears.

It is probably one of the most egregious things we will do in this Congress in the area of abandoning fiscal discipline and raiding the taxpayers' pocketbooks for the benefit of a small group of people and corporations.

It, also, includes something called the doctors' fix. It is appropriate that we correct the amount of money that doctors are reimbursed for under the Medicare Act. There is a 5-percent doctor reimbursement. It is not fair to doctors to be asked to bear the burden of the expansion of Medicare costs, and it should be corrected.

But the understanding always was—at least I thought it was—I guess I am naive—that it was going to be paid for with real dollars. That wasn't exactly what was said here. There are some real dollars being used, but there are real dollars that do not have anything to do with the issue. They are taking something called the stabilization fund and applying it to doctors. That pays for some of it. That arguably is real dollars which should be used in this event, but as a matter of policy, you can't fight it from a budget standpoint. It is real dollars and bad policy.

But there is another group of dollars being used that does not even exist and is being claimed as part of the payment. They are going to correct a hole in next year's doctors' fix which will double next year's fix; take that money that doesn't exist and claim they are taking that money to pay off the doctors' fix this year. It is an accounting gimmick of extraordinary brazenness, which if you did it in the corporate world, you would go to jail. There wouldn't be any question about it. There would be a clear-cut jail sentence tied to this one if this were a corporate gimmick used by a corporation and put on the shareholders or the investors in your company as something that was appropriate. It is an outrage of the first order on the American taxpayer and our children, because who pays for this? Our children pay for it. That is what happens.

The bill is laden with earmarks, where this group or that group or that one—the District of Columbia gets $150 million, the State of Tennessee gets $35 million, and the State of Nevada gets $4 million. I don't know how this one got in here: The Music Writers of America are going to get $3 million. The music writers will get $3 million from the taxpayers and put on the debt. By our standards around here, it wouldn't even make an asterisk. But it is what this represents that is so outrageous.

The rum excise revenue sharing with Puerto Rico, $184 million; special depreciation for ethanol plants.

I don't think there has ever been a financial bill which has come through this body that didn't have something for ethanol. Ethanol is a great idea. I am for it now. I used to be suspect about it. But it is such a vertical, integrated subsidy. Why do we have to keep throwing subsidy after subsidy into it? In fact, not happy enough with that little exercise, they also had to extend the tariff on ethanol that comes into the country from international producers so that the Northeast, which can't get the ethanol from the Midwest because it can't be shipped through the pipelines because ethanol can't be shipped through the pipelines because it bonds with water and the pipelines will not work—the Northeast, which can only get it shipped efficiently and cost effectively, say, from Brazil and have it shipped in by boat, has to pay a huge tariff on that—54 cents a gallon, which makes it economically unfeasible, even though it is an alternative fuel source that should be used throughout our country. And granted, we would like to have it produced in America, but I would rather be buying ethanol from Brazil than oil from some of our friends in the Middle East, such as Iran. Yet this makes it virtually impossible to do that. It is good policy, I say with great irony and sarcasm. Of course, it has nothing do with tax extenders.

Then there are serious policy implications. For example, it extends the sales tax deduction, which is a policy of essentially saying to high-tax States: You should increase your taxes on your people at the expense of the Federal Treasury. The sales tax deduction is nothing more than a revenue sharing for the Federal Government, where the Federal government says to a State: We will give you a deduction for increasing your taxes and the Federal taxes will then go up for everybody else to pay for that deduction. There are a lot of States that don't have a sales tax. There is no reason they should be penalized in this way. There is no reason people in New Hampshire should have to pay sales tax to subsidize a high sales tax in the States of New York or Texas or California. It doesn't make any sense, from a policy standpoint.

This is not distributed in a very equitable way. The only people who can take advantage of this are the itemizers. Itemizers, by definition, usually earn more than $60,000, at about the breaking point where you start to itemize your tax deductions. Basically, low-income people who pay a sales tax will see their sales taxes go up because States will want to raise them in order to claim their deduction, and low-income people will now have to pay more in sales tax and not be able to deduct it; whereas, high-income people in those States deduct it. It doesn't make any sense policywise or from a tax standpoint. It is just one important effort by one group of States that want to get this deduction put in place to take advantage of a bill coming through here.

The bill, as I said, is arguably the biggest budget buster ever brought forward by the Republican Congress. That is ironic in and of itself, isn't it? That is pretty ironic.

The way it is being brought forward is interesting. It is being brought forward in a manner which will make it extraordinarily difficult. This is being done by the Republican leadership for the Republican membership in a way that makes it extraordinarily difficult for anyone to attack the bill at any point and raise any of the issues which I just raised. In other words, if I wanted to address this deduction of $35 million for Tennessee or if I wanted to address the music writers item, I will not be able to do that. That option is not going to be allowed to me on a traditional vote nor on a motion to strike. I probably would lose those motions, but that is not going to be available to knock those earmarks out.

If I wanted to raise the policy arguments on the doctors' fix, the fact that you have this unbelievable accounting mechanism used to pay for it, I am not going to be able to do that as Budget chairman. That will be denied. The Republican leadership is denying Republican membership the capacity to address these serious fiscal issues in this bill, including the fact it is $39 billion added to the Federal debt. It is going to be brought over in a manner which I have never seen happen before, probably because it is the biggest budget buster in the history of our country passed by the Republican Congress. They do not want to have anybody highlighting it but are sending it over as a message from the House—not as a bill but as a message from the House, which dramatically limits the ability to attack it or raise issues by it. "Tax" maybe is the wrong term. Then they are going to fill the tree so no amendments can be made. Then they are going to have the final vote with motions to concur with the House message. It is obvious they have the votes to do this. This bill has so much in it for so many different little folks and issues around here that they have racked up the vote count to the point where they can accomplish it. Well over 60 votes would be for this bill. The votes are there. They can do it. That is the way the majority works.

But we have to ask this question. The American people took the reins of government away from the Republican Party, the Republican Congress, in this last election. They did so in large part because they were tired of our hypocrisy as a party on the issue of fiscal responsibility. It would appear their concerns are justified. It is true that our colleagues on the other side of the aisle will probably be worse at fiscal management than we are. We have shown it to be in our nature to spend money. If you add up all the things they talk about in their campaigns, they will spend a lot, but at least they will not be hypocritical, going to the American people and saying: We are the party of fiscal responsibility.

We have to ask how we as a party got to this point where we have a leadership which is going to ram down the throats of our party the biggest budget buster in the history of the Congress under Republican leadership.

Anyway, the American people figured it out. I am sorry we haven't figured it out yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

HONORING OUR ARMED FORCES

FIRST SERGEANT CHARLES M. KING

Mr. DEWINE. Mr. President, I rise today to pay tribute to a dedicated and decorated Ohio soldier, Army 1SG Charles Monroe King from Cleveland. 1SG King was killed in Iraq by a roadside bomb on October 14, 2006, during a convoy mission to send supplies to Baghdad. He was 48 years old at the time of his death.

1SG King's last mission captures the essential character and selflessness of this man. A 19-year veteran of the Army, Charles was the senior officer on a resupply mission near Baghdad. According to others, Charles did not have to accompany the convoy, but, true to form, Charles went to offer his experience to the younger soldiers on the mission.

His friend and fellow soldier, Captain Jon Schaeffer, said this about what happened:

> He did not have to go on that resupply mission, but Sergeant King loved his soldiers. He would not let them do anything that he would not do, so he was right there with them.

His heartbroken fiancée, Dana Canedy, added:

> He said he could not, in good faith, send his soldiers on a mission unless he did it

> himself. He made sure that each one of his soldiers took leave before he would take his leave.

That selflessness—that willingness to always put his men first—is a measure of Charles' leadership and courage. That Saturday in October, America lost a true hero.

A career soldier, Charles was scheduled to return home last month. He was a member of a unit from Fort Hood, TX, that was deployed to Iraq last November. As a veteran of the first Gulf War and one of the Army's very best soldiers, Charles was highly decorated. His numerous awards include the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, and the Army Valorous Unit Award. This list of awards, impressive as it is, tells only part of the story of this remarkable man.

As his sister Gail said, "My brother was very humble about his military experience and all the things he had accomplished." Charles was born and raised in the Cleveland neighborhood of Lee-Miles, where his parents Charlie and Gladys still live.

Friends and family remember Charles as a soft-spoken, helpful little boy, who could be counted on to do more than his share of the work.

His former church Pastor, Vern Miller, recalled the day he asked for volunteers to build a three-foot concrete block wall for a needy neighbor. Charles was only a child, but he already had that natural impulse to help and to serve. Pastor Miller said that "Chuckie was the first to arrive. He was ready to work. Of course, he was too little to carry the heavy blocks, but he brought the workers water all day." In that giving little boy, we can see clearly the loving man he would become.

Charles was also a person with wide-ranging interests and passions. He was especially interested in art. When Charles was about 13, his mother enrolled him and his sister in an art class at a nearby community college. Gail said that, while she "failed miserably," Charles fell in love with art.

Upon finishing high school, Charles attended the heralded Art Institute of Chicago. Upon graduation in 1983, he worked as a fashion ad illustrator in Alabama. Known as a hard worker with a meticulous eye for detail, Charles created illustrations for advertisements, as well as for news stories.

His artistic talent continued to play a significant role in Charles' life long after he traded in a civilian career in art for a life of military service. While serving in the military, Charles became fascinated with the history of the 761st Tank Battalion, an African American unit that served in World War II. Ultimately Charles was so inspired that he drew a collection of illustrations of the unit in battle. His collection was put on display at the Pentagon in 1998, as part of the Black History Month celebration. More of his work is now on exhibit at military museums at Fort Lewis, WA, and Fort Knox, TN.

Charles King could have lived comfortably as a professional artist, but his strong sense of duty led him to enlist in the Army. "My brother was very much into service and serving others, and that was the driving force [for joining the military]," Gail said.

Charles joined the Army in 1987 and married shortly after. He soon became a dad, when daughter Christina was born. She was the light of her father's life.

While in the military, Charles served honorably in Iraq from 1990 to 1991, as part of Operation Desert Storm. Later, he was able to continue his education, attending Cuyahoga Community College and receiving an associates degree from Chamberlain Junior College in Boston.

Charles was remembered by his fellow soldiers as the consummate professional. Captain Schaeffer remembers how the normally soft spoken and gentle man was also a very capable leader, able to guide his troops in times of chaos. He said that "we all learned one thing: When Sergeant King yelled, you moved. He only yelled when there was good reason."

Before his last deployment to Iraq, Charles became engaged to Dana Canedy, a Pulitzer-prize winning journalist who worked for the Cleveland Plain Dealer and now serves as an editor at the New York Times. While Charles was in Iraq this last year, Dana gave birth to their son, Jordan. Charles was ecstatic.

During a 2 week leave in September, he got to see his 6 month-old son for what would, tragically, be the first and the last time. He could hardly put his baby boy down.

Although it was terribly difficult to be separated from his family, Charles came up with a unique and heartwarming way to communicate to his infant son Jordan. Miles away, Charles began keeping a journal addressed to Jordan. The journal, which reached 200 pages, was a collection of everything from short stories from his childhood to excerpts of his time as an artist. Mostly though, the journal laid out detailed guidelines and fatherly advice about what Jordan would need to know growing up.

Dana said this about that journal:

> It was therapy for [Charles]. He wanted his son to know everything he could tell him. Everything from his favorite Bible verses, why he wanted to have a baby, why he wanted to be a soldier, and how to treat women.

Leafing through the pages, there are instructions for everything from how to deal with disappointment to letting his son know it was OK for boys to cry. As Dana said, "Charles was this big, muscular guy, but he was like a big pussycat." Charles ended his journal to his young son, saying, "I will do my best to make you and your mother proud."

Indeed, Charles King made everyone who had the privilege to know him very proud.

News of Charles' death was devastating to his family, friends, and community. Since his death, phone calls have poured in to his family's home. "God is just continuing to work miracles in our lives," said Gail.

In a funeral service held in Cleveland at Lee Heights Community Church on October 23, friends eulogized Charles. They told stories about him that prompted a sea of smiles and nods from the friends and family packed into the tiny church, whose walls were covered with Charles' paintings.

Those in attendance remembered the boy who had grown up to be such an accomplished man. They remembered the brave soldier, the talented artist, and the loving son, brother, father, and friend. They remembered an American hero.

My wife Fran and I continue to keep all of Charles' family—his parents Gladys and Charlie, his sister Gail, his fiancée Dana, his son Jordan, and his daughter Christina—in our thoughts and in our prayers.

LANCE CORPORAL THOMAS KEELING

Mr. President, I rise today to pay tribute to Marine LCpl Thomas Keeling from Strongsville, OH. LCpl Keeling was killed on June 9, 2005, in an explosion in Iraq. He was assigned to the Marine Reserve's 3rd Battalion, 25th Regiment, 4th Marine Division based out of Akron, OH. He was 29 years old.

LCpl Keeling leaves his mother and step-father, Sharon and Robert Berry, his father Tom Keeling; his sister Erin Keeling, and his twin sister Kristen Keeling.

Thomas—Tom to his family and friends—graduated from Strongsville High School in 2000 and then attended Kent State University, graduating in 2004 with a Criminal Justice degree. Matthew Kichinka from Strongsville knew Tom as "Tommy Boy." He reminisced about his high school friend:

> I still remember the first time we met in home room 10th grade year. You were my best friend in high school. I will never forget the great times we've shared, the mischief we caused in gym class, and the nights we closed at the kitchen at Giant Eagle. Thank you friend, for being there for me during those difficult times in high school and being the best friend a person could have.

Dave Murphy of Middleburg Heights, OH, moved to Strongsville not knowing a soul—that is until he met Tom. As Dave put it:

> I moved to Strongsville when I was young. I was concerned I wouldn't find any friends,

> I was blessed enough to move in across the street from the Keelings. Before the moving trucks even drove away, Tom was in my yard inviting me into his. This is a perfect example of the person Tom was. He was truly compassionate for others and a great friend.

Mary Jo Webster from Berea, OH, was Tom's 6th grade teacher. She remembers him as "a lively, happy child." Friends knew him as always having fun and doing things he enjoyed. Whether he was playing hockey in Parma Heights, in his softball league, or shooting hoops with friends in his neighborhood, he was always active. Teammates took pride in their skillful forward. He had outstanding agility and tremendous speed. But his interests were not just in the sports that he was playing, he was interested in the people and the relationships it takes to build a team.

When Tom was at Kent State, he worked in housekeeping to earn extra money. Paula Hill described her custodial co-worker by saying that "he was one of the nicest young gentlemen I've ever met. I called him my number three son because he was as close to me as my own children."

When Tom graduated from college, he was considering a career in the FBI. His mother Sharon said that "Tom's dream was to become an FBI agent, and he chose going to the Marine Corps because he thought he would get some experience that would help him along his career."

Tom had been a Reservist for 4 years, and his stepfather and grandfather were both marines. He looked up to his grandfather, who was a World War II veteran and had been awarded two Purple Hearts. When Tom died, he was buried next to him.

Tom once told his stepfather that he was proud of the job that the U.S. troops were doing in Iraq and that he could see things improving. Tom had been in Iraq since February 2005, and was assigned to a mobile strike force seeking insurgents in the Anbar province near the Syrian border. "Sometimes they go out seven days at a time. They'd patrol cities during the day and go out in the desert at night," his stepfather said.

But Tom's work in Iraq didn't stop on the field of battle. In weekly care packages, his family made sure to send him candy and Beanie Babies to hand out to Iraqi children. Tom's ability to connect with the children of the country he was trying to protect was a testament to the kind, gentle soul that Tom Keeling was.

Nate Ickes from Akron, OH, honored his brother-in-arms by saying:

> I was honored to have served with Tom. He brought joy and laughter to everyone in our unit. There was never a day that went by that he did not have a smile on his face.

Close friends, like Emily Laurie of Charleston, SC, understand the impact Tom had on the people he touched. She wrote words of comfort in a posting on an Internet tribute website. This is what she wrote:

> Remember Tom with a smile. Remember the good things, the good times, and the laughter. He is a hero, endowed with great courage and strength and has sacrificed his life for the freedom of others. He will be missed, but not forgotten.

Close family friend Mark Nutter from Brunswick, OH, also paid tribute to Tom's memory in an online website by saying the following:

> I just wanted to say thank you for letting me be a part of your family for a few years. I got the chance to know the man that later became the closest thing I have ever had to a little brother. Tom not only quickly became my friend. He became my family. He became my brother. Tom was one of the greatest people that I will ever know and have ever known in my whole life. I will miss him dearly.

Mark went on to write:

> I am posting this because I came through on a small promise I made to Tom when he passed away. Tom played softball with my friends and me for a few years. The friends Tommy made on the team, including me, made a promise to win our league championship for him.
>
> Well Tom, we did it, and we did it for you. I had your old jersey hanging proudly in our dugout all year for you and as long as we play, we always will. I had a picture of Tom and a simple quote below him before our championship games. It read, 'Win 2, for Tommy.' Tom, we won two for you that night and our first league title.
>
> I will miss Tom dearly and hope his family knows what he meant to me. Thanks for the good times. They will always be in my heart. Thank you, again, Tom. It was a pleasure to have known you.

Marine LCpl Thomas Keeling had a zest for life, a love of family and friends, and a deep understanding of what it means to serve. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I ask unanimous consent to proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAFF SERGEANT RICHARD PUMMILL

Mr. President, I rise to honor a courageous Ohioan from Cincinnati—Marine SSgt Richard Pummill, who was killed in Iraq by a roadside bomb on October 20, 2005, after serving there for 3 months as a weapons officer. He was 27 years of age at the time.

Staff Sergeant Pummill leaves his wife, Chantal; their son Donald Richard—known as Cliff—his mother Lynn, and his grandparents Donald and Ann.

Richard—known as Rick—graduated from Anderson High School in 1996, where he excelled in football and wrestling. Eileen Arnold, a counselor at Anderson High School, first met Rick when he was a freshman. "He stood out in my mind because he was fun-loving, outgoing, and energetic," she recalled. "I had the sense he wanted to do something special with his life. He was never afraid to speak his mind and was never hesitant. He didn't go along just to go along."

Indeed, Rick did want to do something special with his life, and he joined the Marine Corps immediately after high school. Patsy Hager, mother of Rick's childhood friend Wally, said:

> The Marines gave him a purpose. He was always driven. He was always about something.

This passion and drive served Rick well in his Marine Corps weapons officer training. As Rick's friend Matt Fugate recalled:

> Rick was a fun guy, but he was a Marine through and through. That was his calling.

John Morgan, Jr., and Rick played on the same soccer team when the boys were 4 years old, and the two have remained friends. Rick gave John his spare dog tag the day he joined the military, and John has carried it around on his keychain ever since. He described Rick as "fearless."

But, Rick was also a caring and compassionate individual. For portions of his childhood, he and his mother lived with his grandparents, Ann and Don Lesher. When Rick was stationed with the marines in North Carolina, he would buy wood, haul it home to Ohio, and chop it for his grandparents so they could use it to heat their home. "He adored his grandparents," his mom said.

After completing his Marine Corps training, Rick served as a military recruiter. His charisma and enthusiasm for the job was apparent to all his colleagues. SSgt James Morgan was a fellow recruiter and left the following message for Rick's family on an Internet tribute Web site:

> Rick and I worked together on recruiting duty in a two-man station—just him and me. Recruiting duty will test a Marine, but [Rick], my friend, always kept me laughing. We spent many days lost on backwoods Danville roads. [He] always went the extra mile—always volunteered to get the job done. I will never forget him. I am a Staff Sergeant today because of Rick's hard work.

When the war began in Iraq, however, Rick was eager to give up the safety of his recruiter's job for a combat position. After preparing so many young marines to make the journey to Iraq, he felt compelled to go over, himself, and serve beside them. He only had the chance to serve 3 months before he was killed by a roadside bomb during combat operations. Although his time in Iraq was short, he left a lasting impression on those with whom he served. Fellow marine and friend Josh Williams wrote the following after Rick's death:

> It's not like when your parent dies of sickness or a friend dies in an accident. Losing a comrade in a war is very different. There's a bond there that doesn't have a name.

Rick was a selfless individual, who was always looking to ease others' hardships. A wife of a fellow marine who served under Rick wrote the following in tribute to him:

> I met Staff Sergeant Pummill the day our men left for Iraq. He was so friendly and

> even gave me some advice about getting through the deployment. 'Just look at it in terms of paycheck to paycheck,' he said. 'That's what my wife will do.' My husband is very privileged to have worked under him.

In his civilian life, Rick enjoyed painting his own cars and thought about going to culinary school after he finished his service in the military. But, there was one passion in his life that far outweighed all the rest—and that was his family—his wife and son Cliff. Rick's mother Lynn recalled that "he was a fantastic father. He was dedicated and adored his son. Cliff looks just like him."

There is no doubt that all those who loved Rick will make sure Cliff knows what a courageous and remarkable man his father was.

Rick's wife Chantal describes her husband as "the most dedicated Marine that I knew. He was a loving husband and a devoted father."

Rick's mother Lynn added:

> My son loved our country. He loved the Marine Corps. He lived to be a Marine.

This is how Rick will be remembered, Mr. President: as a loving father, devoted husband, loyal son, caring grandson, and brave marine. My wife Fran and I continue to keep his family in our thoughts and in our prayers.

MASTER SERGEANT DAVID A. SCOTT

Mr. President, I come to the floor to honor and remember a man who dedicated his life to the service of our Nation. On July 20, 2003, Air Force MSgt David A. Scott, from Union, OH, died while serving our country in Doha, Qatar. He was 51 years of age.

"Scotty"—as family and friends called him—spent his career in military service. He was serving as an Air Force Reservist in the U.S. Embassy in Qatar when he died of a brain aneurysm. He is survived by his wife of 25 years Deborah and daughter Christine.

Born in Toledo, Scotty graduated from Erie Mason High School in 1971 in Erie, MI. The following year, he served in the Vietnam war. Afterward, he returned to his hometown of Toledo, where he began work in an automotive factory.

When the automobile factory closed in the mid-1970s, Scotty decided to enlist in the Marines. He served as a marine for 17 years before joining the Air Force Reserves in 1993 and moving to Union.

Though he served our Nation well in the Air Force Reserves, Scotty always thought of himself as a marine first and foremost. "The Marine Corps was his life," his wife Deborah said.

"He was in the Marines for 17 years and worked at testing new recruits. Even when he went into the Air Force Reserves, they called him their token Marine. He always said, 'Once a Marine, always a Marine.'"

But, whether he was serving with the Marines or the Air Force, there was one thing that Scotty always was—a dedicated and selfless serviceman, who was proud to serve his country in any capacity asked of him. At the Embassy in Qatar, he served as the assistant chief of information systems for the 445th Communications Squadron, based out of Wright Patterson Air Force Base in Dayton, OH. His job there was to coordinate and assist in obtaining diplomatic clearances for Coalition aircraft and personnel, as well as to help plan equipment shipments for Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan.

While serving overseas, Scotty would call and e-mail his wife Deborah often and share with her how proud he was of the meaningful work he was doing. As Deborah recalls:

> He said it was very important and that he'd met a lot of great people. He was so proud to be serving his country.

An avid sportsman, Scotty enjoyed watching football and would make bets with family members on NFL games. He also enjoyed hunting and fishing.

Scotty was an admirable marine and Reservist—a model for what every serviceman and woman strives to be. But, even more importantly, he was a loving and devoted husband and father. Scotty and Deborah celebrated their 25th anniversary in October 2002. "We had such a nice time," Deborah remembers. "We took a long weekend and went down to Tennessee to Pigeon Forge."

Scotty's death has been felt deeply by all who knew him. In Deborah's words, he was simply a "real nice guy. Everybody loved him."

Scotty was so well respected by those he worked with in the military. One of his comrades, MSgt T. Kirkman, left his friend the following message on an Internet tribute website. This is what he wrote:

> Scotty, you are missed, but never forgotten. I am proud to have worked with you at Wright Patterson Air Force Base. You were one of my best and brightest memories of the 445 AW! To Scotty's family—may the Lord continue to bless and keep you until you see him again.

It takes courage and self-sacrifice to serve one's country. Scotty dedicated his life to serving this country. And, he did so in not one, not two, but three branches of the military: the Army, the Marine Corps, and the Air Force. And so today, we honor MSgt David Scott in the U.S. Senate.

Mr. President, my wife Fran and I will keep his family and friends in our thoughts and in our prayers. We will keep his wife Deborah and his daughter Christine in our thoughts and in our prayers.

SERGEANT FIRST CLASS DANIEL J. PRATT

Mr. President, I rise today to pay tribute to Army National Guard SFC Daniel J. Pratt from Newark, OH, who died on November 3, 2005, when he suffered a heart attack, while serving in Iraq. He was assigned to the Army National Guard's 211th Maintenance Company, based out of Newark and had served with the Guard for about 16 years. He was 48 years old. He leaves his wife Linda, his daughter Lindsay, his son Daniel, and his three sisters and two brothers.

Originally from Camden, NJ, Daniel was raised in Williamstown, OH, with his five siblings. He was also a member of Youngstown's St. Christine Catholic Church. At Williamstown High School, he lettered in cross country and indoor and outdoor track.

His former track coach, James Greczek, recalled Daniel's high school days by saying that "he always had a smile. He was a super, super kid."

Daniel's dedication was seen in the type of relationships and friendships he had. Tim Leyden ran cross-country with Daniel at Williamstown, roomed with him in college, and lives 15 minutes away from his home in Ohio. Just a couple years older than Daniel, Tim reminisced on his best friend by saying this: "He introduced me to my wife. He was godfather to my son. He was . . . outgoing, a good salesman, and fun-loving."

After high school, Daniel attended junior college in Alabama and then Southeastern Lousina College. Daniel became a foreman for a truck dealership in Austintown, OH. He met his future wife Linda at Lake Tahoe. Daniel and Linda were married for almost 20 years.

In 1989, Daniel joined the National Guard. Since his deployment to Iraq on December 30, 2004, Linda and Daniel emailed each other regularly and talked by phone on Sundays. It was not easy for Daniel to be apart from his family. But Daniel knew that he was proudly serving our Nation. His dedication to service and the safety of his homeland earned him the Meritorious Service Medal on August 31, 2005.

Tim and many of Daniel's family members last saw him in June 2005, when he returned home briefly for his son's high school graduation. Tim recalled, "Everything was fine. He was looking forward to getting home, but the biggest concern was getting all his people home." Daniel was due to return home on December 9, 2005.

The day after Linda received the news of her husband's death, she received flowers from him for their 20th anniversary. "I was just overwhelmed and touched. And I just felt his goodness come through again," she said. To Linda, her husband was not just a patriotic military man and a caring father. He was so much more.

Lorraine Boyer, one of Daniel's siblings, said she wasn't surprised when she heard he had sent anniversary gifts from Iraq. "He had a heart of gold. He was an exceptional human being," she said. "Everybody he came in contact with—he just touched their lives."

Daniel had no previous health problems, but there was a history of heart disease in his family and his father died of heart problems when he was in his 40s.

Teri Gove, Daniel's cousin, said the following in tribute to him:

> I am so proud of you, Danny, and so sad for your family. I can still remember Thanksgiving at the camp in Delaware . . . your dad taking us all for a ride in his new big truck out through the woods at midnight to show my dad that his truck could go through anything—and then, the long, dark walk home when [the truck] did get stuck! You and my brother kept hiding and jumping out of the dark to scare us girls! That's the picture I see when I think of you. And now you are a hero!

Jason Chalky from Youngstown also paid tribute to Daniel. This is what he said:

> We will miss you, forever. I knew you for a couple of years, and you never led me in the wrong direction. You were a good leader, a good soldier, and a good friend. . . . Thanks for all you gave and that your family gave.

Rick McKinney of Rexburg, ID, served with Daniel in the 237th. He said that Daniel "would stand up for his soldiers like no one that you've ever seen. It was six years that I knew him and served with him. I thank him and his family for all they've done to ensure our freedom."

I would like to conclude my remarks with the words of SFC David Garlits, who said the following in a message to Daniel after his death:

> Dan, it was great to know you, buddy. You were one of my best friends in Iraq. Even though we were the same rank, I always looked up to you. You did so much for the Army with so little in return except for knowing you did your best. You will live on because of all that you shared with others.

SFC Daniel Pratt will never be forgotten. My wife Fran and I continue to keep his family in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I ask unanimous consent to be granted an additional 5 minutes from the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKE DE WINE

Mr. CARPER. Mr. President, before Senator DEWINE leaves the floor, he was speaking of a loss that he and his family and others are mourning, I presume in Ohio, where I spent a number of years as an undergraduate at Ohio State University. I would associate myself with his remarks in extending our sympathies from Delaware. We received some devastating news of our own in Delaware a day or two ago with the news that Army SGT Keith Fiscus had been killed in action in Iraq at the age of 26. Our hearts go out to him. I will be talking more about him later.

There is a loss that we mourn as well, not the loss of a life here in the Senate, but the loss of Senator DEWINE who will be returning to Ohio and to other challenges in the days ahead. Senator DEWINE and I were elected to the House of Representatives in 1982. We came here together with people such as JOHN MCCAIN, Tom Ridge, John Kasich, Harry Reid, Barbara Boxer, Dick Durbin, and JOHN SPRATT, a remarkable freshman class in the House of Representatives. It was the year we elected a lot of Democrats and not nearly as many Republicans. Somehow, then, Congressman DEWINE managed to swim against the tide and to be elected against those odds in Ohio.

He served as a Congressman of distinction, later as the State's Lieutenant Governor where he trained GEORGE VOINOVICH, who served as Governor, and then to be elected to the Senate. It was my privilege to serve with him in the House of Representatives and it has been a privilege to serve with him in the Senate.

On a personal level, I will miss him. I want to say how much it has been a privilege to serve with my friend from Ohio, who has a good mind and a good heart, wonderful family, and is deeply devoted to them and the people of Ohio, whom we both revere.

Mr. DEWINE. If the Senator will yield.

Mr. CARPER. I do.

Mr. DEWINE. I thank my colleague, who has pointed out to my colleagues in the Senate that he and I came here together in the election of 1982 and came to the House in 1983. We have been dear friends ever since. I will miss working with him. He is someone who I believe exemplifies what this institution is all about, and that is getting things done, working in a bipartisan way, making a difference. He has done that and will continue to do that.

I wish him well.

Mr. CARPER. I appreciate very much those words and the chance to be a friend of Senator MIKE DEWINE.

Mr. President, I wish to talk about a couple of things, if I may. In about 15 or 20 minutes, the Senate will vote on the confirmation of a judge. The President has seen fit to nominate District Court Judge Kent Jordan, who serves in Delaware, to succeed Judge Jane Roth who has served for more than a dozen years as a judge on the Third Circuit Court of Appeals. Judge Roth announced early this year that she was going to take senior status, and she has done that. I will talk a little bit about her, and then I will talk about Judge Kent Jordan.

Judge Roth, whom I have been privileged to know for almost as long as I have been in Delaware, whose husband served here in the Senate for some 30 years and was my predecessor, typifies everything a judge ought to be—smart, knows the law, adheres to the law, uncommonly fairminded, treats those who come before her, whether they are on either side of an argument, with respect, has a reputation for providing judicial temperament, a forum where justice can occur. She is somebody who works hard, somebody who has a wonderful sense of humor. Sometimes when people don those black robes, they turn in their sense of humor, but she has never lost hers.

Along the way, in addition to being a district court judge and then a circuit court judge on the Third Circuit Court of Appeals, she was a lawyer and partner in a major law firm in my State, Richards, Layton & Finger. She played a prominent role there for about 20 years.

Prior to that, she served in the foreign service for our country. I believe she served in places such as Iran, and we could probably use her expertise and counsel these days. She served in Rhodesia and in the Republic of the Congo. She married Bill Roth along the way, raised two children, and somehow managed to do it all with grace and aplomb. She continues to serve us as the senior judge of the Third Circuit Court of Appeals. We are lucky she does, and we are grateful to her for that service and to her family for sharing with all the people of the country, not just of Delaware, a remarkable human being.

We are grateful for her service and think of her today as we consider the nomination of her successor Kent Jordan.

I have known Kent Jordan not for as long as Judge Roth, but I have known him. He served on the district court in Delaware for some time. Delaware is a little State. You know almost everybody, if you want to. I have had a chance to get to know him and his family. I think he has earned very high marks as our district court judge, much as Judge Roth did when she was our district court judge.

When I was privileged to be Governor of the State for some 8 years, I nominated a lot of people to serve on the bench. Among the qualities I looked for was people who knew the law, who had good judgment, who were able to make decisions. Sometimes people, frankly, find it hard to make a decision. As a judge, that is not a good thing. You want somebody who knows the law and somebody who has good judgment, who is able to make decisions and follows the golden rule in the way the people treat who come before them, who provides good judicial temperament and a forum, a courtroom, where justice will more likely than not be served.

Judge Jordan in his service on the district court has always shown that those are the qualities he is all about.

He, as Judge Roth, has been a parent, raised a family. I am not sure if I have the right number, but I think he and his wife have raised five or six, maybe seven children. So they have had a lot going on at home, with schools and all kinds of extracurricular activities.

He served before that in a number of other challenging situations. We had a little debate today and there was a cloture vote on whether we were going to vote on Judge Jordan's nomination. Nobody should somehow interpret that vote and the fact that we had to vote on cloture as any question about his integrity, competence, ability, and willingness to serve. He will be a great addition to the Third Circuit Court of Appeals.

We will vote in about 15 minutes on Kent Jordan's nomination. I hope my colleagues will join me—and I know I speak for Senator BIDEN in urging our support—unanimous support for this nomination. He has not disappointed us in anything he has ever done, and I am sure he will not disappoint any of us in this regard either. He has received, by the way, from the American Bar Association—every now and then we talk about the ratings they hand out with respect to nominees. His unanimous rating was "well qualified," which is the highest possible grade. It was a unanimous rating. I think that speaks for itself.

In addition to having served as a district court judge for the last 4 years, he also clerked for a legend in our part of the country, District Court Judge James Latchum. Once he graduated from law school, he became an assistant U.S. attorney for the Delaware District. He has done great things with his life. He has a lot of integrity and great energy. I hope he will be rewarded for those things later today. We will be voting in a very short while.

INDEPENDENT REGULATOR FOR GOVERNMENT-SPONSORED ENTERPRISES

As we come down the home stretch on our year's business, there are some things we are going to complete today, or maybe tomorrow—hopefully, not Sunday—and there are some things we may not complete. I was looking in the local paper in our State, the News Journal, on Thursday when I was coming down on the train. I saw an article that was headlined "Fannie Mae Restates Earnings, With $6.3 Billion in Profits Slashed."

I think what the auditors and the Fannie Mae accountants have done is looked at earnings over a 4-year period of time, from 2001 through 2004, and they concluded that Fannie Mae—a huge enterprise, a large Government-sponsored enterprise, like Freddie Mac—overstated their profits by some $6.3 billion.

The reason I bring that up is that I am disappointed that we are going to finish business this year and not provide for a strong, independent regulator for Government-sponsored enterprises such as Fannie Mae and Freddie Mac, and the Federal Home Loan Banks. That has not been questioned—with respect to the way they operate, the accuracy of the financial reporting. Great questions have been raised over Fannie Mae and Freddie Mac, and as we have seen in yesterday's newspaper, there was a huge restatement of earnings.

I think it is unfortunate that we are not going to be able to conclude with a vote on legislation that some people have spent a lot of time working on in the last year or two. The House of Representatives has passed—not unanimously but by a wide margin—legislation that would provide for a strong, independent regulator for Fannie Mae and Freddie Mac. The Senate ended up breaking down along party lines in the Senate Banking Committee on similar kinds of legislation. We passed out a bill on party lines. It never came up on the floor. In the last month or two, there has been an encouraging discussion and negotiation between Congressmen BARNEY FRANK and MIKE OXLEY, his staff, and the folks at the Treasury Department, under the direction of Secretary Hank Paulson, to try to narrow the differences between the bill reported out by our committee with only Republican support and the bill that passed with bipartisan support in the House. We have not been able to resolve all of our differences, but progress has been made in the last month. I want to say to both Congressman FRANK and Congressman OXLEY—who is leaving, as well, at the end of this year, so he will not have a chance to push this ball into the end zone next year but certainly Congressman FRANK will be in a position to do that. He will chair the relevant committee in the House. I think great work has been done and good progress has been made.

It is unfortunate that we are not going to complete the job this week. I think we teed the ball up for next month. I hope one of the first things we will do in the Senate Banking Committee is hold hearings and look at the negotiations that have taken place between the House and the Treasury Department and see if we cannot build on those and pass legislation—find common cause with the House of Representatives and the administration and pass the legislation.

Until we do that, there are a couple things that are going to be occurring. One, we are going to have uncertainty for the enterprises, Fannie Mae and Freddie Mac, and those who are thinking about selling their stock. There will be an impact on the housing market as well. We don't need that. The regulator for these entities will not have bank-regulator-like powers. This regulator needs that. These entities need a regulator that has bank-regulator-like powers. The regulator will not be independent, and we need legislation which would create a strong, independent regulator. Mission and new product authority will continue to be separate; they should not be. Capital requirements will not be flexible; they should be. Growth of these two enterprises will go largely unconstrained.

None of those things are desirable. I hope we can address them all when we come back and resolve them satisfactorily in a very few months.

Having said that, there is a lot of progress that has been made. If we go back a year or so, we had large differences where folks in the Senate were on a path forward with respect to a strong, independent regulator for Government-sponsored enterprises. We agree on combining the regulator for Fannie Mae and Freddie Mac with the Federal Finance Board, which regulates the Federal Home Loan Banks. We agree on that now.

The question of the independent regulator from the appropriations process, we agree on that—that the regulator should be independent of the appropriations process. We also agree that the independent litigation authority for the regulator should be provided. Currently, they have to go through the Department of Justice, and I think we have all come to agree that is not the best course, and the regulator ought to have independent litigation authority. We decided the regulator has to have the power to put them into receivership if, God forbid, the worst should occur. We agree on that today. We have agreed on combined mission oversight and new product authority under one world class regulator, something that a month or a year or so ago we didn't have common cause on. We agree today that the regulator ought to have flexibility for setting capital standards—the Congress setting standards for risk or minimum capital standards. We should invest in the regulator's authority.

We agree that there ought to be restrictions on the size of the portfolios of Freddie Mac and Fannie Mae. We are talking about hundreds of billions of dollars, literally, portfolios that exceed a trillion dollars. That is a lot of money. Enterprises of this size, because of the effect they can have on financial markets here and around the world, deserve a world-class regulator. We want to make sure they get that. That should be an early item of business next January.

Having said that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, I am pleased to speak today in enthusiastic support of Kent Jordan, a fellow Delawarean, who has been nominated by President Bush to serve on the U.S. Court of Appeals for the Third Circuit.

If Kent is confirmed by the Senate, he will have completed a meteoric rise to a seat on the Federal court of appeals, and no one is more deserving.

But before I talk about Judge Jordan, allow me to say a few words about the Judge whom Judge Jordan is nominated to replace. This spring, Judge Jane Roth informed the President that she would be taking senior status. Judge Roth has been a stellar presence on the Federal bench; she has served her country with dignity, wisdom and distinction. She is dedicated to the rule of law, and her representation of our State on the court of appeals has brought nothing but distinction to Delaware.

Like many of you, I have known Judge Roth for several years, and I look forward to her continued brilliant service as a senior judge of the circuit.

As I told the Judiciary Committee at his hearing, Kent Jordan has very large shoes to fill, but I am confident that he is up to the task.

Judge Jordan began his legal career with a clerkship in the chambers of Judge Latchum, a pillar of the bar in Wimington. He went on to serve as an assistant U.S. attorney, working on some highly publicized cases and bringing some really bad characters to justice.

He then became a partner at one of Delaware's top law firms, Morris James Hitchens & Williams, before becoming general counsel to the 102-year-old Corporation Services Company and finally, 4 years ago, being confirmed by this Senate to serve on the bench of the U.S. District Court for the District of Delaware.

Mr. Chairman, the past 4 years have demonstrated what those of us familiar with Judge Jordan already knew. He possesses the sterling academic and professional skills, as well as the vital judgment and temperament, to be an outstanding Federal district judge.

Lawyers who have appeared before Judge Jordan—even those he has ruled against—have described him as open-minded and fair. His colleagues on the bench have come to value his intellect, integrity and his friendship.

If confirmed, Judge Kent will be an asset to the appellate bench and a model of responsible jurisprudence for years to come. I have full confidence that he will bring to the appellate bench all of the assets he has so clearly demonstrated in the district court.

I highly commend Judge Jordan to my colleagues and ask that they vote to confirm his nomination.•

Mr. BURR. Mr. President, I yield back the remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. McCAIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Missouri (Mr. TALENT), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Wyden

NOT VOTING—9

Biden
Brownback
Dodd
Graham
Hatch
McCain
Specter
Talent
Warner

The nomination was confirmed.

LEGISLATIVE SESSION

Mr. ENZI. I ask unanimous consent the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUNGER-FREE COMMUNITIES ACT OF 2005

Mr. DEWINE. Mr. President, I ask unanimous consent on behalf of the leader that the Committee on Agriculture be discharged from further consideration of S. 1120 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1120) to reduce hunger in the United States by half by 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I understand there is an amendment at the desk, and I ask unanimous consent the amendment be considered and agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, the title amendment, which is at the desk, be agreed to, and any statements be printed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5233) was agreed to, as follows:

(Purpose: To make perfecting amendments)

On page 1, line 5, strike "2005" and insert "2006".

On page 2, strike lines 3 through 10.

On page 2, line 11, strike "(4)" and insert "(1)".

Beginning on page 2, strike line 19 and all that follows through page 3, line 21.

On page 3, line 22, strike "(8)(A)" and insert "(2)".

On page 4, line 2, strike "and".

Beginning on page 4, strike line 3 and all that follows through page 5, line 2.

On page 5, line 3, strike "(10)" and insert "(3)".

On page 5, line 5, insert "and" after the semicolon.

On page 5, line 6, strike "(11)" and insert "(4)".

On page 5, line 18, strike the semicolon and insert a period.

Beginning on page 5, strike line 19 and all that follows through page 6, line 9.

Beginning on page 7, strike line 12 and all that follows through page 8, line 12.

On page 8, strike line 13 and insert the following:

SEC. 101. HUNGER REPORTS.

On page 8, line 16, strike ", and annual updates of the study," and insert "not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter,".

On page 8, strike lines 21 and 22 and insert the following:

(A) data on hunger and food insecurity in the United States;

On page 9, line 14, strike ", and annually thereafter," and insert "and 5 years thereafter,".

On page 10, line 14, strike "50 percent" and insert "90 percent".

Beginning on page 15, strike line 6 and all that follows through page 17, line 19, and insert the following:

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

On page 19, line 10, strike "or 202".

On page 20, line 14, strike "or 202".

On page 20, strike line 15 and insert the following:

SEC. 203. REPORT.

The amendment (No. 5234) was agreed to, as follows:

Amend the title so as to read: "To reduce hunger in the United States, and for other purposes."

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hunger-Free Communities Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

Sec. 101. Hunger reports.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

Sec. 201. Hunger-free communities collaborative grants.
Sec. 202. Hunger-free communities training and technical assistance grants.
Sec. 203. Report.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of this pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2)(A) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term "domestic hunger goal" means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term "emergency feeding organization" has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term "food security" means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term "hunger-free communities goal" means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter, of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and 5 years thereafter, the Secretary shall submit to the President and Congress a report that contains—

(1) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a); and

(2) the most recent recommendations of the Secretary under subsection (b).

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 201. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 90 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 201.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 201.

SEC. 203. REPORT.

Not later than September 30, 2011, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out title II $50,000,000 for each of fiscal years 2006 through 2011.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1245, Johanna's Law, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

There being no objection, the Senate proceeded to consider the bill.

Mr. COBURN. Mr. President, as a physician and a two-time cancer survivor, I believe that eliminating cancer should be among our Nation's highest priorities.

During my two decades practicing medicine, I have treated countless patients of all ages and backgrounds who were diagnosed with various forms of cancers. Many were successfully treated and are alive and healthy today. Others were not as fortunate. Sadly, most of these cases could have been treated if detected earlier. Nearly all could have been prevented.

As a physician, I know firsthand that both patients and health care providers are not properly informed about many symptoms and causes of cancer. I have long been disappointed that the U.S. Surgeon General and the Centers for Disease Control and Prevention, CDC, have failed to take an effective leadership role to educate the American people with lifesaving information about the various forms of cancer and how to protect themselves. As a result, the American Cancer Society estimates that 1,399,790 men and women—720,280 men and 679,510 women—will be diagnosed with and 564,830 men and women will die of cancer of all sites in 2006. Countless others will require invasive treatment that will forever affect their lives.

Each of these individual lives represents a failure to protect the health of one of our sisters, daughters, brothers, sons, parents, neighbors, and friends.

One recent patient of mine, an 18-year-old girl, is an example. She was diagnosed with human papillomavirus, HPV, infection. HPV is the cause of over 99 percent of all cervical cancers and is a sexually transmitted disease.

To prevent the onset of invasive cervical cancer, a large portion of this young girl's cervix had to be removed. As a result she is less likely to be able to become pregnant in the future and more likely to have a premature infant if she does become pregnant. And despite already undergoing invasive treatment, she remains at risk for future complications and additional surgeries.

This girl and the others that I am caring for in my medical practice are the real faces of those affected by HPV and cervical cancer. What we are confronting is not an isolated epidemic.

About 24 million Americans are currently infected with HPV according to the National Cancer Institute and an estimated 5.5 million Americans become infected with HPV every year. With 4.6 million of these HPV infections acquired by those aged 15 to 24, HPV accounts for over half of all new sexually transmitted diseases among young Americans. On March 8, 2004, researchers from the Colorado Health Sciences Center reported that more than 30 percent of women in a recent study were found to be infected with a strain of HPV linked to cervical and anal cancer. In comparison, 18.7 percent of men carried HPV-16, one of 10 high-risk strains of the virus.

Over 1,350,000 women will have invasive procedures each year just to assess the status of their abnormal pap smears secondary to HPV. According to the American Cancer Society, every year over 12,000 new cases of invasive cervical cancer are diagnosed and more than 4,000 women die of the disease. And noninvasive cervical cancer is estimated to be four times as widespread as the invasive type. HPV is also associated with other forms of cancer and more than 1 million precancerous lesions that affect both women and men.

Few of my patients with HPV had ever heard of the virus and were unaware of its health risks including its link to cancer. Many of my fellow physicians were not even aware of HPV and its symptoms.

In 2000, I authored legislation directing the CDC and the Food and Drug Administration—FDA—to take actions to educate the public with "medically accurate information" about HPV and cervical cancer. I was disappointed when groups that claimed to advocate for women's health, such as the American College of Obstetricians and Gynecologists—ACOG—opposed my proposal and fought to keep the public in the dark about HPV.

The HPV law was approved by Congress as a component of the Consolidated Appropriations Act of 2001 and became Public Law 106-554 with the signature of President Bill Clinton on December 21, 2000. In a Statement of Administration policy, President Clinton stated:

> The Administration supports the goal of better informing the public about HPV and the fact that the use of condoms may not fully prevent HPV transmission.

The law directed CDC to develop a report outlining the "best strategies to prevent future infections, based on the available science." After the repeated urging of Congress, CDC finally issued a report in 2004 that concluded:

> Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e. refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . .
>
> The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection. . . .
>
> Regarding other possible prevention approaches, no data indicate that treatment of clinical lesions or use of microbicides will prevent transmission of infection, although HPV vaccines are likely to become available in the next few years and may become an effective prevention tool.

The CDC's conclusions reflected what has become the scientific consensus.

In a February 1999 letter to the U.S. House Commerce Committee, Dr. Richard D. Klausner, then-Director of the National Cancer Institute, stated:

> Condoms are ineffective against HPV because the virus is prevalent not only in the mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted.

In 2001, the National Institute of Allergy and Infectious Diseases along with FDA, CDC and the U.S. Agency for International Development issued a consensus report regarding condom effectiveness that concluded "there was no epidemiologic evidence that condom use reduced the risk of HPV infection."

In November 2002, a meta-analysis of "the best available data describing the relationship between condoms and HPV-related conditions" from the previous two decades was published in the journal Sexually Transmitted Diseases. The meta-analysis concluded: "There was no consistent evidence of a protective effect of condom use on HPV DNA detection, and in some studies, condom use was associated with a slightly increased risk for these lesions."

Based upon these findings, the law directs CDC to "prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address modes of transmission, consequences of infection, including the link between HPV and cervical cancer, the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV, and the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer." The CDC has not complied with this requirement.

The law further requires that "all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary—including materials prepared through the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration—or by contractors, grantees, or subgrantees thereof, that are specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing the STD the materials are designed to address." Again, Federal agencies have not complied with this provision of law.

The law directed the FDA "to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV." Six years after this law was signed, the FDA is still in the beginning stages of crafting a new medically accurate informational label for condom packages. By way of comparison, it took 410 days to build the Empire State Building and 2 years, 2 months and 5 days to construct the Eiffle Tower.

Congress approved the HPV law precisely because Federal health agencies had failed to educate the American public about the health risks of HPV and how it can be prevented and these same agencies are continuing their cover-up of the HPV epidemic, now in violation of federal law.

In 1999, when this law was first offered in Congress, a study published by the American Journal of Preventive Medicine in June 1999, found that "only 37 percent of respondents had ever heard of HPV," meaning knowledge of HPV has not increased in almost a decade. The 1999 study concluded "implementing HPV education programs and measuring their effectiveness should be a priority."

According to a 2005 Health Information National Trends Survey, only 40 percent of women have ever heard about HPV. Of those that have heard of HPV, less than 20 percent knew that HPV could sometimes lead to cervical cancer, meaning that only about 8 percent of American women are aware that HPV can cause cervical cancer. The only factors associated with having accurate knowledge—knowing that it could lead to cervical cancer—was an abnormal Pap test or testing positive on an HPV test. This suggests that most women are finding out about HPV only after experiencing a negative consequence.

As these numbers show, the failure of CDC and FDA to enact the HPV/cervical cancer education and prevention law has had real consequences—a hidden epidemic that claims thousands of lives every year and affects tens of millions of others.

It is unacceptable that federal health agencies have abdicated their responsibility and missions and intentionally ignored the law and, in so doing, placed the health and lives of millions in jeopardy.

Today the Senate has passed another bill, the Gynecologic Cancer Education and Awareness Act, or "Johanna's Law," which will again direct CDC and FDA to educate the public about cervical cancer as well as other forms of gynecological cancer.

I would like to recognize Senator ARLEN SPECTER, Congressman DARRELL ISSA, cancer survivor Fran Drescher, and the countless other activists who are cancer survivors themselves or have a loved one who has been diagnosed with gynecological cancer who have championed this bill through Congress.

It is an unfortunate statement that this bill is even necessary. It is a recognition that federal health agencies have failed to effectively carry out their missions.

It was my concern that the same agencies entrusted with enacting this bill would ignore it in the same manner that the law Congress passed in 2000 has been ignored. That would mean that the dedication and hard work of the activists and survivors who supported this bill was for nothing.

When I voiced these concerns, Senator SPECTER agreed to amend the bill language to include a date certain that the cancer education activities that both this bill and the current law require. This assures that the law and the epidemic of gynecological and cervical cancer can no longer be ignored by federal agencies.

If the CDC and the FDA do not enact the provisions of this bill and the existing law—317P of the Public Health Service Act—by March 1, 2008, the Department of Health and Human Services is required to submit to Congress a "a detailed description of all actions taken" to bring the Department into compliance every three months until the law has been fully enacted.

I fully expect that these requirements will compel CDC and FDA to enact these important laws and the Department will not deliver "the dog ate my homework" excuses. Laws, after all, are not optional for citizens, for members of Congress or even for government agencies and bureaucrats.

Again, I am pleased that the Senate is directing federal health agencies to do their part to help educate and prevent gynecological and cervical cancer and that this time we will hold them accountable to ensure that not another one of our sisters, daughters, mothers, or friends falls victim to this silent epidemic.

Mr. ENZI. I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5235) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecologic Cancer Education and Awareness Act of 2005" or "Johanna's Law".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding "(JOHANNA'S LAW)" at the end; and

(2) by adding at the end the following:

"(d) JOHANNA'S LAW.—

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

"(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

"(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

"(ii) distributing the materials to members of the public upon request.

"(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

"(2) REPORT AND STRATEGY.—

"(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

"(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

"(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

"(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

"(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

"(II) The background and history of such activity, including—

"(aa) the goals of such activity;

"(bb) the communications objectives of such activity;

"(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

"(dd) how such activity is or was expected to result in change.

"(III) How long the activity lasted or is expected to last.

"(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

"(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

"(B) STRATEGY.—

"(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

"(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

"(3) FULL COMPLIANCE.—

"(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

"(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1245), as amended, was read the third time, and passed.

AMENDING THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4113, the Native American Methamphetamine Act, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 4113) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4113) was ordered to a third reading, was read the third time, and passed, as follows:

S. 4113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(B) in subparagraph (B), by striking "and local" and inserting "territorial, Tribal, and local";

(2) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States";

(3) in paragraph (3)(C), by inserting ", Tribal," after "support State"; and

(4) by adding at the end the following:

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

"(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purposes described in this subsection.".

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192) is amended—

(1) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", territorial, or Tribal" after "State"; and

(ii) by striking "and/or" and inserting "or";

(B) in paragraph (2)—

(i) by inserting ", territory, or Indian tribe" after "agency of the State"; and

(ii) by inserting ", territory, or Indian tribe" after "criminal laws of that State"; and

(C) by adding at the end the following:

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(3) in subsection (c)—

(A) in paragraph (3), by striking "Indian Tribe" and inserting "Indian tribe"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "State's services" and inserting "services of the State, territory, or Indian tribe"; and

(II) by striking "and/or" and inserting "or";

(ii) in subparagraph (A), by striking "State";

(iii) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(iv) in subparagraph (D), by inserting ", tribal" after "Federal, State".

LIFESPAN RESPITE CARE ACT OF 2006

Mr. ENZI. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3248, which was received from the House. I ask unanimous consent there now be up to 60 minutes of debate equally divided between Senators ENZI and COBURN or their designees with no amendments in order, and that following the use or yielding back of the time the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3248) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to make a few brief comments. Then there will be others who will join me and Senator COBURN as well.

Currently there are over 40 million caregivers in the United States providing informal care or support to a disabled elderly relative. This represents about one out of every five homes in the United States. The Lifespan Respite Care Act would help these caregivers by authorizing competitive grants to aging and disability resource centers in collaboration with State respite coalitions and organizations. That would make quality respite care accessible to family caregivers regardless of age or disability.

Respite care provides family caregivers with the time to maintain their own health, bolster family stability, and keep marriages intact. It also allows family caregivers to avoid or delay police intervention and nursing home or foster care placements.

Over 180 national and State organizations have endorsed this important legislation, including the Alzheimer's Association, the MS Society, Easter Seals, Christopher Reeve Paralysis Foundation, the ALS Association, and the National Patient Advocate Foundation, to mention but a few.

The House of Representatives passed the Lifespan Respite Act by voice vote without objection on December 5, 2006. In the Senate, a similar version passed unanimously in 2003 and has twice passed the Health, Education, Labor and Pensions Committee in previous Congresses. The bill has strong bipartisan support in the Senate.

I thank my good colleague, Senator WARNER, for his leadership and work on this important legislation during this Congress and previous Congresses. It was his bill that we moved through the Health, Education, Labor and Pensions Committee. Without his perseverance we would not be here today to pass this bill and send it to the President for his signature.

I would also like to thank Senator CLINTON, the cosponsor of this important legislation, who has worked diligently on it.

I respectfully ask my Senate colleagues to approve this legislation and send it to the President to be signed into law.

• Mr. WARNER. Mr. President, I rise in support of the Lifespan Respite Care Act.

I have long been a major supporter of providing community-based respite care services for family caregivers of children and adults with special needs. In fact, as the lead Republican sponsor of the Senate bill for several years, I am pleased that in previous years the bill has been approved by the HELP Committee twice and by the full Senate once.

This legislation was first brought to my attention by a number of Virginians suffering from ALS, also known as Lou Gehrig's disease, and by their family caregivers. The Lifespan Respite Care bill is important because diseases such as ALS, MS, Alzheimer's, cancer, and others afflict far too many Americans.

While substantial investments have been made to help find cures for these diseases, we all know that until cured, these diseases will continue to have a substantial effect on far more people than the individuals who are diagnosed with them. ALS, MS, Alzheimers, and other diseases all have a tremendous impact on the family and particularly on family members who, out of love and compassion, take care of their loved ones who are terminally ill.

Serving as a family caregiver, though, often results in substantial emotional, physical, and financial hardship. It can take a tremendous toll on the family. Respite care services can provide assistance.

Currently, the Federal Government does provide some respite care assistance to some family caregivers. However, these programs are directed primarily at lower-income populations and at family caregivers of older Americans. Thus, existing programs of respite care are insufficient to meet the need. This legislation is intended to fill the gap.

This important legislation will authorize competitive grants to Aging and Disability Resource Centers in collaboration with a public or private nonprofit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

In so doing, this bill will be a win-win-win for everybody involved. Patients will be able to receive care in the home from loving, caring family members rather than in a nursing home. Family members will be even further encouraged to serve as a family caregiver knowing that services will be available to assist them. And, finally, the Federal Government and our health care system will recognize fiscal savings as—more care will be given in the home by a family member rather than in the more costly nursing home setting. As we all know, given the aging baby boomer generation, the cost of Medicaid nursing home care is expected to be a primary reason of increased healthcare costs in the years to come. The Lifespan Respite Care bill is one step in the right direction towards controlling these costs.

I would like to thank Republican Congressman MIKE FERGUSON of New Jersey for his work and dedication to this cause. He has been a champion on this issue for years and recognizes its importance based on his very personal experience, as he witnessed his father serve as a family caregiver. I would also like to thank the National Respite Care Coalition and its Chair, Jill Kagan, who has worked tirelessly on behalf of the Nation's family caregivers on this issue.

I also thank Senator SNOWE, Senator ENZI, and Senator GREGG for their support. Finally, I thank Senator CLINTON and her professional staff for partnering with me and my staff for the past 5 years on this important legislation.●

● Mr. HATCH. Mr. President, I rise in strong support of S. 1245, the Gynecologic Cancer Education and Awareness Act, better known as Johanna's Law. This bill needs to be signed into law as quickly as possible.

Johanna's Law creates a national public awareness campaign to increase the knowledge of both women and their health care providers concerning gynecologic cancers. This national campaign will include written materials for the public on gynecologic cancers and public service announcements to encourage women to discuss with their physicians their risks of gynecologic cancers. In addition, women will be directed on where to get additional information on the early warning signs and risk factors associated with gynecologic cancers.

The legislation also requires the Secretary of Health and Human Services, HHS, to submit a report to Congress on the past and present activities of the agency to increase awareness on all cancers, including gynecologic cancers. The report also would include information on what HHS is doing to educate health care professionals on these cancers. Once this report is submitted to Congress, the Secretary of HHS is required to develop and submit a strategy for improving efforts to increase awareness and public knowledge on gynecologic cancers. When developing this strategy, the Secretary is encouraged to consult with qualified public sector groups, including non-profit organizations.

Finally, this legislation authorizes $16.5 million to be appropriated for this program from fiscal year 2007 through fiscal year 2009.

I am extremely supportive of this legislation, and have worked to see its enactment this week.

Why is this bill important?

The stories of two very special women will answer that question. They have, I believe, made a huge difference in passing this legislation.

The first person is Grace Warren, who handled health care issues with great skill for Congressman RALPH HALL of Texas for many years. Ms. Warren is one of those Hill staffers who is well known for her institutional knowledge and her professionalism. She is widely respected and loved on both sides of the aisle.

Unfortunately, Grace's career on Capitol Hill was cut short in November 2003, when she was diagnosed with ovarian cancer. She retired from the House of Representatives last year, and passing this legislation became her passion.

Ms. Warren made a compelling case to both my office and the Senate HELP Committee on why this legislation needs to be signed into law this year. While Ms. Warren believes that this bill won't do anything for those women who have already been diagnosed with gynecologic cancers, she recognizes that it will make a huge difference for other women because it will help educate them on the early warning signs of gynecological cancers, such as abdominal swelling, gastrointestinal disturbances, lower back pain and abnormal bleeding.

The second person whom I would like to acknowledge is Ms. Fran Drescher who also must deserve great credit for getting this legislation through the Congress. Her commitment to having this bill signed into law has been very impressive to me.

Ms. Drescher has tirelessly visited with Members of Congress this entire week and will be staying in town until this legislation is passed by both Houses of Congress.

While I have known Fran for many years, it was gratifying to be reminded of her tremendous enthusiasm and her commitment to women's health. Ms. Drescher is extremely articulate when she is advocating for Johanna's law. And that is because as a cancer survivor herself, she is strongly committed to educating women about awareness and early detection of gynecologic cancers.

It was painful for me to hear her story. Over a period of 2 years, Ms. Drescher tried to get a diagnosis for her symptoms. She saw eight doctors before being told that she had uterine cancer.

This should never happen.

Ms. Drescher recognizes that women must know the early warning signs of all gynecologic cancers and which tests are available because women cannot assume that these tests will be offered to them.

In addition, she is the author of the book Cancer Schmancer which discusses how she beat uterine cancer. Her dedication and commitment have made a tremendous difference and we all greatly appreciate her efforts.

Both Ms. Warren and Ms. Drescher are truly amazing women who have shown a selfless dedication to making a difference in the lives of others.

It is for Grace Warren, and Fran Drescher, and the many, many other women who will be challenged by gynecological cancers that we must pass this legislation.

I strongly support this bill because I want women and their health care providers all to be educated about the early warning signs of these cancers.

I want a screening test to be developed so that it will be easier to diagnose gynecological cancers in the early stages of the disease.

I am tired of women having limited health care options because of late stage diagnosis. This must change.

But, I am hopeful that we can start to make a difference in the lives of all women the minute that this bill is signed into law. I urge my colleagues to support Johanna's Law.●

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am proud that we are finally sending the Lifespan Respite Care Act to the President for his signature. After 4 years of bipartisan efforts, we are delivering a great victory for millions of American families providing care to a parent, child, or loved one.

Thank you to Senator SNOWE who was the first lead Republican on the legislation and has been a champion for this bill and family caregivers.

Thank you to Senator WARNER for his efforts on the bill. Your leadership will make a difference in the lives of so many American families.

I want to express my appreciation to Representatives MIKE FERGUSON as the primary sponsor of the House bill as well as Congressman LANGEVIN. We would not be on the verge of enacting this bill without their work.

Deep appreciation and thanks to the Lifespan Respite Task Force, a coalition of 180 national, state, and local organizations under the direction of the National Respite Coalition. A special thank you to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

Today's passage represents a tremendous win: for ailing seniors, children, and loved ones being cared for at home; for family members providing a time-consuming, emotionally exhausting, and physically demanding labor of love; for our health care system; for our values; and for decisions based on evidence, not ideology.

Each year, 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities, of all ages, live at home with their families.

These are our friends, neighbors, coworkers, loved ones; their work represents real struggle and hardship; extraordinary acts of love and generosity that we have a duty to honor and support.

This legislation will expand and enhance access to respite care services to provide support and relief to these families providing care; to help ailing loved ones stay in their homes longer; and to control health care costs as respite care allows families to postpone or prevent expensive hospitalization and nursing care.

Today, the fastest growing illnesses in our country are chronic illnesses. And our health care system—already burdened by rising costs, aging infrastructure, a growing population of elderly, and upside-down incentives—is struggling to adapt systems designed to provide acute and immediate care.

Families have stepped into this breach. Family caregivers provide 80 percent of all long-term care in the U.S.—work that is virtually always unpaid but valued at more than $300 billion annually. That is more than the entire amount we spent on Medicare in 2004.

Today, we are sending a message to family caregivers: through extraordinary sacrifice, in a system plagued by problems, you are part of the solution—and today, finally, Congress is part of the solution, too.

Because of their responsibilities at home, studies have shown us that it is much more difficult for caregivers to find and maintain jobs. Many caregiving families are struggling to stay afloat. The cost to businesses is estimated in the tens of billions of dollars, including the cost for employees who leave jobs due to overwhelming responsibilities at home.

This labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well-being at risk while assisting loved ones. Many caregivers are exhausted and are more prone to illness themselves. One study found that caregivers are 51 percent more likely to experience sleeplessness and 61 percent more likely to experience depression.

Caregiving stress can even lead to marital discord and divorce.

Often, this incredible struggle—with little support despite the heroic efforts of the organizations advocating for and providing respite care—leads to more costly out-of-home placements as a family's only alternative.

Across our country quality respite care remains hard to find. Where community respite care services do exist, there are often long waiting lists. And until the Lifespan Respite Care Act, no Federal plan has focused on respite care to coordinate among disparate and fragmented services.

Now, after years of work on both sides of the aisle and between the Senate and House, we are finally going to begin meeting the growing needs of family caregivers.

Respite care provides some much needed relief—for a few hours or a few days—from the daily demands of caregiving, which are vast. And we know respite care works.

In one study, 88 percent of caregivers said that respite care allowed loved ones to remain at home.

Nearly 100 percent believed respite care made them better caregivers and helped them manage the stress of this incredible responsibility and 80 percent even said respite care helped their marriages.

This act is about real family values and it is exactly what we should be doing in this chamber—no partisanship; understanding hardships and taking steps to help; common sense solutions that put families in charge, that provide the tools to improve their own lives and honor their loved ones, that serve our health care system and our values.

Families have stepped into the breach—and now with the Lifespan Respite Care Act, Congress is sending these families a lifeline.

This legislation will expand access to respite care; improve local coordination of services; and help families find out about what is available and how to get the care they need.

This legislation will make respite services equally available to all age groups and prioritize those with special needs who do not qualify for any other respite services or who cannot find appropriate quality respite care in their communities.

It is critical that HHS ensures that the funds provided by this act are used by State agencies and ADRCs—which to date have primarily served the aging population—to serve all age groups and disability categories equally and without preference and without waiting periods or a phase in of age specific groups.

This legislation will also facilitate a coordinated approach at the Federal level. To ensure this critical component and maximize our investment, the grantees selected to implement Lifespan programs must be able to demonstrate unequivocally that they are working collaboratively at every level—with agencies in HHS that have respite resources, including the Administration on Aging, the Maternal and Child Health Bureau, other public health programs in the Health Resources and Services Administration, the Substance Abuse and Mental Health Administration, the Centers for Medicaid and Medicare, the Administration on Developmental Disabilities, and the Administration on Children and Families.

But improving the services at the local, State, and Federal levels is not enough. All family caregivers, regardless of the age, disability, or chronic condition of their loved ones, should be able to access information on how and where to find a respite provider that meets their needs and on how to pay for services. The lifespan respite program grantees will identify all the current respite funding streams in the State and assist a family in determining, their eligibility for any existing private, State or federally funded respite program. If that family does not qualify for any existing services, the lifespan respite program may use its funds to help families pay for respite. No family should struggle to obtain information on how or where to find or pay for respite care.

I thank chairman Senator ENZI for his leadership on the HELP Committee. It has been a privilege serving under him over these last several years, and I am very grateful to him for pushing forward a very positive agenda for the people of our country.

I am very proud that we are finally able to reach agreement on the Lifespan Respite Care Act and send it to the President for his signature. This has been a bipartisan effort from the very beginning. I am grateful to Senator WARNER who has made a real difference in his leadership on behalf of this bill. I am grateful to Senator SNOWE who was the first lead Republican on this legislation and has been a champion. I want to express my appreciation to Representative MIKE FERGUSON as the primary sponsor of the House bill, as well as Congressman JIM LANGEVIN. We would not be here on the verge of enacting this bill without their work.

Deep appreciation and thanks is due to the Lifespan Respite Task Force, a coalition of 180 national, State, and local organizations under the leadership and direction of the National Respite Coalition. A special thanks to Jill Kagan of the National Respite Coalition for her leadership and invaluable assistance.

As Senator ENZI said, this bill represents a tremendous acknowledgment of the families who are caring for their loved ones—for failing seniors, for children with disabilities, for a spouse who has been incapacitated by accident or chronic condition. Family members provide most of the support and the time-consuming physical labor and the emotionally exhausting input that really makes it possible to keep people at home.

You know, each year 44 million Americans care for an adult family member who has a chronic illness or disability. Almost 4 million Americans with developmental disabilities of all ages live at home with their families. Senator COBURN and I were talking earlier today—this is such a human issue that affects the lives and the fortunes and the feelings of so many of our fellow Americans.

What this legislation does is to expand and enhance access to respite care services. What are those for? Those are to give that wife who is caring for her ailing husband a few hours off a week. Those are for that father who devotes himself to his child with a disability, to have someplace to go to get a little bit of respite while his child is still well cared for.

Family caregivers provide 80 percent of all long-term care in the United States. But as Senator COBURN and I were discussing, you don't get real financial help unless you put your loved one in a nursing home. There is something wrong with that. That doesn't reflect our deepest values. The work that our loved ones do for all of us is unpaid but valued at more than $300 billion a year. That is more than the entire amount of money we spent on Medicare in 2004.

Today our Congress is sending a message to family caregivers: We recognize and we honor your commitment and in many instances your sacrifice. We know that because of this care many caregivers cannot keep their jobs.

It becomes too much of a burden. They struggle to stay afloat. They start selling off assets. This is a labor of love that often undermines the health of the very people who are providing it.

We found that many caregivers suffer physical symptoms, sleeplessness, depression. They feel like they are all alone.

This incredible struggle is one that we will see more and more of in our country because of our aging population. I am grateful that we are going to be passing this legislation and giving some assistance to these courageous men and women, these parents, these children, these grandparents, these spouses.

I hope, also, that in the new Congress we will address something else I talked to Senator COBURN about—that we can address this issue of caregiving, and particularly how to rearrange the incentives within our health care system, particularly through Medicaid, where 80 percent of the money is spent on 20 percent of the recipients; and that is mostly for long-term nursing care at the end of life. Many people would rather be home or rather be in a less-restrictive setting. If this is a statement of our concern, we need to follow that up.

This will provide what has been missing, improved coordination at the local level of services, helping families understand more about how to shoulder these burdens.

It is critical that Health and Human Services ensure that we serve all age groups, all disability categories, without preference, and that we begin to not just honor the love that we see and the sacrifices that are too often accompanying it but really provide some support.

I am deeply appreciative of all who have worked over the last year to make this legislation possible. I look forward to working with my colleagues on both sides of the aisle to continue to address these long-term needs and address how to help people stay at home, how to support their families who are doing the most important work there is.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. Mr. President, I yield 8 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SNOWE. Mr. President, I thank Senator ENZI for the opportunity to speak today on this critical piece of legislation, as well as to commend the Senator from New York, Senator CLINTON, for her advocacy and leadership on this most critical issue which is paramount to millions of families across this country, and to Senator WARNER, who has also been a leading advocate and champion of this legislation. I certainly want to commend them both for making sure this legislation is coming to the forefront of the Congress in the final days and which, ultimately, will lead to its passage.

I, also, want to express my commendations to the sponsor in the House of Representatives, Congressman MIKE FERGUSON, because this is clearly a very critical issue. He understands firsthand, personally, from his own family circumstances, how important care giving and respite services are for caregivers and how it is so essential and vital to our Nation's families.

I know how important this is. In fact, I introduced the first legislation recognizing National Family Caregivers Week back in 1986. It is more than 20 years that I have been involved in such endeavors. There is no question—and it has been irrefutable across this country—about the necessity of providing more support to those who provide support to families, to ailing family members. The fact is the need is more than $300 billion a year. We, also, know that it takes a tremendous toll on families to provide that care day in and day out.

That is why I think we do have a Federal responsibility and obligation to ensure that we can coalesce those resources that can make it easier and to mitigate the impact on those family members who are providing around-the-clock care.

When I first became involved in this issue in the House more than 20 years ago, I took it upon myself to visit homes throughout my congressional district in the State of Maine. What I saw was incredible. I saw 80-year-olds taking care of 80-year-olds, doing the most incredible things, medically and otherwise, to provide round-the-clock care to their ailing family members. It was clear to me then that we needed to do more to provide the respite support for family members so they can have the ability to have support outside the family which is critical for them, so they can continue to keep their ailing family member at home but at the same time having the kind of care which is so essential to help them get better.

That is what this is all about. It is helping those who need our help. Certainly, to have the support of the type of facilities and services that exist in a particular community which can address their needs and who they can turn to for advice is absolutely instrumental. It, also, leads to a higher quality of life for many because they can be at home, where they can be provided home care. They can be at home and get the kind of support that otherwise would be necessary if they had been institutionalized or hospitalized.

In addition, such care can also result in substantial cost savings to the family, to the Government, and to the community, in fact.

I think it is in our national interest to provide these benefits. I think, frankly, the support of such care has been all too limited. This is long overdue. That is why I commend Senator CLINTON and Senator WARNER and some others who have given their support to this type of initiative.

We, clearly, have a Federal obligation and responsibility to focus on the kind of respite care that is so essential for allowing people to take care of their ailing family members in a home setting. It certainly eases and mitigates the impact on the Federal costs, whether it is on Medicaid or Medicare. It can save families thousands of dollars a year.

This is something that is in our national interest. I think it is also crucial that we ease the burden of this responsibility which is placed on caregivers as well. It is critical that they have access to better information on services and be able to provide it. They are heroes in every sense of the word.

We think about life expectancy today and how many years caregiving will be provided by the American family. It can be 17 years, at the minimum, for an elderly parent. I think it gives a dimension to the issue and the problems that are at stake if we fail to provide the kind of support which is necessary.

That is why I have introduced legislation, the Refundable Dependent Care Tax Credit. For example, I think we should provide the type of incentives and support to families that enables them to take care of their loved ones at home.

When I first visited homes where people were providing this kind of care, I was absolutely astonished at the level of care these individuals were providing their family members. It occurred to me then, and it is one that has remained with me ever since, that we have to do everything conceivably possible to amass the resources and the support for these family caregivers.

When you think of the dimensions of the problem, when you think about the demographics in America and the life expectancy, it is all the more crucial that the Federal Government play a role. That is exactly what this legislation is all about. It will provide the kind of resources that are going to be important, it will provide grant support, it will increase the availability of appropriately trained respite care providers and volunteers—again, another aspect to the entire spectrum of resources I think we need to provide these families who are providing the caregiving support.

Frankly, we need to have more respite care providers. It eases the burden on these family members so they can do other things in the day, what is required in daily living, that they have the ability to know they can fall back on the type of support which will provide the continuity of care and the level of care their family members certainly deserve. I think this legislation goes a long way in providing that kind of support and eases the burden on those family members who are so devoted to their loved ones.

I think, frankly, we will have to do more. That is why, as we are looking at a tax incentive in the overall tax package, we have to give some review to the notion of having a tax credit that is refundable for providing this kind of dependent care. I think it is going to be a wave of the future, frankly, given the dimensions of this problem which is certainly lurking on the horizon.

I want to, again, commend Senator CLINTON for her leadership in making this possible and to Senator WARNER and, of course, Congressman FERGUSON, in the House, and all those who supported it—and Chairman ENZI, as well, for his leadership in making sure that the passage of this legislation will become a reality when you consider I think the enormity and the magnitude of the care and support that it will give to families who most deserve it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I was asked to allow this bill to come up at this late hour in the Congress. This bill is going to pass. The goals of this bill are very worthy. As a practicing physician, and knowing the families whom I take care of and the family members they have, I know the burden that is placed on multitudes of people. When they do the better thing of keeping their loved ones in their own homes, in terms of quality of life, I have no argument with the intent and background of what is trying to be accomplished. But I want to make three points.

One is how this place operates. What we do at the end of the session is we try to run hundreds of bills through that very few people have thoroughly looked at, that drives all sorts of new spending, that does not get the privilege of the debate that the American people deserve on the priorities of how we spend their money. That needs to change. It is a terrible way to govern. It is inappropriate in the way we do it. It has more to do with the rules that we operate the Senate under than anything else. That ought to be changed. There is no question I am known for my desire to try to get our fiscal house in order. For example, this bill is great, but what the American people are never going to ask out of the almost $350 million that this bill authorizes, where is the money going to come from to pay for it? What priority is going to be decreased so that priority can be increased?

We have in the Social Security account a surplus this year. We have a $344 billion deficit. A lot of my friends would say that reflects the fact that we need to have pay-go and increase taxes. But during the last 2 years, I have held 49 hearings in the Federal Financial Subcommittee of the Committee on Governmental Affairs, where we have identified a pure $100 billion worth of waste, fraud or duplication in this Government, and no one wants to change that. It is easy for us to come out here and spend $300 million on a new program. But it is very hard for us to get together and do the hard work of eliminating the fraud, waste, and duplication.

There are two other programs that have money in them available for this, not the correct way, and not done as good as this bill does it. We haven't done anything in this bill to change those programs to redirect any of that money through. So now we are going to have three programs that have an impact in this area. Representative FERGUSON has done a great job of bringing this up. But unless we change the culture of how we operate, we are going to enhance what we call the birth tax. When you are born today in this country, counting the unfunded liabilities for Medicare, Medicaid, and Social Security, you are born having liabilities of $435,000 on you the day you are born. We are adding a little bit to that. We are adding a little bit more and a little bit more.

Until we get together and say we are going to review this Government and get rid of the waste, fraud, and abuse, we are going to care as much about the person who is born today as we care about those who need some respite care, legitimate rest from the care of parents of those people they love, we will do a great disservice. We are doing a great disservice in this country.

Two weekends ago, I delivered a 9 pound 4 ounce baby to a woman whom I had delivered a baby to before. I had very well controlled her gestational diabetes. She had delivered a 9-pound baby before that. I thought about the 2½ minutes it took me, from the time I decided I couldn't deliver a baby in a normal way for her. It took me 2½ minutes from the time of that crunch when there was no way to get a baby out, with a heartbeat of 50 beats per minute—which is about 40 percent of what it should be—we have a baby in trouble; it took me about 2½ minutes to go around and get that baby out of that momma. We saved that baby's life.

Now, the corollary is, I had warning signals. I had indications that said things aren't going right. And this body, this Congress, this Government is not paying attention to the warning signals. The baby is going to die. Our country is going to drown in debt.

The processes by which we operate include not paying attention to the waste, fraud, and abuse and not making the hard choices on priorities, not offsetting, not deauthorizing something else that is not working where there are billions of things that are not working, and adding another problem. We are adding to that.

As a Senate, we are not ill-intentioned; we just are not paying attention to the warning signs. We are not paying attention to the fetal monitor of our country and the future for the next generations. It is just as laudable to care as much about the next two or three generations that come down the road as we care for those who need our help today, except this bill doesn't do that.

This bill is going to go by voice vote—and I have allowed it; I will not even vote against it—but I wanted this time to make this statement.

What will follow this bill today is a tragedy. We are going to spend another $17.5 billion on the tax-extender package that is getting ready to come through this place. We are going to pick up the bills mining companies owe and we are going to charge that to the rest of the people in this country. We are going to overspend on lots of things. We are not going to cut doctor's fees—and I am a doctor—but we are not going to pay for it. We are going to pay for it through gimmicks, and we are going to tell everybody that we are doing great things. In fact, we are being dishonest.

There are two cultural problems that have to change: We have to quit authorizing new programs unless we deauthorize other programs, and we have to reach across the aisle and say that we need to review everything we have, and whatever is duplicative, let's get rid of it and save these costs. If one does not work as well, put the money in the other and save the money.

Let's get rid of the fraud. We are paying out $38 billion a year to things we should not be paying for right now, and that is an underestimate because we have only looked at 60 percent of the Government in terms of improper payments. We still have a law that is not being followed by 40 percent of the agencies. They are not reporting their improper payments. We had a Pentagon that paid $6 billion in the last 5 years for contractors for performance bonuses, and they did not come close to reaching the performance basis for the bonus. That is our fault. That is us. We are charged with the responsibility of doing what is necessary.

The final point I wish to make is that if we keep nibbling around the edges on health care, we are going to find ourself in the biggest jam in the world. We have two choices: We are going to either have government-run health care or we are going to control the costs by basically allocating it at end of life and telling people what they cannot have. That is how most other countries do it. Or we will fix health care. We spend

16.3 percent of our GDP on health care, and $2.2 trillion is what we will have spent at the end of this year. That is 16 percent of our GDP. The closest country in the world spends 11 percent of GDP on their health care, and they don't have a government-run health care program.

Fully $1 out of every $3 we spend on health care today does not go to help somebody get well or keep them healthy. Our prevention programs, which is the key to our success in solving our health care problems, are abysmal. They are wasteful. They are not effective. We talk about diabetes, we talk about obesity, but we are inept in any type of consensus as to where we can make a difference in prevention. We have to address that issue, and I believe this is a fix around the edge. We need a comprehensive fix and a look at health care in America. We need to do it knowing the motivation.

Most people are surprised to learn that out of that $2.2 billion we spend on health care every year, $152 million is spent on things that nobody needs except providers to protect themselves from lawsuits. Now, we need a good trial bar. We need to be held accountable. But it has gotten so far out of hand that we are adding to the birth tax.

I beg my colleagues and the American people who are listening to this, let's get our act together. Let's start not just authorizing, let's deauthorize before we authorize. Let's fix health care. Let's do oversight in a way that saves money for the future. If we have eliminated the waste, we have eliminated the fraud, we have eliminated the duplication in this Government, we have to go to the American people and say: Shouldn't we pay a little more taxes now rather than ask for this birth tax?

Remember, the birth tax is over $400,000 per baby right now. Every baby I deliver, the first thing I see is a beautiful young child, and then in the back of my mind I wonder, how are you ever going to get out of this mess we have left you?

I appreciate the concern and the intent of those supporting this bill. This bill has come to the Senate in the wrong way. This bill should have had its authorization offset. This bill does address a very real need, but there are a lot of very real needs out there that we need to do that we cannot do and we cannot fund because we are not doing our job.

Our country is at a crossroad. The fetal monitoring alarm is on. The baby's heartbeat is low. It is time to do what is necessary. The debt burden cannot be swallowed, the unfunded liabilities cannot be handled. It is up to us to change that. Let's lower that birth tax. Let's get rid of that. Let's work together to do the things we can do to lessen that impact on the generations to come.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Wyoming.

Mr. ENZI. I am not aware of anyone on our side who wishes to speak.

I thank the Senator from Oklahoma, Mr. COBURN, for his concise and important comments, the warning signs he has given. I congratulate him for the times he has already constrained spending. He mentioned the preventive care doctors take. Maybe his comments have already resulted in people taking on a little bit more regarding preventive care. There is a lot more that can and should be done. I urge Members to review his words.

I thank the Senator for the cooperation on different bills as they have gone through and made changes.

I yield back the remainder of my time.

Mr. COBURN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the third reading and passage of the bill.

The bill (H.R. 3248) was ordered to a third reading, was read the third time, and passed.

Mr. ENZI. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. ENZI. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the following lineup: 10 minutes for Senator DORGAN; 15 minutes, Senator DEMINT; 10 minutes, Senator LAUTENBERG; Senator DEWINE until 3:15; Senator LINCOLN at 3:15 for 45 minutes; Senator DURBIN for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that my 15 minutes be extended to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN HEALTH CARE

Mr. DORGAN. Mr. President, I rise to talk about a piece of legislation that is not getting completed, and I will do that in a moment.

I thank my colleague from Wyoming and others for the work they have just completed with respect to the issue of family care and family support. It is a very important piece of legislation.

I listened to my colleague from Oklahoma talk about a number of important issues.

Regarding the issue of health care, clearly we have to deal with the health care issue. He mentioned the amount of money spent on health care. It is true, we spend more money per person than anybody in the world, by far. And by the way, we rank 48th in life expectancy. Yes, 48th—not 20th or 2nd but 48th in life expectancy, a country which spends far more than any other country per person in the world on health care. We have a lot to do on health care.

With respect to fiscal policy, my colleague raises an important point about things that come to the Senate—proposals, ideas—that are not paid for. He raises an important point. They should be paid for.

The largest area of that kind of expenditure, by the way, in recent years, has come at the request of the President. Nearly $400 billion, now, is the cost for the war in Iraq, Afghanistan, and the fight against terrorism. None of it is paid for. We have sent America's sons and daughters to war, wearing America's uniform, and essentially said to them: By the way, go fight; when you come back, you can pay the bills because the President has not asked and this Congress has not had the courage to decide we ought to pay for that which we spend. That does need to change.

I noticed this morning in the Washington Post an article by a man named Samuelson, apparently an economist. I have read some of what he has said over the years. He talks about the value of the dollar slipping, decreasing, and its consequences on our country. He described all the reasons except the real reason. The real reason our dollar has decreased in value is we have an unsustainable trade deficit of $800 billion a year, $2 billion a day, day after day after day. That is unsustainable and will, without question, jeopardize this country's future. It will have a profound influence on the value of the dollar with respect to the value of our currency. That will have an influence on virtually everything else in this country.

So we have to get our hands around this issue of international trade and start demanding and insisting on fair trade, start deciding with our trading partners—China and other countries, Japan, South Korea, Europe—that we are not going to allow these dramatic trade imbalances to occur. They will have dramatic impact on this country's economic future. I will have more to say about that at another time.

Because there was discussion about health care in the Senate, I wanted to speak about something that isn't getting done today, and it is a real tragedy. I use the word "tragedy" because it is the right word to use about this issue.

Senator JOHN MCCAIN and I have worked as chairman and vice chairman of the Indian Affairs Committee all of this session of the Congress to try to pass a piece of legislation called the reauthorization of the Indian Health Care Improvement Act. We come to the end of the session without progress, unfortunately.

Senator MCCAIN has done great work on this issue. My other colleagues—I notice my colleague from Wyoming, who is in the Chamber—have worked with us on this issue. The Indian Health Care Improvement Act should have been done, should have been passed. We come to the end of another session of the Congress and it is not getting done. There is a reason for that. We have written legislation that is bipartisan, and day after day after day, month after month, the agencies and the administration have objected.

Let me describe what we face with respect to Indian health care. A good many American Indians, Native Americans, live in Third World conditions. I have spoken about it many times on the floor of the Senate. They live in Third World conditions inside this country. I have spoken about the grandmother who lay down in this country on a cot in a house and froze to death. It is in this country. Read that story and then ask yourself: What backward Third World country did that occur in? It occurred in this country.

The fact is, whether it is health care or housing or education, we face a bona fide crisis on Indian reservations. We have a responsibility, what is called a trust responsibility, for Indian health care. We spend twice as much per person as a country to provide health care for Federal prisoners as we do for Native Americans for whom we have a trust responsibility. They get half the support we provide to Federal prisoners for health care.

Talk to the Indian Health Service. They will not give you this number willingly, but talk to them long enough and they will tell you, finally, that 40 percent of the health care needs of Native Americans living on Indian reservations is unmet. That is health care rationing.

Now, let me describe, if I might, just the consequences of that rationing, perhaps, by telling you of some real people. We had a tribal chairman who testified before our committee who said: On our reservation it is widely known, don't get sick after June first, because after June first, there is no more contract health money. And if you get sick after June first and show up at a hospital, and your problem is not "life or limb," then you're not going to be treated, you're not going to be paid for.

So let me describe some of these things.

An 80-year-old American Indian elder, a diabetic, living on an Indian reservation, fell while tending to her garden, and she broke her leg in two places. The break was so severe there was a bone sticking out of her ankle. She went to the hospital. She was sent home with painkillers. She went to a second hospital and was told the condition was not priority 1—not priority 1: which is "life or limb"—and therefore she was not able to get care at the second hospital. She went to the third hospital—limped in—and finally received some care at the third hospital, with a bone protruding from her leg.

Now, what is "life or limb"? That is under what is called contract care. It means that if your life is not at stake, or the loss of an arm or leg is not at stake, you do not get the contract care. So don't get sick after June.

Another American Indian with diabetes called in for a prescription drug refill for insulin, and he was told he needed to come back in and get some blood work done before he could get the insulin. It was 2 weeks before they could get him in for his blood work, so he was without insulin for 2 full weeks. As a result, this is an American Indian who will likely require dialysis for the rest of his life because he could not get his prescription for insulin filled on time.

Or a woman named Lida Bearstail. Lida told me it was all right to use her name. She went to a clinic because of knee pain. Her condition was one in which the cartilage had worn away, so it was bone on bone, enormously painful for Lida. Bones in her knee were rubbing against each other with great discomfort and great personal pain.

When that happens to one of us, to our families, to the people who work here, what is the response? You get a knee replacement—surgery, and replace the knee.

Well, what happened to Lida Bearstail? Well, she still limps. She has trouble walking. Perhaps soon she will not be able to walk. Knee surgery is not in her future because this is not about "life or limb," it is just about unbearable, agonizing pain. Again, denied, not a priority, not "life or limb."

Ardel Hale Baker told me I could use her story as well. A couple of months ago she had very serious chest pain and she thought she was perhaps having a heart attack. Her blood pressure was very high. Her chest pain was very intense. It wouldn't quit. So she went to the Indian Health Service clinic. She was diagnosed as having a heart attack, and she needed to be sent immediately to the nearest major hospital. And they said: You have to go in an ambulance.

Well, Ardel Hale Baker said, while she was having this heart attack: Is there a chance I could go to the hospital in something other than an ambulance, some method other than taking an ambulance?

They asked her: Why?

She said: Well, I'm going to get billed for the ambulance, and I don't have any money.

If you are not "priority 1," you may end up paying the bill. Your credit rating is ruined. American Indian after American Indian discovers that: You are not a priority. Your credit rating is gone. And the credit companies come after you.

In the middle of her heart attack, she asked the question: Is there some other method besides an ambulance? Why? Because of cost.

Anyway, she arrived at the hospital. And let me tell you what happened at the hospital with Ardel Hale Baker. The nursing staff was lifting her off the gurney from the ambulance and putting her on a hospital bed, and as they lifted her off the gurney, they found something taped to her leg. This woman was having a heart attack, and they found a piece of paper taped to her leg. And here is what the paper said. It said her name: "Hale, Ardel."

And then it said:

> You have received outpatient medical services. This letter is to inform you your priority 1 care cannot be paid for due to funding issues.

So a woman is hauled into a hospital on a gurney with a heart attack and a paper attached to her leg saying: "This will not be paid for." This kind of thing is unbelievable, and it is going on in this country with respect to American Indians for whom we have a trust responsibility for health care, and those needs are not being met.

As I indicated, Senator MCCAIN and I have worked long and hard on this legislation, only to find roadblocks every—every—part of the way. The Health and Human Services agency, the Justice Department, virtually every agency continues to raise roadblocks even today.

I have come to the floor many times in this session of the Congress to talk about a young girl named Avis Littlewind. She is also a part of this legislation. Avis Littlewind was 14 years old when she killed herself. It does not sound good to say that. That is what happened to her. She laid 90 days in a bed in a fetal position, missing school, severely depressed. Then she took her life.

Avis Littlewind was a teenager, 14 years old, who apparently felt things were so hopeless, she was so helpless, that she should take her life. Her sister had taken her life 2 years prior.

Now, I went to that reservation. I met with the tribal chairman, I met with the tribal council, I met with Avis's schoolmates, I met with the relatives, to try to understand what causes this. And it is not just Avis Littlewind. It is not just this young girl. There has been a cluster of suicides, teenage suicides, on these reservations, and none of us really want to talk about it. But if we don't, we will not be able to address it.

Senator MCCAIN and I held some hearings on this subject. The Indian Health Care Improvement Act begins to address this, as it is addressed in some other legislation that we have moved as well.

But my point is this, there are so many challenges. Do you want to go to a place where you can find 5,000 people and one dentist working in a trailer house? Do you want to see that sort of thing? Do you want to go to health clinics that are not open at key times during the day, and long lines when they are open? Do you want to go to places where the rate of diabetes is not double, triple, quadruple, but 12 times the national average, and see the people who have lost their legs as a result of diabetes, see the people on renal dialysis? Do you want to talk to the people who drive 50, 100 miles or more to get renal dialysis?

The fact is, we have a bona fide crisis in health care on Indian reservations. We are not meeting that crisis. We have legislation that should have been passed in previous Congresses. Senator McCAIN and I have done everything humanly possible to get a piece of legislation that would get cleared to pass this Congress, and I regret to tell you, despite all the good feelings on the floor of the Senate about what is being done, frankly, I think it is a disgrace that this legislation is not being done.

People are dying. There are young children who are not getting health care who are sick and need health care. There are elders with bones sticking out of their legs who are told health care is not available to them. There are women showing up on gurneys in hospitals with paper taped to their legs saying: "This woman is not eligible for funding for health care."

That ought to shame every American that it is happening. And we can do something about it by passing legislation called the Indian Health Care Improvement Act. We are not asking for everything here. We are just asking for the right thing.

Senator McCAIN and I have worked for a long while, and if I sound frustrated, it is because this is not just some other piece of legislation. This will mean that some people will die because we have not fixed the health care system, and we have not addressed these needs. We should not have to be reminded of this. It is our responsibility. This trust responsibility for the health care for Native Americans belongs to us, and we ought not have to be expected to be reminded of it. We ought to come to the floor of the Senate and insist on it. Instead, month after month after month, we have had objections, yes, in this Congress, I should say. We have had holds on the legislation. We have had committees that have insisted they could not move on it. We have had agencies downtown. And for dozens of reasons, we now come to the last day of the U.S. Congress in this session, and no action, and no capability, it appears to be, of making progress. And I am deeply disappointed.

I will, of course, not give up. We will be back in January. We will start again. But this is deeply disappointing to me and to others who have relied on the good will of not just those in Congress but those downtown in the Federal agencies to understand there is a crisis. This is about health care. It is about "life and limb." And when you have this kind of crisis, you have a responsibility to the children, to the elders, to others living on Indian reservations, some of whom live in Third World conditions. We should not be putting up with that. We should reach out a hand to say there is a lot of trouble in the world—and we reach out a hand to try to see if we can help in other parts of the world—there is plenty to do right here at home as well. I support reaching out to troubled spots of this world. But I believe we also have a first responsibility to reach out in this country to say to people who are living in abject and desperate poverty without health care that we are going to solve those problems, we are going to work with them.

I got interested in and involved in these issues a long time ago when I saw a picture in a paper of a young girl named Tamara. Tamara was a 3-year-old American Indian girl living on an Indian reservation, and she was placed in a foster care home. The woman who placed her in the foster care home was handling 150 cases—150 cases. She did not have the time or the capability to check what kind of home they were putting this 3-year-old girl in. The result was, they put that girl in an unsafe home.

On a Saturday night, in a drunken party, a 3-year-old girl named Tamara had her nose broken, her arm broken, and her hair pulled out by the roots—at a drunken party in a foster home that no one had checked. This 3-year-old girl suffered scars that will be with her the rest of her life.

The fact is, we understand that some of these things are happening, and we have a responsibility to do something about it. I did something about that. There is nobody on that reservation handling that many cases anymore. No social worker can do that. What that child suffered was our responsibility.

So I got involved because I saw what was going on some long while ago. And the more I have worked on these issues, the greater I see the need for us to do the right thing. Senator McCAIN feels exactly the same way, and we have worked as hard as we can work on a bipartisan basis in the Indian Affairs Committee, with the Republicans and Democrats on that committee, believing that health care is a priority, and that our responsibility to reauthorize the Indian Health Care Improvement Act is a primary responsibility.

And, again, I regret that we come to the last day of the session and find a circumstance where it is not going to be passed.

It takes no skill to oppose. I think it was Mark Twain who was once asked if he would engage in a debate, and he said: Of course, I would be happy to engage in the debate, as long as I can take the opposing view.

They said: We haven't told you the subject of the debate.

He said: It doesn't matter what the subject is. Taking the opposing view will require no preparation.

That is how it is in this Chamber. It is how it is downtown in the agencies. It is the easiest thing in the world to oppose. It takes no preparation at all.

We come to the end of this session with enough having opposed progress on the Indian Health Care Improvement Act that this will not be done in this session of Congress. There will still be hope because we will turn to it again in January. My hope is those who have borne the responsibility of stopping this important piece of legislation will understand the consequences and decide to help us rather than hinder us as we try again in the next session of Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 4047

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 664, S. 4047. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, we have a number of objections on our side. On behalf of at least five Members in this caucus, I will be constrained to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to speak a moment on the bill, if I may.

The Maritime Transportation Security Act requires the Transportation Security Agency to develop a biometric security card for port workers that would be used to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential—we call it TWIC—card. The law requires that the Secretary issue this card to an individual requesting it, unless he determines that the individual poses a terrorism security risk or if they have been convicted of treason, terrorism, sedition, or espionage.

To fulfill this requirement of the Maritime Transportation Security Act, the Department of Homeland Security has drafted regulations that bar certain criminals from receiving these transportation worker identification credentials. Specifically, the Department of Homeland Security proposed regulations that would permanently bar from our ports criminals convicted of espionage, sedition, treason, terrorism, crimes involving transportation security, improper transport of hazardous material, unlawful use of an explosive device, murder, violations of the RICO Act where one of the above crimes is a predicate act, and conspiracy to commit any of these crimes.

It would also bar recent felons, those convicted within the last 7 years, or incarcerated in the last 5 years, from working in secure areas of U.S. ports, if they have been convicted of any of these felonies: assault with intent to murder, kidnaping or hostage taking, rape or aggravated sexual abuse, unlawful use of a firearm, extortion, fraud, bribery, smuggling, immigration violations, racketeering, robbery, drug dealing, arson, or conspiracy to commit any of these crimes.

These proposed regulations were developed in consultation and coordination with the Departments of Justice and Transportation to identify individuals who have a propensity to engage in unlawful activity, activity that places our ports at risk. Further, these regulations are nearly identical to the regulations that govern those who have access to our airports and who are involved with transporting hazardous material in the United States. These prohibitions are crucial because individuals who engage in the type of unlawful activity described in the proposed regulations have a greater likelihood to engage in activity that puts American ports at risk.

Our law enforcement officials understand this risk. They understand the threat our ports face with traditional crimes, particularly organized crimes, when they work with terrorists. For example, just recently the FBI apprehended a member of the Russian mafia attempting to sell missiles to an FBI agent he thought was acting as a middleman for terrorists. Joseph Billy, Jr., the FBI's top counterterrorism official, recently commented that the FBI "is continuing to look at a nexus" between organized crime and terrorists, and that they "are looking at this very aggressively."

The threat is not only criminals working directly with terrorists, it is criminals looking the other way when a suspect container comes through the port. Joseph King, a former Customs Service agent and now a professor at the John Jay College of Criminal Justice, outlined the concern very clearly:

> It's an invitation to smuggling of all kinds. Instead of bringing in 50 kilograms of heroin, what would stop them from bringing in five kilograms of plutonium?

A criminal in one of our ports may think he is just helping his buddies smuggle in drugs, but inadvertently he may be helping to smuggle a weapon of mass destruction into the United States.

Earlier this year I offered an amendment to address this threat and ensure that serious felons are kept out of our ports. My amendment would have codified in statute the proposed regulations. The amendment passed unanimously and was included in the Senate-passed version of the Safe Port Act. Unfortunately, behind closed doors in the conference committee this amendment was almost completely gutted. The bill went from having language which prohibited 20 serious felonies that put our ports at risk to a list of just four—felonies so rare as to make the conference report language meaningless. I was extremely dismayed to see this language was stripped. I cannot understand who would oppose language that would ban serious felons from secure areas in American ports.

The ranking member of the Commerce Committee, the Senator from Hawaii, has stated in the CONGRESSIONAL RECORD that he supported the original DeMint language. I understand the chairman of the Commerce Committee, the Senator from Alaska, also supported the DeMint language. I am at a bit of a loss to conclude who in the Senate opposed this strong homeland security provision. Today the Senator from North Dakota said several of his colleagues did, but we don't know who they are.

While there does not seem to be a Senator who is willing to admit to opposing the provision, the longshoremen's labor union is more than happy to take credit for gutting the provision. Last month the International Longshore and Warehouse Union, in their newsletter, claimed credit for killing the provision. They stated:

> Congress will return after the election in a "lame duck" session and work through part of November and December. We have heard rumors that Senator DeMint is particularly angry with the [union's] successful lobbying effort to strip his anti-labor provision. He may attempt to amend another piece of legislation, so the union will stay on guard to protect its members' interests.

Apparently they have, as we have seen today by the objection to this very commonsense measure. The unions are not stopping at just fighting legislation that I am proposing here to keep serious felons out of our port workforce. They are gearing up to mount a legal battle against the proposed regulations as well.

In response to a Wall Street Journal editorial on the subject, the union stated that the proposed regulations were "double jeopardy" and "unconstitutional." This is a clear indication that they have a legal challenge in mind. It seems clear now that once the regulations become final, they are going to take the Department of Homeland Security to court and that the proposed regulations are going to be bogged down in lengthy legal battles likely for years.

The consequence will be that as we continue to fight this global war on terror, America's ports will be staffed by serious felons. Some may be tempted to come to the defense of the longshoremen with various so-called concerns: These individuals have paid their debt to society; barring these individuals is going to gut our port workforce; or that the crimes listed are somehow not related to homeland security.

These concerns are plain wrong. I don't disagree that convicted felons should be given a second chance. I hope they get back on their feet and become productive members of their communities. What I don't agree with is that we should give them a pass, literally and figuratively, to access the most secure areas of America's port infrastructure. When they are fresh out of prison, we should not trust them with the most vulnerable areas of our ports.

Second, I have heard that barring these individuals will empty the ranks of the port workforce. The facts don't bear this out. When the Department of Homeland Security issued nearly 350,000 ID cards for HAZMAT truckdrivers and subjected them to the same background check as I propose putting in the law, only 3,100 were disapproved, less than 1 percent. The workforce in the United States is elastic enough that we can pick up the few thousand longshoremen jobs opening up because the criminals in the port workforce had to be fired.

Finally, some are maintaining these are not serious crimes. I want someone to come down here and tell me which individuals he wants working at his local port—murderers, extortionists, drug dealers, arsonists, document forgers? I want to hear the rationale for stopping this important bill.

The list that the Transportation Security Agency came up with is a list of serious felons who represent a serious threat. It is going to keep these dangerous criminals out of our ports.

The bottom line is this: This bill applies nearly the same protections to seaports that already applies to our airports. It is a regime that has been successful. It will make our ports safer by keeping individuals who have shown a willingness to break the law out of our ports. This is very important. We can spend all the money in our treasury trying to screen cargo, and we have appropriated or approved a whole lot of money to secure our ports. But if we don't screen the people who work at our ports, we cannot expect to have effective port security. It is very unfortunate today that my Democratic colleague has taken this commonsense provision and objected to its consideration.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEMINT. That is a good thing because I had finished my talk.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Ohio is recognized for 30 minutes.

Mr. DEWINE. I thank the Chair.

HONORING OUR ARMED FORCES

CAPTAIN SHAWN ENGLISH

Mr. DEWINE. Mr. President, I rise today to pay tribute to a brave soldier who died while serving his country in Iraq. On December 3, 2006, Army CPT Shawn English was killed when his humvee struck a roadside bomb. Captain English, who served as an Army deep sea diver, was based in Panama City Beach, FL, but news of his death reverberated in his hometown of New Albany, OH. Captain English leaves behind his wife Tricia and three sons, Nathan, Noah, and Austin. Captain English was 35 years old.

Shawn spent nearly his entire adult life in the military—first as an enlisted soldier and later as a commissioned officer. He grew up in New Albany. As a boy, he raised 4-H sheep and played football for New Albany High School, where he graduated in 1990. Shawn joined the military when he was 18 and went on to attend college at Wright State University, receiving his degree in 1999.

Shawn joined the Army after high school and by the time he deployed to the war in Iraq, he was already an experienced combat veteran. He had served his country bravely years before in the gulf war in an armored cavalry unit. He later joined a Ranger battalion before becoming a diver.

Shawn's middle school teacher Debbie Smith says that he was always energetic and a delight to have in the classroom—that he was a student with a wonderful personality. He simply loved to learn. "He was dedicated to defending our country," Debbie remembers, "and particularly making sure that children were safe."

Those closest to Shawn remember him as a family man. "He was a very loving father and a wonderful brother," said his sister Dawn. "I received an e-mail from him at around noon on the Saturday before he died," said his brother-in-law, Todd. "It was in response to the pictures of the Buckeyes game that I sent him. He was very short (in the e-mail), but said that he was tired and that things were really intense. He asked that I pray for him."

Shawn's father-in-law Curt expressed his grief at learning the news of Shawn's death. "It's just so hard for us to comprehend," he said. "We're heartbroken. I could not—do not—love my own sons more than I loved that man. He was such a good man. He believed in his country and had a deep faith in God."

Shawn was in Iraq to train and lead Iraqi soldiers. He had been in-country since February 2006. As his brother-in-law said:

> Shawn had the option to come home, but said he had an obligation to his men and wanted to finish what he started. . . . He told me that when he came back that this was it. He had served 15 years and was going to look at other options to be closer with his family.

When they moved to Florida, Shawn and his wife Tricia quickly became active members of the community there. They belonged to the Woodlawn United Methodist Church, and Shawn coached youth soccer.

Shawn was able to return home to Florida on a short leave, during which he visited his son Nathan's elementary school class. During that visit, he discussed his deeply held beliefs about our country.

Shawn's father-in-law explained that "he stressed to [the students] how fortunate we are to be living in America, with the freedoms we have." In that meeting, Shawn talked about his work in Iraq and told the kids how much little things, like soccer balls, meant to the children in Iraq. The class collected soccer balls to send to the Iraqi children so that, like Shawn, they, too, could help make a positive difference in the country.

Shawn's friends loved him. Captain Nathan Surrey, one of Shawn's best friends, met him when they were both involved in Army management training in Missouri. In Captain Surrey's words:

> We just clicked. We were fanatical Ohio State fans. We loved sports [and liked to talk about] our ideas on life. Our personalities were the same.

Captain Surrey also remembers what an excellent soldier Shawn was. Reflecting upon his friend's courage and dedication, he said that "you have to be in phenomenal physical shape and be pretty much fearless to be able [to be] anywhere in the world, any time." Echoing that sentiment, CPT Robert Newbauer, who served with Shawn for 6 years, said that "anything he did, or set forth to do, he was full of pride and passion."

Shawn was a dedicated soldier, but most importantly, he was a loving husband and father. His mother-in-law, Bev Daily, remembers how much his children meant to him. "Those kids idolized their dad," she said.

Shawn's family was able to see him one last time—just hours before his tragic and untimely death—when they spoke over video phone. In that conversation, Shawn joked and laughed with his sons. His family was grateful for this last opportunity to speak with him.

Shawn's life impacted so many people in so many ways. His family and friends will always remember his smile and strong sense of compassion. He served his country with courage and honor and pride—and for that, he will always be remembered.

My wife Fran and I continue to keep CPT Shawn English's family and friends in our thoughts and in our prayers.

SPECIALIST MARCO MILLER

Mr. President, I rise today to pay tribute to a brave and dedicated soldier—Army Specialist Marco Miller, originally from Warren, OH. Just this past weekend, Specialist Miller was on guard duty in Baghdad, when a nearby military vehicle was hit by a mortar round. Specialist Miller was wounded by the resulting shrapnel and was transferred to a military hospital in Germany. On December 5, 2006, surrounded by family members, Marco died from his wounds. According to his mother Renee Daniels, the Army has awarded him the Purple Heart and will be promoting him to Sergeant in recognition of his bravery. Marco was 36 years old.

Marco's sister remembers that her brother loved to be active. He enjoyed sports and spent a lot of time working out in the gym. Though a star athlete in high school, he also had a passion for the arts. His mother remembers him as someone who had a lot of heart. "I am very proud of him," she said. "Very, very proud."

Marco grew up in Warren and graduated from Warren G. Harding High School in 1988, where he played baseball for the Panthers and was a running back for the football team. A serious student in high school, he always tried harder than anyone else. He attended the University of Akron and the University of Central Florida. An entrepreneur, Marco wanted to retire early, so that he could live "the good life."

Marco's close friend since before kindergarten, Mahar Hameed, said they had been playing football together since they were 8 years old. Marco was a tailback, and Mahar was a fullback. "I blocked for Marco for 10 years," he recalls. Even though Marco had moved to Florida, the two friends kept in touch throughout their adulthood. Mahar saw Marco as he was preparing to leave for Iraq. "I wouldn't say he was nervous," he said. "[Rather,] he just knew he had an obligation to fulfill. That's the kind of person Marco was. . . . I can only say he was one of the best people I ever knew."

Frank Thomas, Marco's high school football coach, remembers that Marco was extremely personable and had an infectious smile. He always worked to the best of his ability and took his goals seriously. As Coach Thomas put it, "He represented his country and family well."

On an Internet posting, one of Marco's former schoolmates remembers him as his guardian angel in school since 7th grade, even though they haven't seen each other in over 12 years. "We drifted in and out of each other's orbits through junior high and high school," he wrote. "I can't tell you how many times he magically appeared when I was in need of some support."

Marco moved to Florida in 1994, with his younger brother Demond. "We went to Florida with nothing," he recalled. "Marco was building a business." After graduating from Full Sail, a media arts college in Orlando, Marco put together a production company which did audiovisual work, commercials, and other marketing tools for Disney and Universal Theme Parks, as well as local car and motorcycle clubs. Marco was also putting together DVDs for his Army buddies, and was hoping to combine his two careers in the future.

Marco's oldest sister remembers her brother's extraordinary sense of fun. "The last time he was home," she said, "he made sure he went to Cedar Point, so he could ride all of the rides [and] not just once. He loved the roller coasters. He loved sports cars, jet skis, and anything that was fast."

Marco's love of adventure was one of the things that made him decide to be a paratrooper when he joined the Army. Although this was his first tour in Iraq, he had served in the area during the first gulf war. His mother said that she wanted the public to know that Marco was a good son and a dedicated soldier. "He was proud to be in the military," she said.

Marco served in the military for nearly a dozen years—6 while on active duty in the early 1990s, and the last 5 as an Army Reservist. He enlisted in the Reserves after the terrorist attacks of September 11, 2001.

According to his mom:

> Marco knew what he was doing. He volunteered to be in the military. He was considering signing up for another six-year term.

Tamia Michelle, Marco's daughter, was born just this past August, after he had been deployed to Iraq. Tragically, he was never able to meet her. Marco's sister Kim noted that Marco "was looking forward to being a father. He looked forward to doing all of the things that a father does with a daughter."

This has been a hard year for Marco's family. The last time they were all together was for the funeral of Marco's stepfather Anthony Daniels just this past May. Marco was helping his mother cope with the loss.

Marco's family does take some solace in knowing that he died doing what he wanted to be doing what he loved doing. They will always remember his patriotism and devotion to duty. As his brother said:

> Marco lived a full life. He did everything he wanted. He traveled from the East Coast to the West and back. . . . He really lived up to his potential and lived life the way he wanted to do. He just felt that if he was going to serve his country, this was the best way for him to do it.

My wife Fran and I will keep the family of Marco Miller—his daughter Tamia Michelle, his mother Renee, his sisters Meka and Kim, his brothers Demond and Christoff, and his stepsister Carrie—in our thoughts and prayers.

STAFF SERGEANT SHAMUS O. GOARE

Mr. President, I rise today to pay tribute to Army SSG Shamus Goare from Danville, OH, who was killed on June 28, 2005, when his helicopter was shot down over Afghanistan. He was serving as the MH-47/Chinook flight engineer in the 3rd Battalion, 160th Special Operations Aviation Regiment, based out of Hunter Army Airfield in Georgia. He was 29 years old. He leaves parents Judy and Charles and his brother Kortney.

Shamus graduated from Danville High School in Knox County in 1994. He became a flight engineer because he loved math, science, and engineering—and he excelled at all three. Shamus's father described his son as "a real quiet guy, but when he said something, you knew you really had to pay attention." His friends and family knew him to be pretty quiet unless he was talking about something he loved—such as cars and the military.

On August 1, 2005, Shamus would have celebrated 11 years in the Army as a special operations engineer. Being a member of the 160th Special Ops Aviation Regiment (Airborne) that flew Blackhawks and Chinooks, meant that Shamus took on very dangerous missions. On a special operations mission that would become his last, the Night Stalkers of the 160th were attempting to rescue Navy Seals who went missing in mountains near the Pakistani border.

Shortly before his death, Shamus had received a medal of valor for humanitarian work in Afghanistan. He was working with children, which was something his father said he loved. His eagerness to serve his community and his country was apparent when Shamus managed to trick his mother into signing the enlistment forms before he had even graduated from high school. He was 17, at the time, and according to his father, he thought "he'd get to see the world before he went to college."

Life in the military was a good fit for Shamus. It led him to a series of selfless and compassionate acts of heroism, many of which, he could not divulge to his family due to the nature of his work with the 160th's Night Stalkers. And true to their motto, Shamus never quit—even to the very end.

His father said that "Shamus really believed in what he was doing. He would always say if we don't fight over there, we'll have to fight ere." His dedication to his duty would not allow him to tell his family where he was or what he was doing, but that didn't stop him from talking about home and what he would do when he got back to the United States.

One of his many hobbies was to drive around in his all-terrain vehicle. He would talk about his restoration project of a 1966 Buick Skylark a classic car that needed a new engine. Shamus also like to find time to restore old computers.

A quick study, he was mostly self-taught. His father recalls that "nobody told him how to do things—he just figured it out." Even in high school, his 40 classmates could see Shamus's analytical mind at work.

On a field trip to Wright Patterson Air Force Base near Dayton with his high school physics teacher, recalls seeing Shamus' mind at work. "He was calculating the estimated time of arrival to see how it matched up to the teacher's time."

Another of Shamus's high school classmates, Missy Duncan, remembers being shocked when she found out that he had enlisted. "He was just so quiet," she said.

Stephanie Fritz, another classmate, said this about her friend:

> We knew he was out of the country for the last two reunions, but we didn't know that he had done four tours over there. We're really proud of him. He was just the nicest person.

Missy and Stephanie were among the many students who paid tribute to the heroism of their fallen classmate by placing a flag display on the front lawn of Danville High School. A former history teacher of Shamus', Jim Holmes, first came up with the idea for the flag display. He talked about the display this way:

> What Shamus said about us fighting over there, so we wouldn't have to fight over here, really touched me. I thought of all the men and women giving their lives so we can be free. I just thought it would be nice if we do something to [pay tribute] to them.

Helping to place the eight dozen flags that the American Legion and the local cemetery association donated, Missy said this, "Though we are all doing different things now, it's nice that we can still come together as classmates and honor one of our own."

Among Shamus's family members who came together to watch the flag display were his cousins Kim, Marsha, and Keith. Kim said that "It's so nice to see them come together and do something like this for Shamus." The pride and honor that they felt as the Danville High School alumni placed their flags in front of their school reminded the family of how Shamus had found his niche in life when he joined the military. Marsha recalled that "when Shamus would come home, he would stand so tall and so proud."

In the words of U.S. Army Chaplain Father Jim McNeely, as he remarked on Shamus's heroism:

> There are two very important qualities necessary to be a hero—humility and self-sacrifice. The life of Shamus Goare embodies those two virtues, and that's why he is a hero. He was an unassuming young man. He did not seek fame and fortune. He didn't require his name to be spread in headlines, nor did he demand recognition for his achievements. His greatness lies in his quiet professionalism and love for others that drew him to military service. To him, doing his duty with excellence was satisfaction. And Shamus's duty as a soldier was to serve.

And now, it is our duty to remember and to honor Army Staff Sergeant Goare. My wife Fran and I continue to keep his family in our thoughts and prayers.

SERGEANT BRADLEY HARPER

Mr. President, this afternoon I wish to honor Marine SGT Bradley Harper, a native of Dresden, OH. Sergeant Harper was killed in Iraq on August 3, 2005, in a roadside bombing. The 25 years old sergeant was a communications specialist assigned to the Marine Reserve's 4th Assault Amphibian Battalion, 4th Marine Division, based out of Norfolk, VA. He is survived by his wife Kendra, his parents Steve and Janet Harper, his sister Jenny, and his brother Daniel.

Brad—as family and friends called him—grew up in Dresden, where he attended Tri-Valley High School. Brad's friends and classmates remember him as an all-around good guy who was very well liked.

According to Kyle Powell, a former classmate:

> There isn't one bad thing anyone could say about Brad Harper. Everybody knew him and everybody liked him. He always had a smile on his face. He always laughed. He was never in a bad mood.

Kim Waaland, athletic director at Tri-Valley Local Schools, remembers Brad from when he played on the offensive line for the school football team. He said:

> He was a solid young man. [He was] a good friend and a good teammate. He made the most of his ability. He could always be counted on. He always wanted to do the right thing.

He also remembers that Brad was always interested in learning more or doing more to make the team better. He was not surprised when he learned that Brad had decided to become a marine.

Brad joined the Marines Corps Reserves as a teenager in Ohio and then went on to earn a degree in criminal justice from Zane State College. Tom Holdren, a criminal justice instructor at Zane State, said this about Brad:

> I had a number of conversations with Brad while he was at school here. He often talked about wanting to be on the right side. He wanted to fix the things that were wrong in the world. I am sure he had a brilliant career ahead of him [and that] he served with honor. He was just that kind of young man.

After earning his degree, Brad moved to Virginia Beach in January 2004 to become a police officer. At the police academy, he graduated second in his class, and his peers selected him to serve as sergeant-at-arms. This was the beginning of a career dedicated to serving and protecting others.

Rene Ball, a Virginia Beach Police Department spokesperson, describes Brad this way:

> [He was a stellar candidate. He was superb in the academy. He was one of those guys who, if another recruit fell behind, he'd go back and make sure that they were all right. Everyone on the force thought he was a great guy.

Those who worked with Brad remember him as an upbeat, eager policeman. Master Officer Harry McBrien was one of Brad's instructors during his time at the Police Academy. He said that Brad was often relied on to work with the recruits who were struggling. And, when the Academy staff tried to "stress him out a little bit," Master Officer McBrien remembers that Brad "just smiled" and kept going. He said the following about Officer Harper: Brad was an awesome guy who could handle anything. He was always smiling, had a great mood, and a positive attitude. He was a role model for everyone else in the Academy.

Brad was upbeat before being deployed to Iraq. In an interview with The Virginian-Pilot, Brad said that "this is my chance to go, to do my part."

Brad's devotion to military service impressed everyone with whom he came into contact. Nick Beach, a fellow marine and friend, said that Brad was always an inspiration—someone who joined the Marines and decided to serve his country because of his caring heart. Nick said:

> I think the reason there were so many junior Marines who looked up to Brad is because he was a true Marine. He led from the front and never let anyone fall behind. He would go back and give them a hand and bring them back up to the front.

Brad was dedicated to his marines and his job as a police officer, but he was also devoted to his family and friends. He loved his wife Kendra, whom Brad met while she was studying at Ohio University in Zanesville. According to Brad's sister Jenny, "Kendra was his world." They would have been celebrating their third wedding anniversary 2 weeks after Brad's death. After his passing, Kendra released the following statement about her husband:

> In the eyes of those who knew and loved Brad, he is a real hero. He gave 100 percent in whatever assignment he undertook. He was proud to be a Marine and considered it an honor serving as an officer for the City of Virginia Beach 2nd Precinct Oceanfront. He will live on forever in our hearts.

Jason McBride met Brad while they were both in grade school. The two boys grew up together and both played football in high school. Jason was the best man in Brad's wedding, and there was no man better than Brad Harper in Jason's mind. While Brad was in Iraq, Jason heard from him about every 2 weeks through email. Jason received an email from Brad shortly before his death. Jason said that he was looking forward to coming home they could go out to a Buckeyes football game.

Jason said:

> Brad was the best friend any guy could ever have. He would always go out of his way to help you. He'll always be my best friend and nothing will ever change that.

Brad's dedication to military service will never be forgotten. In the words of his sister:

> Brad's bravery and courage, like all the others before him, will never be forgotten. He was a high achiever. Anything he ever wanted to do, he tried, and he achieved. He wanted to serve his country. He wanted to be a marine. He wanted to be a police officer. He had high hopes, and he wanted to go far.

Indeed, everyone who knew Brad misses him. Virginia Beach police officers memorialized his death by "draping the badge"—a traditional show of honor and brotherhood by police who place a black swath across their shields when a fellow officer is killed.

At Brad's funeral, MG David Bice said that Brad Harper "changed the world before our very eyes." Indeed he did.

Fran and I continue to keep the family of Marine SGT Bradley Harper in our thoughts and in our prayers.

STAFF SERGEANT CURTIS A. MITCHELL

Mr. President, I rise this afternoon to pay tribute to Army SSG Curtis Mitchell from McConnelsville, OH, who was killed on December 12, 2005, when an improvised explosive device exploded near the tank that he was commanding. He was 36 hours away from ending his second tour in Iraq while serving with the 3rd Squadron, 7th U.S. Cavalry, Company C, based at Fort Stewart, GA. He was 28 years old.

Staff Sergeant Mitchell leaves his wife Frances, his son Curtis, Jr., his stepsons Eric, Sean, and Alexander, his stepdaughter Keauna, his parents Edward and Regina, his brothers Charlie, Edward, Wayne, and William, his sisters Angie, Betsy and Regina, and his grandfather Buddy Cunningham.

Friends and family lovingly referred to Curtis as "Tony." He was born in Columbus and moved with his father and mother, just after kindergarten, to Malta, OH, in Morgan County, about 80 miles southeast of Columbus. He was a member of the Future Farmers of America at Morgan High School and went straight into the Army when he graduated in 1995.

Brian Smith of Los Angeles, CA, went to high school with Tony. He paid tribute to his road trip and FFA camp friend by saying:

> He was a great guy, and I, for one, will be forever grateful for his service to America.

Martha Koon of Reynoldsburg, OH, describes her high school friend by also saying:

> Curtis was a great guy. [He was] like a brother to me in high school. We shared a lot of fun times. He will be greatly missed.

Three of the Mitchell boys joined the military. Tony and Edward—known to family and friends as "Jimmy"—enlisted as marines, and William entered the Air Force. Charles said:

> I worried more about Jimmy, but figured he was okay because Tony was with him.

Being stationed together, Tony and Jimmy were patrolling with the same unit in Iraq when the IED exploded that took Tony's life.

Tony Mitchell liked hunting, target shooting, fishing, playing video games, and anything at all that had to do with his children. He was a big Ohio State and Notre Dame football fan, but hadn't told his family which team he was rooting for in the 2005 Fiesta Bowl.

Tony's brother William graduated from Air Force basic training on December 9, 2005—a week before his brother's passing. He said Tony's death hasn't softened his decision to join the military. William said that "I'm going to do what my brother would have wanted me to do," which, was to stay in the military and serve his country.

William posted the following message to his late brother on an online tribute site. This is what he wrote:

> You are my big brother, and I miss you. I just know that you are watching Jimmy and me in our military career. I think about you all the time and how you inspired me to join the Air Force, because you thought about joining, but you went to the Army. I will never forget how much you loved your job, and it makes me love mine [even] more.

Tony was one of the first servicemembers to enter Baghdad at the start of the war and was part of the operation that killed Saddam Hussein's sons. His fellow soldiers knew him as a great leader, a great fighter, and a great man. He received a Bronze Star and a Purple Heart and was one of the most "squared-away" soldiers in his unit, according to SSG Travis Wiley, a Company C member, who served with Tony during his first tour in Iraq.

Staff Sergeant Wiley said:

> Tony always knew what needed to be done. All he'd say was "I got it," and you knew the mission would be complete. He took care of everyone else. He was a joyful guy. He didn't want to see anyone mad. He'd get mad, but only for about two or three minutes.

Tony served in Bosnia, Kosovo, and Somalia, along with the two tours in Iraq. Tony planned on spending the rest of his career with the Army. He had recently signed an extension contract. Tony had been stationed for a few years at Fort Stewart, GA, where he lived with his wife of 1 year, Frances. Tony loved his family, was a good husband, and adored his young son Curtis, Jr.

Ronda Mitchell, Tony's sister, said that her brother "was a wonderful dad, son, brother, and uncle. He was always nice to people. I loved him because he was a good brother to me. He was funny and good to get along with."

Lora Thayer of Rolla, MO, paid tribute to her high school with the following message:

> My heart grieves for the loss of such a wonderful and kind person. I graduated with Tony in 1995 and was a friend of his through youth group. My heart hurts, and I will never forget the wonderful person he was to all of us. He will be remembered, not just for his valiant death, but for the man he eventually became. He truly was the kind of person to put others before himself. He is a . . . hero, and I will never forget him.

No one will forget Army SSG Curtis "Tony" Mitchell. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I would also like to make another unanimous consent request that my colleague to the east from Tennessee, Senator ALEXANDER, be recognized for 15 minutes after Senator DURBIN, who will follow time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMBER TAX ACT

Mrs. LINCOLN. Mr. President, we are here at the end of a session, a 2-year session where many of us have worked very hard to try to come up with commonsense solutions for some age-old problems in our Nation and looking for commonsense solutions to new and different challenges that our Nation and its business leaders as well as workers face as our business models change and grow and the more complicated nature of how businesses are set up changes and grows. We have worked hard this year—I certainly have for my State—to look at how we can balance those things and how we can create a good environment for all of the good, solid, responsible corporate citizens who exist out there in this great Nation who are trying desperately to present the kind of good jobs, the good-paying jobs working Americans need to stay where they are, to live in the communities in which they grew up, and to provide for not just their children but their aging parents.

So I think as we come to the close of this session, we have all kind of gotten into a hustle and a bustle, much like any holiday season brings, where we tend to get a little overexcited about some things, yet we don't stay focused enough on what it is we really need to be doing. The working families of this country need us right now. They need us to be responsible. They need us to focus on the things that will be productive for them, productive for this country, and the companies that are working hard to produce and maintain jobs in many of our States across this great land in order to make sure that those working families can stay working, that their children can stay in school and that their future for higher education is there, and that these families can stay together and care for their aging loved ones.

So I come to the Chamber to speak about a subject which I believe is immediate and serious or certainly has immediate and serious consequences to the working people of my State. I am talking about the hemorrhaging of jobs in the forest products industry particularly.

Here to my side is really an outdated map because we have seen the loss of well over 700 jobs since June of this year in the forest products industry. But in any case, there has been a tremendous amount of loss in employee layoffs, closed saw mills and paper mills in this country. I think it really, if you take a look at this, drastically shows the hemorrhaging that is occurring and what it means to good, hardworking American families across this country.

Over the last year and a half, the State of Arkansas has lost 1,800 timber manufacturing jobs. These are good jobs. They are negotiated union jobs. They are located in our small rural towns. They are the jobs which are the foundation of these families, these American families who are the fabric of our country, whom we come to the floor every day, day in and day out, to talk about.

But it doesn't end there. For every highly skilled, highly paid plant job that is lost, another job is lost out in the forest—not just these which are represented here but jobs including truckdrivers and foresters, the cafe along the way that supports that industry, and those people who are out working in the forest—the loggers, all of those different entities. That means about 3,600 families are not having a very merry holiday this year.

In fact, we have lost over 1,000 jobs in just the last 10 days alone. But it is going to get worse. If the Congress does not do something here, with the opportunity that has been presented to us—many of us have been working on this issue over the last 8 to 10 months. But here in the close of this session and this week, we have an opportunity to do something, to help stop the loss of these manufacturing jobs out of our country to places such as South America and Asia. I am talking about enacting the Timber Tax Act which we have talked about over this past year.

For many months, the Timber Tax Act has consistently and repeatedly been included as part of the extenders packages we talked about. For example, it was included in the Senate conferees' agreement in the pension bill, in the Reid extenders amendment, and in the Baucus extenders amendment. The bill has broad bipartisan support, with over 33 cosponsors from every part of the country. That should come as no amazement to any of us when you look at this map and realize that it is not just one region of our country that is suffering, but it is many parts of our country that are suffering.

Additionally, this provision provides relief to the entire industry across the board, from the smallest woodlot owner to some of our largest, oldest forest companies. Over 9.9 million individual tree owners will receive immediate and significant regular and minimum tax relief.

Unfortunately, we have found some concern about whether we need competition or greater competition in this industry. We come to this floor every day talking about how competition makes our Nation stronger. We talk about how competition can help us grow, not just as individuals, not just as companies, not just as a nation, but as a part of the global community. I believe that. I believe competition is a good thing. If it is done in a fair way and if people are given the opportunity to show what they are made of and to get out there and do the job they believe they are capable of doing and really compete, working together to compete in a global marketplace, I think everyone is a winner. But when we keep in artificial stopgaps or actually keep away opportunities and continue to keep an artificial circumstance which stymies the kind of competition that can make us strong, we all end up being losers. I think that is a lot of what has occurred here. I think it is extremely shortsighted and it opens all of our similarly situated companies—all of them, whether it is the forest products industry, which has multiple different types of entities, or any of our entities—it situates them and puts them up against unbelievable scrutiny and criticism.

The timber tax provision is sound tax policy. Over the past several years, forest products companies have been under intense pressure to reduce their Federal taxes by either reorganizing as a nontaxpaying entity, or to sell their timberlands, whether they sell them to pension funds or to timber management organizations—wherever they may go to offload that part of their industry. But I want us to think a little bit more about that. We talk about being shortsighted. Think about what that means to the conservation of this country. You look at the small, family-owned timber companies that exist out there that are fighting and trying hard to keep their heads above water in an industry and in circumstances where they are put at a disadvantage. Who is most likely to be a good steward of the land? Who is most likely to go in and reforest? It is the third- or fourth-generation small business owner, the small family-owned timber company that is going to go in and take good care to be a good steward of this land. Those are the most likely ones.

Let's not put them at a disadvantage because then, all of a sudden, all of our timberland, particularly the family-owned timber company, is going to be owned by big groups, and all they want to do is go in and cut and then sell off to developers. Let's make sure we have diversity in this industry; a good, diverse, competitive industry that looks at all sides of what we are trying to protect here: family jobs, the environment, the landscape of many of our small rural States. It is very important.

As the integrated companies separate their mills from their plants and from their timber, there are obvious results: plant closures and job loss, not to mention what happens with that family-owned business that is such a good steward in the conservation of the land.

As a result of this sort of artificial, short-term tax-driven pressure, the amount of U.S. timberland held by integrated forest products companies has fallen from 50 million acres to 15 million acres. Think about that. I want my colleagues to think, when you take those kinds of lands out and put them under a bigger umbrella where nobody is going to really be able to come in and say you can't come in and clearcut that and sell it to a developer or whatever, they are more likely to wave their hand, do it, and go on.

But when you have a small family-owned business that has been there for generations, they are so much less likely to do any of that. They are going to go back in, and with a great sense of pride and respect as well as confidence that this is going to continue to be a small family-owned business, they are going to reforest and they are going to reinvest in that forest product and that timber company.

By enacting the timber tax provision, Congress will forestall a further decline, and we will allow forest products companies to make their decisions based exclusively on sound business principles—not looking at what they have been backed into a corner to do in order to simply keep their business or to simply keep one piece of their business. They will lay off the jobs, they will break up the integrated company, and they will move on because it is easier and because it keeps them alive—as opposed to making good, sound, principled business decisions.

Without its passage, I fear the State of Arkansas will see further immediate closures and loss of jobs. I plead with my colleagues, we cannot lose this opportunity. We cannot lose this opportunity to take something that we have looked at and talked about and developed over the last 10 or so months. We have seen it in other packages, and we know how productive it can be. I hope the majority of this body will join me in seeking a collaborative effort to make sure that we do not see even what the current map would look like if this one were updated, or to think of what it may look like 5 or 10 years from now, with the incredible loss of jobs in timberland and our family-owned timber businesses. It would be devastating.

I thank my colleagues for their attention to this issue. I plead with them on behalf of the people of Arkansas, those unbelievably hard-working families who live in those rural communities, who know our forests and know how to take good care of them: Please let us work to keep those jobs and to keep those businesses going in order that we can not only save those jobs but save a way of life in parts of rural America, as well as making sure that we have the best interests of our forest lands at heart, private forests and others. I think we have a great opportunity to do it, and I hope we will act on that.

TRIBUTE TO J.B. HUNT

Mrs. LINCOLN. Mr. President, I come to the floor today, joining my colleague Senator PRYOR, as we pay tribute to the life of one of Arkansas's business and philanthropic giants: Mr. J.B. Hunt. The billion dollar trucking company that J.B. Hunt built can only by characterized as the very personification of the American dream, and the only thing more impressive than the trucking empire he has created is the life he led and the journey he took to get there.

I am so grateful to have known this wonderful man and to have called him my friend. From the moment you met J.B. Hunt, you knew he was not your typical business mogul. He was much more. He was much like all of these hardworking Arkansans whom I reflect on this map.

J.B. Hunt's formal education ended when he dropped out of school at 12 years of age when, similar to many people of the Great Depression and that generation, he had to find employment to help his family survive. That is what we are talking about, we are talking about American families who are working hard to reach that dream. Here is a man who did.

Every time I was able to be around J.B. Hunt, I always knew he never forgot that challenging period of his life.

and its impact helped shape the character of the man who would put in the hard work and long hours to get the job done right. When I first heard the news of his passing, I reflect on our first meeting. He asked about me, came up to me, and he said: Now, BLANCHE, who are your people anyhow? Of course that meant, Who are your relatives? Who are your parents? Where do you come from?

He immediately recalled that he had come to know my father from the time he spent personally hauling rice loads across the State of Arkansas. Mr. Hunt reminisced that those were back in the days when he had just one truck. And I thought then that not only was J.B. Hunt a man who was proud of what his company had become, but he appreciated the time and the hard work that had been required to get there. He knew more than just where his trucks traveled, he knew the people along the way. Although J.B. Hunt is considerably larger today—any of our colleagues who travel across the interstates will see a J.B. Hunt truck from Lowell, AK,—Mr. Hunt himself never changed who he was as an individual. His dedication reached well beyond his company to many philanthropic efforts that continue to greatly benefit our State of Arkansas.

True to form, J.B. Hunt dedicated much more than millions of dollars—he dedicated considerable amounts of his time. Until his death, he remained a man who was willing to put in the hard work and the long hours to do the job right—and Arkansas is a far better place as a result.

I am certainly grateful to have had his friendship and to pay tribute to the life he led so well. My thoughts and prayers and my deepest sympathies are with his family at this very difficult time, and my gratitude goes out to Mr. Hunt, who truly exemplified that it is not just the view at the top, it is truly the journey that gets you there that is worth more than anything that you could get in return.

I yield the floor for my colleague, Senator PRYOR, from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I wish to talk about the two same subject matters that the senior Senator from Arkansas talked about, in that order. I do want to talk about J.B. Hunt, but first I want to talk about the timber tax.

Before I do, I ask unanimous consent for Senator DEWINE to have 1 hour to finish his remarks, after the conclusion of the remarks of the junior Senator from Tennessee, who I understand is the last speaker in this sequence this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, let me notify the staff, Senator DEWINE said he would certainly be flexible, if someone needed some time and needed to maybe cut in a little bit. He was certainly willing to work with whoever wanted to do that, but he did ask we seek unanimous consent for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TIMBER TAX

Mr. PRYOR. Mr. President, if I may, let me talk about this timber tax issue. Clearly, forests provide a lot of jobs for many people all over this country. For Arkansas, those jobs are very important to our State's economy. But also one thing that we often forget is these forests are extremely good for our environment. They absorb carbon dioxide, they clean waterways, they provide natural habitat for all kinds of species out there, and they help keep an ecological balance in our country.

One of the great developments that has occurred in the last generation is that this country and the people in the timber industry have become much better, much more adept at managing the forests in a very good, long-term business way but also in a great way for the Nation's environment. In fact, when you look at Arkansas, the timber industry has done such a good job there that it is now the No. 2 manufacturing industry in the State.

I know that is the same in other States. There are many States that have very large timber industries, but we oftentimes take it for granted. I am looking around this room and seeing all the wood products. I am reading on one now and using one as a file folder and speaking behind one and standing on one. Often we take that for granted, but the wood products industry is very important for this country. In fact, you could say it helped build this country.

Unfortunately, now the forestry industry, the wood products industry's health is in jeopardy. They have two major problems. No. 1, with globalization, they have a lot of foreign competition. The folks I talk to in the industry, they will understand that. They are ready to meet that challenge. They understand it is a new day and it is very competitive. They are getting a lot of pressure from places such as Canada and rain forest timber and materials that are coming out of Asia and Russia, and they understand that. They are willing to fight that fight if the playing field is leveled.

But the other problem is internal. It is not from foreign competitors, it is, frankly, from the Government and it is the Tax Code and how the Tax Code works within the industry. If I can give one example, last week there was an announcement in Mountain Pine, AR. Now Mountain Pine only has about 772 people who live in the community, but there is a mill there that makes plywood. That mill just announced it is closing.

Senator LINCOLN mentioned this a few moments ago. That mill has 340 jobs. That one employer in that town of 772 hires 340 people and employs them. It is closed. It is gone. Certainly, I hope at some point in the future the community can rally and find another use for that facility. Maybe they can get someone else in the wood products industry in. Who knows. But that is a symptom of what is going on because the owner of that facility is on the wrong side of the Tax Code.

We talked about the timber tax. We have a fix that we proposed. Senator LINCOLN and many others worked very hard to try to get this done. But because they are on the wrong side of the Tax Code, they are having to close plants. Frankly, it is causing a huge strain on their bottom line.

One of the things I need to do when I am on that subject is to thank Senators DOLE, HUTCHISON, and CORNYN, who have been very helpful in cosponsoring a bill that we think will help solve this problem.

Price Waterhouse Coopers & Lybrand, in April of 2005, wrote a report, and they found that the U.S. corporate forestry tax burden is the second highest compared to seven major competitor nations. Analysis showed that the tax burden of the U.S. forestry industry is a full 16 percentage points higher than the median of their competitor nations. We understand that in this country we have more responsible foresting, we understand we have stricter environmental regulations, and we also understand that our tax burden may be a little bit higher here and there. But the unfortunate thing going on here is it is disproportional within the industry depending on how the company is organized.

Here is what I mean. If a company is a C corporation, it is taxed one way. If it is a REIT, it is taxed another way. That means the folks that are REITs have a big tax advantage over the traditional companies. This has a disproportionately difficult effect on small companies, the family-owned businesses in places such as Arkansas and Louisiana and the State of Washington and in other places where you have a lot of family-owned timber businesses, because they don't have the resources to recalibrate themselves in the form of REITs. It doesn't make sense for their business.

What has happened, given our Tax Code, is basically the Federal Government says: Look, if you want to stay in the business, you have to organize yourself in a certain way. That is not fair.

What is happening all around this country is that these timber companies are making business decisions based on the Tax Code. We have seen this happen. We know businesses are going to adapt to the conditions they have, and one of those conditions is the Tax

Code. They are always going to adjust and adapt according to that. But when they start to make decisions such as this which are so dramatic and alter their business models so much, bad things are going to happen eventually.

If you look at the real estate bubble which burst back in the 1980s, a lot of those deals in the early 1980s which were done in the real estate market were done for tax reasons. They did not make any sense in the business world, but they made a heck of a lot of sense under the Tax Code. Finally, when the Congress got around to closing some of those loopholes and simplifying the Tax Code, the bubble burst.

My concern with the forestry industry is that someday when we reconcile these problems, it is going to be too late for a lot of these companies, especially the small family-owned businesses.

This is not strictly an Arkansas problem. The latest employment figures I have from my State are that the industry employs about 43,000 people, with an annual payroll of $1.3 billion. That is a lot of money. That is a big part of our State's economy. However, if you look around the country, they employ about 2 million workers, with an annual payroll of $51 billion. This is not just a local problem in the State of Arkansas. Both Senators from Arkansas are here talking about it, but it is a problem for the whole country and the Nation's economy.

I ask my colleagues to support a better timber tax policy. We want a tax policy that is fair, that restores competitiveness, that provides job security for hundreds of communities and families, that benefits the environment, and which is really the best thing for the country as well as for the industry.

JOHNNIE BRYAN HUNT, "J.B."

Mr. PRYOR. Mr. President, Johnnie Bryan Hunt died a couple of days ago in Arkansas. I just spoke with his wife a few moments ago. As always, she was delightful, and she was very upbeat and very positive and really appreciated all the prayers and all the well-wishes she has received from Arkansas and from around the country over the last couple of days.

Yesterday, we lost a great American and a great Arkansan and a great example to us all. Johnnie Bryan Hunt was born in Cleburne County, AR, in 1927 during the Great Depression. He left school at the age of 12 and went to work for his uncle in the sawmill. We were just talking about the timber industry in our State. He went to work for his uncle in the sawmill just to help the family get by, as many Americans did back in those days.

He served in the U.S. Army.

During his early career, he was a farmer, he was a lumber salesman, he was an auctioneer, and a truckdriver. Then he invented his own business. It was called a rice hull business. He got the rice hulls over in the eastern part of the State and trucked them over to the western part of the State to make "poultry bedding," as he called it, out of the rice hulls. That venture did not work out exactly the way he wanted it to.

His first trucking company, which he formed as part of that and shortly thereafter, failed. He lost about $19,000 in that first venture. But like many Americans, J.B. Hunt didn't quit. He went back to the drawing board. He kept working. He knew he had the ability. He knew he had the gift of problem-solving.

A few years later, he founded the trucking company which today is the largest publicly held truckload transportation company in North America, J.B. Hunt Trucking. Even though he started with 5 trucks and 7 trailers, today he has over 16,000 employees, 11,000 trucks, and 47,000 trailers and containers. He did this with hard work, he did this with a lot of dedication and with a lot of focus.

But one thing they say about J.B. Hunt the man and the company he founded is they are smart. They use technology, they are very innovative, and they work very hard to get on the cutting edge of that industry. In fact, J.B. Hunt is really a poster child for the American success story. We know that through hard work and opportunity, things can happen for you in this country. And he is proof that can happen in a very big way.

During the course of his life, he was director of the American Trucking Association, the American Studies Institute Advisory Board, the Intermodal Transportation Institute, which he was innovative in, the University of Arkansas Campaign for the 21st Century, and the Northwest Arkansas Business Council. In addition to those boards and those industry groups on which he served, he also was extremely giving with his resources. Two of his favorite charities are the Arkansas Easter Seals and the March of Dimes.

I know he will be sorely missed in his hometown of Lowell.

People always associated Arkansas with J.B. Hunt the man and the trucking company because he really did put it on the map. He came to northwest Arkansas and ended up in northwest Arkansas before this period of exceptional growth started there. These two counties up in the northern corner of our State are two of the fastest growing counties in America. The companies that are there are companies such as Wal-Mart, Tyson Foods, J.B. Hunt, and, of course, the University of Arkansas is in that corner of the State as well.

People ask me: Is there something in the water up there? What is it about this little area of your State? Is it the great quality of life? It is the great work ethic? Yes and yes. More than anything, it is about great leadership, and J.B. Hunt was part of that great leadership. He was on the team of men and women who moved their communities forward and in many ways not only changed those communities but changed the State and changed the world.

I join Arkansans and Americans in offering my condolences and prayers to J.B. Hunt's family and his friends, including his wife Johnelle and their children Jane and Bryan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while both of my distinguished colleagues from Arkansas are on the Senate floor, let me tell them how much I appreciate their leadership in dealing with this last item of business relative to this Congress and which is particularly important in my home State of Texas, as it is in other timber-growing regions of the United States.

As we find ourselves in global competition for jobs and work, there are certain things we need to keep our eyes on to help make America more competitive and to make sure we continue to create the jobs and opportunities which have always been the key to our prosperity. Of course, the present occupant of the chair knows that having a qualified workforce is one of the key elements of our ability to compete in a global economy, as is our tax policy and our health care system, which is a factor in the ability of American businesses to be competitive, our regulatory environment, and our civil justice or litigation system.

I wish to focus specifically on our tax policy. The fact is that in many industries our tax policy in this country makes certain aspects of our economy less than competitive. Certainly that is true when it applies to the timber tax issue.

The timber tax provision I am speaking about would lower the capital gains tax for owners of timberland, both individuals and corporate owners, but mainly it is small business community members and farmers. The great thing about this is we are not talking about a tax increase on anybody; we are talking about reducing the tax on this element of our economy, of our workforce, mainly small business owners and farmers, to help make them more competitive in a global economy.

It was my sincere hope that this provision would be included with the so-called tax extenders package that I hope is ultimately passed by the Senate today or tomorrow, but, as the Senators from Arkansas have already pointed out, I know we are all disappointed that it has not been included. I think that is a shame. My hope is that, having left this work undone, Congress, when we return in January, will take up this issue again and attempt to pass it.

The U.S. forestry industry and its workers are at the heart of a vibrant economy that has produced the highest living standards in the world. As the jobs report released just today indicates, job creation continues apace across this big economy here at home. But there are sectors of the economy that are struggling because of the disadvantages they have, particularly with regard to our tax policy. The forest products industry and its workers, including those in Texas and across America, are facing significant challenges which, if not overcome, will lead to reduced economic growth, lost jobs, and ultimately the decline of living standards for future generations.

Although job growth continues here at home, as we saw by today's report, it is important to highlight that American paper mills and wood product mills are permanently closing their doors, resulting in a loss of those good-paying jobs. At the same time, our foreign competitors, facing generally lower taxes, are expanding their capacity.

As has already been pointed out by the senior Senator from Arkansas, the Price Waterhouse Coopers & Lybrand report in April of 2005 examined the effect of the U.S. tax system and found that our tax rules consistently disadvantage U.S. companies and workers relative to the tax rules in most nations with which we have to compete. By reducing the cost disadvantage faced by practicing sustainable forestry here in United States, this proposal can help reverse the trend of decreasing U.S. competitiveness in the forest products industry and maintain those manufacturing jobs of U.S. workers.

Simply put, this proposal is about creating more good-paying jobs here at home, not by conferring any additional benefits on our American employers and job creators but by reducing the impediments and the obstacles that Government puts in the way to job creation and competition in the global economy.

I wish to especially express my appreciation to Senator LINCOLN, the senior Senator from Arkansas, for her strong advocacy for this issue. I look forward to working with her in our next Congress to try to do everything we can to remedy this wrong and to help make America and particularly the forest products industry more competitive in a global economy.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, the Senator from Illinois had the next 15 minutes. I don't see him. I was to follow him, but to conserve time I will go ahead and take my 15 minutes now and then ask unanimous consent he be allowed to follow me when he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMPETITIVE INVESTMENT ACT

Mr. ALEXANDER. Mr. President, I salute the Senators from Arkansas and Texas on their comments about the timber tax. That is not my subject today, although I intend to talk about competitiveness, jobs, but this is something we do need to pay attention to, not just for the jobs but for conservation in our country. That was mentioned eloquently by Senator LINCOLN.

I was in Waverly, TN, in Humphreys County the other day, and people are very upset because the timber company—I guess partly because of the Tax Code—has sold thousands of acres to an organization that doesn't care anything about the forest. That organization is cutting all the trees and going about their way. The people in that county, for a long time, have enjoyed having that forest properly managed—not just the jobs; they like the jobs, as well, but they like the trees.

What we may be doing in an unanticipated way is having a tremendous negative impact upon the beauty and the forests of the United States by our tax policy even though we don't intend to do that. I am glad the Senators from Texas and Arkansas and others are interested in this issue. I would like to work with them in the new Congress to try to be of some help.

I am here today to suggest, especially to my colleagues on the other side of the aisle who will be in the majority starting next month, that we, all of us together, have a remarkable opportunity to start the new year with a truly bipartisan piece of legislation critical to the future of the United States.

Our new majority leader, who will be Senator REID, has said he would like to foster a more bipartisan atmosphere as the Senate begins its work next year. So would I. So would most Members. The best bipartisan bill I know that is ready for action in the Senate is the bill that Senator REID and Senator FRIST are cosponsors of, the National Competitiveness Investment Act.

At the end of September, our two leaders, Senator FRIST and Senator REID, the Republican and Democratic leaders, introduced this bipartisan competitiveness bill. It has the support of the chairmen and the ranking members of the Energy, Commerce, and HELP Committees and, in fact, was created by those three committees. It wasn't written by the Republicans and handed to the Democrats for approval. We wrote it together. We have worked on it for 18 months. The product is here and ready for action. I had hoped we would be able to complete our work on this legislation before the end of the year. However, because of our current schedule, we can't.

January is just around the corner, and it will be an opportune moment because the bill is so bipartisan there is no reason in the world that it can't be chalked up as an early victory for a new bipartisan Senate.

Senator BINGAMAN has worked as hard on it as Senator DOMENICI. Senator INOUYE has worked as hard on it as Senator STEVENS. Senator KENNEDY has worked as hard on it as Senator ENZI. So has Senator MIKULSKI, and so has Senator HUTCHISON. In other words, this is our product. It is ready for action.

The prospects of passing a significant piece of legislation to protect America's brain power advantage in the world are also strong in the House of Representatives. My friend and colleague, BART GORDON from Tennessee, is likely to become the new chairman of the House Science Committee. When Senator DOMENICI and Senator BINGAMAN and I and many others introduced the Augustine Report, the report of the National Academy of Sciences that detailed 20 steps we should take as a country in order to keep our brain power advantage, Congressman BART GORDON in the House of Representatives put his legislation in at the same time. He is strongly committed to this agenda, has worked as hard as anyone in the Congress, and we have all been working together for some time.

The incoming Speaker, Congresswoman PELOSI, laid out an agenda on this issue that drew heavily on the National Academies' "Gathering Storm" report, the Augustine Report I described. She even brought George Lucas to Washington to tout her agenda and told President Bush this is an area where the two parties can work together.

President Bush himself has been a leader in this area, which is enormously helpful since the President is the Nation's agenda setter. In his State of the Union Address, President Bush talked importantly about our competitive position in the world. He has seen the need for it as a President. He saw it before that as a Governor. He followed up his action with money. He put his money where his mouth was and he put significant new dollars in the budget this year to fund his American Competitiveness Initiative.

The President says: Let's do it. The House of Representatives says: Let's do it. We in the Senate have worked 18 months. At one point, we had 70 cosponsors of our competitiveness legislation: 35 Democrats, 35 Republicans. A good way to welcome the new year would be to pass the bill. We ought to be able to do it before the February recess.

This bill is about growing our economy. It is about creating the largest number of good new jobs we possibly, can. It is about recognizing we are very fortunate as a country to have just 4 to 5 percent of the people in the world, nearly 25, 26, 27 percent of all the money in the world, and that the principal factor in that has been our creative brain power advantage.

But China and India and maybe other parts of the world have realized that their brains work just like ours—sometimes they are even smarter than ours—and they are working hard to make sure that they get their share of the wealth.

This legislation is a progrowth investment that we must make if America is to set the pace in science and technology for the next generation.

In August, a group of Senators met with a number of Chinese leaders in Beijing, including the President of China, Hu Jintao, and the Chairman of the National People's Congress in China, Wu Bangguo. Just 2 months earlier, President Hu had gone to the Chinese Academy of Sciences and the Chinese Academy of Engineering to outline a 15-year plan to make China a technology leader.

In his speech, President Hu said China must "promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment."

We all know that when a Chinese leader talks about a great "leap forward" it is a pretty big deal in China. This was the center of their economic policy. In our conversations with the top two leaders in China, we found when we talked about North Korea or Iran or Iraq, the area in which they were most animated was this whole idea of innovation and technology.

The Science section in the New York Times this Tuesday has a column entitled "With An Improved Particle Accelerator China Sees Golden Opportunity For Collaborative Research." China knows if it wants a larger share of the world's wealth, it needs to have a brain power advantage. That should remind us of the importance of keeping ours.

We have seen the same thing in India. In a trip by Senators to Bangalore last year, their version of our Silicon Valley, we saw that their research is cutting edge. They are creating new jobs. They understand how to improve the standard of living in the people of that great country.

The challenge facing America is about brain power and jobs. We are not about to fall over the cliff. Actually, in the last 10 years our share of the world's wealth has grown, according to the International Monetary Fund. Ten years ago we had 25 percent of all the gross domestic product in the world. Last year it was 28 percent. Yet we know we need to keep on our toes to keep our jobs.

Most of this good fortune comes from that brain power advantage an educated workforce and technological innovation. We have the finest system of colleges and universities. That system attracts 500,000 foreign students today. Many of them are the brightest young people in the world. They are here creating good new jobs that improves our standard of living.

No country has the national research laboratories we have. We have won the most Nobel Prizes in science. We have registered the most patents. Such innovation has been responsible for as much as half of the Nation's growth in productivity—in plain English, the reason we have such a disproportionate share of the world's best paying jobs.

Yet we see what is happening—not just in China and India, but also in Finland, Singapore, Ireland, and more. They understand this, too, and are working hard to catch up, get ahead, and get their share.

That is why last year Senator BINGAMAN and I, with Senator DOMENICI's encouragement, walked down to the National Academy of Sciences not far from here and asked: What are the top 10 actions, in priority order, that Federal policymakers could take over the next decade to help the United States keep our advantage in science and technology? We figured Members of Congress probably weren't the right ones to make that list. So we asked the people who should know.

They, in turn, assembled an all-star panel of business, government, and university leaders, headed by Norm Augustine, former chairman and CEO of Lockheed Martin. The group included three Nobel Prize winners. It happened to include the President of Texas A&M who is now about to be the Secretary of Defense. We asked for 10 recommendations. They gave us 20, in priority order.

Then a bipartisan group of Senators, led by Senators BINGAMAN and DOMENICI, introduced what we call the Protecting America's Competitive Edge Act, or PACE, to implement those recommendations.

This included increasing Federal funding for basic research in the physical sciences by 10 percent a year for 10 years; doubling our investment in basic research as we recently did for medical research; providing 25,000 undergraduate scholarships and 5,000 graduate fellowships for future scientists; allowing foreign students who come here to earn a Ph.D. in the sciences to stay 1 year after graduation, and, if they find employment, to become automatically eligible for a green card; recruiting 10,000 new science and math teachers with 4-year scholarships; training 50,000 current teachers in summer institutes at national labs and universities; creating a new coordinating office to manage a centralized research infrastructure fund of at least $500 million per year; giving American companies a bigger research and development tax credit so they will keep more good jobs here instead of moving them overseas.

As I mentioned earlier, our bill, the PACE bill, attracted 70 cosponsors: 35 Republicans, 35 Democrats. There was no other piece of legislation quite so popular that was that important in this session of Congress. We made a lot of progress since we introduced that legislation.

I mention the President's State of the Union Address and the $5.9 billion in his budget for fiscal year 2007 for his American Competitiveness Initiative. In March, the Energy and Natural Resources Committee reported a bill with eight provisions related to energy research, as well as math and science education for students and teachers in association with the national labs. In May, the Commerce Committee reported a bill that included ideas not just from the Augustine Report but also from the excellent Council on Competitiveness and from the President's own proposals. Then the immigration bill that passed the Senate in May included three provisions to attract the brightest minds in our country. They drew from the Augustine Report. Then the Defense authorization bill that passed the Senate in June included a provision related to support for early career researchers funded by the Pentagon. The so-called tax extender bill, which has been held up, includes the research and development tax credit that was the cornerstone of both the Augustine Report and the President's initiative. It appears likely to pass before the end of this week.

Then, at the end of September, just before the Congress left town for the election, a bipartisan group of 14 Senators, led by Senator FRIST and Senator REID, our Republican and Democratic leaders, introduced the National Competitiveness Investment Act, a bill that will help America keep its brainpower advantage so we can succeed in a more competitive global economy.

The bill includes provisions from the bills that passed the Energy and Commerce Committees and adds an important education component that Senator ENZI and Senator KENNEDY took the lead on. It focuses on the areas that are important to maintaining and improving U.S. innovation in the 21st century. One, it increases research investment; two, it strengthens educational opportunities in science, technology engineering, and mathematics from elementary through graduate school.

Several sections in the bill are derived from proposals in the PACE Act, which I introduced earlier this year with Senators DOMENICI, BINGAMAN, and MIKULSKI. This is a critical effort. We face what has been called a new "flat" world where more and more countries can compete with us, and we must rise to the challenge.

That is why this bill would double funding for the National Science Foundation from approximately $5.6 billion in fiscal year 2006 to $11.2 billion in 2011. It sets the Department of Energy's Office of Science on a track to double its funding over 10 years, increasing from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

It would strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the national laboratories and by increasing support for the Teacher Institutes for the 21st Century program at the National Science Foundation.

It would expand the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit and train individuals to become math and science teachers.

It would assist States in establishing or expanding statewide specialty schools in math and science that students from across the States would be eligible to attend. Tennessee wants to do that, as they already do in North Carolina and in other States.

It would expand advanced placement and international baccalaureate programs by increasing the number of teachers who are prepared to teach these math, science, and foreign language programs. This would allow thousands of new students, who are bright enough but may come from families with low incomes, to take these outstanding college prep classes.

The Frist-Reid bill would provide grants to universities to establish programs modeled on the successful UTeach program at the University of Texas—which the current Presiding Officer knows a great deal about—where students getting a bachelor's degree in math or science can concurrently earn teaching credentials and become the new generation of math and science teachers.

And finally, it creates partnerships between national laboratories and local high-need schools to establish centers of excellence in math and science education.

The bill authorizes $20.3 billion in new spending over 5 years. This is a significant savings over what was originally reported by the committee and what was originally included in the PACE bill.

About $4.6 billion over 5 years in authorized funding has been cut from competitiveness bills passed by the Energy and Commerce Committees. Our friends in the White House should appreciate that, and the taxpayers will as well.

The bill avoided duplicative undergraduate scholarship programs that were proposed in earlier legislation. That was a priority of many Members of the House of Representatives. It reduced the cost of a number of other proposed and existing programs.

In the end, this is a small price to pay to secure our competitive edge. I would emphasize, this is a pro-growth investment. This creates jobs. This puts money in our pockets. That is what we are talking about when we are talking about keeping our brainpower advantage.

The potential for what this legislation could do for our country was illustrated in the community of Oak Ridge, TN, just this week. Oak Ridge is the home of one of the Department of Energy's national laboratories—the most important energy laboratory in the world, as a matter of fact.

Three students from Oak Ridge High School—Scott Molony, Steven Arcangeli, and Scott Horton this Monday won the team prize in the National Siemens Competition, which recognizes and rewards students willing to challenge themselves through scientific research. This is not a small honor. The winners will share a $100,000 scholarship as encouragement to continue in math and science careers in the future. Education Secretary Margaret Spellings was on hand to present the award.

The students used supercomputers to analyze tens of thousands of genes so they could figure out how to engineer biofuel production by micro-organisms.

Because of the hard work and ingenuity of these three students, their project may one day provide a tool that could enable scientists to genetically engineer bacteria that would cost-effectively turn plant matter into bioethanol used to fuel automobiles. Their project has contributed to a growing body of research on creating micro-organisms that can produce alternative fuels. In fact, the Oak Ridge National Laboratory received a major grant to continue the research that this student project began.

Part of the reason these three students succeeded is they were able to connect with the work and expertise at the Oak Ridge National Laboratory. Their lead adviser, Dr. Nagiza F. Samatova, is a senior research scientist in the Computational Biology Institute, Computer Science and Mathematics Division, at the Oak Ridge National Laboratory.

The National Competitiveness Investment Act will give more young Americans across our country the opportunity these bright students have had. The bill provides for student internships and summer programs at national laboratories such as Oak Ridge across this country. The bill would allow more scientists such as Dr. Samatova to spend more of their time working with such bright students.

The Senate should act quickly, in January, on the National Competitiveness Investment Act. It should be a Reid-McConnell piece of legislation. It should have the support of every Member of the Senate. It would, I hope, be passed before the February recess and sent to the House of Representatives, where I know Congressman GORDON and Speaker PELOSI and Republicans and Democrats who care about this as much as we do will be coming up with their own version of competitiveness legislation.

This legislation would invest in basic scientific research and help educate the next generation of scientists. It would help us keep pace with other nations that are moving swiftly to overtake our scientific leadership. More young people would have the opportunities these three students at Oak Ridge High School have had. There is broad bipartisan support.

I hope the new majority leader will make this one of his first initiatives in the Senate next year, just as he made it an important initiative toward the end of this session.

If America is to continue to be the global economic leader, we cannot afford to let this wait.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP SHORTFALL

Mr. DURBIN. Mr. President, it is an interesting time to close a congressional session. We are about to consider a major spending bill, hundreds of billions of dollars, and a major tax bill that will have an impact on millions of Americans and scores of interest groups and businesses. It is interesting to see what the priorities are in the closing moments. We know that there will be many groups, particularly among businesses, that will be benefited by this tax bill. But it is interesting to me that in the list of priorities, sadly, there is a group that we are ignoring. That group, of course, is the children of this country, the children who don't have health insurance.

Illinois started an ambitious program last year to make sure all kids in Illinois have health care insurance. It is surely the right thing to do. Most uninsured children with asthma never see a doctor until they are hospitalized with an acute attack. One study found that kids without health care are 25 percent more likely to miss school. Another found that one in five children without health coverage needed glasses to see the chalkboard, but they didn't have any.

It is certainly wise to give these children health insurance. One in four uninsured children uses the emergency room as their regular source of medical care. The Florida Healthy Kids Corporation reports that emergency room visits dropped 70 percent when uninsured children were given the opportunity to see a doctor in an office.

Illinois's All Kids Program is ambitious, and it is working. But we can't do it alone. In 1997, the Federal Government made its first downpayment on a program for States to help make sure children have access to health care. The State Children's Health Insurance Program, known as SCHIP, began when Congress and the White House agreed that children in America should be able to see a doctor when they are sick, when they need to buy glasses to see the chalkboard or when they need to be protected from infectious disease. Today, 9 years later, after the first Federal payments were delivered, 10 million children in America are without health insurance.

In Illinois, we are providing basic, bare-bones health care for 122,700 low-income children through the SCHIP program. The State has to match the Federal money, but we couldn't do it without the Federal help. This year the Federal payments will run out before the bills are paid. In fact, we are told the SCHIP payment will be 60 percent of what the Federal payment needs to be to maintain the current caseload, not to expand it and bring in more uninsured children, just to cover those children who, without SCHIP, would have no health insurance.

On Tuesday morning, the package that we are considering today included a bipartisan, no-cost provision to reallocate Federal SCHIP money so that Illinois and a dozen other States would be able to provide basic health insurance coverage for the kids already in the program. Twenty-four hours later, on Wednesday morning, after negotiations took place in the middle of the night, the SCHIP provision was gone. A lot of other things remained. There are still lots of tax provisions in there for special interest groups and businesses. Some of them are worthy. Some of them I support. But it is interesting that the first casualty of negotiation turned out to be 10 million uninsured children. They were left behind. Suddenly, low-income children in at least 11 States were dropped from this tax extender package. Merry Christmas from the United States Senate and the United States House of Representatives to these poor children who, because of our inaction and refusal to acknowledge the need for this program, have decided not to fund it.

Suddenly the rug was pulled out from under 73,620 low-income kids in my State. SCHIP payments to Illinois to take care of these kids will fall short by $150 million. We made a promise to help these kids 9 years ago. These kids are innocent children. All they are asking for is the basics—the chance to go to a doctor, a chance to get the shots they need so they can avoid serious illnesses, a chance to get the glasses they need to be good students in the classroom, just the basics. This Congress, in its efforts to adjourn, to go home and enjoy the holidays with our own children and our own families, has forgotten some kids across America who need help in the SCHIP program.

I urge my colleagues not to give up on this issue. When we start to debate this tax extender bill in the hours ahead, I hope all my colleagues from affected States will come to the floor and will call to the attention of every Member of the Senate and the House of Representatives how we have failed in meeting this priority.

I sincerely hope that if we are unable to restore these funds in these closing hours, that this will indeed be a high priority of the new Congress when it resumes its work in January of next year.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

THE IMPORTANCE OF SENATE RULES

Mr. REID. Mr. President, as the 109th Congress fades into memory and the 110th Congress comes into view, I want to say a few words about the importance of Senate rules. One of our finest accomplishments over the last 2 years was something that the Senate chose not to do. In May 2005, the Senate turned aside the so-called nuclear option and decided to preserve the rules of the Senate which allow for extended debate on judicial nominations.

Almost a century ago the Senate adopted rule XXII which formalized the principle of extended debate and established a balanced mechanism for limiting debate. The current version of rule XXII requires two-thirds of the Senate to cut off debate on any change in the rules and three-fifths of the Senate to cut off debate on any other question before the body. The nuclear option would have forced a change in this venerable Senate rule by the brute force of a simple majority vote.

The campaign to rewrite Senate rules was misguided from the start. It was a raw abuse of power fueled by a misreading of history. The Senate came dangerously close to adopting this plan. On the eve of the showdown vote, a courageous band of 14 Senators, 7 Democrats and 7 Republicans, came together to derail it. They agreed to vote as a block against the nuclear option in exchange for an up-or-down vote on a handful of disputed court of appeals nominees.

I feel very comfortable that had that vote occurred, this same result would have followed, but did I want to roll the dice on that? The answer is no. In the aftermath of that so-called Gang of 14 agreement, I was asked who won? I said the American people won. I am happy to report that commentators since then have also said that the American people won.

Had the nuclear option prevailed, it is almost certain that other valuable Senate traditions would soon have fallen to political expediency, raw power, simple majority vote, and we would have become another House of Representatives. Confirmation of a handful of controversial court of appeals nominees was a small price to pay for preserving the sanctity of the Senate rules for future generations.

The nuclear option was the most important issue I have worked on in my public life. Its rejection was my proudest moment as minority leader. I emerged from the episode with a renewed appreciation for the majesty of Senate rules. As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect.

The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years, the rules of the Senate have protected the American people, and rightfully so.

The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks. But I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country.

It is often said that the laws are "the system of wise restraints that set men free." The same might be said of the Senate rules.

I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no "I've got you," no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

The PRESIDING OFFICER. The Senator from Florida.

THE VALUE OF FREEDOM

Mr. MARTINEZ. Mr. President, later today we will be considering the Vietnamese proposal for permanent normalized trade relations. Before consideration of that issue, I wanted to take a few moments to discuss what I believe to be the beauty of freedom and the power that just one individual can have in personifying a truly transcendent value.

Recently I had the opportunity to come to know a young woman in Orlando, FL, a constituent of mine named Liz McCausland.

She contacted my office some months ago with a seemingly simple request. She wanted to see her mother. Her mother is Thuong Nguyen Foshee. She goes by "Cuc." At the time of the request, Mrs. Foshee, a U.S. citizen, born in Vietnam, was sitting in a Vietnamese jail. She had been in that jail for some period of time and she had not been charged with a crime. She had not had the benefit of counsel. She had not been informed of the charges against her in any way, shape or form.

For several weeks immediately after her arrest, her family didn't even know where she was. This ordeal began in September 2005. She had no hope for due process. She had the need for some medical care and attention, and this went wanting for several weeks, if not months. She finally began to have contact with the U.S. consul, and it was a 20-minute visit once a month.

At the time of her arrest, Mrs. Foshee had gone to Vietnam, her native country, as a U.S. citizen to attend a nephew's wedding. The Vietnamese Government, at some point or another, finally said she was suspected of terrorist activity. The fact is that it should not come as a surprise that the Vietnamese Government was not fond of Mrs. Foshee because she was one of those people, whom I can certainly identify with, who believes it is the right of every person, no matter where they live, to elect their leaders—something as simple as what we did on November 7 in this country, which we take for granted. There are still people around the world who are denied such a right.

The Vietnamese people today cannot elect their leaders. Cuc Foshee believes that a Vietnam that is free to elect their leadership is a Vietnam that would respect also the rights of all of its people. So because she was someone who was vocal in the Vietnamese-American community and spoke freely of her hope and wishes for her native land, she actually became an obvious target to a government that felt threatened by the voice of a common citizen who believed she should speak out.

For that, Cuc Foshee and several other Americans, in fact, were arrested, interrogated, and sent to jail, without the knowledge of when or if they would ever be released or allowed to return to the United States. Many people went to work on this problem. Today, I thank our Secretary of State, Condoleezza Rice, for her interest in this matter, and I particularly thank U.S. Ambassador to Vietnam, Michael Marine, and the staff of the U.S. State Department, and others, whether in Vietnam or in the State Department here, who worked on her case. Volunteers came to help. The law firm of Holland & Knight offered their services pro bono. In addition to that, I particularly note and thank members of my staff who worked diligently and passionately to seek the release of Mrs. Foshee. Melissa Hernandez, in my office in Florida, and John Goetchius, here in Washington, worked hand-in-glove with Mrs. Foshee's daughter, Liz McCausland, and others, to see that Mrs. Foshee came safely back to the United States. She has been returned to the United States, and it has been a wonderful blessing to her family.

We recently celebrated, in Orlando, her return home. Congressman RIC KELLER was also there, my colleague, who also step-by-step was a partner for me in seeking the release of Mrs. Foshee.

So when the permanent normal trade relations between the U.S. and Vietnam came to be considered, I objected to the legislation being considered until I was confident that Mrs. Foshee would be able to receive the kind of due process that we expect as a matter of course, which she deserves under any observance of human rights, and until she would be back with her family in Orlando. That has now occurred.

Mrs. Foshee's freedom has allowed me to lift any objections to consideration of the PNTR status as it relates to Vietnam. While I will vote for that today, I must say that concerns remain. Vietnam's disregard for the rule of law is something that is not only troubling, but it will make normal trade relations difficult with free societies.

It would be good for the Government of Vietnam to understand that tolerance, as it relates to people's willingness to practice religion as they see fit, is important in order to join the family of nations in a full and complete way.

I appreciate the cooperation of the Government of Vietnam in allowing Mrs. Foshee to come back to America and be free. But I must suggest that, at the same time, it is hollow if it is only for Mrs. Foshee because of the pressure brought to bear her case. The right of people to freely speak, elect their leaders, and to live in a democratic system is the only way for the people of Vietnam to fulfill the promise that they have, to fulfill the promise that can come through normalized trade relations with the United States.

The people of Vietnam not only can have normal trade relations, they must live it. They will find that the rule of law will be a troubling matter if it is not observed. Whether it is foreign businesspeople traveling to Vietnam, whether it is the rule of law as it applies to contracts, it is a fundamental, essential, integral part of normal trade relations. Mrs. Foshee's hope was that others in Vietnam would have the opportunity to live in freedom such as she has tasted in America. I hope that day will come as well.

My career as a public servant has been irrevocably influenced by this experience. I believe I will never do anything greater than to have played a part in securing the freedom of one individual. I know what it means. I understand what it is like to live under oppression. I believe that all people, no matter where they are, are entitled to live with the dignity and the hope that comes from understanding that there is freedom and there are human rights that are observed.

Each of us owes a debt of gratitude to Mrs. Foshee for taking a stand for freedom and, in her own example, leading us to know that it has a value, even if at times a price must be paid for it.

REAUTHORIZING THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6344, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6344) to reauthorize the Office of National Drug Control Policy.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6344) was ordered to a third reading, was read the third time, and passed.

AMENDING THE FEDERAL DEPOSIT INSURANCE ACT

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6345, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6345) to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6345) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

TAX EXTENDER PACKAGE

Mrs. HUTCHISON. Mr. President, I rise today to talk about the tax extender package that will be coming over from the House. It is a very important measure, one of the last items of business that probably will be passed in this session. It is such an important bill. I have to say it doesn't have everything we had hoped it would have. But the important parts that are included are very important. The sales tax deduction—the deductibility of State sales taxes—is a huge item of equity for taxpayers in our country.

As the Presiding Officer knows, there are eight States that do not have income taxes. Yet between the years of 1986 and 2004, there was an inequity. If a State chose to have State income taxes to raise its revenue, their citizens could deduct from their Federal income taxes those State income taxes. But if a State didn't have an income tax and instead raised its State revenue with State sales taxes, you could not deduct the sales taxes on your income tax. It was a huge inequity.

It is essential that in our country we have the same treatment for the people of every State regarding how they pay their State taxes. So this bill, the tax extender package, which will be voted on either tonight or tomorrow, is that equalizer. It does extend for 2 more years the sales tax deduction that would be allowed, just as State income taxes are deductible, from your Federal income tax return. We have had that opportunity for 2 years—2004 and 2005. This would have it available for 2006, this year, and next year, 2007.

The taxpayers in Texas, Alaska, Florida, Washington State, Nevada, South Dakota, Tennessee, and Wyoming would be set to have the penalty if this bill does not pass. This is something I have worked on for years. Since I came to the Senate, I have tried to equalize this inequity. Finally, in 2004, we were able to do that, and now we cannot let this equity go. There are many people who have worked to make this happen, especially the leaders of the Senate. Senator FRIST and Senator REID have been working on this, as I have, for all these years, trying to do what is right by our States, as well as the other States that are affected in this way. We won that right in 2004, and now we will be able to go forward and continue the equitable treatments of all taxpayers in our country.

The other points in the bill that I think are so important are the deduction for college tuition and fees. This can give up to $4,000 to families who are sending children to college. That is something that makes a huge difference to the families in our country who are paying the ever-increasing college tuition rates. It has a $250 deduction for a teacher who buys classroom supplies out of their own pockets. I know teacher after teacher in this country who has seen a child who doesn't have a workbook or who wants to enhance the quality of instruction, so the teacher buys, from her own pocketbook, the supplies that will enhance the educational opportunity. Yet the teachers have done it out of the goodness of their hearts, not because they are highly paid—because we know teachers are notoriously underpaid. It is because they care about the students and about the learning. So we have a deduction for those teachers who have done this, and that is in the bill before us in this Congress.

We will extend the research and development tax credit. That has been the lifeblood of innovation in our country. We have extended this credit 11 times since it was enacted in 1981. We know that it has helped us remain competitive, with increased competition from foreign countries, and has added American jobs because of the creativity and technological innovation that has been provided. I wish that we had a few more tax cuts.

We have an inequitable situation with timber taxes, where we have a competition with foreign countries that are subsidized. It is my priority to work on that going forward. It is not in this bill. I wish it were. I pledge my efforts, along with many other States, to extend or to have this tax credit reenacted.

There is also a very important energy production bill that is in the tax extender package. It is a bill that passed the Senate with full support, and it will bring the cost of energy down. It is the opening of leases 181 and 181 South in the Gulf of Mexico. These are leases that will open up natural gas and oil, which will have a major impact on the cost of fuel in our country.

It is good for America. We must look to our own natural resources to stop our dependence on foreign resources for energy. If we are going to remain secure in our country, and if we are going to remain in control of our economy, we will pass this legislation that opens up these very important leases in the Gulf of Mexico.

While no bill is perfect, no bill does everything everybody wants. I am in strong support of the tax extender bill. I have heard people speak against the bill and say: How can we pass tax cuts when we have deficits? The fact of the matter is, we have higher revenue when we have tax cuts. We have had the highest revenue in the history of America since the tax cuts of 2001 and 2003. We have brought the deficit down and have cut it in half already because of the tax cuts. The stock market is hitting new highs because of the tax cuts.

I hope we will continue to extend tax cuts for hard-working Americans to make our country competitive, to keep the revenue coming in, to bring the deficit down, and to keep the healthy economy that has caused our unemployment to go down to the lowest rates we have had in the last four decades.

It is a good bill. We will work next year to increase the tax cuts, to continue the tax cuts and keep our robust economy and our low unemployment.

Mr. President, I again thank the Senator from Ohio for yielding me this time.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA A. RAMSEY

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army PFC Joshua A. Ramsey from Defiance, OH, who died in Iraq on December 12, 2004. He was 19 years old.

Joshua leaves behind his father and stepmother Bruce and Le'Ann, his mother Joy, and his brothers Brad and Ty. He is also survived by his grandparents Robert and Margaret Ramsey and Jerry and Nancy Buckles.

Born in Norman, OK, Josh moved with his family to Ohio when he was 10 years old. He attended Ayersville Elementary School and joined the Boy Scouts. He graduated from high school and the Four County Career Center in 2003, and joined the Army just 2 days later. He did not hesitate. He simply knew it was time to serve his country. Josh was assigned to the 95th Military Police Battalion based in Mannheim, Germany.

One of Josh's teachers at the Career Center, Tonya Fisher, remembers that "Josh was a good student and a good classmate. He worked really hard in class and was really dedicated. He knew he wanted to go into the military."

After graduating, Josh returned one August to talk to the students in the public safety class. "He gave us hugs," Tonya remembers, "and told teachers, 'Everything you said was right.'"

Josh Ramsey will be remembered for his compassion and his love of children. While serving in Iraq, his favorite job was distributing soccer balls and school supplies to the kids he met. He would often stop his humvee, just so he could get out and talk to people. He told his father Bruce that Iraqis simply wanted the same thing that we all do—just to get by and to take care of their families. And that was Josh—always reaching out to others, always building bridges.

"[Josh] loved his job," his mother Joy remembers. "I know he died doing what he wanted to do, and I find comfort in that."

Josh had a passion for cars and one car, in particular—a fully-loaded silver Grand-Am GT that he bought while home on a 2-week leave. He was going to have his brother Brad "hot-rod it up" for him. According to his stepmother Le'Ann, he couldn't wait to return home and show it off to all his friends.

Josh's parents made a car payment for him as a Christmas gift, and Josh, himself, was making double payments on it with his Army salary. He planned to have it paid off entirely in 2 years. A gasoline card for him to bring home and use to fill up his gas tank was included in one of his care packages. On Josh's weekly phone calls home, he didn't want to talk about the war all that much—he wanted to talk about his car.

Josh's grandmother Margaret said that "when it's 150 degrees, you need something to dream about and to plan for. If it helped him through the tough times, it was well worth it. We took pictures of him with his new car, so he could show his buddies."

Josh was a very family-oriented young man, and so hated to leave them. He had a special relationship with his grandparents, and his mother Joy remembers the quiet times they shared during Josh's visits home. He would go fishing and golfing. For dinner, he would ask Joy to "fry up those little brown things." These were chicken livers—one of Josh's favorite meals.

Josh always remained calm about the dangers he faced in Iraq, even when he admitted conditions were getting rough. As he told his mother Joy, "Mom, I have one of the most dangerous jobs in the Army, but I wouldn't have it any other way." Josh also believed in his job—he believed in what he was doing. "I think we're doing some good over there, Dad," he told his father.

Josh had a bright future before him. He was interested in police work and had joined the Army partly because of the experience of working with the military police. He also talked about becoming an American history teacher.

Josh was loved by all who knew him. He had so much energy and zest for life. One friend, Christy, remembers that he drove a long way while on leave just to see her and give her a hug. And another friend, David Streeter, wrote the following in an Internet tribute to Josh:

> Josh was my best friend, and I loved him like a brother. I first met him while I was in basic training and by some strange luck, we where stationed in Mannheim together, then in Iraq. Not a day goes by that I don't think about him. Rest in peace Private First Class Ramsey.

Josh's cousin, Brooke Westcott, left this message for Josh:

> Josh was my cousin, and we were like brother and sister. He was always there for me when I needed him. He told me that we would go graduation and birthday shopping for me. I miss him so much and he will always be in my heart.

With his compassion and bravery, Josh truly made this world a better place. He was devoted to his country, his fellow soldiers, and his family. His mother wears his military dog chains around her neck. Her son will never be forgotten.

My wife Fran and I continue to keep the family of Josh Ramsey in our thoughts and prayers.

STAFF SERGEANT ZACH WOBLER TRIBUTE

Mr. President, I rise today to pay tribute to Army SSG Zachary Wobler, from Wheelersburg, OH, who died on February 6, 2005, when his dismounted patrol encountered small arms fire in Iraq. He leaves his wife Corissa, his daughter Trinity, his mother and stepfather Jeannette and Tim Poston, and his father Anthony Wobler. Zach—as his friends and family called him—was 24 years old at the time of his death.

Growing up in Ohio, Zach's parents taught him strong values—values that Zach would carry with him throughout his entire life. He was always hardworking, disciplined, and honest.

Zach, himself, once commented on how important honesty was to his family. In his words, "My father was big on honesty when I was young. That's one thing that was drilled into our family when I was young." Zach's mother Jeannette said that he never caused her a moment's worry growing up. He was so friendly—he never met a stranger. "People loved him when they met him," she recalls.

Zach graduated from Ottawa-Glandorf High School in 1998, where he played football, competed in track and field, and was named the school's senior homecoming attendant. After graduating, Zach studied at Bowling Green University and joined the National Guard. He also took classes at Owens Community College. Zach joined the Army in 2000. As his father, said, "My son was a true soldier. He was definitely a hero, and he was admired. He was truly a great person."

Zach was very successful in the Army. He took advantage of every training opportunity available to him and quickly rose in the ranks. In 2002, he was even named Paratrooper of the Year at Fort Bragg. As his stepfather Tim said, "If Zach did any thing, he wanted to do it completely. He didn't do anything halfway."

Zach was deployed to Iraq in 2003. While serving there, there was nothing more important to him than the men under his command. He always wanted to be on the front lines, and he always cared more about his comrades' safety than his own. During his first deployment, his superiors wanted him to leave earlier than his troops, but Zach refused. As his mother said, Zach "was a natural sergeant. The men in his unit loved him. He stayed with them, and they loved hanging out with him."

Even though during his first deployment to Iraq Zach suffered a knee injury that required surgery, he decided that it was more important for him to be with his men in Iraq than any place else. And so, he returned for a second deployment. According to his mom, "Zach's men weren't going without him."

Zach was more than just an admired leader to the men he served with, however. He was also a friend and confidante. He could simply talk to anyone. Regardless of rank, they would come to him with problems—both personal and professional. According to SPC Ryan Logue, a sniper in Zach's scout team, "Zach always put his men first, and took care of our needs both professionally and personally. He was my mentor. [He was] like my older brother."

SSG Mike Beal remembers Zach's cheerful nature and constant willingness to help. He said: "I couldn't find the words to describe how I never heard Zach complain about anything or about how he was always there for his friends."

While Zach was, indeed, a committed soldier, he was also a devoted family man. According to his mother, the only thing that mattered to him more than his job was his 3-year-old daughter, Trinity. "[Zach] told me that should anything happen to him," his mom said, "He hoped that his little girl would understand when she grew up that he did it for her."

Zach had a bright future before him. His dream was to eventually work in government intelligence. Based on his success throughout life, I have no doubt he would have succeeded.

I would like to share something Zach said when talking about the challenges of facing deployment. He said:

> Nobody knows 'til it comes down to it whether you are ready or not.

Well, Mr. President, Zach was ready. He always had been.

Army SSG Zachary Wobler was buried at Arlington National Cemetery. As his father said:

> He wanted to be buried there, because he has other friends buried there. If it ever happened to him, he wanted to be with the people who gave their lives in all of the wars.

Zach's father also remembers the dedication with which his son served our Nation. He said:

> If Zach were here today, and you asked him if he would do it again knowing what the outcome would be, he would say yes. . . .

> He was excellent. He was a fantastic guy. I tell you now, I miss him so badly.

Zach will never be forgotten. His wit and charm will always make his friends and loved ones smile. They will remember how one of his quips was once featured on the David Letterman Show. It was No. 3 on a list of "Top Ten Questions To Ask Yourself Before Jumping Out of a Helicopter." Zach had replied: "Am I really in that much of a hurry to get to the ground?"

Most importantly, Zach had a deep commitment to helping others. His compassion touched so many people, and his family has received an outpouring of support. As his father said, "I never realized there are so many people who cared so much."

Mr. President, we do, indeed, care.

My wife Fran and I continue to keep the family and friends of SSG Zachary Wobler in our thoughts and prayers.

SERGEANT MICHAEL C. O'NEILL

Mr. President, I rise today to pay tribute to Army SGT Michael C. O'Neill from Mansfield, OH, who died on November 21, 2004, in Germany from injuries sustained in Afghanistan, while supporting Operation Enduring Freedom. He was 22 years old. Sergeant O'Neill leaves his parents George and Holly, his brother Kevin, and his grandmother Janet.

When I think about the dedication of our men and women in uniform in their efforts to promote and protect freedom, I am reminded of something President Ronald Reagan once said:

> Freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance: it must be fought for and defended constantly by each generation for it comes only once to a people.

Michael O'Neill—Mike to his friends and family—rose to this challenge of establishing freedom in both Afghanistan and Iraq. He dedicated his life to the service of our Nation and embraced the chance to help others who could not help themselves.

Mike was born on May 7, 1982, in San Rafael, California. His family later moved to Mansfield, OH. In 2001, Mike graduated from Mansfield Senior High School. During high school, Mike was very active in athletics, especially soccer and cross-country. He also loved the Kentucky Derby.

After graduation, Mike joined the Army and completed his training at Fort Benning, GA, as an infantryman. He was assigned to B Company, 3rd Battalion, 75th Ranger Regiment.

Without question, Mike O'Neill was an extraordinarily dedicated soldier. When he died, he was serving his fourth overseas deployment since he had enlisted in 2001. He had served in Iraq as part of Operation Iraqi Freedom in 2003.

Because of his honorable achievements in the Army, Michael has been awarded numerous medals—more than I can list here. But they include the Bronze Star, the Purple Heart, the Meritorious Service Medal, and the Army Achievement Medal.

Mike is deeply missed by all who knew him. They remember his blue eyes and his bright smile. Shortly after his death, several friends gathered at Todd Basilone's house to comfort each other and to remember Michael. Brett Gordon said that they were all heartbroken. In Brett's words, he owed everything to Mike.

Katie Mayo, another of Mike's former classmates, said that he had been an unbelievable person and a friend of hers since childhood.

Nick Sazdanoff is another of Mike's many, many friends. He spoke with Mike over the phone just a few weeks before his death. He recalls how dedicated he was to the service. "Mike is an outstanding soldier," he said.

Mike shared a strong bond with his friends. He, Brett Gordon, and Todd Basilone all had the same tattoo on their ankle—a tribal design. According to Brett, "My freshman year in college we did it—right after Mike got out of basic training."

Michael O'Neill's death has been a loss to his entire community. He is the second 2001 graduate from Mansfield Senior High to have died serving in either Iraq or Afghanistan. The other, SPC A.J. Vandayburg died on April 9, 2004, while deployed in Iraq. A.J.'s father Allen left Mike the following message on an Internet tribute webpage:

> Mike—you are a hero and were like a son to me. I know that you and A.J. are together and have no more worries, but I wish I had you both back. Till we all meet again, Mike, we all love you. You were a true Ranger."

A loving son and brother, Mike was also dedicated to his family. His parents Holly and George will never forget the wonderful memories they have of their son, and I am honored that I was able to meet and speak with them during calling hours held for Mike. His Uncle Michael—and namesake—wrote his nephew the following message on an Internet tribute page:

> Mike—I take this time during Memorial Day weekend to remember you and to say how proud I am of you. I miss you very much—even more so when I listen to a military ballad of some sort. I never got the chance to thank you and all our sons and daughters who are in service to our country. So, I'll keep you all in my thoughts and prayers. God bless you, Mike—my namesake and my nephew.

SGT Michael C. O'Neill truly embodied the Ranger Creed that reads, in part, as follows:

> I accept the fact that as a Ranger, my country expects me to move further, faster and fight harder than any other soldier . . . . I will shoulder more than my share of the task whatever it may be, one hundred percent and then some. . . .

Mike was an honorable soldier and an honorable man, who will live on in the hearts and minds of all those who had the privilege of knowing him. My wife Fran and I continue to keep his friends and family in our thoughts and prayers.

SERGEANT JOSEPH GARMBACK, JR.

Mr. President, I rise today to honor a fellow Ohioan—Army SGT Joseph Martin Garmback, Jr., from Cleveland. He died in service to our country on July 8, 2004, while stationed in Samara, Iraq, about 70 miles north of Baghdad, where he and the 1st Battalion, 26th Infantry's mortar platoon were halfway through a shift at an Iraqi National Guard headquarters. Sergeant Garmback was 24 years old.

Sergeant Garmback leaves his mom and dad Marylon and Joseph Garmback, Sr., his three sisters Susan, Arlene, and Christine, and his girlfriend Christiane.

Joseph was born on April 9, 1980, in Cleveland. He grew up in the same West Park neighborhood where his family went to church—where he was baptized, received his first communion, and went to Sunday school. Members of his community cherish their fond memories of the fun loving, considerate, and loyal Joey Garmback, as he was known to those closest to him.

Joey grew up with a strong conviction to serve the United States as a soldier in the Army—just as his father had. At the age of 16, Joey left high school and took on a job running parties for a catering firm owned by Bill Rini. Bill remembers Joey well and describes him as a "very kind, compassionate kid, who worked for everything he got." Bill saw Joey growing into a capable young man. Knowing of Joey's interest in the Army, Bill introduced him to his friend, SGT James Mauer, who helped Joey earn his high school diploma and enlist in the Army in May 2002.

Joey was assigned to the 1st Battalion, 26th Regiment, 1st Infantry Division out of Germany. His father had been a paratrooper, and Joey told his parents that he planned to re-enlist in jump school after finishing his first term of service. During his time in the military, SGT Garmback was an extremely decorated solder, earning 16 medals, including the Bronze Star and Purple Heart.

But, though his medals and awards are a sign of his dedication, Joey was so much more than the ribbons and medals he earned. He was a wonderful son, friend, and brother. Joey lived the way he served—with passion, love, and a strong loyalty for those around him.

The last days Joey spent at home were happy and busy. He returned from Germany over Christmas, and as a present, Joey's family took him to a different place every day—to the arcade, to the movies, on road trips. Joey spent his last days with his family, doing all of his favorite things.

Joey left a lasting impression on this world. Those who knew him will never forget his smile, his compassion, or his fierce dedication. One of Joey's childhood friends, Laura Weimer, wrote this note to the Garmback family:

> I have known you all for many years. Joey and I grew up together, and I had the honor of watching him grow from a kid to a wonderful young man. Joey is a hero who fought bravely for our country. He will always be remembered and missed. Joey is part of who I am today, and I will always cherish him.

Indeed, SGT Garmback lives on in the hearts of his family, the friends he grew up with, and those he fought beside. SGT Owen Fulsome, one of these men, wrote the following message to Joey after his death:

Garmback—you were a good friend and an excellent soldier. We had a lot of good times in Germany. You always gave 100 percent to our squad down there, and I will never forget you. You are truly a hero and the Mortars were lucky to serve with you.

Starr Richmond grew up with Joseph and was proud to watch him become a strong and able young man. This is what Starr said about Joey:

> There are no words to express how much Joe will be missed and always be loved. It is always hard to lose someone and even harder when it is your child. But, with family, friends, and love, it helps the hurt. Joe . . . did more in his time than most people his age will ever do. He was a great friend, and he became our hero. Always remember the time we had with him. Whether it was sad and you cried with him or angry and you yelled with him, especially remember the times he brought a smile to your face and made you laugh. I will always remember the fun times as kids and remember him growing into a man and fighting for our country. He will be greatly missed and loved forever. Thank you, Joe, for being my friend.

SGT Joseph Garmback, Jr., was a good man who worked hard and loved his family and his country. We will always remember him and we will always be proud of him.

My wife Fran and I continue to keep Joseph's family in our thoughts and in our prayers.

BRIAN WAGONER

Mr. President, I rise today to pay tribute to civilian contractor Brian Wagoner, originally from Maumee, OH, who was killed on March 3, 2005, when a roadside bomb exploded as he was escorting a convoy of engineers in Iraq. He was 30 years old.

As a civilian contractor providing security as Iraq is rebuilt, Brian played an indispensable role in preserving that nation's newly found freedoms. Brian worked for contractors who worked with the U.S. Army Corps of Engineers to destroy captured enemy munitions. Brian's job was to protect the people responsible for defusing the weapons of the insurgency. Brian was on the front lines.

On March 3rd, 2005, Brian and his colleague and friend Jimmy Riddle were accompanying a convoy of workers to an ammunition storage point in Al Ashraf, Iraq. During this convoy operation, a roadside bomb was detonated. Both Brian and Jimmy were killed instantly.

Brian's life ended in service, protecting others and keeping them out of harm's way. Reflecting on his life, family and friends remember Brian Wagoner as a man who always wanted to serve others. Growing up in Maumee, he sought responsibility. At Maumee High School, he volunteered to manage the football team. Even though he didn't play, he was a key contributor to the team. As former Maumee High football coach Hal LaFountaine remembered, "He was a real find for us. He was quiet, unassuming, and just did his job. For him to become the professional he was and the things he did, it made sense. It fit his personality. He was a team player."

After graduating from Maumee High School in 1994, Brian left Ohio for North Carolina and military service. He spent 4 years in the Army's 82nd Airborne as a member of the Air Defense Artillery unit at Fort Bragg. Near the end of his time serving in the Army, Brian married the love of his life Melissa, or "Missy" as he called her.

Brian and Missy had three beautiful children together, Bryce, Brandon, and Allyson. No matter where Brian was or what he was doing, his family remained the center of his universe.

With a young family to support, Brian left the Army and enrolled in school to become a police officer. Applying the discipline and work ethic he learned at Fort Bragg, Brian quickly worked his way from patrolman to police chief of Pinebluff, NC.

He was promoted to the top spot at just 26 years of age. As if his service in the military and work in the police force weren't enough, Brian volunteered as a firefighter in his spare time. As his wife explained, "Brian was a fearless guy. He was in the military. He was a volunteer firefighter. He was a police chief." Anywhere there was an opportunity to get involved and help others, that's where you'd find Brian. He always wanted to be where the action was.

While serving as police chief in Pinebluff, Brian was recruited by a defense contractor based in Minden, NV, that provides security for companies overseas. His expertise in law enforcement made him a prime candidate to protect workers rebuilding Iraq. Given his leadership training and as a chief of police, Brian was also well suited to train the newly constituted Iraqi police. By any measure, the job was a great fit.

Brian saw the opportunity to work in private security as the chance to give his family a better life. As Missy explained, "Most of all, Brian wanted to provide for his family. He wanted to be able to give the children and me anything he possibly could."

Through this job, Brian would be able to secure a better future for his family, while also satisfying his desire to serve his country abroad. He accepted the offer in 2004.

Brian's assignment in Iraq was a dangerous one. His assignment was to confiscate explosives. Even though his family worried, Brian only saw opportunity, excitement, and a chance to give. When he wasn't clearing explosives, Brian gave Iraqi children clothes his own kids outgrew. That was the essence of the man—simultaneously a protector and a provider and—at all times—selfless.

Even though he was thousands of miles away, Brian kept in close contact with his loved ones. As Missy recalled, "There was not a moment that went by that he did not tell me that he loved me, missed me, or that I was beautiful." No matter the distance that separated them, Brian's heart was always with his family.

Brian's death was devastating for his family, his friends, and his community. It was not only sudden, but he was scheduled to return home from Iraq to his family in only 9 days.

A memorial service for Brian Wagoner was held at the Church of St. Andrews United Methodist in Toledo. Brian was buried in Fayetteville, NC. A flag outside of the Pinebluff, NC, townhall flew at halfstaff in honor of Brian's service as chief of police and firefighter.

Today, we honor and remember him again here on the Senate Floor. Although Brian Wagoner is gone, memories of him remain. He will be remembered as a lighthearted, humorous man, who loved NASCAR and who would take his wife to the shops of Hendrick Motorsports and Dale Earnhardt, Inc.

Brian Wagoner will be remembered as an avid outdoors man, who had a passion for people and animals. "He was always on the go, even when he was young," his father recalled. "He loved to fish, he loved to swim—he really liked to be on the go. But, even though he was very busy, he always had time for his kids."

And that is how Brian will be most vividly remembered—as a family man who put his family and their future ahead of all else. "You could tell he loved his wife and his kids," said Pinebluff Town Clerk Betty McDuffie. "The last time we spoke . . . we talked about getting together and having a cookout in March, when he got home."

Just this past November, Brian was honored by the United States Army with the Defense of Freedom Medal—the civilian equivalent of the Purple Heart. It is an award that he richly deserved. We are proud of him and his service.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers. Our hearts go out to

Brian's father Jim, his mother Barbara, his brothers Jason and Christopher, and his wife Melissa and their children Bryce, Brandon, and Allyson.

SPECIALIST JASON LUCAS

Mr. President, I rise today to pay tribute to Army SPC Jason Lucas from London, OH, who lost his life October 13, 2006, while serving our country in Afghanistan as a part of the NATO peace keeping force. Army Specialist Lucas was killed when his vehicle was attacked by a suicide bomber. He was 24 years old.

Jason was a brave soldier, who was proud to serve. He had a warm heart and a big, infectious smile. His friends and loved ones often called him "Smiley." He leaves behind his wife Monica their two sons Zausten and Ethan, his father Bill, his mother Beth; and his sister Samantha.

Jason was born in Columbus and grew up in London. For 2 years, he lived in McEwen, TN. While there, he worked on farms and learned how to hunt deer and turkey. He was called "Cutie," because he always had girlfriends. He enjoyed playing football and basketball while growing up, but his favorite sport was always baseball. Jason graduated from London High School.

Unsure exactly what career to pursue after graduation, Jason worked in a warehouse for a time and at various other jobs. His mother recalls his interest in being a firefighter, policeman, FBI agent, or working with the Drug Enforcement Administration. But instead of pursuing these admirable careers, Jason chose to become a United States soldier. "He loved being in the Army," his high school sweetheart and wife Monica remembers. "He was the best guy. He loved being in charge."

Jason's take charge attitude led him to the position of squad leader at the Army's boot camp in Fort Polk and then again in Afghanistan. "Jason was proud of what he did," recalls his mother, Beth. While serving overseas, he had told her, "I was trained by the best, and I'm working with the best. Don't worry about me."

CPL Christopher Jackson remembers this same determined spirit. This is what he said:

> His personality made training easier. He . . . wasn't afraid to stand up and take charge. When you were with him, you wanted to work for him. He didn't have to tell you to work.

Jason loved his work, and what kept him and his fellow soldiers in good spirit through the tough times was his incredible sense of humor. "Lucas was an excellent soldier, but his personality was his greatest asset," 1LT Daron Moreno said. "He knew how to live and how to make others laugh."

First Lieutenant Moreno remembers when Jason would perform his favorite impersonation, acting like a high school football coach, sticking out his gut and screaming, "What the heck is going on here? I can't believe what you are doing" First Lieutenant Moreno said that Jason would continue "ranting and raving" as the coach and that by the end of his performance, the rest of the soldiers would be rolling over with laughter.

Indeed, Jason's enthusiasm and humor could make any day fun. His friends—Cheryl, Joe, and Chance—from Grove City, OH, remember one of these days, in particular, with Jason. Together, they wrote the following on Jason's Internet tribute webpage:

> We will never forget our times we spent with Jason—especially the day at King's Island. We rode a couple rides that only Jason could talk us into. We had such a great time when we were together. Jason kept in touch after joining the service and it was always nice to hear from him. We will never forget him or what he did for our country. Our deepest sympathies go out to [his wife and children] and to the rest of Jason's family. We were so saddened to hear of the loss of Jason. It was an honor to have known him as a friend and a Hero.

Jason Lucas was more than just a funny guy—especially to his family. He was a dedicated father and loving husband, and spent as much time as he could with his family. His son Zausten, is always wanting to play Army—to be just like his daddy. According to Jason's wife, little Zausten can identify Army helicopters and planes and wants only Army clothes and toys.

Monica remembers how important it was to Jason to keep in touch with his family while abroad. "We talked to him every day—about three times if not more," she said. "He was a great daddy."

Jason was home this past summer spending time with his wife and children. He also spent time with his father Bill. "We had a lot of fun," Bill recalls. "I'm just thankful of the time I had to spend with him, especially this past July before he left."

In September, Jason left for Afghanistan for what was supposed to be his last year overseas. Jason and Monica had plans to move the family to Fort Polk, where Jason had planned to return by December. They didn't intend to settle there for long, however. "Maybe Kentucky or Tennessee," Monica recalls, would be where they intended to settle down. Together, they dreamt of moving somewhere beautiful when he was discharged.

Jason's family will miss him deeply. Monica and their sons left Jason the following message for Jason on the Internet. This is what they wrote:

> Daddy, we love you with all our heart, we will never forget you.

Jason will be remembered affectionately for his commitment to his family and for his dedicated service to our country.

He was always trying to make others laugh and bring a smile to their faces. He could make everyday fun. His bright, beaming smile will never be forgotten. We will always remember him as a brave and courageous soldier.

My wife Fran and I continue to keep the family of Army SP Jason Lucas in our thoughts and prayers.

SERGEANT NATHANIEL S. ROCK

Mr. President, I rise today to pay tribute to Marine SGT Nathaniel Rock from Toronto, OH. Along with 5 other members of his sniper unit, Sergeant Rock .was killed on August 1, 2005, while on a mission in the Al Anbar province of Iraq. He was 26 years old.

Sergeant Rock leaves his parents Adriana and Tim, his sisters Nicole and Tara, his brother Jared Rock, and his niece and nephew, Taylor and Elija.

Growing up, "Nate", as his friends and family called him, was always drawn to the military. When he was only 12 years old, he loved to eat the military pre-packaged meals that he got from his sister's Marine husband. His favorite clothes were camouflage, and "Army" was his favorite game to play.

Nate also loved to hunt and fish, and loved his mom's cooking—spaghetti, homemade soup, and cabbage rolls. He graduated from Toronto High School in 1997, and enlisted in the Marines when he was only 17. The decision wasn't a surprise to anyone who knew him. He served in the Marines for 6 years and then joined the Marine Reserves in 2003. His parents were always supportive of his decision to serve. As his father said, "It is some comfort to us that we know he was doing what he wanted—what he loved to do."

Nate was also a graduate of the Jefferson Community College Police Academy in Steubenville, OH. Michael Garcia attended the Academy with Nate and reflected upon his friend in the following message on an Internet tribute website. This is what he wrote:

> I never met a man in my life who was as honest, outspoken, and courageous as Nate. He was probably the most liked person in the Academy. He was serious most of the time, but if you got on his good side and got him to laugh, he wouldn't shut up and was your best friend from that day forward. Everyone—teachers and students, alike—respected him and liked him. But, he earned his respect from us because of his abilities. We knew what he was capable of being—[and that was] a United States Marine.

After graduating from the Police Academy, Nate became a part-time policeman for the Martins Ferry Police Department, where his brother, Jared, also worked. Martins Ferry Police Chief Barry Carpenter remembers that Nate was an excellent young officer—talented, with so much potential.

"He was a young police officer who took a vested interest in everyone and especially his work," Chief Carpenter said. "He was here at every opportunity, and I especially liked him. I always saved a spot for him."

Chief Carpenter also remembers that serving in the Marines was simply

Nate's dream. "It was a goal he'd always had and a goal he was able to achieve," he said. "It allowed him to serve his country."

Nate was, indeed, a proud and dedicated Marine. In a Mother's Day card that he sent to his mother, he explained his reasons for serving. This is what he wrote: "I'm sorry I'm putting you through this, but I couldn't sit on the sidelines and watch Marines being hurt on the TV."

This was Nate. He always wanted to be involved—he always wanted to be there for his fellow Marines. That was the type of man he was.

As his father Tim said, "He was proud to be a Marine—to be serving his country. He was true to his duty and true to his men."

SGT Brian Casagrande served with Nate and the other fallen members of his unit. In a eulogy for them, he had this to say about Nate:

> Nate Rock was a Marine who made his presence known wherever he was. Before the platoon left for Twenty-nine Palms, he was incorporated into my team, and I quickly came to respect him as a man and a Marine. After arriving in country, he led his own team. We soon became friends and came to know everything about each other. He will not only be missed by me and the platoon, but by his family that he constantly talked about and his fellow police officers who he served with in Martin's Ferry, Ohio.

I had the privilege of meeting Nate family and speaking with them at Nate's calling hours. He was a courageous young man—someone who valued his friendships and loved his family dearly, as they loved him.

Nate's death has been a loss to his entire community. One of his former teachers, Roy Golec, remembers Nate for the rare sense of integrity and purpose he had even as a teenager. "He could do just about anything he put his mind to," Roy said. "He had his head on straight, and he knew what he wanted to do."

Joe Neeper, Nate's neighbor, had known him all his life. According to Joe, Nate was the epitome of professionalism and loved being a Marine. He was always disciplined, committed, and ready to serve. As Joe said, "When you talked to Nate, you noticed he had the Marine Corps attitude."

In Nate's memory, the Northeast Ohio Dog Training Academy gave the Martins Ferry Police Department a new drug dog. He was named "Rock," after their fallen officer.

One of Nate's fishing companions and brothers-in-arms, John Howard, reflected on his friend in the following message:

> Every time I cast my line out, I am overwhelmed with great memories of the good times Rock and I had while fishing the Potomac River. The last summer of our active service, it became a nightly ritual to throw the rods and tackle boxes into Nate truck and head down to the dock for catfishing. Even when the fish weren't biting, our stories would keep us occupied.

And Joel Andrade, who served with Nate in the Marine Corps from 1998 to 2001, said this about his fellow Marine:

> Nate stood out from the rest. I remember him as a quiet, polite guy, who was respected by everyone. He was always willing to help anybody who needed help and always greeted you whenever he saw you.

The world is a better place because of Nathaniel Rock. He intuitively understood the importance of service. He loved his family. He loved his country. He was a dedicated, committed marine, who is missed by his family, friends, comrades, and community.

My wife Fran and I continue to keep Sergeant Rock family in our thoughts and prayers.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I come to the floor with several objectives. We will be voting later tonight. We are still waiting for the bills to come over from the House.

TENNESSEE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, as we serve in a class of Senators, we have several roles. We wear several hats. Probably the most important one is to represent the people who elected us, and that is our constituents back home in our home States. That has been for me a real honor over the last 12 years, to serve the people of Tennessee.

In addition to that, of course, we serve America as 100 individuals representing this entire country. That is a real privilege. If you are elected to leadership, you have other responsibilities.

Twelve years ago, the people of Tennessee entrusted me with the responsibility to serve their interests in the Senate. I have done my best each and every day to meet the Volunteer State's needs and to serve the people of my home State with dignity and honor. What an honor it has been to follow in the footsteps of former Senators Howard Baker and Bill Brock. What a tremendous privilege it has been representing the interests of the people of Tennessee.

And serving along side true statesmen such as Fred Thompson and Lamar Alexander—men who have dedicated so much of their lives to the people of Tennessee—has been a remarkably rewarding experience.

When I first stood for election in 1994, I pledged to all Tennesseans that I would serve two terms in the Senate and then return to home to live under the laws I had helped enact.

I made that commitment because I believe strongly in the concept of the citizen legislator—spending years developing real world experience outside the political arena as I did in medicine and then bringing that expertise to the legislative process for a period of time . . . only to make way for the next citizen with his or her fresh perspectives and new ideas.

As the time comes to resume my private life in the Music City, I have spent countless hours reflecting on the milestones in my service to Tennessee from which I derive particular pride.

I think about accomplishments such as establishing a prescription drug benefit that provides quality, affordable coverage for more than 700,000 beneficiaries in Tennessee.

I think about the State sales tax deduction, which I hope we will soon extend for 2 more years. Enacting that provision corrected a 15 year inequity in the Tax Code by allowing Tennesseans to deduct their State sales tax expenses from Federal income tax returns—and it resulted in additional savings of nearly $500 in taxes for more than 530,000 families across the State.

I recall the hours spent combating methamphetamine, a drug epidemic that has plagued Tennessee and dozens of other States.

I helped develop minimum Federal standards restricting access to the ingredients that produce methamphetamine, the drug our Nation's local law enforcement officials have ranked as our greatest problem.

I also enjoyed working with other members of the Tennessee delegation to establish a statewide methamphetamine task force and develop a statewide crime tracking system—all in an effort to eradicate this devastating drug from our communities.

During my time as majority leader, we also enacted a tobacco buyout that ended an outdated quota system that hurt Tennessee's farmers by providing fair compensation that will bring a total of $767 million to tobacco communities in the State over the next decade.

And we passed my National Park Fee Equity Act, a law that provides the Great Smoky Mountain National Park with an additional $200,000 to $300,000 each year by allowing the park to keep 100 percent of the user fees it collects.

I was also pleased earlier this year when the Senate confirmed the final member of a TVA board modernized by legislation I nursed through the legislative process over a 9-year period—legislation that resulted in the first African-American board member, the first west Tennessee board member, and the first chief executive officer in TVA history.

In addition, we passed legislation I authored allowing TVA to refinance its debt at lower rates, thus saving roughly $100 million per year.

These reforms will help increase accountability and oversight at TVA, which benefits both the utility and its ratepayers.

I have also worked extensively with my colleagues on the HELP Committee to extended health care and support services to Nashville, Memphis, and other emerging metropolitan communities disproportionately affected by HIV/AIDS through reauthorization of the Ryan White CARE Act.

The CARE Act provides funding for low-income, uninsured and underinsured individuals affected by HIV/AIDS, but none of Tennessee's cities met the legislation's original criteria to receive support—a fact I knew we had to correct and one which we rightly remedied.

I have dedicated significant energy to strengthening Tennessee's research infrastructure, and bringing both the Spallation Neutron Source project and the National Leadership Computational Facility to Oak Ridge demonstrates our State's leadership in advanced science and technology.

I was also pleased to play a central role in the development of the Memphis Bioworks Foundation and the revitalization of the Central Medical District in Memphis by securing $8.1 million for these efforts.

And to ensure that we encourage the bright young men and women of our State to pursue an education in these fields that are vital to America's competitiveness in the 21st century's global economy, I also created the SMART Grant program—a $3.75 billion initiative that provides financial assistance to students seeking degrees in math, science, engineering, technology, and foreign languages critical to national security.

I have tried to encourage economic growth in other ways, however, working closely with communities throughout Tennessee to provide the Federal assistance that can often enable local governments to pursue opportunities that will benefit their citizens for generations.

I secured $100 million to construct sections of Interstate 69 in Tennessee from Dyersburg to Memphis—a highway that will one day serve as an economic engine for much of West Tennessee.

When community leaders in the Chattanooga area asked for assistance with the crumbling Chickamauga Lock and Dam, a structure providing access to hundreds of miles of waterway used for economic economy in East Tennessee, I helped ensure the authorization of a new 110 ft.-by-600 ft. replacement lock.

Construction funding for the replacement structure has been successfully secured in each year since 2003, and after a long period of hard work and difficult discussion, the White House agreed to include the project in its most recent budget request.

Several years ago, violent tornados ravaged Jackson, and local leaders sought my assistance in rebuilding badly damaged neighborhoods and city infrastructure.

I was honored to secure almost $11 million from the Department of Housing and Urban Development to rebuild public housing lost as a result of the devastating storms and an additional $2.1 million for the city's police department to improve communications during such emergencies.

Nashville long sought a light rail system that could help alleviate the burden placed on its roadways and improve the flow of consumers into downtown—the heart of its economic marketplace.

So I went to work and eventually secured $24.6 million in funding necessary to start and complete the Music City Star East Corridor Commuter Rail Project, which allowed Tennessee's first commuter rail passenger service to begin between the Riverfront Station in downtown Nashville and the city of Lebanon in Wilson County just 3 months ago.

And when the city of Memphis began redeveloping its riverfront, I lent my support to the cause and secured nearly $8.7 million for the Cobblestone Landing and Beale Street Landing projects.

To help advance this work, I facilitated an agreement that will allow the University of Memphis Cecil Humphreys School of Law to relocate to the Postal Service Front Street Station in downtown Memphis—a move that will act as a cornerstone of riverfront redevelopment and reshape the law school's future.

I have also tried at every turn to provide steadfast support for Tennessee's brave men and women in uniform as a sign of my gratitude and respect for their extraordinary efforts on behalf of our Nation.

Because they deserve only the best facilities, I secured $32 million to construct a new headquarters facility for the Tennessee Army National Guard in Nashville and an additional $31 million to consolidate personnel previously located in 22 different buildings into a single, state-of-the-art command headquarters for the 101st Airborne and other units at Fort Campbell.

Because they and their families deserve basic economic fairness, I helped secure passage of the Fort Campbell Tax Fairness Act, which now ensures Volunteer State residents working at Fort Campbell are spared from a State income tax like all other Tennesseans.

I could spend many hours on the Senate floor recalling the countless ways in which I have worked to meet Tennessee's needs during my 12 years as a Member of this body.

But instead, I would rather thank the people of Tennessee for the opportunity.

I will forever treasure the experience—and the many individuals I have had the privilege of befriending across our great State along the way.

Electing me to serve two terms in the Senate is the greatest honor the citizens of Tennessee could have ever given me.

No words could ever express my deep appreciation.

I look forward to returning home and continuing my efforts to repay their generosity in the years to come.

FULFILLING DUTY, PRESERVING LEGACY: NOMINEE CONFIRMATIONS

Mr. FRIST. Mr. President, this week, among other agenda items, the Senate considered the nomination of Robert Gates as Secretary of Defense. It puts me in mind of similar high-level nominations we considered earlier this year, and throughout the 109th Congress. Namely, Chief Justice John Roberts, Justice Samuel Alito, and a host of other judicial nominees and presidential appointees.

When I consider these nominees I am reminded of the progress we've have made—the remarkable strides we've taken—to ensure continued fulfillment of our constitutional duty as United States Senators. Whether we recognized it or not, the 109th Congress had the potential to become a pivotal turning point in our Nation's history—with repercussions reaching far into the future.

Over the past 30 years, the Senate's confirmation process has slowly but steadily deteriorated. We faced the confirmation of fewer and fewer judicial nominees. During the Carter and Reagan administrations, the Senate confirmed 9 out of 10 appeals court nominees. But in the first term of the current administration, the Senate blocked one out of every three appeals court nominees.

Those that were confirmed took longer and longer. In the Carter and Reagan administrations, the Senate took an average of about 60 days to confirm a Federal appeals court nominee. But in the first term of this administration, we took an average of nearly 300 days.

And as the judicial nominations process deteriorated, so too did the quality and civility of debates. Bitterness and acrimony seeped in, threatening to poison the Senate's legacy—and our nation's future.

The 108th Congress marked the low point. For the first time in history, a minority of Senators obstructed the principle of a fair up-or-down vote on judicial nominees. That was unprecedented. Never in 214 years of Senate history had a judicial nominee with majority support been denied an up-or-down vote.

Two years ago, I faced a decision. I could ignore the events of the 108th Congress. Through passivity, I could permit the active obstruction of Senate duties—and the active destruction of Senate traditions.

Or I could do something to halt the unchecked downward spiral. I could protect the Senate's history of fulfilling our constitutional duty. I could help restore our legacy.

At the beginning of this Congress—the 109th Congress—I made a decision. I chose to stand on principle. I came to this floor, and reminded my colleagues of the 14-word oath of office we each take: "I do solemnly affirm that I will support the Constitution of the United States."

Our first responsibility, above all else, is to do our constitutional duty. Yet in the 108th Congress, the Senate failed to perform an essential constitutional duty. It failed to offer advice and consent to the President by filibustering ten judicial nominees and threatening to filibuster another six.

So nearly 2 years ago, when the 109th Congress opened, I took a stand.

In the spirit of bipartisanship, I extended my hand across the aisle to the new Senate Democratic leadership. I held the sincere hope that we could move forward beyond the difficulties of the 108th Congress—to a future of cooperation.

I said:

> If my Democratic colleagues exercise self-restraint and do not filibuster judicial nominees, Senate traditions will be restored. It will then be unnecessary to change Senate procedures. . . . But if my Democratic colleagues continue to filibuster judicial nominees, the Senate will face this choice: Fail to do its constitutional duty or reform itself and restore its traditions, and do what the Framers intended.

And it was at that point I made it clear that if the obstruction of fulfilling our constitutional duty continued, I would enforce the constitutional option—what some of my colleagues took to calling the "nuclear" option.

The principle is simple. The U.S. Senate has a constitutional obligation of advice and consent on the President's nominees.

To consent—or not consent. To vote yea or nay.

That is our constitutional duty.

And nothing—not party, not ideology, not politics, and not even tradition—should interfere.

That is the principle.

The nomination process is a grueling experience. Even for those nominees with impeccable credentials, a spotless record, and unassailable positions—it's anything but pleasant.

We grill nominees. We scrutinize their every word—both written and spoken. We demand justifications for their every action and decision. We advertise their flaws, both real and imagined. And we posit hypothetical situations before them, to gauge their reactions.

It takes a certain amount of stamina—of endurance—to undergo the nomination process. It demands exposure of the nominees and their families to public slander and character assassination.

And yet we have the audacity to compound this grueling experience by forcing nominees to languish without benefit of a vote.

So the principle I outlined at the beginning of this Congress—that every nominee should have a fair up-or-down vote—is twofold. First, each vote is the fulfillment of our constitutional duty to offer advice and consent on each of the President's nominees. And second, each vote offers a measure of fairness to nominees. They have submitted to the grueling public scrutiny entailed by the nomination process. In return, they deserve a definitive answer—yea or nay—on whether they have passed muster.

Undoubtedly, we lose many qualified candidates because they choose not to endure the public scrutiny of being nominated. But how many more do we lose—needlessly—because they fear languishing without a vote?

That is why I made it clear—at the outset of this Congress—that I could not countenance the perpetuation of the travesties of the previous Congress.

Looking back, I firmly believe that without that firm stand—without the promise of the constitutional option—we would not be where we are today.

Without the promise of the constitutional option, we would not have seen the so-called Gang of 14.

Without the promise of the constitutional option, it's unlikely we would have confirmed two Supreme Court nominees with such timeliness.

Without the promise of the constitutional option, I have no doubt that future generations would look at the 109th Congress as a negative turning point for the Senate. A turning point in which, through our passivity, we allowed a laudable Senate tradition to trump Senate duty as defined in the Constitution.

We have, for the time being, protected our Senate legacy.

I recounted these events for a reason. There is purpose to my reminiscing.

This week we are wrapping up the business of the 109th Congress. We are preparing for a change in control of the Senate. Many of my colleagues will return for the 110th Congress. I would leave them with this challenge: continue the progress of the 109th Congress.

We have halted the deterioration of the nominations process. We have even turned it around, helping prevent numerous nominees from languishing indefinitely.

But despite these important strides, there have still been casualties.

Just yesterday, President Bush accepted John Bolton's resignation from his post as Ambassador to the United Nations. A man eminently qualified to articulate the position of the United States—and yet a minority of my colleagues refused to grant him an up-or-down vote.

They refused to take a decisive stand—yea or nay. And in so doing, they abdicated their constitutional duty of advice and consent.

And there are others. Ten circuit court nominees still await a definitive vote, as do 21 district court nominees. And some have waited years. Not months, and certainly not days: but years.

It is true that the number of nominees still languishing is smaller now than it was at the end of the 108th Congress. And I firmly believe that what progress we've realized is a direct result of standing on principle.

For more than 200 years, the Senate operated on the underlying assumption that every nominee deserved an up-or-down vote. In the 109th Congress, we were forced to defend that assumption. And we did so, by standing on principle.

We have made important strides. We have stopped the downward spiral, and started to regain lost ground. But the fact remains: we still have farther to go. We have made progress, but it hasn't been enough.

So let me reiterate: to the 110th Congress—to my returning colleagues, and to the new Members—I issue this challenge: continue that upward momentum. Continue the progress of the 109th Congress.

Fulfill your constitutional duty of a fair up-or-down vote on each nominee.

Fulfill your commitment to fairness by giving nominees a firm yea or nay.

And fulfill your place in history by helping preserve the Senate's legacy. Don't let history remember the 110th Congress as the one when the Senate turned rebel.

It comes down to this: You can build on the progress of the 109th Congress. Or you can abdicate your constitutional duty, and irreparably damage America.

Looking back, I can proudly say the Senate stood on principle during the 109th Congress. We made genuine progress. I hope I can say the same of future Congresses.

SECRETARY OF THE SENATE EMILY REYNOLDS

Mr. FRIST. Mr. President, I came to the floor to recognize two individuals who have been very close to me and contributed significantly to the progress I have made here in this body and, indeed, the progress that we make as an institution.

I rise to pay tribute to Emily Reynolds, our magnificent Secretary of the Senate. Abraham Lincoln once said, "I am a success today because I had a friend who believed in me, and I didn't have the heart to let him down."

Looking back at the past 13 years, those words ring true. I know for a fact that successes and triumphs I have enjoyed throughout my years in office are largely attributable to family and friends and staff, people who have stood with me, people who hold me to a higher standard, people who compel me to meet that standard.

Today, I specifically speak about one such person who has been at the center of everything I have done over the past 13 years, Emily Reynolds. No one has believed in our mutual vision for the future of Tennessee and the country—that mutual vision that she has shared and I have shared, that we have shared for the people of Tennessee—nobody has articulated and stood behind that more than Emily Reynolds.

Most of my colleagues know Emily as the Secretary of the Senate. She is the woman who keeps the legislative machine well oiled, moving and running smoothly, no matter what the circumstances; the woman largely responsible for bringing us the Capitol Visitor Center, and the woman who signs our paychecks every other week.

Thirteen years ago this month, I came out of the operating room having made the decision to run for the Senate. I learned early on from my experiences in the operating room—part of the surgical team—how important it is to surround yourself with the best of the best. So I sought counsel from former Majority Leader Howard Baker, who very quickly introduced me to his former chief of staff Jim Cannon. They both within a few days steered me to a remarkable fellow Tennessean who has literally been with me every step of the way over the last 13 years, currently serving as Secretary of the Senate, Emily Reynolds. It should come as no surprise after meeting her that I wanted Emily on my team.

In that first campaign, I was a political novice. I was the underdog. I had no political experience whatsoever. The pundits said I didn't have a fighting chance. But Emily had faith in our vision. She moved from Washington back home to Tennessee to join our fledgling campaign. She believed in our mission.

When we set up our 24-hour-a-day campaign headquarters over a restaurant in Nashville, Emily was there almost 24 hours a day. When I opened my first official Senate office, she was there. And now, as I—as we all—carry our last boxes out of our offices and out of this majority leader's suite, she is there standing with me.

She served as my deputy campaign director back in 1994, and as my state director at home in Tennessee, and as my campaign manager for my reelection campaign in 2000, as chief of staff of my Tennessee office here in Washington, and for the past 4 years, she has served all 100 Senators as the 31st Secretary of the Senate.

To this day, the range of Emily's capabilities astounds me. She is a genuine people person. People love her. People are attracted to her warm personality. She makes you smile. She makes you laugh.

And what versatility. She is comfortable shooting the breeze with farmers down in rural Tennessee. But she is just as comfortable walking the Halls of the Senate and the Congress with Senators, with diplomats and foreign heads of state. No matter what the situation, whether it is singing on the stage of the Grand Old Opry or standing on the floor of the Senate, Emily's passion for people shines through that warm smile.

But beyond possessing the rare capability of being able to set just about anybody at ease, Emily is a talented administrator. She juggles the demands of all 100 Senators, Democrat and Republican alike, and their staffs, a thankless task, while always wearing a friendly smile. She is loved and respected by Members on both sides of the aisle.

Under her direction, the Senate has benefited from an ambitious overhaul of our computer systems, bringing them up to date with the latest in modern technology.

Emily humbly describes her job as "making the trains run on time." That is true. But it doesn't give the complete picture of who she is or what she does. Within the Senate, she has fostered a stable environment of mutual respect and mutual trust. Her supreme attention to detail has served the Senate and our Nation well. Whether she is collaborating with the Sergeant at Arms to develop crisis contingency plans, or working with the Senate Historian's Office to produce new publications that augment and preserve the Senate's history, Emily is a born leader. Her devotion is unmatched.

Emily comes from a very close family whom I have had the privilege to know. That is where her values come from. That is where her sunny smile comes from. That is where her work ethic comes from. I can only imagine how proud of her accomplishments her dad Clarence is, her sister Ellen, and her brother Ernie, and how proud her mother Josephine would be, too.

Clarence, you did good. You did well.

Emily's service to the Senate will surely be missed. As an institution, we can only hope that she again returns to our body as she did after her service to another Tennessee majority leader, Howard Baker. Yes. In fact, Emily Reynolds worked in the very Republican Leader's office which I now occupy, from 1980 to 1984, where she worked for then chief of staff Jim Cannon, chief of staff for Howard Baker.

I cannot tell you how thankful I am having had her at my side for the past 13 years. She is a true friend and a trusted adviser. I cannot think of anyone more fittingly described by Lincoln's words.

Great things lie ahead for Emily Reynolds. The sky is the limit. And while I don't know exactly what direction she will travel, I am certain that, as always, the people of Tennessee and the entire United States of America will benefit.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, the hearing we had 3 days ago in the Environment and Public Works Committee is one of the four hearings we have had on climate change. It is probably the most misunderstood of all issues out there today—and the most alarming to a lot of people. This hearing was totally different. This hearing was about how the media is skewing the results, how the media is hyping the anxiety of this thing and totally ignoring the science.

It is kind of interesting. A lot of people are not aware that when you have a hearing, you will have Republicans and Democrats each bringing in experts. We had five experts; two of them were brought in by the Democrats and three by the Republicans.

It was interesting because one of the Democrat witnesses, Dr. Daniel Schrag of Harvard, believes that manmade emissions are driving global warming. Let me clarify this because it is not understood by very many people.

The issue is not that the world is getting warmer. Yes. It is. It is always either getting warmer or cooling. There is never any time when it is static.

So we are going through a warming period. It increased to about 1998, and then it stopped pretty much at that time. But even their witness, who was a believer, said that the Kyoto Protocol is not the right approach to take and agreed it had almost no impact on the climate if all the nations complied.

Probably one of the most major breakthroughs that we have had is the recognition by virtually all scientists that the Kyoto Protocol, which would be devastating to the United States, or any country—ask Great Britain. They will tell you. They signed onto the Kyoto Accord. In fact, if you look at some of the countries, such as Canada, 60 scientists who were advisers to the Prime Minister of Canada are saying if we had known back in the late 1990s the science of today, we would never have done that. Now they are petitioning the Prime Minister to get out of the Kyoto Protocol.

It was kind of interesting. Al Gore, who really believed this was his ticket to the White House back when he was the Vice President of the United States, went to a guy named Tom Quigley, a scientist, and said we would like to know if all the countries—this is back when they were trying to get us in the United States to ratify the Kyoto Protocol—said if all the countries of the developed world were to do this, what effect would that have on the temperature over a 50-year period. He had a neat chart to hold up. He said if all the countries in the developed world, the United States of America and all the other developed nations did this, over 50 years it would reduce the temperature by 6/100ths of 1 degree centigrade, which isn't even measurable.

Now all these people agree with that—all of the scientists who used to be on the other side of the issue.

One of the witnesses there was a paleoclimate researcher, Bob Carter from Australia, the James Cook University. He has gone back to Australia. Everyone recognizes him as being one of the outstanding—in fact, he has been on quite a few TV shows. He says there is a huge uncertainty in every aspect of climate change.

David Deming, a geophysicist, said:

> Every natural disaster that occurs is now linked [by the media] with global warming, no matter how tenuous or impossible the connection. As a result, the public has become vastly misinformed on this and other environmental issues.

That is a significant thing. While we recognize that we are going through a natural period where the climate is getting warmer, it was actually warmer in the 1930s than it is today. It was warmer in the fifteenth century than today.

But during this period of time, they are trying to say it is due to man-emitted gases. They are called antigeometric gases, methane, CO_2. Now they are all realizing that CO_2 has virtually nothing to do with it, and that is why you are seeing so much of the panic in the media. Dan Gainor was one of the only nonscience witnesses. He approached it from an ethical perspective, talking about the one-sided climate coverage, saying it violates the ethical code of the Society of Professional Journalists which urges the media to "support the open exchange of views. Even views they find repugnant." That code calls for reporters to distinguish between advocacy and news reporting which, he says, they have not been doing.

One of those individuals who is a strong supporter of human gases causing climate change, Mike Hulme, the director of the UK-based Tyndall Centre for Climate Change Research, is on the other side of this thing and has now—talking about the media—chastised the media and environmentalists for choosing the "language of fear and terror" to scare the public. Hulme noted he has found himself "increasingly chastised" by global warming activists because his public statements "have not satisfied the [activist] thirst for environmental drama and search for exaggerated rhetoric."

A report in August of 2006 from the UK labor-leaning Institute for Public Policy talked about the way the media is handling it:

> A quasireligious register of doom, death, heaven and hell using words such as "catastrophe," "chaos" and "havoc."

The report also compared the media's coverage of global warming to "the unreality of Hollywood films."

Another individual who was a supporter at one time, David Bellamy from Britain, has come around talking about this. The one I am going to talk about in January at some length is a man named Claude Allegre, the French geophysicist and a former Socialist Party leader. He is the only one I know who is a member of both the French and the United States Academies of Science. Allegre now says the cause of warming remains unknown and the alarmism "has become a very lucrative business for some people." In short, their motive is money. And he is right, it is about money.

One by one, the people, scientists are coming around. This hearing has had more response throughout the Nation. I have lists of newspapers that have editorialized as a result of this. That awakening is taking place, but that is not why I am here today.

TRIBUTE TO JEANE KIRKPATRICK

Mr. INHOFE. Mr. President, our majority leader has been paying tribute to some great people we work with, and I agree with every word he said. However, we have somebody else who needs tribute today.

A real American hero died yesterday. That was Jeane Kirkpatrick. It happens I have been close to Jeane Kirkpatrick for a number of years. People do not realize she was born in Duncan, OK, down in the oil patch. She was the daughter of an oil field wildcatter. I knew her way back in the early stages before she was even brought up by Ronald Reagan to take the lofty positions she held. She was Ronald Reagan's foreign policy adviser in his 1980 campaign and the first woman to hold the position of U.S. Ambassador to the United Nations.

When someone was asking me in the media recently what is the one thing you can say she made the greatest contribution in, I said, she is the first one who called people's attention to what the United Nations is doing, the fact that they have gotten involved in things they should not be involved in. She was one of the last stalwarts to hold out for sovereignty at the United Nations in the United States.

The Washington Times noted Jeane Kirkpatrick's eyes twinkled at the mention of the August 1984 night at the Republican National Convention in Dallas when she eviscerated the liberal Democrats as the "blame America first crowd." Boy, is she right. Look what has been happening.

She was awarded the Medal of Freedom, the Nation's highest civilian honor, in May of 1985. She received her second Department of Defense Distinguished Public Service Medal and has received more medals than any other person I know in her field. In 1991, the Kennedy School at Harvard University established the Kirkpatrick Chair in International Affairs. She served as senior fellow and director of foreign and defense policy studies at the American Enterprise Institute. She is famous for her Kirkpatrick doctrine which advocates United States support of anti-Communist governments around the world. Along with the Empower America codirectors, Bill Bennett and Jack Kemp, she has been active up to the present time.

One of the things we worked on together was the John Bolton nomination. To me, the saddest day is when we found that John Bolton was throwing in the towel. He had been abused enough. The only way to save the United Nations was with John Bolton. She got behind him and pushed him and got him involved.

A lot of people say she is too conservative, but she has been recognized and compared to, of all people, former Senator Daniel Patrick Moynihan. A lot of people do not realize this, but Pat Moynihan was also an Oklahoman. The Chicago Tribune said on November 14 of this year, such distinguished ambassadors as Democrat Daniel Patrick Moynihan and Republican Jeane Kirkpatrick also were criticized for tough talk on occasion, even when their passion proved to be right on point.

In recent years, it was Jeane Kirkpatrick who called my attention to something happening—and I am not blaming anyone in this Senate. A treaty that was called the Law of the Sea Treaty received a 16-to-0 vote from the Senate Committee on Foreign Relations. People did not realize that was a treaty that would turn over to the United Nations the jurisdiction of two-thirds of the entire surface of the world and the air above it. I held hearings as a result of Jeane Kirkpatrick calling this to my attention. We were able to stop it when it was ready to be passed in the next week.

I would say we lost a real hero, a real American hero, someone who has been fighting Communists and fundamental Islamic terrorists for her entire life. She has made a great mark. I love her dearly and will certainly miss Jeane Kirkpatrick.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO BILL HOAGLAND

Mr. FRIST. Mr. President, I rise to pay tribute to one who is known as Mr. Budget of the Senate. When I stepped up to the position of majority leader 4 years ago, my first priority was to hire a staff of capable advisers. When I stepped up, it happened very quickly, so I knew I wanted the best of the best. I already had a wonderful staff devoted to help the people of Tennessee, but what I needed was a core group of people to help me with the larger picture, to set an aggressive agenda and help me get it through.

I knew immediately who I wanted to advise me on budget and appropriations. In an ideal world, I knew exactly who that would be. And, of course, that was Bill Hoagland. I had known Bill and worked with Bill as a freshman Senator when he was staff director of the Budget Committee, then chaired by PETE DOMENICI, and I relied on him through those early days again and again in private meetings and tutorials to show me and to introduce me and my budget staff at the time the budget ropes, the process. So when that Christmas Eve 4 years ago came, I picked up the phone and I called Bill Hoagland. I asked—I pleaded with him—to become a part of my team.

Bill came to the Senate Committee on the Budget in the early 1980s from the Department of Agriculture. He started as a group leader and senior analyst and worked his way up through the ranks to become staff director. After more than two decades on the Budget Committee under Senator DOMENICI, Bill was the acknowledged expert on Senate floor procedure for budget resolutions and appropriations measures. He was there during Gramm-Rudman-Hollings. He was staff director during the Balanced Budget Act of 1995. For 21 years, Bill had a voice in every major Senate budget and appropriations measure. I was certain his expertise would be a tremendous asset to my team. And, indeed, it has been.

Bill has proven his worth time and time again. While serving as my director of budget and appropriations, Bill has played critical roles in ushering forth the Deficit Reduction Act and the Tax Increase Prevention and Reconciliation Act of 2006, and many others.

During these negotiations, Bill's voice is often the voice of reason, practicality, of realism. His plain speaking only enhances credibility as the preeminent authority, the unquestioned preeminent authority on Senate budget and appropriations.

But Bill isn't all business. The Senate Committee on the Budget fondly remembers him for genuinely caring about his staff. They remember his informal Friday late-afternoon happy hours where staff could share stories about the past week and learn things about activities in the weeks ahead. In fact, they were so fond of those informal get-togethers that the current Republican staff director installed a plaque naming the room after Bill Hoagland.

My own staff and I will always carry memories of Bill bringing the Kentucky Derby to the Capitol with mint juleps on the Dole balcony behind me. And I will never forget Bill's weekly economic reports which I share on a regular basis with my colleagues. They were as much an exercise in dry wit as a profound analysis of the economic outlook.

After some 25 years, Bill has led one of the most distinguished staff careers ever to grace the Senate. On behalf of this Senate, I thank Bill for his dedication as a public servant to this Nation. Never doubt for a moment how much we value your wise counsel, Bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, Bill Hoagland is truly one of the best I have had the chance to serve with in 20 years. Bill Hoagland is deeply knowledgeable, decent, caring. He is one person who has extraordinary credibility on both sides of the aisle.

I have known Bill in my 20 years in the Senate. Throughout that period I have served on the Committee on the Budget. Bill has been, at various times, the staff director or the leadership stamp on these issues. I have enjoyed so many quiet moments with Bill in which we have reflected on things that concern us about the direction of the country. More than that, I have enjoyed his uncommon decency.

Bill Hoagland is somebody who will be very much missed. I believe Bill Hoagland, because of his intense interest in the fiscal affairs of this country, in the economic well-being of our Nation, will always be there to give good advice.

On many occasions I have joked with Bill and made him job offers for far more pay than he was getting on the other side of the aisle. Bill always kind of indulged my humor and never paid too much attention to it because he was firmly rooted on the other side.

Bill Hoagland represents the best of this institution. And it is with real sincerity I say I will very much miss Bill's very good judgment in this Senate. I thank the leader for his remarks about our very good friend, Bill Hoagland.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I have been drafting my farewell comments, and I had a little section in there about my friend Bill Hoagland, but I will just take this opportunity now to add my voice to those who have been talking about Bill.

I cannot tell you how many times in the last few years I have gone up to Bill in the corner of the Chamber over here and asked him what was really going on around here. And Bill Hoagland always knows what is really going on around here. Not only is he an expert on the budget, he is an expert on the Senate, and he is an expert, quite bluntly, in strategy as well as an expert in tactics.

So I thank Bill for his good and wise counsel to me. I know he has supplied that counsel to so many other people in the Senate as well. But I, from a personal point of view, have appreciated Bill very much.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JACOB D. SPANN

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army PFC Jacob D. Spann from Columbus, OH, who died on February 6, 2006, when a roadside bomb detonated beneath his military vehicle in Iraq. Jacob was 21 years of age at the time.

PFC Spann leaves his father and stepmother Larry and Libby, his mother and stepfather Deborah and Dennis, brothers Derek, Adam, Joe, Josh, and Chris, sisters Sonni, Sarah, Erin, and Helen, and grandmother Jean.

Jacob Spann—known to family and friends as Jake, Jakey, and sometimes even Jake the Snake—graduated from Westerville North High School in 2003, and was known for his way of walking into a room and lighting it up with his smile and big blue eyes. He had a talent of being serious one minute, and fun-loving and light-hearted the next.

While at North High, Jake participated in wrestling, track, and football. He had a natural athletic ability and was always looking to immerse himself in something new and exciting. Dean of students and head football coach at North High Chad Williams was assistant coach when Jake was a linebacker. He remembers Jake as "an extremely hardworking, dedicated football player." In his words, "[Jake] was a kid who knew he was going to do everything he could for the team."

Always most important for Jake were his family and friends. He was a true and loyal friend to his high school classmates. It was here that Jake met and started dating the love of his life, Abby Van Huffel.

After graduating, Jake took courses at Columbus State Community College and worked in an autobody shop. The auto-body shop allowed him to express a love of art that he had ever since he was a child, when he would spend hours drawing and painting. If he didn't make the Marines, he was thinking of opening his own shop. But Jake felt compelled to join the Marines.

Jake joined the Corps in January 2005. He was assigned to Battalion Landing Team's 1st battalion, 2nd Regiment, 22nd Expeditionary Unit, 2nd Expeditionary Force, based at Camp Lejeune, NC. Jake was well-liked by those who he worked with in the military. His senior drill instructor wrote the following to Jake's family on an Internet tribute Web site:

> I would like to express my deepest sympathies to the Spann Family. I was your son's Senior Drill Instructor while he was in Boot Camp. I have spoken to two of the Drill Instructors who worked that Platoon with me, and your son's death has had a profound impact on all of us. I was deeply saddened when I saw it in the Marine Corps Times. Your son was a very good recruit, and I know he was a good Marine.

Jake deployed to Iraq in November 2005. As always, however, before he left, he was thinking more of others than of himself. With the few days he had before leaving, he returned to Westerville for a visit and took Abby out for a special birthday dinner. Abby's birthday wasn't until December, but Jake would be far away then, and he didn't want to miss celebrating with the girl he loved.

Before leaving, Jake also gave his mother Deborah a special present. It was a pendant on a chain—a Marine Mother's Medal of Honor. Deborah has worn it everyday since. "We have a large and loving family," she said, speaking of her son's love for those in his life. "His family came first and his Abby came first, and he loved us more than anything. And he loved his country, and we respect that."

According to his older sister Sonni, Jake was very proud when he left for Iraq. The Marines had given him the confidence he had been searching for. In conversations with his stepfather, he had even spoken of becoming a drill sergeant one day.

It was typical of Jake that when he called home from Iraq, he wanted to talk more about the ones he cared about than himself. He wanted all the news he could get about his family—particularly his five brothers, four sisters, and four nieces and nephews. Jake loved to call and talk to his mom, whom he loved with all his heart.

Jake Spann was an excellent marine. Fellow platoon brother Lance Corporal Monhollen said this about Jake:

> I was in the same platoon as Spann in Boot Camp. He was a leader then and was a leader before he died. He was also a great friend.

Jake will be deeply missed by all who knew and loved him. He is an inspiration to many students at Westerville North High School. In the words of Chad Williams:

> While a lot of our kids don't have a personal connection with Jake, they really feel he's a part of the Warrior football family, and they've asked me a lot about him. I think that's kind of the best way to honor someone. A lot of young kids are asking about him and want to live up to the same honor and characteristics he had.

After Jake died, the lettering outside his old high school was changed to proclaim: "Jacob Spann—An Ultimate Warrior."

Jake's mother finds it comforting that he did not return home from Iraq alone. She tells a story of how six of the family's best friends were out of the country when they heard the news that Jake had died. When traveling home, their return trip was full of delays. The pilot finally came on and informed the passengers that there would be one final delay, as the plane was waiting for a "very special passenger"—a fallen soldier. "Our friends realized it was our son," Deborah said. "Things happen for a reason. They brought him home to us and he was escorted by a Marine who would not leave his side until he was where he needed to be."

This was a fitting, final journey for a young man who had always been surrounded by loving family and friends. Countless mourners attended Jake's funeral and burial services to pay their respects and offer comfort to Jake's family. According to Jake's mom, the toughest challenge Jake would have faced returning home would have been selecting the perfect ring for the planned engagement and wedding to Abby.

At the funeral, Jake's brother read a letter from Abby, who said she had been expecting to write wedding vows—not a eulogy. The letter ended with the line, "I will always be here loving you." On the marble of Jake's tombstone, Abby is remembered as his "soul mate."

Marine PFC Jacob Spann was a fine man of whom we can all be proud. He was loved by his community, his family, his friends, and his Abby. His life and the sacrifice he made for our Nation will never be forgotten.

My wife Fran and I continue to keep Jacob's friends and family in our thoughts and prayers.

MAJOR GUY BARATTIERI

Mr. President, I rise today to pay tribute to Army MAJ Guy Barattieri, originally of the Pleasant Ridge neighborhood of Cincinnati, OH. A member of the National Guard's Alpha Company, 1st Battalion, 19th Special Forces Group, based in Buckley, WA, Major Barattieri was working in a civilian contract capacity on October 4, 2006, when he was killed by a roadside bomb in Iraq. He was 36 years of age at the time.

Guy—known fondly by friends and family as "Bear"—was born on June 21, 1970, and raised in Pleasant Ridge. He attended Nativity School and was a linebacker on the 1986 State Champion Purcell Marian High School football team.

Cliff Pope, a teammate of Bear's and his closest friend, remembers him as someone who "had a passion and intensity that was infectious to us all."

According to his uncle Larry Wheatley, Bear had always loved the military—had loved it ever since he was just a small boy. When he was accepted into the United States Military Academy at West Point, it was a dream come true for him. Once at West Point, however, injuries kept Bear from continuing to play football.

Chris Jenks is one of Bear's former classmates and teammates from West Point. He remembers the "never-quit" attitude with which Bear approached his injury. He wrote the following in Bear's memory on an Internet tribute Web site:

> Army doctors told Bear that he could no longer play football. Bear took that in stride, and . . . decided that, technically, the doctors never said he couldn't play Rugby, [so] he started playing rugby, [instead].

After graduating from West Point in 1992, Bear attended the Infantry Officer's Basic Course Ranger School and the Mortar Course before being stationed in Baumholder, Germany. He later attended the Intelligence Officer Advanced Course and branched out to the Special Forces. His friend Chris Jenks remembers how impressed he always was by Bear's "innate" infantry leadership skills. "Some things you can train or teach," he said. "Some things you are born with."

In 2001, Bear joined the Seattle Police, where he was president of his academy class. Bear's friend Detective Nick Bauer, who was his field-training officer, described Bear with the following words:

> [He was an] absolutely distinguished soldier, and a distinguished officer—an extraordinary man, one of those guys who won the hearts and minds of everyone he came in contact with.

Bear remained with the Seattle Police Department until 2004.

In 2002, Bear went on active duty as a detachment commander in Kuwait. When the 101st Infantry Division entered Baghdad in March 2003, Bear's team was at the lead. For the role that he played, he received a Bronze Star and Combat Infantryman's badge.

Without question, Bear made an impact in Iraq. He participated in multiple missions, during which he captured three of the most wanted members of Saddam Hussein's government—individuals who had been depicted on the deck of playing cards issued by the U.S. Military.

Bear was a dedicated and excellent soldier. But he was also something more—a loving and devoted family man. For Bear, those he loved always came first. On December 11, 2005, Bear married the love of his life—Laurel. They adored each other. He was a loving father to his two girls—his 6-year-old stepdaughter Rees, and Odessa, who was born on July 19, 2006. He loved his family more than anything else in the world.

Family friend Mary Mascarella remembers that Bear was a doting father. He would take Rees to swimming lessons, make her lunch, and take her to school. And, when Odessa was just 3 weeks old, the family was visited by Bear's stepmother Barbara. Barbara remembers how excited he was about their new daughter. "It was his first baby," she said, "and he did it all—diapers and everything."

I had the privilege of seeing several photos of Bear with his family. One is from his wedding, with a beaming Laurel on one arm and Rees cradled in the other. Another picture shows Bear with the newborn Odessa in his arms. It is clear from looking at these pictures, how incredibly happy Bear's family made him.

Even when he was away from home, Bear's pride and delight in his family was apparent. In a tribute to Bear created by FOXNews, John Fiegener remembers the way Bear lit up at the mention of his family. He wrote:

> [His] quick smile was one of the things that struck me most about Bear, and his biggest smiles were reserved for the many frequent mentions of his family back home. He never hesitated to show pictures of his wife, his daughter, and eventually, his newborn baby girl.

In Iraq, Bear was the head of the security team at the FOX Baghdad office, and was there in October 2005 when car bombs destroyed the hotel where they were located. On the FOXNews tribute Web site, Gordon Robinson remembers how important Bear was at that time. He wrote this about him:

> Bear was the person who held all of us together, both as individuals and as a news bureau. . . . Throughout it all, he remained calm. When it was over, he was confident and smiling, and that attitude helped the rest of us to understand that we, too, were going to make it through.

Cliff Pope had met Bear during their freshman year of high school at Purcell Marian. He remembers how committed Bear was to the ideals of freedom and democracy. In Cliff's words:

> Bear believed in America, he believed in democracy, and he believed in his heart that God put him on this earth to protect this country. And, he lost his life serving out what he felt was his life's mission, which was protecting others.

There are perhaps no better words than those to describe the type of man that Bear was. He was simply someone who cared. His friends, his family, and his Nation are all proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep the family of MAJ Guy Barattieri—his wife Laurel and his daughters Rees and Odessa, his mother Patricia Wheatley, his father and stepmother Dick and Barbara Barattieri, and his sisters Nicole, Becky, and Gina—all in our thoughts and in our prayers.

SY JASON LUCIO

Mr. President, I rise today to honor the memory of a brave man from Clyde, OH—Sy Jason Lucio. Sy was working as a civilian technician in Afghanistan, when on April 6, 2005, he boarded a transport helicopter bound for Bagram Air Force Base. Less than 100 miles from their landing spot in Afghanistan, rough weather forced his Chinook helicopter to the ground, killing all onboard.

Sy leaves his son Lars, his mother Sally, his father Stanley, and his sister Hannah.

Sy attended Clyde High School, where he was known for his energy and intelligence. After moving to Toledo and graduating from Swanton High School, he decided to attend Penta Career Center. Over the next few months, he quickly absorbed whatever his instructors threw at him. Sy was well on his way to becoming an electrician of international caliber.

Being the skilled technician that he was, he was an avid motorcycle enthusiast and bought himself a Buell, which he rode whenever he got the chance. He, like many young men before him, enjoyed the sound of the engine, the freedom, and the exhilaration.

Sy also loved camping. In his youth, his parents took him on many trips to the countryside. Perhaps it was there that his sense of adventure was born. More than anything, though, Sy loved spending time with his son Lars.

Sy's mother Sally remembers how he was happiest rolling around on the floor with Lars and the other children in the family. She said that "he was such a good daddy. I knew he'd be a good father, but he exceeded my expectations."

It was hard for Sy to leave his family behind him, but he knew there was plenty of work for a skilled electrician in Afghanistan. To support his family, to see the world, and to help his fellow countrymen, Sy joined on with a U.S. contractor, and in early January 2005, he traveled to their Texas headquarters for training. From there, he flew to Afghanistan.

Sy entered this strange new world with confidence. He knew he had the skills, and he knew he could make a difference in the lives of our servicemembers and the lives of the Afghan people.

Sy's supervisor shared his memories of the brave young man. These are his recollections:

> Sy [sigh] had great electrical skills. He was a quiet man, but very personable, and he often talked about his son. He really cared about what he was doing and he was proud of the contributions he was making. . . .

Indeed, Sy had so much about which to be proud. He traveled to operating bases in far-flung parts of Afghanistan. Whatever the harsh environment did to the military's equipment, Sy was there to fix. Day-in and day-out, our servicemembers rely on the best hardware and technical support in the world. Sy's knowledge and ability gave our American military confidence in their equipment. There is no doubt that his work saved lives.

Mr. President, those who knew Sy remember him more for how he lived, than for how he left this earth. They remember his intelligence, his kindness, his adventurous spirit, and his strong moral convictions. They remember how he never wanted anyone to worry about him.

Indeed, Sy left an indelible mark on this world, in the memories of his loved ones, and in the lives he changed through his great work. As his cousin, Sarah Wilson, said, "He was a hardworking guy, a very loving guy, and a great father. He would do anything for anybody."

Sy was a thoughtful and quiet man. He had a soft half-smile, which relatives said he often wore instead of a grin so that people wouldn't see his dimples.

Mike Urbine, Sy's instructor at Penta Career Center, knew that he was enthusiastic about his career, and he saw Sy's intelligence reflected in his work. This is what he said about Sy:

> He seemed to have a clear head on his shoulders and was a highly energetic individual. He was a pleasure to work with. He was adventurous. I can see him going to foreign lands and working for a big contractor.

Sy's father Stanley remembers his son as a strong family man. He remembers Sy the patriot, and Sy the man, who—despite his youth—was elected to the central committee of the Lucas County Democrat party. Stanley said the following of his son, "He believed in the union. He believed in his son and taking care of him. He believed in God."

Mr. President, Sy Lucio may not have worn a uniform, but he was serving his Nation. He worked alongside our service members, he traveled with them, and he worked to protect them by ensuring the good working order and safety of their equipment. His death makes it abundantly clear that he shared many of the same risks. Whatever titles he held, career-wise, though, he was first and foremost a loving father, an adventurer, and a brave American. He died a hero.

My wife Fran and I continue to keep Sy's family in our thoughts and prayers.

PRIVATE FIRST CLASS SAMUEL BOWEN

Mr. President, I rise today to honor and remember a fellow Ohioan—Army PFC Samuel Bowen, from Cleveland, who lost his life on July 7, 2004, while serving our country in Iraq.

Private First Class Bowen leaves his wife Melanie, their three children Tiust, Darius, and Breonna, his mother Elsie, and his two sisters Consuella and Tamatha.

Samuel—Sam to friends and family—was loved by everyone he met. Known for his friendly face, Sam was the "big man with a big heart, intimidating in size, but soft-spoken and kind."

His demeanor made him a favorite among those who knew him. He was well-liked by the patrons who frequented the restaurants where he cooked. And he was loved by his fellow Ohio National Guardsmen, who fought by his side.

Sam spent most of his life in Berlin, MD, before moving to Cleveland. He was the middle child between two sisters. His mother described Sam as a typical boy who liked to take things apart and put them back together. At 8 years old, he would tag along with the local electrician who gave him his own tool belt. Other fond memories include one when Sam was 3 years old and liked to stand on the kitchen stool to cook a scrambled egg breakfast for his sisters.

Four years after graduating from Stephen Decatur High in Berlin, MD, Sam enlisted in the Army where he honed the cooking skills he had practiced as a young boy. After retiring from active duty, Sam joined the Reserves and was stationed in Iraq this past December as a member of the Ohio Army National Guard's 216th Engineering Battalion based in Akron, OH.

Although he was on the other side of the world, Sam made sure to keep in touch with his family, especially his wife Melanie and their children. Sam's sister Consuella remembers that Sam would often leave messages on her answering machine—messages she has not erased.

Consuella described her brother with these words: "nice and always doing [things] for others. That was his thing—always doing for others, trying to take care of everybody else." That's exactly what he did.

While in Iraq, Sam risked his life to save another soldier in his unit, his comrade Ron Eaton. On June 16, 2004, Sam and Ron were outside an Army PX store in the intense Iraqi heat, buying Gatorade, when grenades were thrown at them. Several rounds came their way and shrapnel flew through the air injuring Ron and forcing him to the ground. Without regard for his own safety, Sam grabbed Ron and pulled him to safety while explosions erupted around them. Ron credits Sam with saving his life in the incident that claimed the lives of three soldiers and injured 25.

Sam was one of the first to call Ron following his surgery for the injuries he sustained before Sam pulled him out of danger. Ron recalled that Sam wanted to hear his voice to make sure his "battle buddy" was okay. Ron was looking forward to meeting Sam's family and wanted to thank him in person for saving his life.

Tragically, Ron will never have that chance, as Sam was killed when a rocket-propelled grenade exploded near his vehicle in Samarra, Iraq on July 7, 2004.

Sam Bowen was a hero—an American hero, whom we should remember the same way his family will—as "always doing the right thing."

Just like Ron Eaton, we will never be able to fully thank Sam for his selflessness. We will never be able to adequately express our respect for this man, who gave the ultimate sacrifice.

At times like this, I am reminded of something that President Reagan said almost 20 years ago at a Veteran's Day Celebration:

> There is a special sadness that accompanies the death of a serviceman, for we're never quite good enough to them—not really; we can't be, because what they gave us is beyond our powers to repay. And so, when a serviceman dies, it's a tear in the fabric, a break in the whole, and all we can do is remember.

Today, I stand here so that we may all remember Army PFC Samuel Bowen and the sacrifice he made for our country.

I had the privilege of meeting Sam's family and friends at Sam's calling hours, and I know that they will forever remember his smiling face, his friendly demeanor, and giving attitude.

My wife Fran and I continue to keep Sam's family and friends in our thoughts and prayers

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL JONATHAN ETTERLING

Mr. President, I rise today to pay tribute to Marine LCpl Jonathan Etterling, from Wheelersburg, OH, who died on January 26, 2005, in a helicopter crash near Rutbah, Iraq. He was 22 years old. He is survived by his parents William and Kay and his sister Angela.

Born December 27, 1982, in Portsmouth, OH, Jonathan—Jon to his family and friends—was fascinated by military life from a young age. As a boy, his mother remembers him spending hours taking apart a rifle and putting it back together. His bedroom walls were covered with military posters. He loved war stories and movies—anything that represented bravery, selflessness, and sacrifice.

Jon's decision to join the Marines didn't surprise anyone who knew him. As his Sunday school teacher Cathy Sizemore said, "Some people have a higher calling. Jon's was his country."

Although Jon was the Etterling's only son, Jon had three surrogate brothers growing up—his lifelong friends James Howard, Josh Huddleston, and Alex Watts. The three met as young kids growing up on the playgrounds of Wheelersburg.

Alex remembers meeting Jon in first grade. Standing in knee high tube socks and sporting a goofy grin, Jon had asked him, "Hey—you wanna be friends?" Alex, shy and somewhat surprised, was happy to agree. Like so many other people, he was drawn to Jon's good-natured enthusiasm. Quickly Jon, James, Alex, and Josh became inseparable, causing others to jokingly refer to them as the Four Musketeers.

As a cheerful, easy-going student at Wheelersburg High School, Jon excelled in the classroom and on the playing fields. He demonstrated boundless energy and dedication, playing nose tackle on the football team, running track, singing in the chorus, and acting in plays. He was, as his high school superintendent described, "an outstanding young man . . . one of those kids who made you smile just being around him."

Jon was also an extremely hard worker. Jon was always trying to better himself, doing everything his athletic coaches asked of him. This work ethic earned Jon the respect of fellow teammates and coaches. One of his football teammates, Bryan Yelley, said this of Jon's attitude:

> He was just one of those guys who got along with everybody. He played hard—did everything as hard as he could. Whenever he did something, he did it to the full extent of his capabilities. As a person, he was everybody's friend.

Jon strove for excellence in everything he attempted. This straightforward approach to life would help him achieve his lifelong dream of becoming a Marine. Regarding Jon's goal of serving our country, his football coach, Jim Gill, had this to say:

> He was always interested in the military. I think when he joined the Marines and reached boot camp, he reached his goals. [With] the dedication he put into things he did, there was never any doubt he would succeed."

Jon's former defensive ends coach Dave Pyles agreed. "Jon fit the bill of a Marine," he said. "Being the first in, that was him." For Jon, there was no greater privilege than to serve and protect this country.

Upon graduation from Wheelersburg High School in 2002, Jon and his three closest friends—James, Josh, and Alex—joined the Marines and endured the rigors of boot camp—together. Unsurprisingly, Jon's dedication was evident during this challenging time. His friends described him as "the rock"—the one who they could all depend on for strength and resolve. Among the very best of the Marine Corps, Jon stood out.

After completing his training at Parris Island, Jon was stationed in Hawaii and spent 3 months in Thailand—plus time in Okinawa, Korea, and Japan—before going to Iraq. During this time, he was able to see and explore a world much larger than most could imagine.

When Jon arrived in Iraq, he immediately moved to the front lines, near Fallujah. He was enthusiastic about his job and excited to be there. He wanted to make a difference. His father remembers that Jon was doing what he loved—what he believed in. As his sister Angie said, "My brother was very much military material."

I had the privilege of attending Marine Lance Corporal Etterling's funeral and to meet his family and to see the overwhelming outpouring of love and support. Jon's three best friends—his brothers—James Howard, Josh Huddleston, and Alex Watts were able to attend the funeral, as well. The Four Musketeers were united once again.

Jon's life and his service to this country will not be forgotten. Upbeat and cheerful, he was always willing to lend a hand to those who needed it. He could be counted on to do the right thing. He had an incredible work ethic, a strong faith, and a deep respect for others. And no matter how difficult they were, he always accomplished his goals.

His father summed it up best, when he said: "I just can't be more proud of him."

My wife Fran and I continue to keep the family and friends of Lance Corporal Jonathan Etterling in our thoughts and prayers.

EFFECTIVE PHYSICIAN ASSISTANCE FOR DRUG TREATMENT ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4115, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4115) to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4115) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Physician Assistance for Drug Treatment Act".

SEC. 2. CONTROLLED SUBSTANCES ACT AMENDMENTS.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)) is amended—

(1) in subparagraph (B)(iii), by striking "except that the" and inserting the following: "unless, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients. A second notification under this clause shall contain the certifications required by clauses (i) and (ii) of this subparagraph. The"; and

(2) in subparagraph (J)—

(A) in clause (i), by striking "thereafter" and all that follows through the period and inserting "thereafter.";

(B) in clause (ii), by striking "Drug Addiction Treatment Act of 2000" and inserting "Effective Physician Assistance for Drug Treatment Act"; and

(C) in clause (iii), by striking "this paragraph should not remain in effect, this paragraph ceases to be in effect" and inserting "subparagraph (B)(iii) should be applied by limiting the total number of patients a practitioner may treat to 30, then the provisions in such subparagraph (B)(iii) permitting more than 30 patients shall not apply, effective".

PREVENTING THE MISUSE OF THE RED CRESCENT EMBLEM

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6338, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6338) to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6338) was ordered to a third reading, was read the third time, and passed.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

PAUL SARBANES

Mr. HARKIN. Mr. President, with the close of the 109th Congress, the Senate will lose to retirement one of our most seasoned and respected Members—Senator PAUL SARBANES of Maryland. Across five terms in this body and before that three terms in the House of Representatives, where I was privileged to serve with him also, PAUL SARBANES has made his mark as a serious and diligent legislator, a classic workhorse Senator rather than a showhorse Senator. The Baltimore Sun has called him the silver fox Senator who "works quietly but with shrewd skillfulness."

I have always respected and admired Senator SARBANES, both as a stalwart Democrat and also always a proud, unabashed progressive.

As a young man, he graduated from Princeton and went on to Oxford as a Rhodes Scholar and then Harvard Law School. But he never forgot his experiences growing up among the families of Maryland's Eastern Shore. He never forgot his roots as the son of a Greek immigrant who worked long hours to build a successful restaurant business.

In the Senate, PAUL SARBANES has been outspoken in his support for public schools, expanded access to higher education, to job training, and the other essential rungs on the ladder of economic opportunity in America.

He has fought to protect Social Security, to clean up corruption in the business world. In the wake of the Enron and WorldCom scandals, Senator SARBANES took the lead in crafting legislation to prevent the recurrence of the rampant accounting fraud that was destroying confidence in corporate America.

In the early years of this past decade, in classic Sarbanes style—methodically, thoughtfully, and minimum of partisanship—he held 10 hearings on the issue in 2002, listening to all points of view. The result is known universally as the Sarbanes-Oxley law which cleaned up the accounting industry and mandated new disclosure and conflict-of-interest reporting requirements on U.S. corporations.

There are many reasons why PAUL SARBANES is the longest serving Senator in Maryland history. Throughout his career in this body, he has fought hard on issues of special importance to Maryland, including legislation to protect the Chesapeake Bay. But he has never lost touch with his roots among working people and the immigrant community.

He has always been a model public servant, a person of enormous intellect, intelligence, integrity, and industry. For 30 years in the Senate, PAUL SARBANES has faithfully served the people of Maryland and the people of the United States, and there is no doubt he will pursue new avenues of public service in retirement.

I will miss his friendship, I will miss his wise counsel in the Senate, but I wish PAUL and also his wonderful wife Christine all the best in the years ahead.

MARK DAYTON

Mr. President, I would like to follow that up by expressing my respect and admiration for a longtime friend of mine, my neighbor to the north, so to speak, who is also retiring this year; that is, our Senator from Minnesota, MARK DAYTON.

Senator DAYTON is a public servant in the purest sense of that term. He did not come to the Senate 6 years ago in search of status or celebrity or power for power's sake. He has never sought the spotlight. He came here for one reason: to serve the people of Minnesota and of the United States. He has done so in a diligent, consistent, and selfless manner.

I especially appreciate the way Senator DAYTON has followed in the progressive tradition of Minnesota's great Senators, Hubert Humphrey, Gene McCarthy, Chris Mondale, and Paul Wellstone. On issue after issue, he has fought for working people and their families, for seniors, and for the least fortunate among us. To take just one case in point, no Senator has been more persistent and eloquent in fighting to allow seniors to purchase prescription drugs in Canada where pharmaceuticals are oftentimes less expensive. He has donated his entire Senate salary to the Minnesota Senior Federation to help finance trips on the "Prescription Express" to purchase cheaper drugs in Canada, and he has gone to bat for seniors when they were harassed by border agents upon their return.

To his everlasting credit, Senator DAYTON voted against a resolution effectively authorizing the war in Iraq. He spoke out passionately against the dangers of launching that war. He has used his seat on the Armed Services Committee to take the administration to task for its multiple mistakes and failures in conducting that war. There has been a singular absence of effective oversight of this war on the part of this Congress, but as an individual Senator, MARK DAYTON has done his best to fill that vacuum. On the Armed Services Committee, he has been courageous and outspoken, and we will remember him for that.

Throughout his adult life, MARK DAYTON has been devoted to serving others and looking out for those in the shadows of life. After graduating from Yale, he could have gone on in the family retail business. He could have coasted on his family's wealth, but he chose a very different course. He chose to work as a teacher for 3 years in a pretty tough public school on Manhattan's Lower East Side. Later he went to work as a counselor for runaway young people, as chief financial officer of a social service agency in Boston, and then as a staffer to Senator Walter Mondale. After returning home to Minnesota, he also served as the commissioner of the Minnesota Department of Energy and Economic Development. He was elected State auditor in 1990.

I think the first time I met MARK DAYTON, I was a Congressman in Iowa and he was running for the Senate in Minnesota, and that was 1982. I went up to campaign for him. I had been involved in agriculture and agricultural endeavors, and so I went up to meet with them and met this young guy running for the Senate. He was unsuccessful that year—I hope not due to the fact that I went to campaign for him. He was unsuccessful that year, but he never gave up. He never gave up trying to find new avenues to serving the people of Minnesota.

As I said, that culminated in him serving as the commissioner of the Department of Energy and Economic Development for a number of years under Governor Perpich and then being elected in his own right as the State auditor in 1990. Under his leadership as State auditor of Minnesota, he did a lot to make sure that State government was running efficiently and effectively and transparently and making sure the auditor's office kept a check on all the different agencies in Minnesota to make sure they were expending the taxpayers' dollars wisely and legally and transparently.

So I was delighted when, even though in 1982 he didn't make it to the Senate, he then made it in the year 2000. In the last 6 years, again, as I said, MARK DAYTON has devoted himself selflessly to helping people less fortunate in our society. His common theme has been amplified powerfully: his passion for public service and his commitment to looking out for others. So I have no doubt that MARK will pursue other avenues of public service in the years ahead.

I will miss his friendship here on the Senate floor, but our friendship will continue. I know that in whatever capacity he can find, he will do what he can to make Minnesota and our country a better, fairer, and more just place for all its citizens. I certainly wish my good friend MARK DAYTON the best in the years ahead.

HEAD START PROGRAM REAUTHORIZATION

Mr. HARKIN. Mr. President, I now turn to a topic not as good as what I just talked about. In the final hours of the Congress, as we have here today—maybe going into tomorrow—I am always amazed at how those who are well off in our society, those who are doing quite well, how they always get taken care of in the final hours when the Congress closes down. Tax extenders—why, there is stuff for everybody in there, for the people who are doing well. A continuing resolution will come through, basically taking care of all the running of Government. We have a few other cats and dogs coming through here. It is always at this time that I am amazed at how often it is that people who are at the bottom rung of our ladder economically speaking fall through the cracks and no one cares. Hey, we have business to do here. We have to get the tax extenders through. We have to get out of here and go home.

Because of the failure of the Appropriations Committee in the House, because of their failure to do a small extension, which I will explain in a second, because of their failure, beginning in January, 54,000 kids will not be able to go to Head Start Programs in this country. Fifty-four thousand kids have been in Head Start Programs in December and November, but in January, January 3—they probably won't be going to Head Start. Now, again, they will only be out for a couple of months because once we get back in here and we do another extension, either a CR—a continuing resolution—or an omnibus bill, we will take care of it. The authorizers aren't opposed to it; I have checked with them. The appropriators aren't opposed to it. But it wasn't put in the bill. They filed the rule in the House, and they can't change it, they say, now.

Let me describe what I am talking about, why 54,000 kids—poor kids—won't get Head Start beginning in January. What happened was on January 18, 2001, a rule was promulgated from the Department of Health and Human Services. A rule was promulgated which said that by January 18, 2006—last January 18—it required that all Head Start children be transported only on buses that are or very closely match school buses. Well, I have pointed out continually since that time that this is very onerous for a lot of kids who are now transported on paratransit buses. These are transportation vehicles which are not school buses, but they are paratransit vehicles which usually take the elderly to places or they take people with disabilities to work or to shop or whatever. They are paratransit vehicles. They are usually smaller vehicles, but they are not a "schoolbus." But they are effectively used, and have been for many years, to transport kids to Head Start Programs. Of course, the children are transported in child safety seats that are placed on the paratransit buses.

Well, they estimate there are about 54,000 kids in America today who get transported to and from Head Start using paratransit. The rule which said they had to go on schoolbuses was supposed to go into effect last January 18. Well, it didn't. Why? Because a lot of us here bipartisanly said: Wait a minute, this is not right. This is not right. We need to fix this.

Well, how do you fix it? You fix it with Head Start reauthorization. The last Head Start reauthorization was in 1998. We thought there was going to be a Head Start reauthorization this year. We thought, finally, this year we are going to get a Head Start reauthorization bill and we will take care of this mess created by this rule of the Department of Health and Human Services. So we extended this deadline from January 18; we extended it until June.

Well, they still hadn't passed a Head Start reauthorization, so on the Katrina supplemental we extended it until December 31 of this year. So what we did was we extended a moratorium, an abeyance of that rule until December 31 of this year so that kids—Head Start kids had been riding paratransit buses to and from Head Start since—well, for years but since January 18 of this year when that rule was supposed to go into effect, the rule that said they can't ride them anymore, which, again, is nonsense—nonsense. It is much cheaper, it is just as effective, and there are a number of other reasons why riding these paratransit buses are fine for these kids. So we put it off. We held this rule in abeyance until December 31; that is, this December 31. Once again, we didn't get a Head Start reauthorization, so we wanted to extend it again past December 31. So how do you extend it? You extend it on the appropriations bill, the continuing resolution.

Now, had we done our job and gotten the various appropriations bills up, we would have put this in the Labor, Health and Human Services, and Education appropriations bill. We would have extended the time probably until next September 30 to give us time to pass a Head Start reauthorization. So I called over last night. I talked to the staff director of the House Appropriations Committee. I told him about this: Can't you put it in? There is no opposition to it. Well, they didn't put it in. I called him today. He said, well, he checked with the authorizing committee and he said the authorizing committee was opposed to it. I couldn't believe it. So I called the chairman of the authorizing committee, Congressman McKEON from California, with whom I have worked in the past. I talked to him about it. He got back to me and he said: I don't have any opposition to it. I checked with the appropriators: the appropriators didn't have any opposition to it on either side of the aisle. They thought: Yes, this is fine. But it was left out.

You know, if this had been a provision to take care of some wealthy people in this country, some special interest group, you can bet it would not have been dropped. It wouldn't have been dropped. But now 54,000 kids won't get to go to Head Start.

I mentioned that to someone today, and here is what they said: Well, why can't their mamas take them? I am not talking about kids who have BMWs or SUVs. These are poor kids. They don't have cars. They don't have vehicles. I am not talking about middle-income kids who live in the suburbs; I am talking about the poorest kids in our country going to Head Start Programs. They don't have mamas who can take them in an SUV or a carpool. So here we are.

So I put the word out. I said: Well, when that CR comes over here, it is amendable. I will offer an amendment to put it on there. There is no cost. Everybody is for it. Nobody wants to object. Now I hear that if I do, there will be a motion to table my amendment. They will table it because the House will send over their continuing resolution and then they are going to go home, adjourn and go home. So if I offered my amendment, and if it were to pass, it would mean the House would either have to stay in or come back.

Then they will tell me, Oh, you can't do that, HARKIN, because don't you know the Government will shut down. You see, the continuing resolution that we are on now funds the Government until midnight tonight. They will say if you do that, they will have to come back, it will shut the Government down, and blah, blah, blah. Mr. President, those 54,000 kids not going to Head Start, January, February, maybe March until we can get our bill through, I think is more important—I stand tonight to tell you and tell anyone who is watching, it is more important for those 54,000 kids to go to Head Start in January, February, and March than it is to allow 435 Congressmen to get out of town and go home. It is more important.

Once in a while I have gotten a reputation around here for doing things in the last hour. Usually it is because something such as this happens. It seems to me it is always true that at the end, the final hour, it is something such as this, and some on the bottom rungs of the economic or social ladder of this country get dropped and forgotten. We ought to be ashamed of ourselves. We can't fix this? We can't take care of this? Because they filed, they have a rule, this and that?

I tried to get this on the postal reform bill. There is a postal reform bill out there floating around someplace. Oh, we can't do it now. They are done writing it and blah, blah, blah. We just can't do it.

It is a shame, isn't it? It is a shame that we can take care of the rich and the powerful, it is a shame that we can take care of postal reform. It is a shame we can take care of continuing the resolution to keep everyone paid in the Federal Government. But, we can't find it in ourselves somehow to take care of these kids, these Head Start kids. We are just going to say I am sorry, that is the way it is.

I haven't made up my mind yet whether I am going to offer this amendment tonight, or whenever that CR gets over. I have a right to. It will probably get tabled which means killed. The word has already gone out that we will probably have to table the Harkin amendment. I suppose people will say there goes HARKIN again. We want to get out of town and he has something else.

I don't know. I haven't made up my mind yet. I wanted to set the record straight. You are going to hear about it. Senators are going to hear about this in January. You are going to hear about the fact that Head Start kids for some reason can't get on these paratransit buses and we are wondering why it happened.

I don't know, I may offer the amendment tonight, and if someone moves to table, I may ask for a rollcall vote, and we will see how important 54,000 kids are compared to 435 Congressmen over there who can't come back in a moment to take care of these kids in January and February, the coldest parts of the winter in certain parts of our country. So we will have to see, we will see what happens to the CR when it comes over. I guess I want to tell my colleagues they will probably have to vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

HONORING JEANE KIRKPATRICK

Mr. KYL. Mr. President, I rise to pay homage to a very special lady. I mourn her passing today, a great American patriot, Jeane Jordan Kirkpatrick. She, of course, is best known as our Ambassador to the United Nations under the Presidency of Ronald Reagan, but her history was of a dedicated American in public service before that.

She first rose to international prominence as a foreign policy adviser to Ronald Reagan's first Presidential campaign. Although she considered herself a Democrat at that time, she always placed principle above partisanship. In Governor Reagan, she saw a man who shared her commitment to freedom and democracy and was willing to call evil by name.

As America's first female permanent representative to the United Nations, Jeane served President Reagan from 1981 to 1985, and was an eloquent promoter of American values. She once said, "I think that it's always appropriate for Americans and for American foreign policy to make it clear why we feel that self-government is most compatible with peace, the well-being of people, and human dignity."

Since leaving full-time Government service, Jeane Kirkpatrick has served as an educator, commentator, a wise woman whose counsel has been highly sought after. She has continued to be a passionate advocate for human rights and has also actively supported missile defense, United Nations reform, and the war against Islamic fascism. Most recently, I have had the pleasure of working with Jeane on the Committee on the Present Danger, which Senator LIEBERMAN and I cochair, and on which she played an important advisory role.

America has lost a great patriot and defender in Jeane Kirkpatrick. She will be sorely missed, but she will certainly be fondly remembered.

HONORING CONGRESSIONAL SERVICE

Mr. KYL. Mr. President, I also will say a word about a couple of my colleagues who are leaving, and I will be brief.

WILLIAM FRIST

I know we were all impressed with the comments of our majority leader, BILL FRIST, yesterday. I wish him godspeed in his new endeavors. He certainly has been a joy to work with as part of the Republican leadership because of his good temperament, his wise counsel, his knowledge of human nature, and his deep commitment to this body, the people of Tennessee and, most importantly, to the United States of America.

DENNIS HASTERT

I also want to acknowledge that we will no longer have as Speaker of the House of Representatives in a couple of weeks a colleague of mine when I first came to the House of Representatives, DENNIS HASTERT of Illinois. I saw DENNIS this morning at the White House with the President, who also acknowledged the great contribution of DENNIS during his period as Speaker of the House. Since we were colleagues coming to the House of Representatives in 1986, I will say a special word of thanks to DENNIS for his service.

KATIE ALTSHULER

Mr. President, I wish to make some comments about Katie Altshuler. Katie has been the head of the Republican policy committee the last several months and has served several of us here in this body, primarily with her work here on the floor of the Senate. Katie will be greatly missed by all the staff of the Republican policy committee but also by the staff of all of the Senate family here, who know that she was a very big part of that Senate family. She and her husband will be returning to Oklahoma. I know all of us wish her well. She is one of those little sparks of humanity who makes life a little bit more worthwhile at some of these long nights and weekends that we occasionally have to spend here in the Senate.

RICK SANTORUM

I also acknowledge that several of my colleagues will not be with us after we conclude our business tonight, tomorrow, the next day, or whenever we are going to conclude our business here, colleagues with whom I have served with a great deal of pleasure. My friend RICK SANTORUM was serving in the leadership. We both served in the House of Representatives. He was a great inspiration to the Republican team here, and I know everyone, Democrat and Republican, respects him for his commitment, values, and ideals.

CONRAD BURNS

CONRAD BURNS is a fellow westerner with whom I have shared much and always enjoyed the humor that CONRAD brought to this body.

JIM TALENT

JIM TALENT from Missouri is another colleague from the House of Representatives. He is another serious and dedicated public servant whom I suspect we will see more of in the future.

GEORGE ALLEN

GEORGE ALLEN, a great colleague with whom I also served one term in the House of Representatives, and whose philosophy of "freedom first" is certainly one that I share. I know we are going to miss GEORGE and his sage counsel in the years to come.

MIKE DE WINE

MIKE DEWINE and I served together on the Judiciary Committee. We came together to the Senate at the same time and I will certainly miss MIKE's friendship as well.

LINCOLN CHAFEE AND PAUL SARBANES

Finally, LINCOLN CHAFEE. Although I mentioned Republicans in this list, I certainly don't want to forget, of course, PAUL SARBANES, who will be leaving at the end of this year, and others in the House of Representatives with whom I served as well. I know we all move on at some time and that none of us is irreplaceable. But by the same token, these colleagues of ours who will be leaving will be missed and they will be remembered for their great service to the Senate, to their States, and to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, what is the current status on the floor?

The PRESIDING OFFICER. We are in a period of morning business.

VETERANS' ACCOMPLISHMENTS AND S. 3421

Mr. CRAIG. Mr. President, I have sought recognition in these waning hours of the 109th Congress to provide a summary of the good work accomplished over the last 2 years on behalf of America's veterans, and to comment on comprehensive legislation that is now pending in the Senate. I provide this summary in my capacity as chairman of the Committee on Veterans' Affairs, a title I will soon pass on to my friend, Senator DANNY AKAKA of Hawaii.

Before the 109th Congress convened, I made a decision to serve as chairman of the Committee on Veterans' Affairs for two fundamental reasons. The first and most important was that our country was at war and continues to be at war, and a nation at war, with hundreds of thousands of young men and women having spent extensive tours overseas in hostile lands, fighting for our country, deserves the full attention of the Senate. Many have died during the course of combat operations. Others have been seriously wounded. Thousands more will transition out of the military service in the coming years and will attempt to reenter the workforce or go to school under the Montgomery GI bill. There simply was no greater calling than for me to assume the leadership role to ensure our Government was effectively assisting the current generation of America's veterans and their families.

Second, I have always been nonplused, I guess, at the characterization that the Committee on Veterans' Affairs was a "B" committee. This characterization exists despite these facts. Mr. President, 24 million Americans have served in the military and are potentially eligible for VA-administered benefits. In addition, VA will soon have a budget over $80 billion, which is one of the largest and fastest growing budgets within Government. And finally, VA has the second largest Federal workforce of any Government agency.

Therefore, it was my goal to elevate the committee's profile and the importance of the veterans' benefits and services by embarking on a course of vigorous oversight and legislative effort and, I believe, accomplishment.

It is my humble opinion that I share the credit with 13 other members of the committee. One of them is here on the floor with me, Senator KAY BAILEY HUTCHISON of Texas, who also served not only on the authorizing committee with me but chairs VA MilCon and has played a critical role in veterans issues. We have been diligent and active participants of the committee, and the business of this committee, in my opinion, has been extremely productive in the last 2 years.

The committee held 52 hearings during the 109th Congress. From the start, our focus was on the combat wounded, the combat deceased, and their families. We held a hearing on the difficulty that surviving spouses have in getting timely and effective, consistent information regarding their benefits following the active-duty death of their loved one.

We held several hearings on whether returned combat veterans are provided with a seamless transition—many of us have heard those words used—from active duty to civilian life. We are still working with DOD on that, to make sure it is truly seamless.

We focused on medical and vocational needs of our severely wounded. We examined the research being done within the VA to advance our understanding of various diseases and disabilities confronting veterans in the hope that advances in medical science and technology could one day improve their lives. And there is clear evidence today that that very thing is happening.

The committee was particularly active in examining VA's budget needs, and no one can argue about the high priority this Congress placed on funding the VA system.

The total VA budget will have increased from approximately $63 billion at the end of fiscal year 2004 to over $80 billion upon enactment of a fiscal year 2007 appropriations bill, an increase of 27 percent.

In addition to resources provided, this Congress has put in place a system of accountability to ensure that the appropriations provided to VA are being used to meet the needs of those who rely on the vital health care provided by VA facilities around the Nation.

By law, VA now submits quarterly reports to the Congress on its budget that contain a comparison between VA's planned expenditures and actual expenditures.

More importantly, VA is required to include quality indicators in this report, such as the percentage of primary care appointments scheduled within 30 days of a patient's desired date.

I am confident that the Congress has the mechanisms in place to know, on short order, if VA's budget needs are outpacing its resources, and is therefore equipped to take swift remedial action if necessary.

On the legislative front, the Senate has continued to do the work expected of it by the men and women we serve and represent. Let me give a quick accounting of the legislative provisions that were enacted into law during this Congress:

First S. 1234 and S. 2562. In both the first and second sessions of the Congress, cost-of-living-adjustment legislation was enacted to increase the rates of disability compensation and survivors' compensation. Benefit rates were increased by 4.1 percent for 2006 and will be increased by 3.3 percent for 2007.

Second, Traumatic Injury Protection under Servicemembers' Group Life Insurance, T–SGLI. In many instances the wives, parents, and other family members of servicemembers who are traumatically injured incur substantial financial obligations in order to spend time with their loved ones during recovery periods at military hospitals.

Under the provisions of Public Law 109–13, those traumatically wounded since the start of OIF and OEF as a result of combat wounds are eligible for financial payments which range from $25,000 to $100,000 for qualifying injuries, depending on severity. To date, more than 2,500 wounded servicemembers have received payments as a direct result of this legislation.

As of December 1, 2005, all servicemembers and Reservists insured under the Servicemembers' Group Life Insurance program are also covered under the T–SGLI benefit. The coverage extends to all qualifying injuries regardless of whether injuries are incurred as a result of combat.

Under the provisions of H.R. 3200, the maximum coverage for members of the Armed Forces and veterans of the Servicemembers Group Life Insurance and the Veterans Group Life Insurance benefit was increased from $250,000 to $400,000.

The bill, as enacted, also requires that spouses be notified when members insured under T–SGLI elect less than maximum coverage or designate a beneficiary other than the spouse or the children or the child.

In fiscal year 2006, the National Defense Authorization Act, H.R. 1815, under provisions of H.R. 1815 and as a result of veterans committees oversights, the Department of Defense was directed to provide customized integrated information to survivors of those killed on active duty about their future Federal benefits through an Internet Web site.

I was amazed when we started these hearings that we were still dealing with a hodgepodge of approaches of how we dealt with the surviving spouse of a lost one.

DOD was also directed to develop a uniform policy on providing casualty assistance to survivors. I would like to especially thank Senators Warner and Levin for their cooperation on that bill.

Also under H.R. 1815, a provision was adopted to prohibit military funeral honors and burial in VA national cemeteries and in Arlington National Cemetery to any person who is convicted of a Federal or State capital murder for which a sentence of death or life in prison may be imposed

We had an example of a fellow from Maryland who had killed two elderly people and was sentenced to death, died in prison, and was buried at Arlington. This provision was adopted following our committee's oversight and hearing of that double murder that I just expressed. I will speak more to my colleagues about the status of the double murder incident in a moment.

In June of 2006 President Bush signed into law S. 1235, a bill to help severely injured servicemembers in their transition from the military to their civilian lives. It authorizes VA to make grants available—ranging from $2,000 to $14,000—to assist with housing adaptations on a family member's home in which a severely disabled veteran is living.

It allows servicemembers, who have been legally determined 100 percent disabled when they separated from the military, up to 2 years from that date to apply for premium-free Servicemembers' Group Life Insurance coverage. Finally, it enables them to convert their coverage to Veterans' Group Life Insurance, or an individual plan or policy, during the same 2-year period.

As to H.R. 5037, undoubtedly most of my colleagues are aware of the fringe group which has used its protected free speech rights to deliberately disrupt funerals of our military heroes. That is why the Senate voted unanimously to put reasonable restrictions on demonstrations at VA cemeteries and Arlington National Cemetery.

An amendment was put forward on the floor of the Senate balancing the rights of grieving families to a dignified funeral ceremony; the rights of private property owners who live near cemeteries to be free from overly intrusive Federal laws; and the rights of demonstrators to have their message heard. The amendment was accepted, the bill was passed, and it is now Federal law.

In addition to the bills already enacted into law, the House and Senate Committees on Veterans' Affairs have agreed on a comprehensive substitute amendment to S. 3421, which has cleared the House and awaits Senate action. I urge my colleagues to support this important bill.

S. 3421, the "Veterans Benefits, Health Care, and Information Technology Act of 2006," contains provisions that would: enhance veterans' health, education, memorial affairs, and other benefit programs; improve VA's information technology infrastructure; authorize the construction of needed VA medical facilities; improve services for homeless veterans; remove the remains of a convicted double murderer from Arlington National Cemetery; and, I am proud to say, repeal an outdated and paternalistic law that limits the ability of veterans to hire an attorney to represent them during the VA claims process.

While a fuller accounting of the provisions of S. 3421 can be found in the Joint Explanatory Statement language accompanying the amendment text in the Congressional Record—and I ask unanimous consent that the Joint Explanatory Statement be printed in the Record along with the text of the substitute amendment to S. 3421,—I will make a few remarks about three provisions of note that I have championed.

There being no objection, the material was ordered to be printed in the Record, as follows:

JOINT EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 3421, AS AMENDED

S. 3421, as amended, the "Veterans Benefits, Healthcare, and Information Technology Act of 2006," reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: H.R. 1220, as amended, H.R. 3082, as amended, H.R. 5815, as amended, H.R. 5835, as amended, H.R. 6314, H.R. 6342 (House Bills) and S. 716, S. 1182, as amended, S. 2694, as amended, and S. 3421, as amended (Senate Bills).

H.R. 1220, as amended, passed the House on July 13, 2005; H.R. 3082, as amended, passed the House on July 24, 2006; H.R. 5815, as amended, passed the House on September 13, 2006; H.R. 5835, as amended, passed the House on September 26, 2006; H.R. 6314 passed the House on November 14, 2006; H.R. 6342 passed the House on December 6, 2006 and passed the Senate on December 7, 2006; S. 716 passed the Senate on December 22, 2005; S. 1182, as amended, passed the Senate on December 22, 2005; S. 2694, as amended, passed the Senate on August 3, 2006; and S. 3421 passed the Senate on September 26, 2006.

The Committees have prepared the following explanation of S. 3421, as further amended, to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—ATTORNEY REPRESENTATION MATTERS

ATTORNEY REPRESENTATION IN VETERANS' BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS

Current law

Chapter 59 of title 38, United States Code, establishes policies and procedures with respect to individuals acting as agents and attorneys before the Department of Veterans Affairs (VA). Section 5901 of title 38, United States Code, generally requires that any agent or attorney be recognized by the Secretary in order to act in the preparation, presentation, or prosecution of a claim before VA. Section 5902(a) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain organizations to act in that capacity for claims before VA and section 5903 of title 38, United States Code, authorizes the Secretary to recognize an individual for purposes of a specific claim before VA. Section 5904(a) of title 38, United States Code, provides general authority for the Secretary to recognize agents or attorneys to act as representatives in the preparation, presentation, and prosecution of claims before VA. To be recognized under section 5904(a) of title 38, United States Code, the Secretary may require that the individual show that he or she is of good moral character and in good repute, is qualified, and is competent. For agents or attorneys recognized under section 5904(a) of title 38, United States Code, the Secretary is authorized to suspend or exclude the individual from practicing before VA for any of the reasons set forth in section 5904(b) of title 38, United States Code. Section 5904(c) of title 38, United States Code, generally provides that an agent or attorney may not charge a fee for services "provided before the date on which the Board of Veterans' Appeals first makes a final decision in a case." Section 5905 of title 38, United States Code, specifies that individuals may be fined or imprisoned for impermissibly charging, soliciting, or receiving a fee other than as provided in section 5904(c) of title 38, United States Code.

Senate bill

Section 101(a)(1) of S. 2694, as amended, would add three new subparagraphs to section 5904(a) of title 38, United States Code. New subparagraph (2) would authorize the Secretary to issue regulations prescribing qualifications and standards of conduct that individuals must satisfy to be recognized under section 5904(a) of title 38, United States Code, including having a specified level of experience or specialized training. New subparagraph (3) would authorize the Secretary to issue regulations setting forth reasonable restrictions on the amount of fees that an agent or attorney may charge for services rendered in connection with a claim before VA. New subparagraph (4) would authorize the Secretary to charge a periodic registration fee to agents or attorneys recognized under section 5904(a) of title 38, United States Code, in order to help defray any costs to VA in collecting such fees, recognizing individuals under section 5904(a) of title 38, United States Code, administering the payment of fees, and overseeing agents or attorneys.

Section 101(a)(2) and (3) of S. 2694, as amended, would amend sections 5902 and 5903 of title 38, United States Code, to subject individuals recognized under those sections to suspension from practice before VA for any of the reasons specified in section 5904(b) of title 38, United States Code. Section 101(b) of S. 2694, as amended, would amend section 5904(b) of title 38, United States Code, to allow the Secretary to suspend an individual from practicing before VA if the individual presents frivolous claims, issues, or arguments to VA or fails to comply with any other conditions specified by the Secretary in regulations. Those new bases for suspension, as well as the bases currently listed in section 5904(b) of title 38, United States Code, would apply to any individual recognized under section 5902(a), section 5903, or section 5904(a) of title 38, United States Code.

Section 101(c) of S. 2694, as amended, would repeal the provisions of section 5904(c) of title 38, United States Code, that prohibit agents or attorneys from charging a fee for services rendered prior to the date on which the Board of Veterans' Appeals first makes a final decision in the case. The purpose of this section would be to allow any individual to hire an agent or attorney to represent the individual at any stage of the VA proceedings. As conforming changes, section 101(d) would modify the requirements for attorneys to file fee agreements with VA and section 101(e) would authorize the Secretary to review attorney fee agreements. In addition, section 101(f) would amend 5905 to strike the criminal penalties applicable to an individual who impermissibly solicits, charges, or receives a fee for services provided in connection with a proceeding before VA.

Finally, section 101(g) of S. 2694, as amended, would set forth the effective date for the provisions of section 101. In general, the provisions of section 101 would be effective 6 months after the date of enactment. However, the provisions that would provide additional bases for suspension, repeal the limitation on hiring agents or attorneys, modify the requirements for filing fee agreements, and modify the Secretary's authority to review fee agreements would apply only to claims submitted to VA on or after the effective date.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 101 of the Compromise Agreement generally follows the Senate language, except that it would allow individuals to hire an agent or attorney only after a notice of disagreement has been filed in a case as provided in section 7105 of title 38, United States Code. In addition, the Secretary would be required to prescribe in regulations the qualifications and standards of conduct for recognizing individuals under section 5904(a) of title 38, United States Code. The Secretary also would be required to prescribe in regulations a requirement that an individual recognized under section 5904(a) of title 38, United States Code, annually provide to VA information about all jurisdictions where the individual is admitted to practice law, relevant identification numbers, and a self-certification that the individual is in good standing in all such jurisdictions.

The Compromise Agreement would allow the Secretary to suspend or exclude an individual recognized under section 5904(a) of title 38, United States Code, from practicing before VA if the individual charges excessive or unreasonable fees and would preclude the agent or attorney from being reinstated unless the excessive fees are refunded to the client. It would also add language to the effect that fees that represent no more than 20 percent of an award of past-due benefits shall be presumed reasonable.

The Compromise Agreement would prohibit the Secretary from recognizing an agent or attorney under section 5904(a) of title 38, United States Code, if the agent or attorney has been suspended or disbarred and would permit the Secretary to suspend or exclude an agent or attorney for that reason.

Finally, the Secretary would be permitted to charge agents or attorneys an assessment in circumstances when a fee for services is provided directly by the Secretary to an agent or attorney from past-due benefits. The assessment would be equal to 5 percent of the amount of such fees to be paid to the agent or attorney, except that the amount of the assessment may not exceed $100. The Committees intend that these assessments would assist VA with the cost of processing payments of attorneys' fees.

The Compromise Agreement would also require the Secretary to report to the Committees, 42 months after the date of enactment, on the effect of permitting representation, for a fee, after a notice of disagreement is filed, and recommend any changes to that law.

TITLE II—HEALTH MATTERS

ADDITIONAL MENTAL HEALTH PROVIDERS

Current law

Chapter 74 of title 38, United States Code, authorizes VA to hire a wide range of clinical care personnel to provide treatment to veterans who seek health services from the Department. Because the hiring authority is specific to listed medical professionals, VA is not permitted to employ any professional not mentioned in statute.

Senate bill

Section 5 of S. 1182, as amended, would establish qualifications and add the professions of Marriage and Family Therapist and Licensed Mental Health Counselor to the list of clinical care providers VA is authorized to hire.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 201 of the Compromise Agreement follows the Senate language.

PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES

Current law

Section 7451 of title 38, United States Code, prohibits VA from paying the position of Chief Nursing Officer, Office of Nursing Services, at a rate that exceeds the maximum rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

Senate bill

Section 6 of S. 1182, as amended, would exempt the position of Chief Nursing Officer, Office of Nursing Services, from the provisions of section 7451 of title 38, United States Code.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 202 of the Compromise Agreement follows the Senate language.

IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES

Current law

Various provisions in subchapter II, chapter 17 of title 38, United States Code, authorizes VA to provide mental health care and readjustment counseling services to veterans enrolled in the VA health care system.

Senate bill

Section 8 of S. 1182, as amended, would direct VA to expand and improve programs and services in a number of settings in order to ensure that VA can adequately address the mental health needs of returning servicemen and women, and would authorize the appropriation of $95,000,000 in each of fiscal years 2006 and 2007 to carry out the provisions contained in this section.

VA would be directed to expand the number of clinical treatment teams principally dedicated to the treatment of PTSD; expand treatment and diagnosis services for substance abuse; expand tele-health initiatives principally dedicated to mental health care in communities located great distances from current VA facilities; improve programs that provide education in mental health treatment to primary care clinicians; and expand the number of Community-Based Outpatient Clinic (CBOC) capable of providing treatment for mental illness.

It would also require VA to ensure that it has the capacity to provide, or monitor the provision of, mental health services at every CBOC in the system. As part of this, VA would be directed to establish performance standards and working environments that give appropriate recognition to the importance of mental health care.

Additionally, require VA to meet the needs of any veteran who entered a VA health care facility seeking mental health or substance abuse treatment and would provide VA the option of using tele-mental health services or contracting to implement the law.

It would require the Secretaries of Defense and Veterans Affairs to establish a joint VA and Department of Defense (DOD) workgroup that would consist of seven experts in the fields of mental health and readjustment counseling from each Department. The workgroup would examine ways to combat stigmas associated with mental health to better educate families of servicemembers about how to deal with such issues, and would require the Departments to report to Congress on their findings.

It would also require VA and DOD to enter into a Memorandum of Understanding to ensure that all separating servicemembers receive mental health and sexual trauma screening.

It would direct VA to establish systemwide guidelines for screening primary care patients for potential mental health issues or disorders, as well as to conduct appropriate training for clinicians of the Department to carry out mental health consultations.

It would require VA's National Center on Post-Traumatic Stress Disorder (PTSD) to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment. It would also direct the two entities to develop joint training and protocols to ensure consistency and authorize the appropriation of $2,000,000 for fiscal year 2006 for the purpose of carrying out these requirements.

House bill

H.R. 1588, the Comprehensive Assistance for Veterans Exposed to Traumatic Stress Act of 2005, introduced by Ranking Member Lane Evans, would direct the VA to expand and enhance mental health care services for veterans.

Compromise agreement

Section 203 of the Compromise Agreement would incorporate provisions from H.R. 1588 and follow the Senate language that would include only the provisions to require VA to ensure that each CBOC of the Department has the capacity to provide, or monitor the provision of, mental health services; require VA to submit a report to Congress not later than January 31, 2008, on the capacity of the Department to provide mental health services at each CBOC operated by the Department; require VA to establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses, as well as conduct appropriate training for clinicians of the Department to carry out mental health consultations; require VA's National Center on PTSD to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment; direct the two Departments to develop joint training and protocols to ensure consistency; and authorize to be appropriated $2,000,000 for the purpose of carrying out the collaborative PTSD requirements.

DISCLOSURE OF MEDICAL RECORDS

Current law

State and private sector health care providers currently provide such information to Organ Procurement Organizations (OPOs) pursuant to a regulation promulgated by the Department of Health and Human Services under section 1320b–8(a)(1)(A)(iii) of title 42, United States Code. Section 5701(a) and section 7332 of title 38, United States Code, prevent VA from providing OPOs with VA patient names, home addresses and general medical information, and any treatment information for sickle cell anemia, substance abuse, and treatment for HIV infection.

Senate bill

Section 9 of S. 1182, as amended, would ensure that DOD not violate the Health Insurance Portability and Accountability Act (HIPAA) regulation by providing VA with access to certain medical records of servicemembers while the future VA beneficiary is still on active duty. In addition, the section would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 204 of the Compromise Agreement follows would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor and explicitly include eye and tissue banks as recognized OPOs.

EXPANSION OF TELE-HEALTH SERVICES

Current law

No applicable current law.

Senate bill

Section 11 of S. 1182, as amended, would direct VA to increase the number of Veterans Readjustment Counseling Service (Vet Center) facilities capable of providing health services and counseling through telehealth linkages with other facilities of the Veterans Health Administration (VHA); and require VA to submit a plan to the Committees on Veterans' Affairs of the Senate and the House of Representatives to implement this requirement at the end of each of fiscal years 2005, 2006, and 2007.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 205 of the Compromise Agreement follows the Senate language with a modification that revises the requirement to implement the plan at the end of fiscal years 2007, 2008, and 2009.

STRATEGIC PLAN FOR LONG-TERM CARE

Current law

Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, among other things, required VA to develop a program of non-institutional long-term care services and mandated that VA maintain the institutional staffing and level of extended care services at, or above, the level of staffing and services during fiscal year 1998.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 13 of S. 1182, as amended, would require VA to publish a strategic plan for long-term care not later than 180 days after the date of enactment.

Compromise agreement

Section 206 of the Compromise Agreement follows the Senate language.

BLIND REHABILITATION OUTPATIENT SPECIALISTS

Current law

No applicable current law.

Senate bill

Section 14 of S. 1182, as amended, would require VA to establish Blind Rehabilitation Outpatient Specialists (BROS) at not fewer than 35 additional VA facilities not later than 30 months after the date of enactment.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 207 of the Compromise Agreement follows the Senate language.

EXTENSION OF CERTAIN COMPLIANCE REPORTS

Current law

Section 1706(b)(5)(A) of title 38, United States Code, required VA to submit to the Committees a report on its compliance with the so-called specialized services capacity requirement set forth in section 1706 of title 38, United States Code. Section 542(c)(1) of title 38, United States Code, requires the Advisory Committee on Women Veterans, through 2004, to submit a report to the Secretary of VA not later than July 1 of each even-numbered year on the programs and activities of the Department that pertain to women veterans.

House bill

Section 5 of H.R. 6342 would reauthorize the biennial report of the Advisory Committee on Women Veterans to submit the biennial report to the VA Secretary.

Senate bill

Section 15 of S. 1182, as amended, would reestablish the requirement to submit a compliance report through 2006.

Compromise agreement

Section 208 of the Compromise Agreement contains the Senate language to reestablish the requirement to submit a report on its compliance with specialized services capacity report with a modification to change the date to 2008 and also contains the House language that would extend the biennial report of the Advisory Committee on Women Veterans through 2008.

PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE

Current law

No applicable current law.

Senate bill

Section 401 of S. 2694, as amended, would add a new section to title 38, United States Code, which would authorize VA to designate at least six Parkinson's Disease Research, Education, and Clinical Centers of Excellence (PADRECCs) and at least two Multiple Sclerosis Centers of Excellence (MSCoEs).

House Bill

Section 6 of H.R. 6342 contains a comparable provision.

Compromise agreement

Section 209 of the Compromise Agreement follows the House language. Both the Senate and House express strong support for VA to continue centralized funding of the PADRECCs and MSCoEs to provide clinical care for veterans and to support the research, education and clinical care work of the centers. The expectation of the managers is that the VA would provide at least $6,000,000 in FY 2007 and $6,200,000 in FY 2008 to allow the work of the six established PADRECCs to continue.

REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS

Current law

Section 305(c) and section 306(c) of title 38, United States Code, respectively, limits the terms of office of the Under Secretary for Health and the Under Secretary for Benefits.

Senate bill

Section 402 of S. 2694, as amended, would repeal the 4-year terms of office for the Under Secretary for Health and Under Secretary for Benefits positions.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 210 of the Compromise Agreement follows the Senate language.

MODIFICATIONS TO STATE HOME AUTHORITIES

Current law

Section 1741 of title 38, United States Code, establishes criteria for VA payments to States for the care of veterans in State veterans' homes. Service-connected veterans residing in State veterans' homes are not eligible to receive a VA medication benefit unless their service-connected disability necessitated the State home care.

There is no comparable provision in current law which speaks to rural access in State veterans' homes.

Senate bill

Section 403 of S. 2694, as amended, would amend chapter 17 of title 38, United States Code, by inserting a new section 1745. The new section 1745 would require the Secretary to reimburse State veterans' homes for the cost of care of a veteran with a 70 percent or greater service-connected condition and would require that medications be provided, at no cost, to veterans with a 50 percent or greater service-connected disability. Additionally, section 403 would authorize the Secretary to conduct a pilot program to deem a total of 100 beds in non-VA facilities to be eligible for State veterans' home per diem payments.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 211 of the Compromise Agreement follows the Senate language.

OFFICE OF RURAL HEALTH

Current law

No applicable current law.

Senate bill

Section 404 of S. 2694, as amended, would create an Office of Rural Health in the Office of the Under Secretary for Health.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 212 of the Compromise Agreement follows the Senate language with a modification to also require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives that identifies CBOC and access points identified in the Capital Asset Realignment for Enhanced Services (CARES) May 2004 Decision Document. Section 212 also includes a modification of section 4 of H.R. 5524, the Rural Veterans Health Care Act of 2006.

OUTREACH PROGRAM TO VETERANS IN RURAL AREAS

Current law

No applicable current law.

House bill

Section 2 of H.R. 5524 would require VA to conduct an extensive outreach program to identify and provide information on eligibility to enroll in VA health care to veterans who reside in rural communities and served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 213 of the Compromise Agreement follows the House language.

PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES

Current law

Section 1710B of title 38, United States Code, provides for the establishment of noninstitutional extended care services to eligible veterans.

Senate bill

Section 405 of S. 2694 would require VA to conduct a two year pilot program to improve assistance provided to caregivers, particularly in home-based settings and authorize the appropriations of not less than $5,000,000 for each fiscal year for the purposes of carrying out the pilot program. Special consideration regarding allocations of funds should be given to rural facilities, including those without a long-term care facility of the Department.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 214 of the Compromise Agreement follows the Senate language with a modification to authorize the appropriations of $5,000,000 for fiscal year 2007 and fiscal year 2008 for the purposes of carrying out the pilot program.

EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS

Current law

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

Senate bill

Section 2 of S. 716 would authorize 50 additional veterans of OEF and OIF to perform outreach efforts for Vet Centers; allow these veteran-employees to be assigned to any Vet Center deemed appropriate by the Secretary; and not subject these outreach coordinators to VA's stipulation that these positions be subject to only three years of hiring authority.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 215 of the Compromise Agreement follows the Senate language with a modification to authorize no fewer than 100 additional veterans to perform outreach efforts.

CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING

Current law

Section 1783 of title 38, United States Code, allows VA to provide bereavement counseling to a veteran and to an individual who is a member of the immediate family of a member of the Armed Forces who dies while on active duty.

Senate bill

Section 3 of S. 716 would provide express authority for Vet Centers to provide bereavement counseling to all immediate family members of a member of the Armed Forces who dies while on active duty.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 216 of the Compromise Agreement follows the Senate language.

FUNDING FOR VET CENTER PROGRAM

Current law

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

Senate bill

Section 4 of S. 716 would authorize to be appropriated for fiscal year 2006, $180,000,000 for the provision of readjustment counseling and related mental health services through Vet Centers.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 217 of the Compromise Agreement follows the Senate language with a modification to authorize appropriations for fiscal year 2007 rather than fiscal year 2006.

TITLE III—EDUCATION MATTERS

EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Current law

Section 3501 of title 38, United States Code, provides that in certain circumstances spouses or children of servicemembers or veterans may be eligible for VA education benefits. In general, the spouse or child of a veteran may be eligible for the Dependants' Educational Assistance program (DEA) if the veteran died from a service-connected disability or is permanently and totally disabled by a service-connected disability. In addition, a spouse or child of an active duty servicemember may be eligible for DEA if the servicemember has been missing in action, captured by a hostile force, or forcibly detained by a foreign power for more than 90 days. However, if the servicemember suffers a severe injury in service and remains on active-duty status pending discharge while receiving treatment, the spouse or child is not eligible for DEA until the servicemember is actually discharged from active duty.

House bill

Section 3 of H.R. 6342 would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment and is determined by the Secretary of Veterans Affairs to have a total disability permanent in nature incurred or aggravated in the line of duty and is likely to be discharged or released from active duty service for such disability.

Senate bill

Section 8 of S. 3421, as amended, would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability.

Compromise agreement

Section 301 of the Compromise Agreement generally follows the House language.

RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY

Current law

Chapters 30, 31, and 32 of title 38, United States Code, provide restoration of lost education benefits under VA education programs to certain recipients called to active duty under title 32, United States Code, (fulltime National Guard duty) after September 11, 2001.

House bill

Section 404 of H.R. 3082, as amended, would restore lost entitlement to individuals receiving education benefits under chapter 35 of title 38, United States Code, who were called to active duty under title 32, United States Code, after September 11, 2001.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 302 of the Compromise Agreement follows the House language.

EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NON-ACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION

Current law

Section 3676(c) of title 38, United States Code, requires that all non-accredited institutions have a pro-rata refund policy to be approved for veterans' education benefits.

House bill

Section 401 of H.R. 3082, as amended, would exempt Federal, state or local government institutions or institutions primarily supported by funding from a Federal, state or local government entity from the rule that requires a non-accredited education program to have a pro-rata refund policy.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 303 of the Compromise Agreement follows the House language.

EXTENSION OF WORK-STUDY ALLOWANCE

Current law

Section 3485 of title 38, United States Code, establishes work-study policies for veteran-students and eligible dependents. In general, VA work-study students may do the following: prepare or process VA paperwork at schools or VA facilities; assist those providing care providers at VA hospitals and domiciliaries; work at Department of Defense facilities in certain circumstances; assist outreach services at State approving agencies; work at State veterans' cemeteries and national cemeteries; or assist care providers at State homes. The authority for work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes expires on December 27, 2006.

House bill

Section 402 of H.R. 3082, as amended, would extend work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes until June 30, 2007.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 304 of the Compromise Agreement follows the House language.

DEADLINE AND PERMANENT REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM

Current law

Section 3036 of title 38, United States Code, requires both VA and DoD to submit to Congress separate, biennial reports on the operation of the Montgomery GI Bill educational assistance program. The reporting requirement expired on January 1, 2005.

House bill

Section 4 of H.R. 6342 would require VA and DoD to submit separate reports to Congress no later than 6 months after the date of enactment and repeal the termination of the biennial reporting requirement.

Senate bill

Section 304 of S. 2694, as amended, contains a similar provision that would reinstate the biennial reporting requirement and extend it until January 1, 2011.

Compromise agreement

Section 305 of the Compromise Agreement generally follows the Senate language.

REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS

Current law

No applicable current law.

House bill

Section 403 of H.R. 3082, as amended, would require the Secretary to report to Congress 180 days after enactment of this Act on ways to streamline the administrative processes and procedures of veterans' education benefits.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 306 of the Compromise Agreement follows the House language.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL

Current law

Section 2306(b) of title 38, United States Code, authorizes the Secretary to furnish, upon request, an appropriate memorial headstone or marker for commemorating an eligible veteran, spouse, or surviving spouse whose remains are unavailable for burial. Such a headstone or marker must be placed in an area of a national cemetery reserved for that purpose, a veterans' cemetery owned by a state, or, in the case of a veteran, in a state, local, or private cemetery. Under section 2306(f) of title 38, United States Code, when the Secretary has furnished a memorial headstone or marker for an unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker for the surviving spouse of such individual.

House bill

Section 203 of H.R. 3082, as amended, would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided under section 2603(a) of title 38, United States Code.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 401 of the Compromise Agreement follows the House language.

PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES

Current law

Section 2306(d) of title 38, United States Code, authorizes the Secretary to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery, who died on or after September 11, 2001. The authority expires on December 31, 2006.

House bill

Section 202 of H.R. 3082, as amended, would make permanent the Secretary's authority to furnish a government marker or headstone, and would expand the program to include veterans who died between November 1, 1990 and September 10, 2001.

Senate bill

Section 203 of S. 2694 contains a similar provision.

Compromise agreement

Section 402 of the Compromise Agreement would extend the program to December 31, 2007.

ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS

Current law

Section 2408 of title 38, United States Code, authorizes the Secretary to make grants to states to assist them in establishing, expanding, or improving State veterans' cemeteries.

House bill

Section 201 of H.R. 3082, as amended, would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. The tribal organization would be required to submit the necessary grant application and meet related prerequisites similar to any state applicant.

Senate bill

Section 201 of S. 2694, as amended, contains a similar provision.

Compromise agreement

Section 403 of the Compromise Agreement contains this provision.

REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY

Current law

No applicable current law.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 202 of S. 2694, as amended, would direct the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. In addition, section 202 would make several Congressional findings, including a finding that Russell Wayne Wagner is the only individual convicted of a capital offense who has been interred or inurned in Arlington since 1997, the year Congress first expressed its intent to keep the remains of such offenders out of national cemeteries.

Compromise agreement

Section 404 of the Compromise Agreement generally follows the Senate language.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

RESIDENTIAL COOPERATIVE HOUSING UNITS

Current law

Under the provisions of chapter 37 of title 38, United States Code, VA is authorized to guarantee loans for eligible veterans and survivors to buy or build a home; to buy a residential condominium; to repair, alter or improve a home; to refinance an existing home loan; to buy a manufactured home with or without a lot; to buy and improve a manufactured home lot; to install a solar heating or cooling system or other weatherization improvements; or to buy a home and install energy-efficient improvements. Current law does not include the purchase of stock in a cooperative housing corporation (cooperative) amongst the home loans VA may guarantee.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 601 of S. 2694, as amended, would extend VA's authority to guarantee loans to the purchase of stock or membership in a cooperative.

Compromise agreement

Section 501 of the Compromise Agreement generally follows the Senate language; however, the authority for VA to guarantee share loans in cooperatives would terminate 5 years after the date of enactment.

DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS

Current law

Under current law, VA is required to comply with title 15, United States Code, which establishes policies with respect to aid to small businesses. Title 38, United States Code, does not contain any requirements for the Secretary with regard to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

House bill

Section 101 of H.R. 3082, as amended, would add a new section 8127 to title 38, United States Code, to govern how VA contracts with veteran and service-disabled veteran-owned small businesses desiring to contract with VA.

New section 8127 would require the Secretary to establish contracting and subcontracting goals for each fiscal year for contracts with small businesses owned and controlled by veterans and service-disabled veterans. Performance appraisals of senior officials and Assistant Secretaries with procurement authority would be required to include whether the annual contracting goals of their administrations or organizations were met. VA would be required to conduct reviews of contracts and subcontracts to verify that contracts and subcontracts were actually awarded to veterans' businesses as outlined in their contract or subcontract.

VA would be allowed to award non-competitive contracts to small businesses owned and controlled by veterans when the amount of the contract is below the simplified acquisition threshold as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. §403). Further, contracting officers would be allowed, but not required, to award sole source contracts to small businesses owned and controlled by veterans to meet the annual goal set by the Secretary for contracts above the simplified acquisition threshold but below $5,000,000. Contracting officers would retain the option to restrict competition to small businesses owned and controlled by veterans if the contracting officer has an expectation that two or more such businesses owned by veterans will submit offers for the contract including all contracts exceeding $5,000,000.

To be awarded a contract under the new section small businesses owned and controlled by veterans would be required to be listed in a database of veteran-owned and service-disabled veteran-owned small businesses maintained by the Secretary. The Secretary would verify that each small business is owned and controlled by a veteran and in the case of a service-disabled veteran, the veteran's service-disabled status. New section 8127 would make the database available to all Federal departments and agencies and determine whether certain types of information would be restricted to the public. New section 8127 would also bar any small business that misrepresented itself to the Department as a small business owned and controlled by a veteran or service-disabled veteran from contracting with the Department for a period of 5 years.

A small business owned and controlled by one or more veterans would continue to be recognized as such after the death of a veteran if a surviving spouse of a veteran acquires a majority ownership interest. This small business would be recognized as a veteran-owned or service-disabled veteran-owned small business until the earliest of the following: (a) the date on which the surviving spouse remarries; (b) the date the surviving spouse relinquishes ownership; or (c) 10 years after the date of the veteran's death.

New section 8127 would give preference to small businesses owned and controlled by veterans relative to other set-aside groups and within other set-aside groups when another set-aside contracting preference category is being used by VA.

The Secretary would be required to provide quarterly reports to the Committees that would include percentage of contracts awarded by the Department and each Administration of the Department to small businesses owned and controlled by veterans and service-disabled veterans.

Finally, section 101 of H.R. 3082, as amended, would provide a transition rule that would allow small businesses currently listed on VA's current database of veteran-owned small businesses to retain veteran-owned status. After one year, the business may be removed if found not to be a small business owned and controlled by one or more veterans. The Comptroller General would be required to conduct a study on the efforts of the Secretary to meet the goals established in section 8127 for the first 3 fiscal years after date of enactment and report to Congress on January 31 of each such year. Not later than 90 days after the end of the study, the Comptroller General would be required to submit a report to Congress on the findings of the study.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 502 of the Compromise Agreement generally follows the House language except for the following: (1) senior VA officials performance appraisals would not include contracting goals; (2) a small business owned and controlled by a veteran would continue to be recognized as such only if the veteran was rated as 100 percent service disabled or died due to a service-connected disability; (3) the Secretary would be required to give annual reports to the Committees; (4) and the Comptroller General would be required to brief the Committees on the efforts of the Secretary for the first 3 fiscal years and report 180 days after the end of the time period.

The Committees are fully aware that the Department has several statutory small business set-aside procurement goals and that the process of meeting those goals is accomplished throughout a fiscal year. The Committees also understand that meeting the various goals is done in parallel, not sequentially. For example, the Committees recognize that for a given acquisition, there may not be any qualified veteran or service-disabled veteran-owned businesses, however there may be qualified businesses from another set-aside authority that could fulfill the contract.

The intent of this provision in the Compromise Agreement is to emphasize the importance of meeting the contracting goals for veteran and service-disabled veteran-owned businesses by giving those competitive parity with other set-aside categories. The Committees also seek to give contracting officers the tools to meet veteran and service-disabled veteran-owned business set-aside goals.

The Committees anticipate that acquisition officials will exercise reasonable judgment when attempting to meet the several set-aside goals including giving "preference" to veteran or service-disabled veteran-owned businesses. The goals for veteran and service-disabled veteran owned businesses are not in any way intended to prevent attainment of other set-aside goals.

DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES

Current law

Title 38, United States Code, does not require the Secretary to give preferences to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

House bill

Section 102 of H.R. 3082, as amended, would create a new section 8128 that would give priority to small businesses owned and controlled by veterans.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 503 of the Compromise Agreement follows the House language.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' TRAINING INSTITUTE REQUIRED

Current law

Section 4102A of title 38, United States Code, sets the conditions for the funds that states receive to carry out employment services for veterans. Training for Disabled Veterans' Outreach Program Specialists (DVOPS) and Local Veterans' Employment Representatives (LVERs) by the National Veterans' Training Institute (NVTI) is not required under current law as a condition for funds.

House bill

Section 304 of H.R. 3082, as amended, would, as a condition of a grant or contract from the Veterans Employment and Training Service (VETS), require all new DVOPS or LVERs to complete training provided by NVTI within 3 years of designation as or being assigned the duties of a DVOPS or LVER. If the Secretary of Labor did not provide an exception to a state, the Secretary may reduce the amount of the grant or contract for the state for non-compliance. The states would be required to submit information on employee training at NVTI to VETS. Employees designated or assigned the duties of DVOPS and LVERs with 5 years of service would be exempt from the requirement and those with less than 5 years would be required to complete training within 5 years of the date of enactment of this provision.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 601 of the Compromise Agreement generally follows the House language except that the Secretary would be authorized to establish reasonable exceptions to the required completion of the training at NVTI. The Compromise Agreement would require any DVOPS or LVERs, who are designated as such on or after January 1, 2006, to complete the required training within 3 years after the date on which the employee was so designated.

RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Current law

Section 4103A of title 38, United States Code, establishes that employees hired as DVOPS may be employed as full- or part-time. Section 4104 of title 38, United States Code, establishes that employees hired as LVERs may be employed as full-time or part-time.

House bill

Section 302 of H.R. 3082, as amended, would clarify that part-time employment of DVOPS and LVERs may not be less than half-time only employment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 602 of the Compromise Agreement follows the House language.

PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES

Current law

Section 4112 of title 38, United States Code, allows states to provide performance incentive awards to DVOPS and LVERs for quality employment, training, and placement services to veterans.

House bill

Section 307 of H.R. 3082, as amended, would allow the Assistant Secretary of VETS to provide incentive awards to employment service offices as well as eligible employees.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 603 of the Compromise Agreement follows the House language.

DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS

Current law

No applicable current law.

House bill

Section 309 of H.R. 3082, as amended, would establish a new section, 4114, in title 38, United States Code, that would require VETS to begin a program to promote credentialing and licensing of veterans in occupations related to their military training and experience. VETS would be required to identify a minimum of 10 military occupational specialties to begin the program. New subsection 4114 would allow the Assistant Secretary for VETS to enter into a contract to carry out the demonstration project. The demonstration project would be required to begin 60 days after date of enactment and end on September 30, 2009, and would authorize $1,000,000 for each of the fiscal years 2007 through 2009 of appropriated funds for the demonstration project.

Finally, section 309 of H.R. 3082, as amended, would add a representative of the National Governors Association to the Advisory Committee on Veterans Employment, Training, and Employer Outreach at the Department of Labor.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 604 of the Compromise Agreement generally follows the House language except the Secretary of Labor would be given the discretionary authority to begin the demonstration project utilizing unobligated funds.

The Committees expect that the Department will choose military occupational specialties within high-growth industries such as transportation, information technology, and hospitality.

DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATION FOR PRIORITY OF SERVICE FOR VETERANS

Current law

No applicable current law.

House bill

Section 308 of H.R. 3082, as amended, would require the Secretary of Labor to promulgate regulations on the implementation of priority of service as required by Public Law 107–288 for veterans in all Department of Labor programs not later than 1 year after date of enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 605 of the Compromise Agreement generally follows the House language except the Secretary would be required to promulgate the regulations not later than 2 years after date of enactment.

TITLE VII—HOMELESS VETERANS ASSISTANCE

REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS

Current law

Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act (HVCA) of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 501 of S. 2694, as amended, would restate the goal of Congress to end homelessness among veterans within the time frame established under the HVCA Act.

Compromise agreement

Section 701 of the Compromise Agreement follows the Senate language.

SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS

Current law

Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 502 of S. 2694, as amended, expresses the sense of Congress on the needs of homeless veterans in America and the expectation for the Federal government's response to those needs.

Compromise agreement

Section 702 of the Compromise Agreement follows the Senate language.

AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

Current law

Section 2011 of title 38, United States Code, authorizes VA to make grants to assist eligible entities in establishing comprehensive service programs to assist homeless veterans.

House bill

Section 2 of H.R. 6342 would extend VA's authority for the Homeless Grant and Per Diem Program to September 30, 2007.

Senate bill

Section 503 of S. 2694, as amended, would provide permanent authority for the Homeless Grant and Per Diem Program and would increase the amount of funds authorized for these efforts to $130,000,000 for fiscal year 2007 and each fiscal year thereafter.

Compromise agreement

Section 703 of the Compromise Agreement follows the Senate language.

EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

Current law

Section 2031 and 2033(d) of title 38, United States Code, authorizes VA to provide treatment and rehabilitation services for seriously mentally ill and homeless veterans.

House bill

Section 2 of H.R. 6342 would extend VA's authority for the treatment and rehabilitation for seriously mentally ill and homeless veterans to December 31, 2007.

Senate bill

Section 504 of S. 2694, as amended, would extend the authority to operate special programs for homeless veterans through December 31, 2011.

Compromise agreement

Section 704 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES

Current law

Section 2041 of title 38, United States Code, authorizes VA to assist homeless veterans and their families in acquiring shelter via agreements to sell, lease, lease with an option to purchase, or donate real property, and improvements thereon, acquired as the result of a default on a loan made, insured, or guaranteed under 38 U.S.C. section 2001 et seq.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 505 of S. 2694, as amended, would extend this program through December 31, 2011.

Compromise agreement

Section 705 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS

Current law

Section 2061 of title 38, United States Code, authorizes VA to operate a program through which it makes grants to homeless veteran service providers specifically for the purpose of encouraging those entities to provide unique services to special needs populations.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 506 of S. 2694, as amended, would extend VA's authority to operate this program through 2011 and increase the annual authorized expenditure amount to $7,000,000 through the same time period.

Compromise agreement

Section 706 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM

Current law

Section 2064 of title 38, United States Code, requires VA to carry out a program to make grants to organizations with expertise in preparing grant applications to provide technical assistance to non-profit community-based groups in order to assist such groups in applying for grants under VA's homeless grant and per diem program.

Senate bill

Section 507 of S. 2694, as amended, would extend funding for homeless veteran service providers technical assistance program through 2012 and increase the annual authorized expenditure amount to $1,000,000 through the same time period.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 707 of the Compromise Agreement follows the Senate language.

ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

Current law

Section 2065 of title 38, United States Code, requires VA to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the activities of the Department to assist homeless veterans during the calendar year preceding the report.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 508 of S. 716 would add a requirement to this annual report to include findings of identified redundancies and gaps in government-wide, homeless assistance coordination efforts so that duplication can be eliminated and gaps can be filled.

Compromise agreement

Section 708 of the Compromise Agreement follows the Senate language.

ADVISORY COMMITTEE ON HOMELESS VETERANS

Current law

Section 2066 of title 38, United States Code, establishes a VA Advisory Committee on Homeless Veterans.

Senate bill

Section 509 of S. 2694, as amended, would add two new ex-officio members to the Advisory Committee, the Under Secretaries of Health and Benefits or their designated representative; add the Executive Director of the President's Interagency Council on Homelessness as a member to the Advisory Committee; and authorize the Advisory Committee's continuation through September 30, 2011.

House bill

Section 2 of H.R. 6342 would extend the Advisory Committee on Homeless Veterans to December 31, 2007.

Compromise agreement

Section 709 of the Compromise Agreement follows the Senate language with a modification to extend the Advisory Committee through December 31, 2011.

RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM

Current law

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)), authorizes the Secretary of Housing and Urban Development to set aside specified amounts for use only for providing supported housing assistance administered in conjunction with the Department of Veterans Affairs. The program provides rental assistance on behalf of homeless veterans who have chronic mental illness or chronic substance abuse disorders. Continued treatment for such illness or disorder and appropriate case management is a condition for receipt of the rental assistance.

House bill

The House Bills contain no comparable provision.

Senate bill

Section 510 of S. 2694, as amended, would authorize 500 vouchers for fiscal year 2007; 1,000 vouchers for fiscal year 2008; 1,500 vouchers for fiscal year 2009; 2,000 vouchers for fiscal year 2010; and 2,500 vouchers for fiscal year 2011.

Compromise agreement

Section 710 of the Compromise Agreement follows the Senate language.

TITLE VIII—CONSTRUCTION MATTERS

SUBTITLE A—CONSTRUCTION AND LEASE AUTHORITIES

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

House bill

Section 3 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with Louisiana State University (LSU) and $100,000,000 for advance planning and design and site preparation for a co-located, joint-use major medical facility project in or near New Orleans, Louisiana.

Section 2 of H.R. 5815, as amended, would authorize $310,000,000 for the restoration of the Department of Veterans Affairs Medical Center (VAMC), Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and require the project be carried out as part of a joint-use facility shared by VA with Keesler Air Force, Biloxi, Mississippi.

Section 5 of H.R. 5815, as amended, would authorize $98,000,000 for the Secretary to enter into an agreement to purchase a site for the replacement of the VAMC, Denver, Colorado; and require the Secretary to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

Senate bill

Section 1(1) of S. 3421 would authorize $636,000,000 for the restoration, new construction or replacement of the VAMC in New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report.

Section 1(2) of S. 3421 would authorize $310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi.

Section 1(3) of the Senate Bill would authorize $98,000,000 for the replacement of the VAMC, Denver, Colorado.

Compromise agreement

Section 801 of the Compromise Agreement would authorize $300,000,000 for the restoration, new construction or replacement of the VAMC in or near New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report; $310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and $98,000,000 for the replacement of the VAMC, Denver, Colorado and require the Secretary to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE

Current law

Section 221 of Public Law 108–170 provided the Secretary of Veterans Affairs the authority to enter into a contract to carry out approved major construction projects as specified in the final report of the Capital Asset Realignment for Enhanced Services Commission through September 30, 2006.

House bill

Section 6 of H.R. 5815, as amended, would authorize 17 major medical facility construction projects that were previously authorized under Public Law 108–170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
Syracuse, NY	new spinal cord injury center	77,700,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

Senate bill

Section 2 of S. 3421 would extend the date for contract award from September 30, 2006, to September 30, 2009, for 18 major medical facility construction projects that were previously authorized under Public Law 108–170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
San Juan, PR	seismic corrections	15,000,000
Syracuse, NY	spinal cord injury center	53,900,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

Compromise agreement

Section 802 of the Compromise Agreement follows the House language. The Committees note that the need for some of these projects was determined based on initial CARES results. VA has subsequently begun detailed studies at a number of sites. In some locations, these studies have led to modified plans. In an effort to avoid the unnecessary expenditure of scarce resources VA should defer any action on the design or construction of these projects until related ongoing studies are complete and these studies support the need for the expenditure of funds authorized by this section. The Committees understand that it is VA's policy to defer construction until final decisions are made. The Committees support this approach and expect this policy to remain in place.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

Senate bill

Section 3 of S. 3421 would authorize the following major construction projects for fiscal year 2007:

Location	Purpose	Cost
American Lake, WA	seismic corrections, nursing home	$38,220,000
Columbia, MO	operating suite replacement	25,830,000
Fayetteville, AR	new clinical addition	56,163,000
Milwaukee, WI	new spinal cord injury center	32,500,000
St. Louis, MO	medical facility improvements and cemetery expansion	69,053,000

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 803 of the Compromise Agreement follows the Senate language.

AUTHORIZATION OF ADVANCED PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

House bill

Section 4 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with the Medical University of South Carolina (MUSC) to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, and would place a limitation of $70,000,000 on the use of funds for advance planning and design of such a facility. The Committee report accompanying H.R. 5815, as amended, (H. Rpt. 109-643) discussed the final report of a Collaborative Opportunities Steering Group established to evaluate the prospects for construction involving VA and MUSC and highlighted and discussed two options in that report, Models A and A-1, as most viable.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 804 of the Compromise Agreement follows the House language to authorize the Secretary to enter into an agreement with MUSC to design and plan for the operation of a co-located joint-use medical facility in Charleston, South Carolina. The amount authorized for advance planning and design of such a facility is reduced to $36,800,000. This change reflects the Committees agreement that Model A is not viable and that Model A-1 is the model which should be reviewed. The Committees also note their agreement with the statement in the House Committee report that, because of the limitation of the funding to advance planning and design, VA would be required to seek additional, specific authorization for the construction of a facility in Charleston, SC, consistent with section 8104 of title 38, United States Code.

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than $600,000.

Senate bill

Section 4 of S. 3421 would authorize the following leases:

Location	Purpose	Cost
Baltimore, MD	outpatient clinic	$10,908,000
Evansville, IN	outpatient clinic	8,989,000
Smith County, TX	outpatient clinic	5,093,000

House bill

Section 7(a) of H.R. 5815, as amended, contains a similar provision.

Compromise agreement

Section 805 of the Compromise Agreement contains this provision.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than $600,000.

Senate bill

Section 5 of S. 3421, as amended, would authorize the following leases:

Location	Purpose	Cost
Austin, TX	outpatient clinic	$6,163,000
Lowell, MA	outpatient clinic	2,520,000
Grand Rapids, TX	outpatient clinic	4,409,000
Las Vegas, NV	up to four outpatient clinics	8,518,000
Parma, OH	outpatient clinic	5,032,000

House bill

Section 7(b) of H.R. 5815 contains a similar provision.

Compromise agreement

Section 806 of the Compromise Agreement contains this provision.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

House bill

Section 8 of H.R. 5815, as amended, would authorize $578,000,000 for fiscal year 2006 major medical facility projects; $1,758,920,000 for fiscal year 2007 for projects under CARES; $24,990,000 for fiscal year 2006 leases; and $26,642,000 for fiscal year 2007 leases.

Senate bill

Section 6 of S. 3421 would authorize $998,000,000 for fiscal year 2006 major medical facility projects; $1,750,120,000 for fiscal year 2007 for projects under CARES; $221,766,000 for fiscal year 2007 major medical facility projects; $24,990,000 for fiscal year 2006 leases; and $26,642,000 for fiscal year 2007 leases.

Compromise agreement

Section 807 of the Compromise Agreement would authorize $708,000,000 for the projects in section 801; $1,758,920,000 for the projects whose authorization is extended by section 802; $221,766,000 for the projects authorized in section 803; $36,800,000 for the advanced planning and design authorized in section 804; $24,990,000 for the leases authorized in section 805 and $26,642,000 for the leases authorized in section 806.

SUBTITLE B—FACILITIES ADMINISTRATION

DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT

Current law

No applicable current law.

House bill

Section 11 of H.R. 5815, as amended, would establish within the VA the position of Director, Construction and Facilities Management; require that the individual appointed meet certain qualifications; and mandate that this position have responsibility for Department-wide construction and facility management.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 811 of the Compromise Agreement follows the House language.

INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104 of title 38, United States Code, defines a major medical facility project as a project for construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $7,000,000.

Senate bill

Section 7 of S. 3421, as amended, would raise the threshold for major medical facility projects from $7,000,000 to $10,000,000.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 812 of the Compromise Agreement follows the Senate language and would raise the threshold for major medical facility projects from $7,000,000 to $10,000,000.

LAND CONVEYANCE, TOWER PARK, FORT THOMAS, KENTUCKY

Current law

No applicable current law.

Senate bill

Section 18 of S. 1182 would allow the VA to transfer certain historic properties on the Fort Thomas, KY campus of the Cincinnati VAMC to the city of Fort Thomas for fair market value.

House bill

Section 10 of H.R. 5815 contains a similar provision.

Compromise agreement

Section 813 of the Compromise Agreement follows the House language.

SUBTITLE C—REPORTS ON MEDICAL FACILITY IMPROVEMENTS

REPORT ON OPTIONS FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO

Current law

No applicable current law.

House bill

Section 9 of H.R. 5815, as amended, would express the sense of Congress that the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed and requires the VA to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC in San Juan, Puerto Rico, not later than 180 days after the date of enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 821 of the Compromise Agreement follows the House language with a modification to eliminate the sense of Congress language.

BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS

Current law

No applicable current law.

House bill

Section 12 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a business plan for enhanced access to outpatient care for primary, mental health and specialty care through new sites of care, expansions at existing sites, use of existing authority and policies to contract for care where necessary, and increased use of telemedicine in each of the following areas: (1) the Lewiston-Auburn area of Maine; (2) the area of Houlton, Maine; (3) the area of Dover-Foxcroft, Maine; and (4) area of Whiteside County, Illinois.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 822 of the Compromise Agreement follows the House language.

REPORT ON OPTION FOR CONSTRUCTION OF A DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA

Current law

No applicable current law.

House bill

Section 13 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a report on the options for the construction of a new medical facility in Okaloosa County, Florida.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 823 of the Compromise Agreement generally follows the House language with a modification to add a requirement that the feasibility study be carried out in consultation with Secretaries of Defense and Air Force. Additionally, any report provided by this study would be transmitted to the House and Senate Armed Service Committees.

TITLE XI—INFORMATION SECURITY MATTERS

DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY ENHANCEMENT ACT OF 2006

DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY

Current law

No applicable current law.

House bill

Section 4 of H.R. 5835, as amended, would amend Chapter 57 of title 38 to create the Office of the Under Secretary for Information Security and identify the responsibilities of the Chief Information Officer and require an annual report be submitted to the House and Senate Committees on Veterans' Affairs.

Section 5721 of H.R. 5835, as amended, would provide a definition for the following: (1) sensitive personal information; (2) data breach; (3) data breach analysis; (4) fraud resolution services; (5) identity theft; (6) identity theft insurance; and (7) principal credit reporting agency.

Section 5722 of H.R. 5835, as amended, would create the Office of the Under Secretary for Information Services.

Section 5723 of H.R. 5835, as amended would provide the responsibilities of the Chief Information Officer; and a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, on the Department's compliance with FISMA.

Section 5724 of H.R. 5835, as amended, would require the Secretary to submit a report, not later than 30 days after the last day of a fiscal quarter, to the Committees on Veterans' Affairs of the Senate and the House of Representatives, on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter. This report would contain the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

Section 5725 of H.R. 5835, as amended, would require Independent Risk Analysis from a non-Department entity or the VA Office of Inspector General, the Secretary provide credit protection services, and notification to an individual whose sensitive personal information is involved in a data breach.

Section 5726 of H.R. 5835, as amended, would provide credit protection services to a covered individual, who, for the purposes of this section, is an individual whose sensitive personal information processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of title 38, United States Code.

Section 5727 of H.R. 5835, as amended would provide for the payment of liquidated damages by contractors in the event of a data breach by the contractor, and provides that amounts collected be used to provide credit protection services to affected individuals.

Section 5728 of H.R. 5835, as amended, would authorize such sums as may be necessary for each fiscal year to be appropriated to carry out this subchapter.

Section 4 of H.R. 5835, as amended, would make clerical amendments, and require the Secretary to publish regulations to carry out this subchapter not later than 60 days after enactment.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 902 of the Compromise Agreement would establish the Department of Veterans Affairs Information Security Programs and Requirements. This Compromise Agreement eliminated sections 2 and 3 of H.R. 5835, as amended. Section 5721 of the Compromise Agreement would provide the purpose of the Information Security Program.

Section 5722 of the Compromise Agreement would establish policy guidance for the Department Information Security Program and create the elements for the Department Information Security Program.

Section 5723 of the Compromise Agreement would provide the Responsibilities for the (a) Secretary of Veterans Affairs; (b) Assistant Secretary for Information Technology; (c) Associate Deputy Assistant Secretary for Cyber and Information Security; (d) Department Information Owners; (e) other key officials; (f) users of Department Information and Information Systems; and (g) Inspector General of the Department of Veterans Affairs.

Section 5724(a) of the Compromise Agreement would provide Independent Risk Analysis in the event of a data breach with respect to the sensitive personal information that is processed or maintained by the Secretary. If the Secretary determines reasonable risk exists based on the results of the risk analysis under section 5724(a) of the Compromise Agreement, credit protection services would be provided in accordance with the regulations prescribed under section 5724(b).

Section 5724(b) of the Compromise Agreement would also direct the Department of Veterans Affairs to issue implementing regulations not later than 180 days after enactment, and at a minimum address: (1) notification; (2) Data mining; (3) Fraud alerts; (4) Data breach analysis; (5) Credit monitoring; (6) Identity theft insurance; and (7) Credit protection services.

Section 5724(c) of the Compromise Agreement would provide notification to the House and Senate Committees on Veterans' Affairs with a report on the findings of the independent risk analysis. In the event that information maintained by the Department of Defense is included in a VA data breach, the House and Senate Committees on Armed Services would also be provided a report under section 5724(c) of the Compromise Agreement.

Section 5725 provides that contracts for data processing or maintenance contain specific language pertaining to data breaches.

Section 5726 of the Compromise Agreement would require quarterly reports and notice to Congress on data breaches, whereas Section 5723(c) of H.R. 5835, as amended required monthly reports. This provision for quarterly reports may be included as part of other reports to the Committees such as the quarterly reports required of VA in section 222 of Public Law 109-114, the Military Quality of Life and Veterans Affairs Appropriations Act of 2006. Section 5727 of the Compromise Agreement would also include timely reports on a significant data breach of the sensitive personal information held by the Department.

Section 5727 of the Compromise Agreement would provide definitions for terms used in Section 902 of the Compromise Agreement.

Section 5728 of the Compromise Agreement would provide authorization for appropriations.

INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

Current law

No applicable current law.

House bill

Section 7 of H.R. 5835, as amended would add a new chapter 79, "Information Security Education Assistance Program," to title 38, United States Code. Section 7901 of H.R. 5835, as amended, would encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements. Section 7902 of H.R. 5835, as amended, would provide information on the scholarship program, by which the Secretary may award up to five scholarships in any academic year to individuals who did not receive assistance under this section for the preceding academic year. Under section 7903 of H.R. 5835, as amended, the Secretary would be authorized to establish an education debt reduction program for up to five individuals for each fiscal year. Section 7904 of H.R. 5835, as amended, would provide preferences in awarding financial assistance. Section 7905 of H.R. 5835, as amended, would require honorable discharge for veterans receiving assistance. Section 7906, of H.R. 5835, as amended, would require the Secretary to prescribe regulations for the administration of new Chapter 79. Section 7907 of H.R. 5835, as amended, would terminate the authority of the Secretary to make payments under the new Chapter 79 on July 31, 2017.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 903 of the Compromise Agreement generally follows the House language. However, under the Compromise Agreement, the program is voluntary rather than mandatory and would reduce the number of scholarships and participants in the education debt reduction program to a single individual for each program identified under section 903 of the Compromise Agreement. Section 903 of the Compromise Agreement would also make conforming amendments, require a Government Accountability Report on the programs created under this section not later than 3 years after enactment, and apply scholarships with respect to financial assistance for semesters or terms that begin on or after August 1, 2007.

TITLE X—OTHER MATTERS

NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS

Current law

There are numerous requirements (e.g., Sections 201, 216, 225, 226, and 227 of P.L. 109-114) in current law for VA to notify congressional committees as to actions the Department is undertaking or contemplating undertaking regarding the transfer of appropriations from one account to another account.

Senate bill

The Senate Bills contain no comparable provision.

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 1001 of the Compromise Agreement would require VA to provide the Committees on Veterans' Affairs of the Senate and House of Representatives with copies of any notifications regarding the transfer of appropriations the Department is required by law to provide to any other Congressional Committee.

CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW

Current law

Section 5313 of title 38, United States Code, limits the amount of VA compensation that may be paid to a veteran who is incarcerated in a "Federal, State, or local penal institution" for more than 60 days for conviction of a felony. Sections 1505(a), 3108(g), 3231(d), 3482(g), 3532(e), and 5313A of title 38, United States Code, also limit the provision of certain benefits to veterans, survivors, and dependents who are incarcerated in a "Federal, State, or local penal institution."

Senate bill

Section 604 of S. 2694, as amended, would make a technical amendment to section 5313 of title 38, United States Code, to clarify that the limitation set forth in that section does apply to a felon incarcerated in any type of penal facility, including a facility operated by a private contractor. It would make the same clarifying change in all title 38 sections that contain the phrase "Federal, State, or local penal institution."

House bill

The House Bills contain no comparable provision.

Compromise agreement

Section 1002 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING

Current law

Section 1710(e)(2)(B)(3) of title 38, United States Code, provides the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2005.

House bill

Section 2(a) of H.R. 6342 would extend the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2007.

Senate bill

The Senate Bills contain no comparable provision.

Compromise agreement

Section 1003 of the Compromise Agreement follows the House language.

Mr. CRAIG. Mr. President, currently, veterans and other claimants seeking veterans' benefits may not hire an attorney until the VA administrative proceedings have been completed—a process that often takes several years.

That law flows from a Civil War era policy intended to protect veterans from unscrupulous attorneys. That policy arose at a time—unlike today—when attending law school was not required to become a lawyer and there was no effective professional oversight of lawyers.

In recent months, it has become abundantly clear that many veterans and their survivors want the option of hiring an attorney to help them navigate the increasingly complex VA system. In fact, the prohibition against veterans hiring attorneys is considered to be unfair and outdated by a broad spectrum of individuals and organizations, including veterans' organizations, veterans' advocates, judges, law professors, and bar associations.

For these reasons, I am very pleased that a compromise version of legislation I authored was accepted that would allow veterans to hire attorneys after a veteran files a Notice of Disagreement with VA's initial decision on their claim.

A provision of S. 3421 will enable the spouses of seriously wounded veterans to obtain educational assistance benefits sooner than they have ever been able to before.

The need for the educational assistance provision was brought to my attention by U.S. Army SFC Jeff Mittman, a young man who was blinded after an attack in Iraq and is being treated at Walter Reed Army Medical Center.

Sergeant First Class Mittman's wife would like to begin receiving educational assistance benefits from the VA while her husband undergoes treatment in order to improve her job opportunities once he is officially discharged from service, but is now prevented from doing so by law. If enacted, S. 3421 would remove that barrier.

Finally, S. 3421 would remove the cremated remains of a convicted double murderer from Arlington National Cemetery.

In the summer of 2005, we learned that the remains of a brutal murderer—Russell Wayne Wagner—were placed in the Nation's preeminent military cemetery, Arlington National Cemetery.

I was appalled to discover that the law enacted in 1997 to deny capital offenders from burial in national cemeteries did not apply to Wagner.

This was also quickly brought to my attention by the Senator from Maryland, BARBARA MIKULSKI. We joined together in that effort. The answer was it couldn't happen, it couldn't be removed because of the law.

While we moved swiftly to close the loophole that permitted Wagner's burial in the first place, the question remained: Should his remains continue to be included among the scores of honored dead in Arlington? For me and Senator MIKULSKI, who joined me in this effort, the answer was "no."

That is why I am so pleased that S. 3421 would direct the Secretary of the Army to remove Wagner's remains from Arlington.

As I stated last summer, we must not dishonor the sacrifices made by those memorialized at our Nation's military cemeteries by including among them individuals who, through their own heinous acts, have grievously dishonored themselves because at another time in their life they were veterans.

S. 3421 is an impressive assortment of legislation. It contains the collective work of more than 44 Senators. I want to take some time to single out a few of them.

Senators BURR and OBAMA for their work on the homeless assistance provisions of the bill; Senators HUTCHISON, FEINSTEIN, GRAHAM, LANDRIEU, and MURRAY for their work on the construction provisions; Senators THUNE, SALAZAR, and BURR for their work on the rural health components of the bill.

And lastly, the committee's ranking member, and a true friend of veterans, Senator AKAKA.

I ask my colleagues for their vote. And I thank every Senator on the committee and in the Senate for their support in seeing this, and all of the other veterans' bills, through the Senate.

I also want to thank my House colleagues, in particular Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER. We were able to come together in the spirit of compromise in the final hour on some key provisions, and it is a fitting way to end this Congress.

As we head into a new Congress, I want to extend my best wishes to my friend, and soon-to-be chairman, Senator AKAKA. It has been a pleasure working with a Senator of his quality, and I pledge that as ranking member I will strive to emulate the kindness, cooperation, and "aloha" that he showed me during my time as chairman of this great committee.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Committee on Veterans' Affairs. Senator CRAIG has done an outstanding job of making sure the laws that weren't working, where we were not doing what we should be doing to help our veterans, were changed.

He has worked a long time on the bill now coming to its final passage—finally. He has been working on it for 2 years, that I am aware. He has done a terrific job. There is a lot of authorization that is essential to go forward next year on appropriations.

I appreciate the work of the Senator. He is retiring as chairman of the Committee on Veterans' Affairs and going to ranking member. I know his working relationship with the new chairman is such that we will continue to see progress in this area.

MILITARY CONSTRUCTION APPROPRIATIONS

I will talk about the continuing resolution being passed by the House in a few hours that will be sent to the Senate. We will send that bill to the President to meet the midnight deadline so Government can continue to function.

I am talking tonight about this bill with very mixed feelings because I am chairman of the Appropriations Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, and I wanted to pass the full bill, the appropriations for military construction, and I wanted to make sure we covered our veterans' needs. It is an important subcommittee, of which I have served as chairman these last 2 years. I have worked with my ranking member, Senator FEINSTEIN, to assure we had the funding we needed. Senator FEINSTEIN and I were ready to go on our bill. It passed in September. It is a bill that passed unanimously in the Senate. I know everyone agreed we had covered the bases that need to be covered to do what is right for our military—active duty and the veterans—who have served our country in the past.

Unfortunately, our full bill is not going to pass. It is not going to pass because, first, it was held up in the Senate for appointing conferees, held up by a few Senators who thwarted the majority. I was very disappointed we lost those weeks. Our Appropriations Committee chairman THAD COCHRAN tried, as I, to pry the bill out so we could go to conference and work with the House.

Finally, this week, through the leadership of Senator FRIST and Senator STEVENS from Alaska, the chairman of the Appropriations Subcommittee on Defense, we were able to alleviate all of the concerns raised and get the bill to conference.

Then, unfortunately, the members of the House committee had determined we did not have enough time to conference the bill. I think we did have enough time. We had the time to do all of the construction that should be started right now. However, that is not going to happen.

I would not have allowed this bill to go forward, and I would be speaking against it right now if we did not have a provision in the House-passed continuing resolution that will give budget transfer authority to the Department of Veterans Affairs so that there will be no medical need, no service need, no payment to any veteran that will not be made before this continuing resolution runs out.

If that provision had not been added in the bill, we would not be passing this bill tonight because I would be talking all night to keep it from passing.

I called the Secretary of Veterans Affairs this afternoon, and I asked him if he could assure me that there would be enough money in the accounts from which they could transfer to assure that all of the medical needs, including surges in medical needs, would be able to be given. The Secretary assured me that is the case. The Secretary said they had enough surplus money, enough rainy day fund money, and enough money in the other accounts that they would not hurt the other accounts and they would be able to transfer. He did say that by the time we got to February 15, if we didn't have a full bill, they would be beginning to run into trouble. He gave me his word—and I know his word is good—that if they see some shortfall that would start happening before February 15, and if there is no bill, he would call me immediately, and we would begin to work on a supplemental approach.

I am certainly going to trust his word. Secretary Nicholson has been a man of his word throughout these years I have worked with him. He is a veteran himself, a distinguished veteran. He knows the veterans issues. He cares about veterans. He will call, as he did last year when he saw a looming shortfall and he asked for help and we gave him the help to assure the veterans' needs would be met. We are going to cover it, and we are going to do it in a way that will assure that the medical care is given.

I have to say, I am disappointed we are going to adjourn without completing the full bill, without completing the military construction so it can start right away, without completing the appropriations and the priorities that we are putting in the next year for veterans. I know they will not suffer in any way because Secretary Nicholson assured me of that.

I will be watching. I will be staying on top of the VA's financial situation throughout this period that the continuing resolution is going to run, to the middle of February. If a problem arises, I will not stop advocating for the supplemental appropriation that will be necessary to assure we have the funding we need.

We will work together in this Congress to assure that the men and women who are protecting our freedom, as we speak today, get the quality of life they deserve. We will continue to work together to assure that the veterans who have served our country, who have answered the call of our country, are given everything to which they are entitled and which we owe them.

I am going to be the ranking member of this subcommittee next year, having served as chairman for 2 years with a wonderful ranking member, Senator FEINSTEIN. It has been pure joy. She has a wonderful staff. We have never had a disagreement that couldn't be worked out. We have made sure the priorities, which are the same for both of us, have been met. I will be a loyal ranking member, and I hope the new chairman will have the same relationship and the same overall goal for Military Construction and Veterans Affairs that Senator FEINSTEIN and I have had. I believe he will.

I am going to vote for the continuing resolution. However, I could not be more disappointed that we did not pass the full appropriations bill for Military Construction and Veterans Affairs. I know the veterans will be taken care of, and I know the military construction will begin with the new starts a couple of months late. We will get those projects done with that small delay. I am going to make it my priority to assure that happens.

Senator STEVENS has come to the Senate. I want to say, in addition to Senator COCHRAN, Senator STEVENS and Senator INOUYE have been the advocates for our military throughout the time I have been in the Senate. I am honored to be a member of the Appropriations Subcommittee on Defense. I know those two leaders work together, as Senator FEINSTEIN and I do, and that is with one goal: to make sure the military, who are in harm's way, who are fighting so we may speak freely in this Chamber, who are fighting for our children and grandchildren to have the freedom we enjoy and that has been given to us by generations past, will have the opportunities they deserve, and that is the quality of life that we can give them.

I thank the Senate for coming to the end with this continuing resolution. I will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to take a few minutes. I ask unanimous consent the Senator from Ohio, Mr. DEWINE, be permitted to take the floor following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we ought to understand what we are talking about now because the bills that are before the Senate now and the CR should have been enacted by October 1. This bill will move that money out to February now and will not be available to the department agencies until sometime in February.

I am concerned about this because prior to this Congress, the quality-of-life money for the members of the Department of Defense was under the Appropriations Subcommittee on Defense that I cochair with my friend from Hawaii, Senator INOUYE.

We are disturbed that Congress has not finished its work on the Military Construction and Veterans Affairs appropriations bill. To me, the failure to complete this work is inexplicable.

I am disappointed we are unable to reach an agreement with the House on the matters contained in this bill and to realize the necessity of completing action on the bill in total. We are neglecting our congressional responsibilities by not completing work on this bill. It is unfortunate. We have had a considerable amount of time to do so.

This is not a routine disagreement between Members of the House and the

Senate. This is a disagreement that affects our Nation while we are at war. We have hundreds of thousands of service men and women deployed around the world. This sends a message we are not willing to take the time to finish the work necessary to assure they have the money, the funding, the facilities to do the work we have asked them to do. It will have an impact on military life and the morale of our armed services.

The Military Construction appropriations bill not only contains money for military construction and for quality of life, but it also contains the money for our veterans. In total, it provides critical funding for family housing, barracks, mission facilities, implementation of the base closure and realignment process, maintenance of defense and veterans facilities, environment cleanup, the Defense Health Program, and medical care for our veterans.

Now I am told that the CR does now come up to the President's request for the medical health program, and that really removes part of my objection to proceeding on this bill. Without this bill, the Department of Defense and Veterans Affairs have to contend with this continuing resolution. Most people do not understand it. It means these moneys will be postponed until mid-February, the additional moneys that are necessary to meet the additional demands being placed on our Armed Services before September 30. We are supposed to finish this bill by September 30.

I am told the Department of Defense will not be able to start a single military construction project, although those projects were authorized more than 3 months ago. It means the projects cannot be started until the regular bill is passed. I hope it will be passed in February.

Now, I took the time to go to Italy and look at the new Army base there and the new Air Force base there, as we are redeploying our forces from Germany and other places into Italy. Those projects involve barracks, quality of life facilities, and family housing. That cannot go forward. The money will not be available because it was not covered by the 2006 appropriations bill. It is not covered by this continuing resolution.

I think it is true now, because of what I mentioned, the Veterans' Administration should be able to sustain the medical care for our veterans without disruption. But I can tell the Senate, they will not be able to go much more than mid-February without running into real trouble. So one of the first bills that ought to be considered when we get back is the Veterans appropriations bill.

I am here tonight because I announced to our conference I would oppose this CR unless it contained these bills in it. After consulting, and my staff consulting, with the Department of Defense, the Veterans' Administration, and understanding what the House has done now since that time on the medical portion for the Veterans' Administration, it does not seem possible for me to do that now. All I can do is express my deep reservation about voting for this bill under the circumstances.

We should have had at least the balance of the military money and the veterans money made available by this Congress before we went home. And I am really disappointed it is not possible.

Mr. President, I say to the Senator from Texas, you wish the floor again? The Senator from Ohio would follow me, but you wish to comment?

Mrs. HUTCHISON. Mr. President, I would just like to clarify, with the Senator from Alaska on this subject, that the Senate did act. The Senate did pass our bill, and we did appoint conferees, and it was a lack of willingness on the part of the House to have conferees meet with the Senate. His disappointment is the same as mine.

I am going to start working on January 4, when we are sworn in to the new Congress. And I hope we can take the bill that has been passed unanimously by the Senate and work through the appropriations process and pass this bill before the continuing resolution is ended on February 15. We do not have to wait until February 15. And once the committee is constituted, and we have a chairman and a ranking member, I will be the ranking member, and I will work with the chairman. And I hope we can pass this bill because it is in very good order and it was unanimously supported by the Senate. And I think we are pretty close to what the House passed. I think, with a strong will, we will be able to come in before February 15 and start those projects about which the Senator from Alaska just spoke.

So I will look forward to working with him in the new year, both for Defense appropriations and for this Military Construction bill and the Veterans Affairs bill and the military quality of life that is in the bill that we passed in the Senate earlier this year.

I thank the Senator.

Mr. STEVENS. Mr. President, I thank the Senator from Texas for those comments.

My point is, the Congress as a whole should have finished its job. We should have done this job before this Congress ends, particularly for those bills which impact the men and women in our Armed Services, their families, and the veterans who have served, particularly the new class of veterans now who are coming out of the service, many of whom are wounded. Many of them have readjustment problems. This bill, the bill the Senator from Texas and her subcommittee prepared, would have answered many of those problems. It would have made money available now to deal with them.

I am chagrined that bill is not going to pass. I think it is a failure of this Congress. And we ought to admit it is a failure. But as far as this Senator is concerned, we have done everything we can to try to rectify that. It is just not possible to get the Congress to vote. The House has already voted. I do not think it is possible for us to try to amend this bill now. And I am told the agencies involved have reviewed it and say they will find a way to continue their work until February without it.

That does not answer the question to me though because the things they should start now would be well underway by February, and it will not be possible with postponing this bill. It is a tragedy we are not able to complete our appropriations process, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

JERKO "JERRY" ZOVKO

Mr. DEWINE. Mr. President, I rise this evening to pay tribute to Jerko Zovko, a civilian contractor from Cleveland, who was killed on March 31, 2004, while doing his security work in Iraq.

Jerko—or "Jerry," as he was known by his family and friends—could be described as many things. He was a family man who maintained a close relationship with his parents, brother, and others in his Croatian community outside Cleveland. He was extremely bright, being fluent in five languages. He was extraordinarily brave, having served as an elite Army Ranger in Bosnia and Kuwait and then as a private security agent in Iraq.

Perhaps best described by his mother, Danica, "Jerry was a man with a principle and ideals. . . . He loved people. He wanted the world to be without borders, for everyone to be free and safe." Jerry gave his life for what he believed in, for a people who he thought deserved their freedom.

Born in Cleveland and raised in Euclid, OH, Jerry and his younger brother Tom cultivated their Croatian heritage through their tight-knit family and community. Jerry attended St. Christine School and then Euclid High School, where he played soccer. In his free time, he worked with his father at the family auto body shop. Known as a skinny kid growing up, no one could have predicted that he would grow into the hulking military man as his family lovingly described him.

Following high school, Jerry went to Ohio State University with the intention of becoming a doctor. However, his aspirations changed after a life-altering trip to his family's homeland of

Croatia when the country was achieving its independence from the former Yugoslavia. Jerry predicted correctly that conflict was about to erupt in his family's homeland, and he wanted to be ready. He returned to the United States and enlisted in the Army when he was 19 years old.

Jerry was dedicated to the idea of universal freedom and he lived his life in pursuit of that goal. Jerry spent 8 years in the Army as a member of the elite Army Rangers and served mostly overseas, including in Bosnia and Kuwait. His personality shone through in whatever he did. Army buddies remembered with fondness how Jerry built a swimming pool on the roof of the barracks and how he would zip around the base on a motorcycle with a sidecar.

Not wanting to worry his family, Jerry used to tell his parents that he never saw combat because he was "just a cook." Though he knew his parents constantly feared for his safety, Jerry continued to risk his life for the good of others.

After being discharged as a Sergeant from the Army in 2001, Jerry joined Blackwater Security—a private security company—and worked for some time in Dubai. Jerry then decided that the Iraqi people needed his help. His family pleaded with him not to go, but in their hearts they knew that Jerry would do what he believed was right. His brother Tom recalled Jerry's independent streak and that no one could stop him from doing what he set out to do. His mother remembered a talk they had before Jerry left in which he told her that he was needed in Iraq and that we all need to support our troops and stay united.

While working in Iraq, the newly freed people were Jerry's first priority. He started to learn and speak Arabic, because as he said, he wanted to help the Iraqis and he wanted to do it on their terms. Jerry worked in a number of hotspots in Iraq and never shied away from a tough job.

Jerry eventually lost his life while guarding a food truck in Fallujah. Like the way he lived his life, Jerry lost his in the service of others.

I had the privilege of attending the calling hours for Jerry and am grateful for the chance to talk to Jerry's family about their son, brother, and friend. I thank them for sharing their memories with me.

We will never forget Jerry Zovko. It became apparent, in talking with his family, that Jerry will forever live on in the hearts and minds of his parents Danica and Jozo and his brother Tom. Jerry touched the lives of everyone he met, whether they were family, members of the Croatian community, Army buddies, or people living on the other side of the world.

May we all remember this great American hero.

My wife Fran and I continue to keep his family in our thoughts and in our prayers.

Mr. President, since February 2002, I have come to this floor to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan. It has been my very sad duty to give 153 of those speeches.

These courageous servicemembers—with the many faces of Ohio, the many faces of America—came from the smallest villages in our State and came from the largest cities. Some came from our farms. Some were born in Ohio and in America. But others were born in foreign lands far away. Some were 18 or 19 years old. Some were in their forties. Some were privates and lance corporals, while one was a lieutenant colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms.

Some, Mr. President, Members of the Senate, had seen a lot out of life, while for others—most of them, really—their lives had just begun. All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gaping hole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all-too-brief time that we did. And for that, we are eternally grateful. We, as citizens, will never be able to repay these Ohioans for their service. We know when we lose a servicemember there is, as Ronald Reagan said, a tear in the fabric that holds us all, holds us all as Americans, and holds us together, and that there is really no way to repair it.

President Theodore Roosevelt perhaps put it best when he said:

> Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors.

We are, indeed, in their debt.

As John F. Kennedy once said:

> A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers.

That is exactly what I have tried to do these past few years, speaking about these brave and courageous Ohioans. It is about honoring and remembering each of these truly unique, wonderful souls. Our Nation is proud of them. They lived their lives well, with great purpose and commitment and love of family and country. And for that, we will never forget them.

I would say to the families of those who have died in Iraq, Afghanistan, training exercises, service to our country, that I will remember them and I will think about them until the day I die.

APPRECIATION TO SENATE COLLEAGUES AND STAFF

Mr. DEWINE. Mr. President, early on Thanksgiving day, Mary Frances Darling was born. She is our 10th grandchild and the 6th child of our daughter Jill and her husband Bill. As I said on election night this year, I am a very lucky man. I am blessed with a wonderful family.

I am also blessed because for the last 30 years—30 years—the people of Ohio have given me the opportunity to represent them, first as Greene County prosecuting attorney, then as State senator, then as a Congressman for four terms from the seventh congressional district, then Lieutenant Governor, and now, for the past 12 years, in this wonderful body as a U.S. Senator. For that opportunity, I will be eternally grateful.

When I came to the Senate in 1995, it had been a little over a year since our daughter Becky had been killed. I was, quite candidly, still numb. We as a family had been through a lot. But I knew that our time here on Earth is short, and I wanted as best I could to spend my time in the Senate, whatever time I had, working on tangible things, getting concrete results that impact the lives of families in Ohio and in our Nation. I have tried to do that, but I have not done it alone. Whatever I have achieved has been with the help of so many people.

Over the past 12 years, I have worked with every Member of this Senate, and I consider each Member of this Senate a friend. I have had the privilege to work with two Republican leaders and one who in January will become the Republican leader.

TRENT and Tricia LOTT were two of the first people Fran and I met when we came to the House in 1983. Tricia is Fran's best friend here in Washington, and TRENT is my dear friend. I have benefited from his counsel, from his advice, and from his help, now for well over 20 years.

BILL FRIST and I came to the Senate together in 1995. Karyn and BILL are very good friends. BILL has been an unbelievably accessible leader. We share a passion for fighting the spread of AIDS. BILL's public role in that cause is obvious and apparent to everyone. But what is not so obvious and what is little known is what BILL FRIST has done behind the scenes, what his role has been in working with so many people, working with the White House and others to get this job done. No one has played a bigger role. And when the history is written, BILL FRIST's name will be there in bold print as someone who has saved so many, many lives.

MITCH MCCONNELL. MITCH and Elaine are dear friends. When I faced the tough challenge of getting a bill or amendment passed, I went to MITCH. I have done it for 12 years. I did it as recently as yesterday. MITCH MCCONNELL is tough. He is strong. He is wise. He will be a great leader. His advice as to how to thread the legislative needle is responsible for so much of what I have passed. He also has a big heart, as was demonstrated time and time again when I would go to him. He is chairman of the Foreign Operations Subcommittee. After I talked to him, he would, at my request, put money into things which saved children's lives, child survival or to save little children, little babies in Haiti. He did it. He got it done. He made a difference.

I have been lucky enough to serve on the Judiciary, Appropriations, HELP, and Intelligence Committees, and I want to thank the chairmen who have led those committees over the past 12 years. I was the first Ohio Senator to serve on the Appropriations Committee since 1945. With the help of Chairman STEVENS, Chairman COCHRAN, and their staffs, I was able to secure well over $1 billion for projects throughout Ohio that make a difference.

I particularly thank ARLEN SPECTER. I thank his clerk and my good friend, Bettilou Taylor. They have both been so helpful to me in securing millions of dollars for programs through Labor-HHS appropriations. These two dedicated public servants helped me provide funding for important programs, things such as the Children's Hospital Graduate Medical Education Program and projects in Ohio to build facilities and provide services for people with disabilities. They also helped me fund projects to help meet the health needs of seniors and low-income communities throughout the State. Because of them, I have been able to secure over $12 million for Ohio's children's hospitals.

Senator SPECTER, Bettilou, let me tell you from the bottom of my heart and on behalf of Ohio's sick and poor kids and their families, I thank you.

I also sincerely thank Judiciary Committee Chairmen SPECTER and HATCH; HELP Committee Chairmen ENZI, GREGG, and JEFFORDS; and Intelligence Committee Chairmen ROBERTS and SHELBY. I have been fortunate to have passed dozens of bills and amendments in my career in the Senate, and most of them were provisions that I worked along with these chairmen to pass. It would never have happened without them. I appreciate their help.

I appreciate all the help Finance Committee Chairman CHUCK GRASSLEY has given me—a dear friend—especially when it came to passing my bills to improve the foster care and adoption system. I have worked with many Members of the Senate on this very important issue, foster care and adoption, including Senators JAY ROCKEFELLER, MARY LANDRIEU, LARRY CRAIG, Daniel Patrick Moynihan, JOHN CHAFEE, Jesse Helms, Bill Roth, JIM JEFFORDS, Dan Coats. They all shared a passion for foster care children. They all shared a passion for the adoption issue.

I also thank my good friend from Pennsylvania, my friend who keeps the candy drawer over there, RICK SANTORUM. Like so many who spoke about him yesterday, I applaud RICK for his passion and his absolute fearlessness in standing up for what he believes. I recall being on this floor many nights late at night during the debate over partial-birth abortion. Some nights it was just RICK and me, and we closed this place. He got it done. I thank him for that.

I also remember how Senator SANTORUM stood with Senators LINDSEY GRAHAM and SAM BROWNBACK to help me pass my unborn victims of violence bill and see it signed into law. It took several years to pass this legislation, and Congressman GRAHAM had been the sponsor and was the sponsor of the bill in the House. I applaud his determination to get this done. When it comes to foreign policy issues, I share an interest in Western Hemisphere issues with my friends Senator NORM COLEMAN, the chairman, and MEL MARTINEZ. MEL, thank you. Senator COLEMAN has admirably served this body as chairman of the Western Hemisphere subcommittee. I sincerely enjoyed travel with him to Haiti.

I also enjoyed traveling to Africa with the good Senator from Tennessee, LAMAR ALEXANDER. LAMAR has contributed a great deal to this body. He will contribute more, especially in the area of education policy, where he is clearly the expert.

Senator JUDD GREGG and I also worked on a very important education issue. He started it. He worked it. I helped him. We got it done. That is the School Choice Program here in Washington, DC. We broke the logjam. We got it done. I applaud his commitment to the children of this, our Nation's Capital.

I thank my friends CHUCK HAGEL and LINDSEY GRAHAM for the good conversations they have shared with me on foreign policy issues. Speaking of that issue, I thank my neighbor on the floor and my neighbor to the west in Indiana, DICK LUGAR, for being the rock that he is on foreign policy and for giving me good counsel and advice.

I want to thank my dear friend JOHN MCCAIN, with whom I came to the House of Representatives in 1983 and who has been my friend since. I thank him for his courage. I thank him for his wise counsel on military and foreign relations issues.

I also thank a dear friend of mine who does not now serve in this body, former Senator and Secretary of Energy Spence Abraham. He did a lot of things. One of the things that took guts and courage is he fought with me and others to protect legal immigration while he served in the Senate. He took a lot of flack for it.

I was honored to work with Senator GORDON SMITH, Senators HARRY REID, JACK REED, and CHRIS DODD, to pass the Garrett Lee Smith Memorial Act. I applaud Senator SMITH and his wife Sharon for having the courage to take the tragedy of their son Garrett's suicide and do so many wonderful things with it. They are wonderful people.

Last year, I was extremely proud to be one of 14 bipartisan Members of this great body who decided to work together to break what had become a gridlock in the Senate over judicial nominations. In the grand tradition of the Senate, individuals from both political parties came together that time to solve a problem which threatened not only the judicial nomination process but was threatening to shut the Senate down completely. I want to thank my friends with whom I was proud to stand in that effort: JOHN MCCAIN, JOHN WARNER, LINDSEY GRAHAM, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, JOE LIEBERMAN, Senator BYRD, BEN NELSON, MARY LANDRIEU, DANIEL INOUYE, MARK PRYOR, and KEN SALAZAR. They got it done.

I thank my friend, my colleague, my partner, Senator GEORGE VOINOVICH. GEORGE and I have worked together in the Senate on so many things for Ohio, from NASA Glenn to the Great Lakes. We first got together in 1989. We joined up as partners in 1989 when I decided to leave the U.S. House—it was a tough decision for me—and join him as his Lieutenant Governor candidate. I have not regretted it. It was the right decision, and we have worked together ever since then. I thank him and I thank his wonderful wife Jan for their friendship and love.

I also want to thank all the members of the Ohio congressional delegation with whom I have sincerely enjoyed working over the years. I have worked with every one of them. They have all made a difference. They are all my friends, Democrats and Republicans. Specifically, I extend my appreciation to my Congressman, my dear friend DAVE HOBSON. He is a savvy man. I have gone to him many times for advice, and I have gone to him to get things done for Ohio.

I would be remiss if I didn't thank the wonderful staff people in addition to my own staff whom I have had the pleasure to work with in the Senate. I thank the outstanding Senate floor staff: Dave Schiappa, Laura Dove, and all the other floor staffers who are such wonderful professionals and who serve us all so well. Thanks to the staff of the Republican leadership: Eric Ueland; Bill Hoagland, whom I talked about earlier today and whom I go to for advice a lot; Kyle Simmons, Malloy

McDaniel, Laura Pemberton, and on and on.

I also thank all the committee staff with whom I had the pleasure to work. They are too plentiful to name, but I cannot leave this body without thanking my dear friend Mary Dietrich, clerk of the DC Appropriations Committee. I saw Mary on the floor last night. I so enjoyed working with her. She is a pro. She is great. I also thank Paul Grove, clerk of the Foreign Operations Subcommittee, who worked with me in helping increase funding for the various humanitarian aid programs. I know he got tired of seeing me coming, but he was always gracious and got the job done.

If there is one thing I have learned in the Senate, it is that you must work together with members of both parties, Democrats and Republicans. I see my friend on the floor, Senator PAUL SARBANES, who will be leaving. I have worked with him over the years. I have worked with many Democratic Senators over the years. I want to take a few minutes to thank them for their willingness to set aside party politics to make a difference and to get tangible results.

First, I thank my very good friend Senator CHRIS DODD. Senator DODD and I have worked together on many bills that have become law. We worked together—not once, not twice, but three times—to pass three bills into law to expand the research and testing of drugs prescribed for children. Senator HILLARY CLINTON also joined us in this effort, and I thank both of them for their dedication and dogged determination in helping to ensure our children have access to the medicines they need.

Senator DODD and I also came together to create a national toll-free poison control hotline—I will remind my colleagues one more time of that number: 1–800–222–1222.

Senator DODD and I also share a commitment to providing additional resources for our Nation's firefighters and first responders. We know that these men and women have the responsibility of looking out for us and our families, and we, in turn, have a responsibility to provide them with the resources they need to do their jobs. Together, Senator DODD and I passed the Fire Act in 2000, and that law has provided over $3.1 billion for grants to fire departments around the Nation for needed equipment, training, and communications technology. I am proud of the over $100 million in Fire Act grants that my home State of Ohio has received.

Finally, Senator DODD and I worked together with a wonderful American statesman—Senator Daniel Patrick Moynihan—to pass the Nazi War Crimes Disclosure Act, which has led to the declassification of countless U.S. Government files containing information about Nazi war criminals. The American people deserve to have access to this information. For all of our work together, Senator DODD, thank you.

Mr. President, I want to thank Senator JAY ROCKEFELLER for joining me in fighting to make our adoption system work better for children around the country. My good friend Senator ROCKEFELLER was the lead cosponsor of two of my bills that we got signed into law, and I was the lead cosponsor of one of his bills that also became law. These laws have helped minimize the amount of time children spend in foster care and increased the number of adoptions across the country.

Those laws are making a difference every day. They are changing children's lives.

As members of the Senate Steel Caucus, Senator ROCKEFELLER and I also worked successfully together to impose tariffs against foreign countries that were dumping steel in the United States. The dumping by these countries was hurting our steel industry and, therefore, it was hurting families throughout Ohio and West Virginia. Senator ROCKEFELLER and I also teamed up to increase automobile and highway safety. He is a champion there, too.

Last year, Senator ROCKEFELLER was the lead co-sponsor of several bills with me that will save lives on our roads. Together, we passed these bills into law as part of the last Highway bill. We will never know the names or faces of the people whose lives will be saved by these laws, but it is enough for both of us to know those men, women, and children are out there. Senator ROCKEFELLER—it has been a pleasure to work with you. Thank you.

Mr. President, I want to thank Senator MARY LANDRIEU. Senator LANDRIEU and I share a profound concern for low-income students around the country and for the welfare of young people here in the District of Columbia. In 2001, we worked together to amend the No Child Left Behind Act to make sure that additional funding went toward low-income schools and the students who attend those schools. Since passage of our amendment, low-income schools in Ohio have received $259 million. I applaud Senator LANDRIEU for her commitment to these children.

I also want to thank Senator LANDRIEU for the excellent work we did together on the District of Columbia Appropriations Subcommittee. We worked together on this subcommittee from 2001 to 2004, and again, our focus was on improving the health and well-being of children. We improved the city's long-troubled foster care system and helped fund various improvements to Children's Hospitals in the District. It was truly a pleasure working with the good Senator from Louisiana.

Mr. President, I have had the great fortune to work closely on the Judiciary Committee with my friend Senator PAT LEAHY. I am proud of the many things that we worked on together. Specifically, we both know that our State and local law enforcement officers need to have the best technology available to protect our families and loved ones. I thank Senator LEAHY for working with me in 1998 to pass the Crime Identification Technology Act, known as CITA. We worked together to develop, pass into law, and provide funding for this critical bill, which has included over $500 million to help law enforcement officials purchase cutting edge forensic and communication technology and improve their crime labs—all in an effort to help local law enforcement fight crime and make our communities safer.

I also appreciated working with Senator LEAHY to pass my bill in 2003 that eliminated the statute of limitations for child abduction and sex crimes and required child pornographers to register as sex offenders. Finally, Senator LEAHY and I worked together, along with Congressman TED STRICKLAND in the House, to pass my Mentally Ill Offenders bill and get it signed into law in 2004. This law goes a long way toward providing mental health services for criminals desperately in need of those services. Thank you, Senator LEAHY. And, of course, neither of these laws would have happened without the help of Judiciary Chairmen SPECTER and HATCH.

Mr. President, since 1997, I have been a member of the Judiciary Antitrust Subcommittee. During my time in the Senate, sometimes I chaired the Committee, and sometimes my friend Senator HERB KOHL chaired the committee. But, no matter who had the gavel, we ran it the same way—as a bipartisan committee, which shined a light on competition issues and helped consumers and businesses get a fair shake in the marketplace. Both of our staffs planned the subcommittee agenda together, organized hearings together, and held meetings together. That is exactly the way it should be, and I am proud that Senator KOHL and I were able to achieve and promote a bipartisan consensus on important antitrust issues in many critical parts of our economy.

Senator KOHL and I also worked together to write and pass into law the DNA Analysis Backlog Elimination Act in 2000. We worked on this bill after learning that many law enforcement agencies did not have the funding to process DNA material from crime scenes and those DNA samples ended up just sitting on shelves and not getting analyzed. Our law provides funding to process these samples, identify criminals—such as rapists—and get them off the streets. It has truly been an honor and a privilege to work with HERB KOHL.

Mr. President, I also have had the distinct pleasure to work together with

Senator MIKULSKI on the Retirement Security and Aging Subcommittee and the Aging Subcommittee. I always knew that my good friend from Maryland was a tough negotiator, but over the last Congress, I was reminded of just how determined and tough she can be when she knows she's in the right. Thank heavens, she and I were on the same side.

Senator MIKULSKI and I worked together this year and in 2000 to reauthorize the Older Americans Act, and we also joined forces to fight against efforts to weaken the pension plans of millions of manufacturing retirees and employees. It was during these negotiations that I was glad to have a partner as tough as Senator MIKULSKI, and I thank her.

Since 1999, I have been the co-chairman of the Senate Great Lakes Task Force with the senior Senator from Michigan, CARL LEVIN. Together, Senator LEVIN and I have fought—side-by-side—to pass laws and increase funding to help restore and protect the Great Lakes. We passed the Great Lakes Legacy Act, which has brought over $60 million to clean up contaminated rivers flowing into the lakes, including $25 million to clean up the Ashtabula River.

Senator LEVIN and I also recently won Senate passage of the Great Lakes Fish and Wildlife Restoration Act to increase the authorization of grants to protect the Great Lakes, and we worked together to prevent invasive species from entering the Great Lakes by authorizing and funding a barrier in Chicago, where Asian carp might enter the Lakes. I thank Senator LEVIN for his dedication to this unique natural resource.

I have spent a great deal of my time here in the Senate fighting for those who are less fortunate and who cannot fend for themselves—not only here in the United States, but also throughout the world. Over the years, I have sponsored and passed several provisions that have increased funding for humanitarian programs.

I want to thank my good friend Senator DICK DURBIN for working with me to increase funding by $100 million for the Global Fund to Fight AIDS and to increase funding by over $60 million for the prevention of mother-to-child transmission of HIV/AIDS. Senator DURBIN has also worked with me to help provide assistance to the poorest nation in our hemisphere—and that is Haiti. DICK, Fran and I traveled together to Haiti and I thank him for joining me in efforts to provide a better life for the people of Haiti. He is a good and compassionate man, and I thank him for his work and for his friendship.

Once again, these things would not have happened but for MITCH MCCONNELL, PAT LEAHY, and the people on the subcommittee who provided the money.

While I am talking about Senator DURBIN, I also want to thank him for joining me in passing legislation that guaranteed that the children of service members who die in service to their country don't lose their free health care coverage. Before our law, children of service members who died serving their country would lose their free health care after 3 years. But, children whose parents were in the military and did not die would receive health care until they turned 21. That just wasn't right, and Senator DURBIN agreed with me. Together, we changed that law. I thank him for working with me on that effort, and I thank Chairman WARNER for working with us on this bill, it could not have happened without him.

Mr. President, I also had the pleasure of working with Senators DURBIN, Corzine, BIDEN, and BROWNBACK, as we have tried help bring a stop to the terrible genocide that is occurring in Darfur.

Together, we have increased funding for humanitarian relief and security efforts in this war-torn region, where so many innocent victims continue to suffer. I was proud to join my friends in this effort, and I know they will continue this fight.

Mr. President, none of these important increases to these HIV/AIDS and humanitarian aid programs could have happened without the help of the chairman and ranking member of the Senate Foreign Operations Appropriations Subcommittee—Senators MCCONNELL and Senator LEAHY. To both of them and to their able staffs, thank you.

I want to thank Senator FRANK LAUTENBERG for working with me to set a national .08 blood alcohol content standard for alcohol-impaired drivers.

This was a tough fight, and Senator LAUTENBERG is a good man to have with you in such a fight. I am proud to say that in 2000, we successfully got our bill passed and signed into law.

Mr. President, I want to thank Senator BYRD, not only for the legislation that we have worked on together, but more importantly for the outstanding service he has given this body and this country. Senator BYRD and I worked together years ago to pass the Continued Dumping Subsidy Offset Act—a law that helped bring hundreds of millions of dollars to U.S. manufacturing companies that were the victims of illegal dumping by foreign companies. This law brought over $315 million to manufacturers in Ohio. Thank you Senator BYRD for the work we've done together and for your outstanding service to this Senate and to this Nation.

Mr. President, I want to wish the best to all of my fellow Senators who were defeated this fall or who are retiring this year—Senators FRIST, SANTORUM, TALENT, BURNS, ALLEN, CHAFEE, DAYTON, and JEFFORDS. They are all good people and all good friends. I wish them well.

Mr. President, I want to take a moment to say that I still miss my good friend Senator Paul Wellstone. Senator Wellstone was a determined and outstanding public servant. In 1998, Paul and I worked closely together to write the law that reformed and improved the effectiveness of job training programs. It was always a pleasure to work with Paul Wellstone—such a passionate and committed and dedicated public servant.

Mr. President, as my colleagues all know, none of us could get anything done here in this body if it were not for the extremely dedicated, hard-working people on our staffs. I am grateful for the men and women who work for me now and those who have worked for me all through my time in the United States Senate. I didn't say thank you often enough, but I ant each of you to know how much I sincerely appreciate all you have done for me—all you have done to help the people of Ohio and the people of this Nation. I say to them: You have done such great work. You have helped people. You have improved their lives and, in some cases, you have saved lives through your efforts. You have made a difference, and you all should be very proud. I know I am proud of each and every one of you.

I have been so fortunate to have had so many qualified, talented people working for me over the years. Time will not permit me to name each one, but I thank all of them collectively for their efforts.

Thank you to all the schedulers who through the years got me where I needed to go and kept me on track. I would be lost, literally, without you.

Thank you to all my personal assistants and executive assistants. You all have taken such good care of me, which, admittedly, has been tough to do. I have not made it easy.

Thank you to my press team—all my past press secretaries and press assistants. You have helped spread the word about the good things this team has done for the people of Ohio. I thank you for your diligence and dedication.

I thank my legislative staff—all my legislative assistants, professional committee staff, legislative aides, legislative correspondents, researchers, and writers. You have been the best team any Senator could ever ask for. I am proud of you. You have worked so hard, so tirelessly, and with such commitment. You got things done. You have made a difference.

Thank you to all my current and past staff assistants, receptionists, and interns. You have been on the front lines every single day. You have heard a lot. You manned the phones. You greeted all of our constituents. You have helped me in countless ways. You have done your job so well with great respect, grace, and patience.

Thank you to our mail team. One thing is certain in this business: the letters and e-mails never stop coming. That is a good thing. Thank you for opening all the correspondence, sorting it, taking care of it, and making sure responses got out. I bless you for that.

Thank you to all my past office managers and system administrators. You have kept my office running. Without each of you, we couldn't open our doors each business day. You are great.

Thank you to my entire team in Ohio—to all my current and past regional directors, district representatives, staff assistants, and caseworkers. You are the best Ohio has to offer. I am proud to have worked with each one of you. I couldn't have done my job without you. You all know our State so very well. You have been so caring and kind to our constituents. Thank you from the bottom of my heart.

While it would be impossible for me to talk about each of my past staff members individually, I would like to take a moment to say a few things about some of my key advisers over the years. I will dearly miss working with each one of you. Bluntly, I don't know how I am going to get along.

Thank you to my past and present finance team. They are the ones who got me here: Mary Sabin, Rachel Pearson, Amy Ford Bradley, and last, but certainly not least, Brooke Bodney, who has taken me through the last few years. You all have amazed me over the years. You have pushed me, prodded me, you made me do something I don't like to do: make phone calls and ask people for money. Please know how grateful I am to each one of you. Your jobs were not easy, and you did a phenomenal job.

Thank you to my past campaign managers—Curt Steiner in 1992, Laurel Pressler Dawson in 1994, Josh Rubin in 2000, and Matt Carle from my 2006 race. Curt has been my friend for over a quarter of a century. He is smart and political savvy. Laurel was a great campaign manager in 1994. I will have more to say about her in a minute. Josh has been a permanent fixture in the DeWine family since the early 1990s. I have always appreciated his advice and wise counsel. Matt did a fine job this past election cycle. He knows Ohio very well.

I would also like to mention my friend Chuck Greener who has been a friend for over 25 years. I am grateful for his friendship and wise counsel. He always takes my calls. He always calls back. He is there for me. He is there for Fran.

Thank you to each of the individuals who have served as staff directors of my subcommittees. Louis Dupart served as staff director for our Antitrust Subcommittee. Louis always came to me with such great legislative ideas. He is the one who came to me with the idea of the Nazi war crime legislation. I will forever be grateful for that.

Pete Levitas also served for several years now as staff director for the Antitrust Subcommittee. Pete is a brilliant lawyer. He has been one of my most dedicated staff members, and he is one of the funniest people I have ever met. He can always make me laugh, and we always need people around us, Pete, to make us laugh.

Dwayne Sattler served as staff director for our Employment and Training Subcommittee. He worked tirelessly to help reform this country's job training program. A lot of the bill was his work product. I thank him for that.

Last, but certainly not least, Karla Carpenter, who has served as the staff director for three of my subcommittees: Aging, Substance Abuse and Mental Health Services, and Retirement Security. What in the world will I do without her? She has been with me since 1994. She is, as she likes to say, "the smartest person she knows." Mr. President, let me tell you, she is certainly one of the smartest persons I know. She got our Adoption and Safe Families Act signed into law, as well as the Older Americans Act and pensions bill. Thank you, Karla.

I would also like to thank my able Intelligence Committee designee, John Pack, and my excellent former designees Jack Livingston and Jim Barnett. You have been great advisers.

I have been most fortunate to have had the chance to work with three of the smartest, hardest working legislative directors around. My first Senate legislative director and chief counsel was Nick Wise. He was also legislative director for me in the House of Representatives. Nick always had a unique ability to analyze an issue and drill it down to the essence of the matter, and then explain it to me. Unique talent.

My next legislative director was Robert Hoffman. He came to my office from Senator Larry Pressler's office, where he was the Senator's legislative director. Robert did a fantastic job for me. He has an unstoppable work ethic. He was so dedicated and had such a solid understanding of the legislative process. I thank Robert.

My current legislative director is Paul Palagyi. What will I do without Paul, who is my go-to guy on so many things? He has been my LD for nearly 6 years and has built an extraordinary legislative team. Paul has put up with a lot. He is also an adviser for my two dogs at home.

During my time in the Senate, I have had two speechwriters. My first Senate speechwriter was Mike Potemra. I can say with honesty Mike is one of the most intelligent people I know. He is just so knowledgeable. In his own words, Mike is an "unusual guy." That he is, but he is also deeply endearing, and I am fortunate to have had the opportunity to work with him. I thank Mike.

Now, Mr. President, I come to the point in my speech where it is not scripted, and that is because it is about Ann O'Donnell. Ann O'Donnell has been my speechwriter. Ann O'Donnell has been someone who has made an unbelievable difference in my life. She is a tireless worker. She is a compassionate person. Fran and I have traveled with Ann to Haiti. I have seen her compassion for the children of Haiti. She is someone who never stops working.

During this past week, because I am leaving the Senate, because I would not be here in January, I have tried to finish giving tribute speeches to all soldiers and troops who died in Iraq and Afghanistan. It was an unbelievable task. Ann put it together. She got it done. We did 75 speeches this week. It wouldn't have happened without her. A lot of things I have done would not have happened without her. I thank her. I thank her for being who she is.

I have had two communications directors during my time in the Senate. First was Charlie Boesel. Everyone loves Charlie. His personality is as flamboyant as his taste in colorful clothes. Charlie was a pleasure to work with and did a fine job for us. I will tell you, it was great fun to have Charlie join us for a few days on the campaign trail. Fran and I were so happy to see Charlie back.

My current communications director is Mike Dawson. I first met Mike when I was running for Governor in 1989. Mike, whom I did not know, came to me and kept coming to us and want said: Hey, I want to work for you, I want to help you on your campaign. We finally said yes, and he was on the campaign. He worked on my Governor's race and then my Lieutenant Governor's race when I joined George in his bid for Governor. Mike worked in the Voinovich administration, he worked for Senator VOINOVICH, and he has been my communications director for the last 5 years. I am grateful for his wise counsel. He is my friend. I will always remember what he has done for me.

I have had one State director while I have been in the Senate. That has been Barbara Schenck. Barbara worked with me when I was Lieutenant Governor. She is truly one of the finest individuals I have ever known. She is smart; she is articulate; she is spirited; yes, she is feisty; and she is passionate. She is also extremely compassionate. She has been my right hand in Ohio. I talked to her many days six, seven, eight times. I can't imagine not working with her in the days ahead, but I know she is going to do some amazing things. Barbara, you are the greatest. Thank you.

Finally, my chief of staff, Laurel Pressler Dawson. I truly believe—I have not checked this—that she has been chief of staff to a Senator and a Congressman probably longer than anybody in this body. Laurel has been my chief of staff since January 1983 when I entered the U.S. House of Representatives. We have seen and been through so much together in our personal lives, as well as professional. She has been there during the great tragedies in my family. She has always been there. When our daughter Becky died, she was at the hospital. She was the one who came.

She was the one person who had the ability to tell me no, and I would listen to her. Everybody needs someone who tells them "no" and listens to them. I have been privileged to have her be my most trusted adviser for over two decades. She always just got it done. She managed my organization with great skill. I cannot thank her enough for all she has done for me and for my family.

As my colleagues in the Senate are well aware, Fran and I have a big family. We are blessed. We are parents of 8 children, now the grandparents of 10 grandchildren. I would like to take a couple minutes to talk about my family before I end.

First I thank my oldest child, my son Patrick. I always turned to Pat for his thoughts on policy and politics and have so appreciated his help in my campaigns and his keen advice and his input. Pat's three boys—Michael, Matthew, and Brian—are a delight. They are a delight every day. They were a delight to have on the campaign trail. I thank each of them for all their hard work and their efforts.

I thank my daughter Jill, her husband Bill, and their children, Albert, Isabelle, David, Caroline, Justin, and newborn Mary Frances. Jill and Bill and the kids walked in so many parades this summer and fall and throughout the years, as all our kids have. I can't count them. They have always been so helpful and supportive. I thank Bill for his expertise on issues regarding persons with disabilities. He has helped me understand the needs of those with disabilities. He has helped me do more to help them.

Our son John recently completed his Ph.D. in ecology. Fran and I are so proud of him. He and his wife Michele and their sweet little daughter Josie Jean have recently moved to West Virginia, where John is now working on river restoration.

Our son Brian is engaged to Kalie Spink. They are planning their wedding for this coming April. Fran and I are so looking forward to that and looking forward to having Kalie join our family. Brian works in the best job probably in the family. He works for a minor baseball team, the Carolina Mudcats. I envy him every day.

I thank my daughter Alice for the sacrifices she made this year to help with our campaign. She is a law student at Ohio Northern University—my alma mater—and took the fall semester off to work on the campaign where she was in charge of coalitions. Thank you, Alice. You did a great job.

Our son Mark is a sophomore at the College of Wooster, where he runs cross-country and track. Mark is a good person, a person who is very compassionate. For his Eagle Scout project, he traveled to Haiti, a place my colleagues know is very important to Fran and myself. He planted trees there. He worked with Father Tom Hagan and helped with the reforestation project.

Our daughter Anna is a freshman in high school. She is a runner like all her brothers and sisters. She is a sweet, quiet, caring young woman. She has put up with a lot this past year with her mom and dad being gone quite a bit of the time, going back and forth between Washington and Ohio. But she has handled it so well. We are very proud of her.

To each of my children and grandchildren, Mr. President, I simply want to say thank you and I love you.

As an only child growing up, I was dating Frances in high school and I used to love going over to her house because she had a big family. There was always something going on. I want to thank Fran's brothers and sisters and their families for all they have done for us over the years, their friendship and love and help and support. We are so very fortunate to have all of them in our lives. I want to thank Fran's parents, especially, Bill and Mary Struewing: You are great. No one could have a better mother-in-law and father-in-law. You have put up with me since Fran and I started dating in high school, for a long time, and for that I am very grateful.

Of course, I want to thank my parents, Dick and Jean DeWine. I have talked about my dad on the Senate floor many times in regard to the K-Company and what he did during World War II. I could not have asked for two more wonderful parents. They always believed in me. They gave me my interest in politics. They gave me their values. They gave me their work ethic, and I owe them everything, and I love them very much.

Finally, every day I think of our daughter Becky who died in 1993. Becky was a compassionate, honest, caring young woman who would have done so much with her life. I think of her every day. The things that Fran and I do for children, we do in her memory.

In conclusion, I love Ohio. I love our country. I see a great future for both my State and for America. I am an optimist. My wife Fran says that anybody with 8 kids by definition is an optimist, and I am an optimist. Throughout my career in the Senate and after I leave, I will continue to care about the health and education and welfare of our kids. I will continue to care about stopping the spread of AIDS around the globe. I will continue to help improve the lives of our world's most impoverished men, women, and children. I will continue to care about highway safety and the importance of making our cars and roads safer. I will continue to care about making our communities safe for our families, safe from crime, safe from terrorism.

As I leave the Senate, however, I leave behind unfinished business, as we all do, and I encourage my colleagues to continue the work we shared on so many different issues.

Just this week I introduced the Pediatric Medical Device bill with Senator DODD, a bill that will help ensure that our children have access to lifesaving medical devices that are designed specifically for small bodies. I hope someone will take up that cause.

I thank my colleague TED KENNEDY for working with me, and I was working with him, on the bill to give the Food and Drug Administration the authority to regulate tobacco. It is long past due. It needs to happen. It has not passed, but it will. I know it will pass. I know it will pass, because it is the right thing to do.

Two days ago I introduced a bill to make cars and roads safer for our families, especially our children. That bill would simply direct the National Highway Traffic and Safety Administration to research new ways to keep pregnant women and their unborn children safer in our cars. I hope someone will take that up as well.

I will finally conclude my remarks by thanking the most important person in my life, my bride of 39 years, Fran. As most people know, I would be literally lost without her. She takes care of me. She takes care of our family. She is our rock. Fran is my partner in all things. She is my best friend. She is the passion of my life. She is my love. She is everything to me. We met in the first grade. It took me until the seventh grade to talk her into going out on a date with me, and it took me 7 more years to convince her to marry me. I am a persistent man. We got married between our sophomore and junior years at Miami. We tell people it was a productive 4 years at Miami. We ended up with two degrees and two children by the time we left. I could not have done any of this without her by my side.

She has been through every one of my campaigns. She has done everything. Thirty ice cream socials for 2,500 people who just dropped by her house on a Sunday. She has done that for 30 years. She does anything and everything. She is smart, she is witty, she is organized, and she is very compassionate. She accomplishes more than anyone I know, and she never stops working. I love her more than anything else in the world. Someone said to me earlier this year that if I lost my reelection bid, it wouldn't be so bad, because even if I lost my Senate seat, Fran would still be there by my side. They were right. And for that, I am very fortunate.

Mr. President, my colleagues, my friends, come visit us in Ohio. That is where we will be. After this month, we will be in our home in the county where we grew up, the county where we were born, the county where we live. We will be home in Greene County. Come see us. You are always welcome.

I thank the Chair for his indulgence, and my colleagues.

I yield the floor.

Mr. REID. Mr. President, I know the hour is late and we have other speeches to give, but I wanted to comment briefly to my friend from Ohio. Senator DEWINE and I came to the House of Representatives together in 1982. We have careers that are similar. He served as Lieutenant Governor for the State of Ohio, I served as Lieutenant Governor of the State of Nevada. He served as a Member of the House of Representatives. I served as a Member of the House of Representatives. He and I served as Senators. Our backgrounds are also the same in that we are trial lawyers. I have heard Senator DEWINE speak on a number of occasions about his days of being a prosecutor.

I also want the record to reflect that I approach my brief remarks here tonight keeping in mind our days as trial lawyers, where you could go into a courtroom representing your client, whether it be the State or an individual, a corporation or an individual, and you would give that client your very best, as would your opponent. But when that trial was over, you shook hands and went on about your business.

I have also had the same experience as MIKE DEWINE. I have lost a statewide election, and I know that is not pleasant. But I want MIKE to know that I admire and respect the work he has done. His wife has been so thoughtful and kind to my wife. We all witnessed these speeches that he has given. Many more people have died in Iraq and Afghanistan from Ohio than Nevada because it is such a heavily populated State, and MIKE's tenacity in directing his attention to each of those families is something that will always be remembered here in the Senate.

MIKE, I want you to know that I want us to have the same relationship as you leave the Senate as if we were trying a case, and one won the case and one lost. We would walk out and shake hands. That is how I feel about you, someone who has been with me and I with you for 25 years, as Members of Congress and doing other things; we certainly have a relationship. I am happy to call MIKE DEWINE my friend.

Mr. MCCONNELL. Mr. President, from time to time over the last 12 years, new Senators have come up to me as they have come to the body and asked the question: How do you do this job? And I usually have responded: Well, what do you want to be? Do you want to run for President? Do you want to be on the Sunday shows? Do you want to pass legislation? A surprising number of them have said they came here to pass legislation, important legislation for America that would make a difference. To every single one who said that, I said: Watch MIKE DEWINE. Go study MIKE DEWINE. The most prodigious, the most effective, the most extraordinary legislator in my time here in the Senate. Quiet, effective, a consensus builder. You see by those who are on the floor here tonight that he has friends on both sides of the aisle whom he has worked with, cultivated, and built the kind of relationships that make a Senator effective.

So I would say to my good friend, the senior Senator from Ohio, he is a Senator's Senator, the perfect Senator, the master of the art of making a difference. Farewell.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I join in the chorus of praise and thanks to my friend—and I mean that; the word is thrown around here—MIKE DEWINE. We came to this job together. My very first memory of MIKE and Fran DeWine was when we were both wearing tuxedos and Fran and Loretta were in evening gowns, and we were at our first dinner at the White House with President Ronald Reagan as Congressmen-elect. The year was 1982. My wife brought her little handbag, and Fran brought even more to that White House dinner, that formal dinner that evening. She brought a basket and in that basket was her brandnew baby who came with her to the White House dinner. It was the first time I ever met MIKE and Fran. I still have vivid memories of that moment. I think it was a little daughter in the basket, if I am not mistaken, who might be up here. She was on her best behavior then, as she is now.

Another memory I have is when MIKE DEWINE asked me to join him on a trip to Haiti. I saw a side of my colleague from the Senate which many of us have not seen. Fran came along on the trip with bags full of sporting equipment and toys and clothes and food, everything they could jam into this small airplane to bring over to give to some of the poorest kids in the world. We went to the Cirque du Soleil, the poorest section of Port-au-Prince. If you haven't seen that poverty, you haven't seen poverty. It is as bad as it gets. We worked our way back to a little cinderblock school, the Becky DeWine School, named after MIKE and Fran's late daughter. I watched MIKE as he walked through that school and sat down with these little kids, and each one of them poured out to him the love and respect and thanks for all that he had done to provide this basic little school for them.

That wasn't the end of the day, for sure. We were then off to an orphanage where we were trying to help a nun, if I am not mistaken, with a building full of squalling babies, trying to get a little help so she could take care of them. Then he took me on a famous road trip where he wanted to show me one of the rural projects. It knocked out almost all the fillings in my teeth, it was such a wonderful road, and we had one of these glorious CODELs that you read about, bouncing around in a vehicle to go out and visit people who are at the lowest ranks of poverty in the world, with babies with red hair from their anemia and malnutrition and vitamin deficiencies. That is where MIKE and Fran DeWine spent their time away from the Senate. They left a lasting impression and a legacy there. I am happy we are going to try to continue that legacy even tonight, I hope, or tomorrow as we bring this session to an adjournment.

Time and again, when I was up trying to find a vote, desperately trying to find a vote for global AIDS, for many other causes, I would look across the aisle and hope MIKE DEWINE was sitting right where he is sitting now, because I knew if I could get over there, I had a chance. Every time I would sit down with him, MIKE would say: This is going to be tough. He used to always like to say: I am going to have to pray on this, which meant it was going to have to be a pretty tough political sell for him and for his colleagues. He never let me down. More importantly, he never let down some of the poorest people on Earth. He came through every single time.

MIKE, you have got the heart of gold that we all dream about. I have lost a few elections in my time. It is a sad moment. But as you reflect on your public career and how much good you have done for so many people, your name and your legacy will live on. I am honored to count you as a friend.

Mr. ROCKEFELLER. Mr. President, my heart is full as I think of MIKE DEWINE and his service here in the Senate. I didn't know MIKE when I first came here. I didn't know anything about his visits, I think 13 or 14, to Haiti, his concern for the poor. He seems to have always been motivated by a moral compass which never wavered from those who needed him, and who weren't getting help from others. It is ironic in the best sense that he and I have cooperated on so many pieces of legislation that had to do with children and families and adoption and all kinds of things. It is ironic because in a sense he followed the father, Mr. President, of our Presiding Officer, in that role. You go to MIKE's office, MIKE would come to this Senator's office, legislation would appear, it would pass—and almost invariably get very little attention. That was not the purpose or the interest of the Senator from Ohio. He wanted to do good.

I think of his interest in children and I think that is a moral compass. If you have that in life and you are not going to let go of that in life, then that fixes you, as the Senator from Illinois indicated, in the legacy of the Senate. I also think that his interest in Haiti says more about him than words can possibly measure. What drives a man and his wife to go to that country where most of us have never been? Most of us have the image of it that the Senator from Illinois described but know not of it directly by experience. Vacations, free times, are valuable to Senators and their families. Yet the Senator from Ohio took his time and went to Haiti, year after year, and fought for their problems and said not a word to anybody. I found out about it not from the Senator from Ohio but from somebody completely different. I found out more about it and then deepened my knowledge and my respect for the Senator from Ohio.

Finally, I want to say I have the privilege of serving with him on the Intelligence Committee. The Intelligence Committee is serious business. The Senator from Ohio rose to the peaks of discretion, determination, simply trying to find the truth. He wasn't out to get anybody, to punish anybody, to embarrass anybody. He wanted to get the facts and then from that make his decisions through his votes.

National security on the one hand, children and all of their problems—not just education but children with all of the most complex problems of what happens when you get to be 18 and you have 3 years to get to be 21. The father of the Presiding Officer and I worked on that. Virtually every problem that can afflict children, unattended by most politicians, was taken to heart by the Senator from Ohio who had the advantage of many years of being a prosecutor.

I look upon the Senator from Ohio as absolutely extraordinary, as the majority leader indicated. He is an extraordinary Senator, an extraordinarily fine person, a friend in whom I could put complete and absolute trust, who only was here to do his work for the people and causes he cared about—most of all Ohio but then special groups probably unknown except to his conscience.

I wish you well, sir.

I yield the floor.

Mr. SARBANES. Mr. President, could I ask what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Maryland is recognized.

FAREWELL TO THE SENATE

Mr. SARBANES. Mr. President, over the last few days, a number of my colleagues have been very generous in coming to the floor and speaking about my service in the Senate. I am deeply grateful to all of them, and my wife is greatly relieved that the session is drawing to a close because she fears, if it continues and I continue to hear these excessively praising speeches, I am going to take it to heart and she is going to have to contend with the aftermath of all this praise. I do thank all of my colleagues for their very generous and their very gracious remarks.

As my service in the Senate draws to a close, I am above all profoundly grateful for the trust that the people of Maryland placed in me for the last 40 years—first as a State legislator, then three terms in the House of Representatives, and now five terms in this distinguished body. I think that trust is the greatest honor that any American could hope to have. I am deeply appreciative of it.

I could not have risen to the challenge that these opportunities for public service have provided without the constant support and the wise and reasoned counsel of my family. First of all, and above all, my wife Christine, whose high standards and dedication to our family and to our country are beyond measure and have been a constant source of inspiration to me. The support and commitment of my children, their spouses and their children has been deeply gratifying, and I am indebted to them for the encouragement they have always provided and also, if I may say so, for their astute criticism, on occasion. My sister and my brother and their families have also been, as one would expect, a constant source of strength, and I am deeply grateful to them.

My parents came to this country as immigrants from Greece, both my mother and father, and it was from them that I first learned about the meaning of a democratic society and the potential it offers to move up the ladder of opportunity on the basis of ability, hard work, and conviction. Their memory is still a very powerful influence in my life.

I could not have met the responsibilities of this office without the support of staff who have been ever ready to work at the highest levels of competency, often under great pressure, and to stand up always for what they believe is right. I am deeply grateful for the principled dedication and sharp intelligence they have brought to their responsibilities—whether they were serving on my office staff in Washington or in my offices across the State of Maryland; whether on the staff of the Banking Committee, the Foreign Relations, the Budget and the Joint Economic Committees on which I have served, or the staff of the Senate generally, on whom the efficient functioning of this legislative body depends.

I think it is important to pause from time to time to think of the many men and women—they are sitting right here at the tables and outside the doors and all across the Capitol and in the office buildings—who make it possible for us to function and who bring a dedication to their work that is greatly encouraging. In fact, it has been a source of encouragement and inspiration to me. Working with all of the staff and in particular, of course, my own personal staff, has been one of the great rewards of serving in public office.

I leave the Senate confident that Maryland's representation in this body will be in good hands. For the past 20 years, it has been a privilege to work closely with my colleague from Maryland, Senator MIKULSKI, who will soon become our State's senior Senator. What a fighter she is for a better America. And what a path-breaker she has been in the course of her political career.

It was likewise a privilege to work with her predecessor in this body, Senator Mathias, with whom I developed a close friendship. Both have been wonderful partners.

It is especially gratifying to know that, in the 110th Congress, BENJAMIN CARDIN will take this seat and be Maryland's junior Senator. BEN CARDIN has given extraordinary public service to the people of Maryland. As a Member of the House of Representatives, he has for 20 years represented our Third Congressional District with great distinction, and prior to entering the House of Representatives, he served for 20 years with equal distinction in the Maryland legislature, including an outstanding tenure as Speaker of the House of Delegates. He is an experienced legislator of the first rank, and he is tireless in carrying out effectively the responsibilities of his office. I know my colleagues will enjoy their work with him in the coming Congress.

My wife and I are gratified that our eldest son John will, in January, be sworn in as a Member of the House of Representatives to represent the Third Congressional District in the 110th Congress.

Throughout my years in public service, I have worked to the limits of my ability to provide the people of Maryland and the Nation dedicated, informed, and independent representation based upon the fundamental principles of integrity and intelligence. I have been guided in this effort by a vision of a decent and just America, based on a strong sense of community and offering fairness and opportunity to all its people. These values and that vision were shaped by my family and the community where I grew up, by the pride my Greek immigrant parents took in their citizenship in their adopted country, and by the high standards of service that community leaders set in a small community on Maryland's Eastern Shore, Salisbury, MD, as I was growing up. Those values and that vision are as clear and as steady today as they were when I first entered public service.

Service in this body has reinforced, many times over, my understanding and commitment to the institutions upon which our system of democratic governance critically depends. I have constantly kept in mind the words reportedly spoken by Benjamin Franklin in Philadelphia at the conclusion of the Constitutional Convention. We are marking this year, of course, as my colleagues know, the tercentenary of Franklin's birth. The story is told that, as he came out of the Constitutional Convention, the oldest delegate there, a woman in the streets of Philadelphia called out to Franklin and said:

> What is it to be, Dr. Franklin, a monarchy or a Republic?

And Franklin's reply was:

> A Republic, Madam, if you can keep it.

A Republic, Madam, if you can keep it—the challenge that Franklin uttered that day in the streets of Philadelphia is a challenge each generation of Americans face. All Americans bear the responsibility to rise to Franklin's challenge but none more so than the Members of this body.

I have been honored to serve with Members, past and present, who have embraced the challenge and sought, through common effort, often under difficult circumstances, to strengthen our Republic and to make the promise of America a reality for all of our people.

As I prepare to leave the Senate, I want my colleagues to know how deeply I appreciate their friendship and counsel and how highly I value the privilege of having been their colleague. So long as the vision of America's promise continues to shine brightly in this body, I have every confidence that our Nation will prevail in the face of great challenges and that its future will be assured.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have experssed my feelings about PAUL SARBANES. I have spoken before the Democratic caucus about my affection for PAUL SARBANES.

I would like to read from the Congressional Directory something that this humble man did not tell us. His Bachelor's degree at Princeton University, magna cum laude, and Phi Beta Kappa; Rhodes Scholar, Balloil College, Oxford England; first-class B.A. honors in School of Philosophy, Politics and Economics; LL.B., cum laude, Harvard Law School.

These are the things he didn't tell us. He is a man of great humility, a person the leaders whom I have served with in the Senate—Senators BYRD, Mitchell and Daschle, Democratic leaders—counted their font of wisdom, without question. I sat for 6 years with Senator Daschle, and whenever there was a difficult issue facing him, he had to talk to SARBANES. I, on a number of occasions, went and obtained SARBANES to come and visit with Senator Daschle.

I am disappointed that PAUL SARBANES is going to be leaving because that font of knowledge, that font of wisdom will no longer be available to me. The leaders used the knowledge and the wisdom conveyed to them by Senator SARBANES for the good of the Republic.

Senator SARBANES has heard me on a number of occasions express my appreciation for his friendship and for his dedication to our country, but he has also heard me on every occasion I have had the opportunity to talk about his athletic prowess.

PAUL SARBANES, even though he kind of saunters around with the dignity of a Sarbanes, as a young man he was a good athlete. My favorite story some of our colleagues heard me say, and I know Senator SARBANES has heard me say it and he is going to hear it again. He was selected as one of the best baseball players in all of Maryland. He comes from the Eastern Shore for the All-Star tournament in Baltimore. The starting lineup is announced: SARBANES, second base. He goes to speak with the manager and says: I am a shortstop. The manager ignores him. He comes back a little bit later and says to the manager: I was selected to be an All-Star second baseman. The manager ignores him. He goes back a third time. The manager says: SARBANES, leave me alone. I'm starting Kaline at shortstop.

Of course, we know Kaline went on to the big leagues when he was 18 or 19 years old.

I am going to miss this good man and his wife Christine so very much. He is what, in my estimation, a Senator should be.

Mr. DURBIN. Mr. President, I said a few words on the floor the other day. I meant every one of them. Senator PAUL SARBANES has been kind enough to thank me. I wanted to say briefly that from time to time people back in Illinois would ask me: Of all those Senators whom you serve with, which ones do you respect the most? Without hesitation, I would always mention the name PAUL SARBANES. I respect him so much, not only for his intelligence and his good humor but also for his wit and his wisdom.

The reflective past he has referred to in public service starts in the House of Representatives, his service on the House Judiciary Committee during the tumultuous days of the Watergate hearings, impeachment trial, and coming full circle to the Senate. He has a lifetime of public service to be proud of.

Christine, his wife, has been at his side. And I know she has shared in many of the great victories that their family has been able to point to. The greatest victory, I understand, is now the election of her son. She is so proud, as PAUL told us, their son John is going to follow in his father's footsteps as a Congressman in this upcoming Congress.

I will truly miss PAUL SARBANES as a great Senator and a great friend.

Ms. MIKULSKI. Mr. President, I, too, want to join in the chorus of colleagues by thanking Senator SARBANES for all he has meant to Maryland, all he has meant to the Senate and all he has meant to the country and all that he has meant to me.

I knew Senator SARBANES 20 years ago, but I knew PAUL SARBANES long before that. I knew him when he was a young lawyer starting out to run for the House of Delegates. I was also, at that time, a young social worker. We were working to stop a highway in the neighborhood. We were the young reformers. Baltimore was dominated by political bosses, by the political machine. And PAUL SARBANES was the first one to buck the machine, to kind of go directly door-to-door to represent the people. Baltimore has not seen for years someone who would actually go out and knock on doors asking people for their vote, bypass the existing establishment and empower the people.

Senator SARBANES won that House of Delegates seat and did a great job.

Then he had a hard-fought, again, door-to-door battle—bucking the big boys and big bucks, door-to-door going right through, going directly to the people who brought him to the House—and

In 1976, that wonderful Washington centennial year, we in Baltimore, the home of the Star Spangled Banner, celebrated by sending PAUL SARBANES to the Senate. And, by the way, that young social worker went to the House of Representatives.

Senator SARBANES and I have been side by side for those years. All of my colleagues have talked about the enormous trust and respect they have for him.

Much has been said and there is much to be respected about Senator SARBANES—his integrity, but trust is really the word. You can trust Senator SARBANES. You can count on Senator SARBANES. You always knew he would be there when you needed him. The people of Maryland knew that when they needed him to be able to stand up for those who didn't have a voice, people with dirt under their fingernails, the people who worked in those kinds of jobs where at the end of the day you have a bad back, you earned the minimum wage, you didn't have a health benefit, and you wondered who really cared about you, PAUL SARBANES would do that.

When people invested their life savings and their pension and saw corporate greed eating all of that, they wondered who would speak for honesty and integrity. They knew they could trust PAUL SARBANES.

On issue after issue, people knew they could trust him—and they certainly could.

You could also count on his wonderful staff. The Mikulski staff has such great admiration for the Sarbanes staff. It is so outstanding. Similar to the man they work for, they bring great intellectual vigor, great integrity, and a great ethic of hard work.

We often laugh that we are the "diner Democrat." Senators have heard about Senator SARBANES' mom and dad running a diner, my mom and dad owned a grocery store. We were kind of the grassroots retail people. So we feel very close to the people.

But again, a tribute to him would be incomplete without recognizing the dynamic duo of Christine, who has been an outstanding partner for PAUL SARBANES and quite a force in the community in her own right. Whether it has been working for the U.N. and for UNICEF in their own community, to be on the library board to expand literacy opportunities, Christine has been a force in and of herself and for their wonderful children—John who now joins us in the staff.

I could talk at length about PAUL SARBANES, but I will tell you he has been my friend. We have sat next to each other on the Senate floor. We have actually voted in the Senate precincts. When I came to the Senate, I was the only Democratic woman to serve here. But I had a saying as I traveled Maryland and traveled throughout the country. When people said: How does it feel to be the only Democratic woman in the Senate, I said: You know, I might be all by myself, but I am never alone. I have PAUL SARBANES. And that is true for the people of Maryland.

We wish him well. I know I am going to be seeing him. Wherever there is a good bagel or a good political event, I know that PAUL SARBANES will be there.

PAUL, Godspeed and God bless.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very moved by the words of Senator MIKULSKI. And as I look over there at the two of them side by side for so many years, I feel a void already because they have been so outstanding as a team. And I must say they are an inspiration to all of us who have watched their friendship, genuinely caring about each other and their amazing partnership for the people of Maryland.

I certainly can't add anything more to what Senator MIKULSKI has said. I will try to say, from my perspective, a little bit about what Senator SARBANES has meant to me.

It is a story that not many people know. But when I was in the House of Representatives, I was called on to speak about the environment at the Democratic Convention when Geraldine Ferraro was the Vice Presidential candidate and Walter Mondale was the nominee. That was a long time ago. I was thrilled. I was an unknown House Member. Now, of course, I am so excited to be taking over the reins of the Environment Committee, but the environment has been a signature issue.

Well, what happened that night, I was slated to talk in prime time. But something funny happened on the way to the forum, which was that Jesse Jackson spoke at the convention. And he spoke and he spoke and he spoke, and then he spoke some more. And then they cheered him on, and then he spoke some more. Well, this was my moment in the Sun. I had bought a new suit. I called my mother on the East Coast. I said: Ma, big time. She kept saying: When? And it kept going on and on. Now, when Jesse Jackson finished his amazing oratory, the entire place emptied out. There was no one left in this huge arena. The chair of the convention had to say: Please leave quietly, we have another speaker. And it was me. No one was left but my family and PAUL SARBANES. He knew me just a little at the time. He wanted to encourage me. And he sat down right in front of me with a sign that said something like: Go, Barbara, go green—or something like that. He stood there and cheered.

Little did I know at the time that he would, many years later, welcome me to the Senate, as of course he did.

I know there is other business coming before the Senate. So I am not going to speak very long at all except to say this: What a privilege it has been, PAUL, to work with you. We are on the Foreign Relations Committee together. For a time we were on Banking and Budget. And I watched you like a hawk. You are a humble man, but you could quiz a witness like nobody else and with your quiet voice made your point and made a point for the people.

I think you are one of the finest minds the Senate has ever had. I think that you have one of the finest hearts. You don't wear it on your sleeve, but you do. And I want you to know I have benefited so much watching you and learning from you, and even tonight as you made your farewell talk, you spoke so little about yourself. You spoke about your family, but the most important thing you spoke about is this great country that has lifted us all up, the three of us on the floor tonight. We know what it is like to be born in a lower middle class family and struggling our way up. We want to make sure that opportunity is there. That is what you spoke about tonight, in all your eloquence.

So I will miss you very much. I thank the people of Maryland for being so wise to send us two such Senators. I know PAUL SARBANES has many wonderful days ahead and much work awaits him.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to pay tribute to my good friend and colleague, the senior Senator from the great State of Maryland, who will be leaving this body at the end of this Congress. PAUL SARBANES and I have shared the past 30 years in this body together, and I can say that the Nation will be losing one of its most talented, well respected, and principled public servants when he steps away from the office he has held with such honor and integrity.

PAUL'S career is one that I believe still to this day reflects the values instilled upon him by his parents, Greek immigrants to this country, who infused in him a strong work ethic and a sense of service to others. He worked his way through school while growing up on Maryland's beautiful Eastern Shore and earned a scholarship to Princeton University, where he excelled academically, and earned a Rhodes Scholarship to Oxford. If that weren't enough, PAUL also went to Harvard Law School.

With all his abilities, with his clear leadership potential and promising future, PAUL chose to dedicate himself to the service of others. From his years in the Maryland House of Delegates, to his time across the Capitol in the House of Representatives, through his years here in the Senate, PAUL has always used his unique abilities and vast knowledge, tirelessly working towards finding solutions to the country's most pressing issues.

That is why I was so honored to be able to work closely with him in drafting portions of the Public Company Accounting Reform and Investor Protection Act of 2002, more commonly known as the Sarbanes-Oxley Act. PAUL's leadership as Chairman of the Banking, Housing, and Urban Affairs Committee was needed more than ever as the America people learned of the deception that corporate leaders had perpetrated. In a business culture that seemed to reward greed and devalue honesty and accountability, PAUL was able to create a bipartisan piece of legislation that mirrored his values and took a stand for countless ordinary Americans who were victims of the prevailing culture of corporate excess. It was my distinct pleasure to work with him in such a noble effort, and I believe it is fitting that such important legislation bears his name and will serve as a testament to his character for many years to come.

I will miss PAUL SARBANES, although I take comfort knowing that he won't be far away. His career is a lesson to us all in what the Senate is all about. It is with a heavy heart that I bid my friend farewell, and thank him for setting such a wonderful example for us all to follow.

I know he will stay a clear voice for America—but now he and Christine can also have the time together they so deserve.

Mr. HATCH. Mr. President, I would like to take a few minutes to reflect on the remarkable career of my good friend and colleague, Senator PAUL SARBANES, and to thank him for his service to our country.

The life of PAUL SARBANES is the archetypical story of America. He is the son of Greek immigrants who moved to the Eastern Shore of Maryland and started their own restaurant, where PAUL helped out after school. His parents encouraged him to get an education, a message that he took to heart. He received a scholarship to Princeton, was a Rhodes Scholar, and then graduated from Harvard Law School.

After graduation, he quickly gained a taste for economic policy by working at the Council of Economist Advisers during the Kennedy administration under Walter Heller, when the famous Kennedy tax cuts were passed. I am not sure that people around here fully grasped—and he is certainly not one to toot his own horn the depth of his experience in the area of economics, but it is substantial.

He entered the Senate the same year I did, 1976, after stints in the House of Representatives and the Maryland House of Delegates. He quickly sought to use his economic acumen and joined the Banking Committee and the Joint Economic Committee, both of which he would later chair. He played an integral role in the Banking Reform Act of 1999 that made it easier for banks to diversify their investments and increased competition in the industry, giving consumers wider choice in this arena and better returns to their savings. While we all acknowledge and bewail the low savings rate in this country and grasp for ways to fix it, the reforms passed by PAUL were an important step in the right direction that we can and should build on.

He has also fought a yeoman's battle to improve the quality of economic data produced by our Government. It is a topic that sounds deadly dull, but it is vitally important, and PAUL SARBANES has made it his duty to get this accomplished. Thanks to his efforts we have much more accurate, reliable, and timely data on economic growth, wages, and employment. We may not always agree on how our Government should go about trying to increase these economic indicators, but because of PAUL's efforts we know much better what we are arguing about and how successful our efforts have been.

To me, that is one of the marks of a great Senator: being willing to take on a low-profile issue that gains him nothing with the press or his constituents, but nevertheless improves our well-being. The economists that use this data and the statisticians that work for producing the data know exactly how much PAUL's leadership has benefited the country, and this is something that I want the rest of the country to know as well.

Of course, despite his numerous accomplishments in the Senate, he will be best known for his authorship of the Sarbanes-Oxley Act of 2002. I do not need to remind my colleagues that in 2002 our financial markets were in sore shape and in dire need of ameliorative steps of some sort. People were beginning to lose faith that they could trust putting their money in the domestic stock market, a state of affairs that potentially threatened the very fiber of our economy. In the Congress there were lots of ideas on how to fix this but very little consensus.

PAUL waded into this morass and helped shape an all-encompassing bill in short order that addressed many of the problems endemic in our financial markets. Thanks to his skillful maneuvering and that of his House partner on this bill, MIKE OXLEY, this legislation quickly passed the House and Senate and became law, stanching the wound in our financial markets. Like every major piece of legislation passed by the Congress, the Sarbanes-Oxley bill was not perfect. However, today the Dow Jones Industrial Average is near an all-time high and over 50 percent higher than in the summer of 2002, in no small measure thanks to Senator SARBANES' efforts.

This is, and remains, a mark of a Senator of distinction: One who rises to the occasion when a crisis ensues and creates an environment where Members can work together, across party lines, and with scarce regard to short-term political exigencies, to come up with a solution.

To my esteemed colleague, Senator PAUL SARBANES, I give you my best wishes in retirement, our thanks for a sterling career in service to your country, and my gratitude for your friendship over these many years.

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good wishes and Godspeed to Senator PAUL SARBANES, the senior Senator from Maryland and the longest serving Senator in Maryland history, as he retires this week.

Senator SARBANES was elected to the Senate 2 years before me, and thank goodness he was here. PAUL SARBANES has been a dear friend, an indispensable source of wisdom, a trusted ally, and an inspiration. Senator SARBANES and I even briefly shared an office, when the anthrax attacks of 2001 forced him to leave his office in the Hart Building and set up shop temporarily in my conference room. After years of close cooperation, we were literally working side by side.

What I have found over these years is that PAUL SARBANES is one of the smartest, kindest, and most thoughtful public servants in Government. He is quiet and does not seek the limelight, but behind his calm demeanor is a skilled legislator with a keen mind. Senator SARBANES operates by compromise and by building consensus, but he also has plenty of backbone when it is needed. He knows when to coax, when to charm, and when to say "enough is enough" and get things done.

In the wake of the accounting scandals at Enron and other corporations, it was Senator SARBANES' leadership that led to the most significant reforms of accounting practices in a generation. The landmark Sarbanes-Oxley legislation, which grew out of his longstanding commitment to corporate responsibility and high ethical standards in business, curbed some of the corporate abuses that had shaken investor confidence in American business.

That law has produced its critics, but most of the detractors are unhappy because Sarbanes-Oxley is so effective. Sarbanes-Oxley forces accountants to actually review the books. It forces CEOs to understand, review, and sign off on the company's financial statements. And it forces companies to produce meaningful financial statements with internal controls that back up the numbers. There are some critics who are waiting for Senator SARBANES to leave the Senate, hoping to weaken what he built, but they will find many Senators, including this one, who will fight to maintain high standards. Sarbanes-Oxley will continue to serve as the foundation for reasonable regulation of our capital markets.

While his name will always be associated with the Sarbanes-Oxley law, Senator SARBANES remains an unsung hero for another accomplishment: cracking down on money laundering through the PATRIOT Act. I want to sing his praises on this for a moment because it is an issue I am passionate about and because Senator SARBANES deserves greater recognition for his work.

For several years prior to the 9/11 attacks, I worked on strengthening anti-money laundering laws—holding hearings, producing reports, and writing legislation but my effort had not succeeded. After 9/11, it was clear that U.S. anti-money laundering laws were full of gaps and vulnerabilities that needed to be addressed. But it was also clear that many in the financial industry did not want to have to operate under tougher laws. Nothing would have been accomplished even then if PAUL SARBANES had not stepped up and led.

In the month after 9/11, Senator SARBANES showed his legislative genius by taking a diverse group of provisions suggested by many different Senators and House Members, taming the competing interests, and writing a package quickly enough to be included in the PATRIOT Act. His own contributions included a key provision to make anti-money laundering programs mandatory rather than optional and to require anti-money laundering programs at a wide spectrum of financial institutions, such as securities firms and insurance companies, not just banks. He also required for the first time that securities firms report suspicious activity.

In addition to these major changes, PAUL helped enact a variety of provisions that I had been pushing for years. For example, he included my provision that barred banks and securities firms from opening accounts for shell banks, closing a major gateway for money laundering. He also helped shut down the flow of dirty money from foreign dictators who were looting their own countries and depositing their ill-gotten gains at U.S. banks by including my provision to make proceeds of foreign corrupt practices covered by our money laundering laws.

And he did all of this work in 1 month, running the conference committee out of his hideaway office in the Capitol with 1 computer, 3 phones, and a shifting group of about 50 staffers from the White House, Senate, House, Justice Department, Treasury, and other agencies. He was the only Senator who was present throughout the entire conference, and it was his work at key moments that kept the anti-money laundering provisions in the PATRIOT Act. Senator SARBANES' leadership is one of the great untold stories of that bill, and I hope that his role will one day be properly recognized.

PAUL SARBANES has given Maryland and America a lifetime of public service, on President Kennedy's Council of Economic Advisors, in the Maryland House of Delegates, in the U.S. House of Representatives, and in the U.S. Senate. I know that PAUL is proud that his son JOHN will now carry on that tradition of service, having been elected last month to represent Maryland's 3rd district in the House. We will welcome JOHN SARBANES to Congress, but we will greatly miss his dad.

My wife Barbara joins me in congratulating Senator SARBANES on his retirement and in wishing him and his wife Christine all the best. We treasure their friendship and hope they will visit our Senate family often.

Senator SARBANES, with apologies to your Greek forbears for my pronunciation: chronyapola. May you have many years.

Mr. MARTINEZ. Mr. President, today I acknowledge and honor my colleague, Senator PAUL SARBANES of Maryland. As Maryland's longest serving U.S. Senator, Senator SARBANES, leaves our great Halls with a legacy of distinction and an undying dedication to his State and this country. I have tremendous respect for PAUL SARBANES, and the statesmanlike ethics he has brought to this institution. Though his three decades of service contain many significant achievements, none stand out more for me—on a personal level—than when Senator SARBANES assisted in my confirmation process to become the Secretary of the U.S. Department of Housing and Urban Development. I greatly appreciate the opportunity I had to serve this country in that capacity, and Senator SARBANES played no small role in allowing me to do so.

Thank you, Senator SARBANES, for your meaningful work and lifelong commitment to public service.

Ms. SNOWE. Mr. President, I rise to honor in the highest possible terms and with profound respect, Senator PAUL SARBANES, one of the true giants of this institution, a sterling public servant and an inspiration to the people he has represented for 36 years—30 of them in the U.S. Senate, where he has since become Maryland's longest serving U.S. Senator. I am grateful to call him a dear friend and treasured colleague.

A graduate of Princeton University and one of only two Rhodes Scholars in the current U.S. Senate, Senator SARBANES has brought a remarkable and stellar mind to his venerable legacy of public service. Elected to the U.S. House in 1970 and to the U.S. Senate in 1976, he has served the people of Maryland with exemplary integrity and distinction.

The principles of fairness and opportunity have directed his tenure of tireless civic contribution, characterized by a relentless dedication to serving the public interest—a devotion to defending and promoting the common good exemplified by his efforts to enact the law that today bears his name—The Sarbanes-Oxley Act.

I also share a bond with PAUL SARBANES that transcends our service together in the U.S. Senate, including our substantial work together on the Senate Budget Committee as well as on the Senate Foreign Relations Committee. We are both the children of Greek immigrants—both of our parents owned restaurants and inculcated in us a passion and commitment to education, service, and hard work.

PAUL SARBANES has been a hero to Hellenic-Americans for decades. On countless occasions I have been referred to as "one of two Greek-Americans in the U.S. Senate" and I am so proud that the Senator from Maryland, PAUL SARBANES, has been the other. Whether serving in the Maryland House of Delegates, the U.S. House of Representatives, or the U.S. Senate, PAUL has always been driven by the same Hellenic principles that make our heritage and community great. He remains an inspiration to innumerable Hellenic-Americans.

As a result of heroic and Herculean service, PAUL SARBANES was honored in June 2003 with the prestigious Paul H. Douglas Ethics in Government Award from the University of Illinois—established in 1992 to honor Senator Douglas, a man often labeled "the conscience of the United States Senate." The award was fittingly designed to honor individuals who have made a substantial contribution to promoting ethics. And Senator SARBANES also received the Cox, Coleman, Richardson Award for Distinguished Public Service, from Harvard Law School in March 2004.

Senator SARBANES' vigorous and exemplary engagement in matters of public affairs undeniably epitomizes the following admonition from Pericles in his funeral oration more than 2,000 years ago that "we do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all." Being involved in the civic life of one's community, country, and heritage was not an option for the sons and daughters of Pericles, and it has been an expectation that the legacy of Senator SARBANES inspires all of us to meet.

As much as the Senate will miss his esteemed presence and I will miss his collegiality in this Chamber, I am heartened by our enduring friendship and by a new generation from the SARBANES family entering public life in the upcoming Congress with JOHN SARBANES, serving in the U.S. House.

Ms. MIKULSKI. Mr. President, I want to say something about my departing colleagues on the other side of the aisle.

LINCOLN CHAFEE

To my colleague from Rhode Island, I thank the Senator. In all actions it has been a tone of civility. We have always sought common ground. I express my gratitude for the Senator's service to Rhode Island.

MIKE DE WINE

And the departing Senator from Ohio, Senator DEWINE, said some very kind things about his work with me. I, too, want to comment that working with the Senator when moving important legislation in the Committee on Health, Education, Labor, and Pensions was an outstanding opportunity, again, of bipartisanship. MIKE DEWINE and BARBARA MIKULSKI passed the Older Americans Act twice when it previously had not passed or been reauthorized in 5 years. We did work so constructively with the Committee on Finance in terms of the recent pension bill.

Again, we worked on many projects related to national security together.

I thank Senator DEWINE not only for his kind words but, again, his ongoing efforts, always with the tone of utmost collegiality when he worked with me, and his staff.

CONRAD BURNS

And to the departing Senator from Montana, who has a voice about the same decibel level of my own, I wish him well. Again, on the Committee on Commerce and on the Committee on Appropriations we worked very well, particularly on those issues that were important to science and technology, new ideas, new thinking, but old-fashioned values.

A lot is said about changing the tone, but when we hit the right tone we also hit some pretty high notes. I thank my colleagues and wish them well and Godspeed until we meet again.

The PRESIDING OFFICER (Mr. MARTINEZ). THE SENATOR FROM IOWA.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, pretty soon we will be taking up the tax bill that includes trade provisions and health provisions. I will start debate on that so we can use our time very efficiently.

We are at the end of a very long road on what should be routine business: The two tax-writing committees have many provisions that have either expired or will expire shortly. The provisions cover three major areas of our jurisdiction: tax, trade, and health.

The foundation of this bill is a tax-writing committee's agreement that goes back to last summer on the core package of expiring provisions and other items that were dropped from a reconciliation tax bill we passed early last spring.

These provisions that were dropped were put together in what is called a trailer bill. That is an odd name for a bill. The bill has been held up for so long that some people have probably forgotten the reason for the nickname. I will remind everyone it is a trailer bill because it covers tax provisions that were dropped out of the tax reconciliation conference agreement of last spring. That conference agreement includes the cornerstones of both House and Senate bills which now have been signed by the President more than half a year ago.

The cornerstone of the House bill was a 2-year extension of the lower rates on capital gains and dividends. The cornerstone of the Senate bill last spring was an extension of the hold harmless on alternative minimum tax. I was pleased we covered the cornerstone of both bills. We only had revenue room to cover those two provisions.

The other provisions, principally what we call tax extenders, and what now will soon be before the Senate, were decided to travel in a bill that would follow, or trail. Hence, the name trailer bill.

The two cornerstones, alternative minimum tax and capital gains and dividends, were very important achievements by this Senate last summer and when they were originally passed in 2003. The 2-year extension of capital gains and dividends was a key priority for my conference though we were pleased to garner some Democratic votes, as well. It was a priority for Senators FRIST, KYL, LOTT, GREGG, and others. I was pleased we were able to deliver on that priority in that conference last spring.

The alternative minimum tax was the other cornerstone. The alternative minimum tax, everyone recognizes, is a widespread tax problem because at least 15 million families will be affected. It was necessary to help those families so they were not paying a tax that was never intended to be foisted upon them in the first place and would not have been if the original alternative minimum tax passed in 1969 had been indexed. We assured all of these 15 million families that their lives would not be unnecessarily complicated by the tax system.

The trailer bill took several weeks of intense negotiations. The negotiators were Chairman THOMAS of the House and Senator BAUCUS and me in the Senate. They were tough negotiations, but they produced a fair agreement. That agreement, with some additions by the leadership, was included in the trailer piece of the trifecta bill that came up in July where we tried to pass a reform of the estate tax with, sort of cute processes that were put together but did not deliver the number of votes to break a filibuster. That, of course, occurred 4 months ago. A bill that should have passed 4 months ago we are still dealing with. That is the way the Senate sometimes works. That is the way the Congress sometimes works.

Chairman THOMAS represented the House, Senator BAUCUS represented Democrats, and I represented Senate Republicans. It was a bicameral, bipartisan agreement. In our view, that agreement was closed. No items should be subtracted. No items should have been added. A deal made last summer is still a deal now. Changes would only occur if all the parties to the agreement consented.

When we returned, we all knew we didn't have another 5 or 6 weeks to renegotiate the trailer bill so we kept mostly to that original agreement. In getting to that agreement, I pushed hard for several Senate issues to be resolved. I am referring to items other than the basic 2-year extension of the provisions that expired on December 31, 2005. I will go through a few of those items.

First, there is a package of added incentives to enhance Hurricane Katrina rebuilding efforts. Senator LOTT took the lead on that package along with support from Senators VITTER and LANDRIEU. We modified these provisions with the work of these Senators.

Second, there were tax relief incentives for mine safety. Senators BYRD, SANTORUM, and ROCKEFELLER argued for these important provisions.

Third is an expansion of the veterans mortgage bond program. This is a program the States use to provide veterans who return from combat with low-interest loans so they can buy their families a home. Senators DEWINE and SMITH advanced these provisions.

Fourth, there is a proposal to provide a deduction for private mortgage insurance for low-income home purchasers. Senators LINCOLN and SMITH deserve credit for those provisions.

Fifth, there was a proposal to level the playing field between individual and corporate timber capital gains transactions. This provision would have ensured that timber-growing areas and related mill towns will not be disadvantaged if the timber company is a corporation. Most, if not all of the Senators from the timber-growing States of the Pacific Northwest, and the Southeast of the United States, had an interest in this provision. This proposal was dropped from the package, but I want my colleagues to know I argued for it.

These are a few of the proposals that were negotiated and resolved in the trailer package. In my role as chairman of the Committee on Finance, I protected these Senate provisions.

In the second round of negotiations, our Senate leadership backed me as we proceeded through the trailer issues. I appreciate Senator FRIST's patience and support in our efforts to reach agreement.

Why have I pushed so hard for this trailer package? There are two basic reasons. The first is for the 19 million tax filers who may face compliance problems because of uncertain tax law. The second reason is the hundreds of thousands of business taxpayers who have been in limbo waiting for final approval of measures such as the research and development tax credit.

So let's look at some of those in detail. First, take a look at the Committee on Finance Web site. On September 13 and 26 of this year there are press releases that explain Committee on Finance tax staff research. At my request, the tax staff looked into the effects of delaying action on the three widely applicable expiring middle-income tax relief provisions: deduction of college tuition, teacher out-of-pocket classroom expenses, and State sales tax deduction. We are talking about a group of up to 19 million tax filers being affected. Tax filers mean families filing jointly and individually as singles. In other words, we are talking about a lot more than 19 million taxpayers.

The professional staff, all experienced tax practitioners who discussed this problem with the IRS, came to the conclusion that delaying action on extenders into the lameduck would have adverse consequences for that group of 19 million taxpayers. I won't go into the details. They are found on the Web site.

So everyone knows, I have a few charts to show the impact of these provisions on these 19 million people. First, we have the college tuition deduction on the chart behind me. Between 4 and 6 million families, students, took advantage of this deduction in 2004.

The next chart shows teachers benefiting from the educator expense deduction, where teachers pay out of their own pocket for materials for the classroom. For the last several years we have allowed a deduction. I suppose those supplies ought to be paid for by the school district but sometimes the school districts don't do it, the teachers need it, they want to help their kids, they pay for it out of pocket. We have allowed a tax deduction. That should not be allowed to expire. Nationwide, there are 3.3 million teachers who benefit from this deduction.

Finally, in the next chart I have the sales tax deduction chart. In 2004, almost 11 million families and individuals were helped by this deduction. If we do not get this bill passed, they lose that deduction.

Serving as chairman of this committee is a privilege and a responsibility. I might say to my friend, Senator BAUCUS, who will be incoming chairman because the Democrats won a majority in the last election, I look forward to returning to the chair in a couple of years.

I thank the people of Iowa and my friends and colleagues in the Senate Republican conference for that privilege. I have enjoyed every day I have served as chairman. It brings responsibilities as well. One of those responsibilities is tax policy.

Now, whether an individual Senator agrees or disagrees with a particular expiring tax relief matter is always debatable. We all have opinions on a multitude of things, and particularly on tax policy. Probably no two Finance Committee members, let alone two U.S. Senators not on the committee, agree on all expiring tax relief measures. What we ought to agree on is that we should not deliberately—and I underline that word, "deliberately"—take actions to unnecessarily complicate taxpayers' efforts to comply with our admittedly complex tax system. That is what delaying action on these provisions means.

There are no ifs, ands, or buts—we need to act quickly. We are already about a year overdue. But if we get it done yet before we adjourn, we will take care of most of the problems taxpayers would otherwise have. The 2006 IRS forms were finalized, but the IRS hopefully can act to mitigate problems for these more than 19 million taxpayers with supplemental forms.

As chairman, I would not be doing my job if I stayed silent. I spoke out. It is my responsibility to these 19 million taxpayers. Some could call it complaining. Some might call it annoying. Others could call it persistence. It is just simply doing my job. When you are talking about up to 19 million middle-income taxpayers who are trying their best to comply with the tax system, I will complain until I run out of breath.

So that is the first reason I have been pushing for resolution of these matters, going back to the strong statements I made on the floor of this Senate at the time the trifecta bill was defeated last July and going back further since the reconciliation bill was passed in early spring.

The second reason I pressed for quick resolution was the expiring business-related tax incentives. These matter. Just think about what you have heard from your constituents about the need for the research and development tax credit to continue and not lapse. These are all overwhelmingly popular in the House and Senate, but they are also good for our economy. Businesses are in limbo on these provisions. We are talking about almost a year of being in limbo and at least another month yet to come by the time we work this through and the President gets this signed.

A lot of businesses in good faith relied on my assurances. They relied on assurances made by the congressional leadership in May of 2006. These business folks were assured these extenders would be done. In my own State of Iowa, for example, a major business, Rockwell-Collins of Cedar Rapids, IA, took a financial hit because we dillydallied around with the reauthorization of the R&D tax credit.

It is not just that management cares. Iowa is a manufacturing State, and we are proud of our research and development. Thousands of Iowa employees in these companies have a right to ask why this popular provision that does so much economic good has been delayed now at least 6 months—some people could argue 8 months—beyond the time it should have been signed by the President.

Aside from the new proposals I have talked about, the core tax extender package prevents tax increases on more than 19 million taxpayers and thousands of businesses. There is a revenue loss of $44 billion. Some have called this a budget buster. But a close examination of the facts will tell you that you ought to reach a different conclusion. I would remind the Senate that revenues have shown record levels of increase over the last 2 years. These increases were not accounted for in budget resolutions because, quite frankly, the money came in faster than anybody could have anticipated when the resolutions were adopted. And that is good because the economy is good, or else you would not be getting all this tax revenue coming in.

The tax relief here and in the reconciliation relief bill of last May are very small in comparison to the unexpected taxes that have come into the Treasury. So how can anyone call a bill that prevents tax increases a budget buster when the taxpayers are sending record levels of taxes into the Federal Treasury? So why would anybody penalize taxpayers with tax increases when revenues are not the source of the deficit? I don't get it. Because if this bill does not pass, it is going to be an automatic increase on the taxpayers and the businesses of this country because of the sunsetting of those tax laws.

That is why these bills are before us, to get them reauthorized, not to decrease taxes but to keep the same level of taxation, the same policy. It just expired. Renew it. Our budget problems are not because of legislation that soon will be before this body. They are derived from out-of-control spending. That is where the budget busting is occurring.

Present tax policy is bringing in more money than anybody anticipated it would bring in. Although the Democratic leadership has blamed Republicans for the deficit, we all know that spending problem is not a Democrat or Republican problem, it is a bipartisan problem. It is a disease in the Congress of the United States.

I agree with the Budget Committee chairman that when Democrats gain control of Congress in a few weeks, we are going to see bigger spending problems. I am sure they would deny that tonight, but we have had evidence of it over the last decade.

My evidence is, take a look at the last 10 years. Try looking for a Democratic spending cut for deficit reduction. Guess what. You are not going to find one. You will find lots of proposed tax increases. You will find lots of opposition to tax cuts. You will not find spending cuts in their deficit-reduction proposals. I hope I am wrong. Maybe we will see folks on the other side offering spending cuts when they have the budget resolution up next March and when they have appropriations bills up in the summer of 2007. I might be wrong. I hope I am. But we will see.

So if you hear critics, Democrat or Republican, calling this bill a budget buster, keep the fiscal history in mind. Look at the numbers over the last 2 years. And take a look back for about a decade. The numbers do not lie.

The bill is not a budget buster. It prevents tax increases. Preventing tax increases is not a budget problem. Millions of hard-working, tax-paying families do not need tax increases, neither does the American business community.

When I am holding my town meetings in Iowa, I have people coming in complaining about overspending. I do not have people coming into my town meetings saying: Tax me more; I am undertaxed.

So I would then go on now, after talking about tax provisions here, to talk about the trade provisions. And we will start with the Generalized System of Preferences. This program offers developing countries duty-free access to U.S. markets. I have traditionally been a supporter of GSP. In recent years, however, I have come to question the merits of the Generalized System of Preferences. Too often, GSP, benefits have gone to those who simply have not deserved them; in other words, meaning countries that have not deserved them.

Perhaps due in part to the GSP Program, some industries in some developing countries have reached world-class status. These successful industries clearly are not the struggling businesses in poor countries for which the Generalized System of Preferences benefits were originally intended.

In addition, I am concerned that the GSP has threatened U.S. interests in trade negotiations. Given that beneficiary countries already have duty-free access to the U.S. market for many of their products through the GSP Program, they have little incentive, then, to negotiate lower tariffs on U.S. exports. If they can get their product into our country under this program duty-free, they would consider themselves suckers to give our businesses and farmers the same advantage in their country.

But that is what negotiations are all about. Like the Colombia Free Trade Agreement, the Peru Free Trade Agreement—both things before Congress that we ought to be passing. Those products from those countries are coming in here duty-free. We can have the advantage now of sending our products back to those countries duty-free for the first time ever. And do you know what. There are people in Congress here, right now, questioning whether we ought to approve the Peru Free Trade Agreement. It is stupid to not level the playing field for the American worker, the American farmer, and our service industry. But GSP has encouraged these countries to come along. Now they have developed. We need the same rights, the same consideration from them that we have been giving them over the last 20 years through the GSP Program.

I am convinced that the lack of progress in the Doha Round of the WTO negotiations can be attributed, at least in part, to this GSP Program.

GSP is set to expire in 23 more days. Due to my concern over GSP, I considered dropping my support for this program altogether, not even renewing it, for the unfair reasons I have told you. But in negotiations this week over a trade package in this bill, I agreed to compromise with Senator BAUCUS and my counterparts on the Ways and Means Committee for a short-term extension of this program for 2 years. Discussions I have had with Senator BAUCUS figured in my decision to support this short-term extension. Senator BAUCUS has agreed to work with me during the next Congress to reexamine the GSP Program. I anticipate that a reexamination of the GSP will result in needed reforms to this program.

Today's legislation does take a very first step in making changes to GSP. It does so by allowing the President to limit the availability of GSP benefits for "supercompetitive" products. The word "supercompetitive" is a technical term. Imports of products from numerous countries, including Brazil, India, and Venezuela, will be impacted by this provision of the bill, which will become operative in July of next year. This new supercompetitive standard reflects the results of a review of the Generalized System of Preferences Program, the GSP Program, conducted by the U.S. Trade Representative.

Today's bill, in addition to extending the GSP under the proviso that we are going to review it next year, also extends the Andean Trade Preference Act, also expiring in 23 days. The Andean Trade Preference Act offers four Andean countries—Colombia, Peru, Ecuador, and Bolivia—duty-free access to the U.S. market for a variety of products. It was my strong inclination to extend benefits under this program to just two of the Andean countries, Peru and Colombia, for the reason they have been cooperating with us on this free-trade agreement. We have not adopted it yet. If we had adopted it, they would not need this program, and we would not be talking about it. But I would not be inclined to extend the benefits to Ecuador and Bolivia. Peru and Colombia have worked actively to strengthen their economic ties with our country by concluding free-trade agreements. It is only fitting for us to extend benefits to them until the point that these free-trade agreements are implemented.

But Bolivia and Ecuador is another circumstance. Those countries, in contrast, have gone out of their way to demonstrate they do not value increased economic ties with the United States—unless, of course, those ties involve one-way trade benefits through the Andean Trade Preference Act where they can get their products into our country very easily and it is very difficult and very expensive for us to get our products into their countries.

In order, however, to see that the Andean Trade Preference Act is extended to Peru and Colombia, where I said it ought to be for a short period of time, I had the opportunity to compromise with Senator BAUCUS and our House counterparts on an extension. This bill provides a straight 6-month extension of the program. Another 6-month extension will be provided if steps are taken to implement trade agreements with any of those countries, meaning if Ecuador or Bolivia want to get onboard and get into the act of cooperating in a bilateral way, they will get greater consideration in the future. But with their new Presidents nationalizing their industries, not having respect for personal property, not having respect for the growth that comes from the market economy, you wonder whether they are smart enough to think in terms of a free-trade agreement. But we hope they are.

We have another trade preference program that is very popular; it almost passes unanimously most times in the Congress—the African Growth and Opportunity Act. That is modified by this legislation as well. This African Growth and Opportunity Act offers sub-Saharan countries duty-free access to the U.S. market. This program is instrumental in promoting economic growth in one of the poorest regions of the world. The third country fabric provision of the African Growth and Opportunity Act is going to expire October 2007. It allows beneficiary countries to keep preferential benefits on certain apparels made with fabric from countries other than the United States or Africa. This bill extends that third country fabric provision that will expire October 2007 until 2012.

Also, in order to remove disincentives to investment in fabric production in Africa, we included what we call an "abundant supply" exception to eligibility under the third country fabric provision with respect to fabrics and yarns that are available in commercial quantities from African suppliers.

The bill also provides tax benefits to Haiti, the poorest country in the Western Hemisphere, through the Haitian Hemispheric Opportunity Through Partnership Encouragement Act, also known by its acronym HOPE. This legislation provides new rules for origin for duty-free imports from Haiti. Haiti may only receive benefits under the bill if it meets certain political, economic, and labor criteria, as well as textile and apparel transshipment enforcement requirements. At this time, it is very important to recognize one of our colleagues who worked very hard on this, and that is Senator DEWINE. He has contributed to advancing the economic development of Haiti during his tenure in the Senate.

The bill also extends unconditional normal trade relations to Vietnam—something that should have been passed in November before the President went to Vietnam. This provision will enable us to enjoy the benefits of Vietnam's imminent accession into the World Trade Organization. That translates into significant benefit for our farmers, including those in my State of Iowa, by reducing duties on U.S. exports of beef, pork, soybeans, and other products.

Our manufacturers and service providers also stand to benefit significantly from the Vietnam normal trade relation bill. And by engaging Vietnam through enhanced trade, we can best press the Vietnamese Government for continued progress with respect to where we don't think there is enough progress yet—religious freedom and human rights.

In addition, this legislation modifies U.S. law with regard to changes in the U.S. harmonized tariff schedule. The U.S. Trade Representative periodically makes changes to tariff lines in the U.S. harmonized tariff schedule. This year, due to the thousands of changes to be made and to administrative delays, the business community requested that Congress extend the usual 15-day window for implementation, so we have extended the deadline to 30 days. This will allow time for the private sector to incorporate all of the changes in their computer system and avoid costly, time-consuming errors to entry.

Finally, the bill includes numerous duty suspensions and reductions that have resulted from the Finance Committee's efforts to prepare a miscellaneous tariff bill. These provisions are noncontroversial in nature. They reduce tariffs on imported goods not produced in the United States. As a result, they will provide cheaper inputs for businesses operating in the United States and, thereby, increase the competitiveness of our firms and workers.

I will talk about health care now, the third major area of jurisdiction of our committee, and the third major area in this piece of legislation. Despite what some might characterize as a "do-nothing Congress," the 109th Congress actually accomplished a great deal relative to health care. We enacted the Deficit Reduction Act of 2005, which greatly strengthened and improved the Medicaid Program. Most would acknowledge that this bill made the most significant changes to the Medicaid Program in three decades. Those changes should make it possible for the States to serve more low-income beneficiaries, families who cannot afford to provide health insurance and pay for it.

Significant challenges await us in the new Congress. We will need to take a serious look at the solvency of the Medicare Program. We have to develop a solution for the Medicare physician reimbursement system. The State Children's Health Insurance Program needs to be reauthorized. And there remain serious problems of the uninsured. I look forward to working with my partner and incoming chairman of the Finance Committee, Senator BAUCUS, on those issues and doing that in a bipartisan way.

However, before we can adjourn this Congress and before we go home to enjoy the holidays, there is still urgent work needed to be done, and that is the purpose of this piece of legislation. In the legislation we consider today, there are several provisions that rise to the level of "must do." These include ensuring that physicians do not receive a drastic cut in the Medicare reimbursement that a formula in place for the last 15 years dictates they take and we generally don't let happen. There are a number of other expiring provisions that must be extended. I am very disappointed that this package doesn't include anything to address the coming shortfalls of the State Children's Health Insurance Program. The Senate package that I introduced with Senator BAUCUS included a proposal to address the shortfalls, but that proposal was rejected in the negotiations that Senator BAUCUS and I had with the House. We apologize for not winning on that.

Our legislation will, however, increase payments for providers while providing additional payments for physicians and other health practitioners who report quality measures in order to ensure both continued beneficiary access and improved quality of care. We must ensure that health care providers can afford to continue to practice medicine. We must preserve Medicare beneficiaries' access to physicians, and we must provide incentives for quality improvement.

The physician payment formula is deeply flawed. We need to reform the SGR formula's flawed payment system and develop a new way of paying physicians appropriately for their services. Last year, we included a provision in the Deficit Reduction Act to require the Medicare Payment Advisory Commission, known as MedPAC, to submit a report to Congress early next year on alternative mechanisms that could be used to replace the existing formula. It is a flawed formula. We must find a long-term solution that will stabilize physician payments in the future. Working to develop a better physician payment system will be one of my top priorities, and I am sure that under Senator BAUCUS's leadership, it will be a top priority as well.

The legislation before us today will eliminate the 5-percent cut in physician fees scheduled to take effect in January 2007 and, instead, keep physician fees at the same level as this year. In effect, this would provide a 5-percent increase in payment fees over what the formula would otherwise allow. Next year, we must face the challenge of producing a long-term solution to the physician payment formula. The one-year-at-a-time approach we have used over the last several years makes the problem worse and does nothing to address the longer term challenges.

We need to put better incentives into the health care system so providers are motivated to provide better quality care. So this bill before us establishes a quality reporting bonus for physicians and other eligible professionals—meaning nurse practitioners, physician assistants, podiatrists, and other health care professionals who submit data on quality measures from July through December in 2007.

Our legislation also creates a fund, effective in 2008, to help stabilize physician payments and promote physician quality initiatives. This new fund of $1.35 billion will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset by two adjustments to the Medicare Advantage stabilization fund. Our legislation does not repeal the fund but, rather, preserves the funds for future years. We adjust the funds in two ways.

First, the fund will be reduced by $10 billion to $3.5 billion. Second, the Secretary will be able to use the proceeds in the funds only in the years 2012 and 2013. There is strong participation in the program right now, and if more funds are needed to be added back to the Medicare Advantage stabilization funds, Congress can add these funds in future years.

I have been working very closely with my colleague Senator BAUCUS on realigning incentives in Medicare to reward for quality of care, rather than paying physicians as we do now, on volumes of service, without any care about quality. We have been doing that under these formulas for a long time. We began the process of moving toward quality care reimbursement in the Medicare Modernization Act of 2003. This Medicare Modernization Act required hospitals to report 10 quality inpatient measures in order to receive full payment update. Now almost 99 percent of hospitals are reporting this data. Without this incentive, they would not have done so. Our legislation includes provisions to extend quality reporting for hospitals to hospital outpatient departments and ambulatory surgical centers as well, beginning no sooner than 2009.

Now that hospitals are reporting this data, it is time for other providers, such as physicians, to do that as well. The quality reporting measures in our bill today are a small step toward creating better incentives for quality care in Medicare. The transitional bonus payment policy included in this bill for reporting quality measures is a good first step for physicians and practitioners.

The physician quality measures in this legislation before us today have been developed primarily by physician organizations, including the American Medical Association and physician specialty societies. All of the measures adopted for 2007 have the support of the physician community and will be easily reported electronically with the submission of their claims. Those professionals who participate in the quality reporting program and voluntarily submit up to three quality measures that apply to their specialty will receive an additional 1.5 percent bonus incentive payment for services provided during the 6-month reporting period. I emphasize that that 1.5 percent bonus is on top of our filling it in so that there is not the 5-percent cut that the formula now applies for.

Ultimately, we should move toward rewarding quality through higher, Medicare reimbursement for better health care outcomes. Once that principle begins to govern medical care, we will be able to better align payment incentives throughout our health care system to reward for quality of care. We are interested in quality because when doctors and hospitals and other health care professionals do it right the first time, it is the least expensive way to have it done. If it is done wrong the first time, it is very expensive to send people back to the doctor and the hospital a second time. We want to do in the Government, through the Medicare Program, what a lot of major corporations are doing—being concerned about quality. With that quality, we can get better health care, but you are going to save a lot of money, whether it is for Ford Motor Company or for the taxpayers of the United States, under a Federal Medicare Program.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act of 2003 to help ensure that beneficiaries will continue to have access to needed medical care. This includes provisions applicable to rural payments to physicians, continued direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 1-year extension of the therapy cap exceptions process that we included in the Deficit Reduction Act last year to ensure that beneficiaries receive physical, occupational, and speech language therapy services that they need.

We also give a 1.6 percent update for dialysis services effective April 1, 2007, thus helping to ensure continued access for beneficiaries who suffer from what is called end stage renal disease.

Our legislation also includes some new provisions to improve beneficiary access and provide additional protections. We have included additional reimbursement for important preventive medicine by reimbursing health professionals for administering vaccines covered under the new Medicare Part D prescription drug benefit. We also include a requirement for reporting anemia indicators in cancer patients receiving anti-anemia drugs to better manage these patients' care.

We have established a new postpayment review process to ensure the timely payment for drugs and biologicals that are delivered for patient use under the Competitive Acquisition Program.

This legislation includes several provisions to improve accountability in Medicare. There has long been a concern that the program is vulnerable to fraud and abuse, and certainly experience has borne that out, with billions of dollars being wasted. Even more significant, the program has not been able to effectively detect when it makes payment errors. This legislation contains several provisions to address these concerns of ferreting out abuse and fraud.

The Health Care Fraud and Abuse Control Program addresses fraud and abuse in the Medicare Program but has been funded at the same levels since 2003 despite significant increases in its responsibilities.

In order to ensure that the Federal Government has sufficient resources to effectively combat health care fraud and abuse, this essential program will receive annual funding updates for the next 4 years. And that investment has a good return. In other words, for a $1 investment, many dollars come back to the Federal Treasury from either recouping fraud or preventing fraud.

This legislation also includes a provision that addresses payment errors by adopting the Recovery Audit Contractor Demonstration as part of the Medicare Program and implements that program nationwide. Despite being implemented for a limited time in a limited number of States, this demonstration has already shown enormous potential for the identification of overpayments and underpayments and the recoupment of overpayments.

In fiscal year 2006, this demonstration has identified around $300 million in improper payments in just three States. By taking the recovery audit program nationwide, up to $10 billion in Medicare overpayments will be recovered in the next 5 years.

By passing this legislation, we will also take a big step toward making sure that the Medicare Program does not pay for substandard care provided to beneficiaries. The National Quality Forum has identified a number of serious and preventable adverse health care events called "never events." The HHS inspector general will be required to conduct a study on Medicare payments for services related to never events and will provide guidance for CMS in setting policy regarding payments for services when never events are involved.

Let me explain never events. We are not going to pay when somebody is operated on and covered by Medicare if they cut off the wrong leg—and this has happened—or the wrong arm or other things that were never intended to be done to a patient. We are sick and tired of paying for things such as that.

This legislation will also promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subjected to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect the hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values.

Since the enactment of the Medicare Prescription Drug Improvement Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily. But we shouldn't have to do this every year in a temporary way. So this legislation will provide limited extension of this relief. More significantly, major steps will be taken toward comprehensively reforming the wage index classification system by requiring a report on alternatives to the current methodology for calculating the Medicare wage index, as well as proposals for reforming this classification system so we don't have to mess with these inequities.

This legislation also includes several provisions relating to the Medicaid Program. These include codifying the provider tax rate paid by Medicaid providers at 5.5 percent and extending the transitional medical assistance and abstinence education programs. Throughout the year, we have heard from nursing homes, hospitals, and managed care plans that lowering the maximum provider tax rate would make it harder for them to treat Medicaid recipients as States had to make up for lost revenue. This provision protects health care access for some of the most vulnerable in society.

While this legislation does not go as far as some would like, it accomplishes the goal of helping ensure the continuation of critical health care policies and programs.

I was disturbed when I heard one of my colleagues refer to this bill as an example of bad legislative practice. The critics imply that political defeat was somehow connected with this kind of legislative practice. With all due respect, these criticisms could not be more off the mark. This legislation was based on popular expiring provisions within the jurisdiction of the tax writing committees, provisions that were meant to expire so they are reviewed occasionally so we know the best possible tax policy is being pursued by the Congress of the United States.

The legislative business in this bill then is the people's business. Throughout the year, I pressed repeatedly to finish these matters. I was thwarted by others who sought to leverage these items for other purposes. I firmly believe that if we had dealt with these issues in a timely fashion, as was planned last May to do it in the pensions bill, we would have been rewarded politically.

We are where we are, but we are here because of politics on both sides of the aisle getting in the way of processing these items in a timely fashion.

I agree with the critics that this kind of omnibus bill is not the best way to finish this legislative business. The critics should know that the tax-writing committees had no choice.

In conclusion, I hope my colleagues will support this bill—a bill that should have been law last summer—to finally get it done to save the taxpayers and 19 million people from being adversely affected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4709 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 4709) to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

There being no objection, the Senate proceeded to consider the bill.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT

Mr. SUNUNU: Mr. President, I support passage of H.R. 4709, the Telephone Records and Privacy Protection Act of 2006. This bill gets to the center of the practice known as "pretexting"—a fraudulent technique to obtain access to confidential communications records—by imposing Federal criminal penalties on perpetrators.

There is one point that I would like clarification and assurance. This bill adopts a very broad definition of an "IP-enabled voice service." That definition is broader than just replacements for traditional telephone service, and sweeps in many potential new applications. In my view this definition would be inappropriate in many other contexts. For instance, the Commerce Committee crafted a narrower definition when considering S. 1063, the IP Enabled Voice Communications and Public Safety Act.

It is my understanding—and I ask if the distinguished chairman shares this understanding—that this broad definition applies only to this bill, and is not meant to be an indication of the Congress's view of the appropriate scope of voice-over-Internet-Protocol or VoIP services for other purposes or to serve as precedent for future action. It is certainly not meant to suggest that the FCC adopt this definition as it considers the appropriate views on VoIP services. Does the distinguished chairman agree with my understanding?

Mr. STEVENS. Yes. The definition of "IP enabled voice service" in this bill is not meant to be the universal definition of "IP enabled voice service" to be used in future legislation that involves other contexts. And, it should not be interpreted as a signal to the FCC that it should alter or change the definitions of Interconnected or IP enabled voice services that it has used in other contexts.

Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4709) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I know a number of our colleagues are wondering what time bills are going to be arriving from the House. I believe in a little bit, in the next 30 minutes or so, things will pick up and we will begin voting. I will come back and address this issue once things become a little bit clearer.

TRIBUTE TO ERIC UELAND

Mr. FRIST. Mr. President, I wish to pause for a moment to pay respect to one man, Eric Ueland, my chief of staff. Tucked away in a corner of Eric Ueland's office is a well-worn copy of the book "Master of the Senate." This comes as no surprise to those of us who know him. In fact, my staff used to joke that he was reading his own biography.

Eric is gifted with a passion for history, a thirst for knowledge, and a high reverence for the Senate. These talents have made him a uniquely capable adviser and leader in the majority leader's office.

He contextualizes every Senate debate, recalls appropriate precedent, and draws parallels to moments in history. A nameplate is discretely displayed on his desk, and the name it bears: "Information."

As the press corps knows, information is his trade and the enigmatic quote his trademark. How do you pay tribute to a man who is the first to know of Britney Spear's pregnancy and Don Rumsfeld's resignation?

Eric delights in a secret and encyclopedic knowledge of popular culture. Copies of People magazine and the entertainment gossip columns are strewn in the back seat of his classic car. And he knows everything about the media. Yet he doesn't have home Internet access or even cable TV. How does he do that?

Eric finds unique and, some would say, unusual pleasure in memorizing the complex rules, the arcane precedents, and early history of the Senate. "Chart 4—mere child's play." You would expect he would know that combining his customary bow ties and beards could be a violation of the Senate Code of Conduct.

But his extraordinary talents are not what I have come to respect most about Eric Ueland. He is a man of deep humility, a man of quiet faith, a man of sterling character. He is a person true to his convictions, both political and personal. He has maintained his integrity in the rough and tumble of politics. His standards are high.

I know of no staffer who has had a more profound regard for the institution, our institution, the institution of the Senate. And, in turn, Eric has earned the gratitude and respect of so many who have had the honor to serve here. Eric came to the Senate 17 years ago and worked for Senator Don Nickles at the Republican Policy Committee and then as his chief of staff in the assistant Republican leader's office.

Senator Nickles writes:

> I have had the pleasure of working with hundreds of individuals throughout my Senate career and Eric stands out in many ways. He is an exceptionally intelligent individual with unequaled knowledge of the Senate. His knowledge of Senate history, rules, process and customs, as well as the individuals who have served in the body for the last couple of decades, is remarkable. He has devoted much of his life to the Senate and helped make the Senate function much more effectively. He was a tremendous asset to me as well as a valued friend.

Eric has a beautiful and patient wife Kathleen and three wonderful children—Stephen, 13; Brigid, 11; and Charlotte, 6. Eric, as we all know, puts in long hours in service to the Senate and it, again, as we all know, takes him away from his family. So I thank each of them for their service to his family, to their community and, thereby, to the country. But Eric is a devoted father and puts in many hours helping them with homework and could often be found keeping score at one of their basketball games. The children's manners, their politeness, their dress all reflect that Kathleen and Eric are great parents.

Perhaps the highest tribute I can pay to Eric is simply to say his work has honored the institution of the U.S. Senate, which he himself so highly honors. And in honoring the Senate and the democratic ideals it represents, he has, indeed, honored his country.

Well done, Eric, you have been a good and faithful servant of the Senate. You have been a good and faithful counselor and friend, and you have served this Nation with distinction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I don't have prepared remarks, but I join the majority leader in praising Eric Ueland. He is a bright guy. Very intelligent, gracious, and straight, someone I trust. I got to know him with the leader over months, weeks, days, and hours. I thank him very much.

TRIBUTE TO BRIAN POMPER

Mr. BAUCUS. Mr. President, I want to recognize one key staff member whose last day in the Senate is today and that is Brian Pomper. He has worked in my Senate office since March 2003. He has served as my chief trade counsel over the past 2 years. In that time, Brian has been at the center of each and every trade initiative that has passed through this Congress. He has worked tirelessly and fairly with Members and staff of both parties in both Houses, and he has bridged gaps that have seemed insurmountable. He is very intelligent, very conscientious, and one of the most decent persons I have ever had the privilege to know. Brian Pomper will be sorely missed in the Senate.

Mr. GRASSLEY. Mr. President, at this time I would like to recognize Brian Pomper, chief trade counsel for the Democratic staff on the Finance Committee. Today is Brian's last day with the committee. Brian has been a real asset to the Senate, and he will be greatly missed.

He has worked both with my staff and sometimes against my staff, but let me tell you this: He is the sort of person who, whether he is with you entirely or against you, is a wonderful person to work with. So at all times the lines of communication with him between our staffs always remained open, and it has always been a friendly relationship.

Brian is a very warm and decent person, and I wish him the best of luck in his future endeavors. It is my understanding that he is going to go into the private sector, the cold cruel world of the private sector. I hope he enjoys it, but I want to thank him for his cooperation with us.

TAX-HEALTH-TRADE EXTENDERS BILL

Mr. BAUCUS. Mr. President, I am pleased to join my friend and chairman, Senator GRASSLEY, in bringing this package of needed tax, health, and trade matters to the Senate floor.

This is the last bill that Senator GRASSLEY will manage as chairman for at least a couple of years. And I want to take this opportunity to recognize his leadership as chairman on the Finance Committee. He and I have worked together as partners and we will continue to work together as partners in the Congress to come.

Mr. President, Goethe said: "To rule is easy, to govern difficult." Surely, this bill is evidence of that.

The vast bulk of this bill is simply the business of governing. It continues needed tax, health, and trade law. These are things that we must do if we are to govern effectively. But certainly this bill has been difficult to enact.

Much of this bill has been more than a year in the making. It involved negotiations between several Committees, two Houses, and bipartisan leadership teams. It suffered many deaths. And it enjoyed a few resurrections. But through hard work and determination we are finally able to present today, this bipartisan, bicameral agreement.

The provisions of this bill are overwhelmingly the business of governing. They reinstate tax laws that have been needlessly disrupted. They protect health care coverage. And they continue free trade arrangements that benefit consumers and the residents of some of the world's poorest countries.

Let me first turn to the tax section of the agreement. The key tax provisions of this bill are a host of popular tax incentives that expired last December. They have languished all year.

The Finance Committee and the Senate passed legislation to extend these credits on time. The Senate passed them in November of last year as part of the tax reconciliation bill. But the conference with the House kicked those tax cuts out.

Folks told us that the tax cuts would travel on the next tax bill, the pension conference. But again , the conference committee with the House removed them to sweeten other bills. when coupled with other more controversial measures, they failed.

This is an unfortunate history. And it is one that I hope we will not repeat. If this Senator has anything to say about it. This is not how we will govern, in the next Congress.

Congress's delay in extending these tax provisions caused uncertainty. And the delay until now will have real consequences for taxpayers. Just this week, I received a report of the contingency plan at the IRS for the 2007 filing season. The IRS identified about 60 tax forms and products that will be affected by this delay.

The Form 1040 has already gone to the printer. That happened back in November. More than 120 million taxpayers use that form. The IRS will not reprint those forms.

Consequently, the IRS expects taxpayer confusion. IRS expects more phone calls to the IRS with questions. IRS expects delays in filing. IRS expects incorrect returns. And IRS expects more amended returns.

Further, the IRS will need at least 6 weeks to reprogram its systems to accommodate the changes. It is simply too late for the IRS to implement the 2007 filing season on time. This means delays in starting to process and issue refunds. And it means money. It may cost the IRS millions in additional costs because of our delay. And the cost to taxpayers could be even greater.

In September, I brought a display of the draft Form 1040 for next year. Already, the classroom teachers' deduction and the college tuition deduction were gone. Millions of families that normally take those deductions, and other popular incentives like the state sales tax deduction will wonder why those lines no longer appear on the Form 1040. And, unless taxpayers are willing to get on the Internet and search, they may never know that we extended these incentives in the nick of time.

Governing may be difficult, but we must do better.

We must do better by our business taxpayers. Twenty thousand businesses who hire the hard-to-employ have continued to hire these workers with only a hope that we would retroactively extend the Work Opportunity Tax Credit. I am pleased to report that the credit is retroactive to the beginning of this year and improvements will be effective beginning next year.

For the 16,000 businesses in this country that create high-tech jobs for U.S. workers, we have retroactively extended the R&D credit to the beginning of this year. We have provided for a new, enhanced credit for next year. And, we have also provided a special rule for fiscal year taxpayers. That will ensure these businesses can access the credit even though their tax year has closed.

The agreement also provides a one-year extension of certain energy tax incentives that were due to expire next year. This package includes the popular credit for electricity from alternative energy sources.

And this agreement extends expired individual tax incentives for 2 years—2006 and 2007. These incentives include the college tuition deduction, the state sales tax deduction, and classroom teachers' deduction, among others.

This bill also has a substantial health component. The main attraction is an adjustment to the Medicare physician payment rate. This will stave off a cut of more than 5 percent in what Medicare pays doctors in 2007.

And we are going to reward doctors for reporting on their performance. This will help move us toward paying for quality in the Medicare program. The information collected when doctors report on quality measures will be the foundation for paying for performance. We will move toward rewarding outcomes rather than simply the number of procedures.

This bill also extends important provisions from the 2003 Medicare Modernization Act that are scheduled to expire at the end of this month. These provisions will help rural clinical laboratories, physical and occupational therapy patient, and pathologists.

The bill will ensure continued access to dialysis services for patients with kidney failure. And it will correct how vaccines are reimbursed under the new Medicare prescription drug benefit. This will make vaccines even easier for seniors to get.

Fighting health care fraud and abuse is another important part of this bill. A special fund, known as the Health Care Fraud and Abuse Control fund, was established years ago to help the Department of Justice work together to identify, deter, and prosecute health care fraud. Unfortunately, Congress has frozen the program's resources since fiscal year 2003. This bill would increase funding for the program each year for the next 4 years to keep up with inflation.

We also provide the administration with another tool in fighting erroneous payments in Medicare. It would expand a demonstration program that was included in the 2003 Medicare law to use recovery audit contractors to identify and collect overpayments in Medicare.

In the Medicaid program, this bill codifies the maximum rate at which States can tax health care providers under their Medicaid plans.

Another provision extends transitional medical assistance, or TMA, for up to a year. TMA makes sure that low-income families do not lose their Medicaid health insurance when they move from welfare to work.

This bill has real benefits for real people. In my home state of Montana alone, the physician payment adjustment will make a difference of between $10 million and $13 million to Montana doctors in 2007. The clinical laboratories extension provision will mean an additional $900,000 for clinical laboratories in Montana. The therapy caps exception will mean an additional 1,700 Montanans will have access to physical and occupational therapy services in 2007. And the Medicaid provider tax provision means that Montana Medicaid nursing homes will get $112 million in additional revenues over the next 5 years, while the State will have $36 million.

The provisions in this bill are good for beneficiaries. These are good policies and they will help Medicare and Medicaid continue to provide Americans with the kind of quality health care they deserve.

This legislation also ensures that two important trade programs, the Generalized System of Preferences and the Andean Trade Preferences Act, will not expire at the end of this year. Thousands of people's jobs depend on these programs, both here and abroad.

The Generalized System of Preferences has been a part of American trade policy for more than 3 decades. It has encouraged development in poor countries by granting duty-free access to the world's largest market.

But developing countries are not the only beneficiaries.American businesses benefit from the program. It allows them to source inputs and components duty-free. They can pass these benefits on to their customers in the form of lower prices and greater product variety.

Critics of the Generalized System of Preferences rightly point out that the largest beneficiaries are middle income countries with strong export sectors that may not need these preferences.

With this in mind, we have given the President authority to scale back benefits under the program if he determines that a country has become a competitive exporter. The President can examine the circumstances unique to each beneficiary country and weigh them against foreign and economic policy priorities.

This bill will extend benefits under the Andean Trade Preferences Act for another 6 months, and would make a beneficiary country eligible for benefits for 6 more months if the United States and that country both complete their legislative processes to implement a free trade agreement.

This extension means that the Andean countries' current preferences will not disappear abruptly at the end of this year. That would throw thousands of people out of work in the Andean region, and possibly drive thousands more to coca cultivation and trafficking.

I continue to believe that a simple 1-year extension for both the Generalized System of Preferences and the Andean Trade Preferences Act—without changes—is the best policy. A 1-year extension would allow us to maintain the status quo. That would give us breathing space to evaluate all our preference programs next year and determine whether and how they mesh with out trade and competitiveness goals.

That is not what this bill contains, but what this bill does contain on these important programs is far preferable to the disruption that expiration would engender for the thousands of people both here and abroad whose jobs rely upon these programs.

In the next Congress, I intend to examine our trade preference programs, to explore whether and how they might be changed to address the valid criticisms some of my colleagues have made. We should understand the effect these programs have on the U.S. image around the world, our diplomatic efforts, and our trade priorities in the Doha Round and elsewhere.

And we should give those in the United States who rely upon our trade preference programs an opportunity to suggest how those programs might be improved, and to explain how their interests might be affected by some of the changes that have been proposed.

This bill also establishes a crucial 5-year trade preference program for a country much closer to home—Haiti. Haiti, just 600 miles from our shores, is the poorest country in our hemisphere.

This program could help the people of Haiti to get back on a path to prosperity, opportunity, and long-term political stability. I commend the tireless efforts of Senators BILL NELSON and MIKE DEWINE, former Senator Bob Graham, and incoming House Ways and Means Committee Chairman CHARLIE RANGEL to ensure that this Congress would extend this vital assistance.

This legislation also extends expiring third-country fabric provisions for the least-developed African countries under the African Growth and Opportunity Act. That Act has contributed to the creation of thousands of jobs and investment in Sub-Saharan Africa. It has been credited with nearly tripling African apparel exports to the United States. These exports, around $1.4 billion in 2005, are just a fraction of the U.S. apparel market. But they are very significant to the companies and workers supplying them.

This bill extends the third-country fabric provisions until 2012. I believe that if we give this program more time, more opportunities for investment and development will take root in southern Africa.

The bill before the Senate today will also deliver some much-needed help for American manufacturers who import products they can't buy in the United States. This bill temporarily suspends duties charged on imported manufacturing inputs provided that no domestic company produces those goods.

These duty suspensions mean jobs for American workers. They mean that Simms Fishing in Bozeman, MT can save money on the production of their world-class fishing waders. And Sun Mountain Sports in Missoula, MT, will get a break on the cost of manufacturing its high quality golf bags. While each duty suspension is worth less than $500,000, that money can mean a lot to small businesses around the country like Simms and Sun Mountain. The money they save can be reinvested in more jobs and further development right here at home.

Today the Senate also stands poised to accomplish a goal that has eluded the United States for nearly 200 years—normal economic relations with Vietnam.

In April 1975, trade between America and Vietnam stopped. After the fall of Saigon, America imposed an economic embargo on the newly unified Vietnam. After years of painstaking diplomacy beginning with the first President Bush, relations between the United States and Vietnam improved. Trade between the two countries took off after the two sides began to implement a bilateral trade agreement in December 2001. Trade was just $1.4 billion in 2001. Four years later, trade flows were 5 times as large, hitting $7.7 billion in 2005. Vietnam's imminent accession to the World Trade Organization as its 150th member will accelerate this trend.

Economically, Vietnam has become a critical market for the United States. Out of the rubble of a war that killed roughly a million of its citizens, Vietnam has re-emerged as a country with more than 83 million smart, energetic, hard-working men and women.

The terms of Vietnam's WTO accession are first rate. Farmers and ranchers in Montana and across America will benefit from deep reductions in Vietnam's agricultural tariffs. Vietnam also committed to cut industrial tariffs to 15 percent or less for nearly all U.S. exports.

And Vietnam has further opened its market to our most competitive sector—the services industry—which employs 3 out of 4 Americans.

But to benefit from these and the rest of Vietnam's WTO accession commitments, the United States must grant Vietnam permanent normal trading relations. That is the small price that we have to pay: granting Vietnam, on a permanent basis, the normal trade relations that we already provide Vietnam on a renewable basis. Senator SMITH and I introduced a bill to do so in June—with Senators MCCAIN, KERRY, LUGAR, HAGEL, MURKOWSKI, and CARPER.

If we do not grant Vietnam PNTR, then America will be shut out of Vietnam's market-opening commitments. If we do not, then the benefits of those commitments would instead flow to exporters in China, the European Union, Japan, and elsewhere.

But Vietnam PNTR is not just about economics. As important, it makes history. It completes the process of normalization and reconciliation between two formerly bitter enemies.

Let us make history today and pass this bill to grant Vietnam PNTR.

Let us provide taxpayers with the tax relief they have been waiting for all year. Let us ensure that harsh cuts do not drive doctors away from seeing Medicare patients. And let us take some small steps to foster free trade.

This year, governing has been difficult. But let us conclude this effort. Let us do this work that needs to be done. And let us conclude the work of this session of Congress so we can get on with next year.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING OPTIONAL FUNDING RULES FOR EMPLOYERS IN APPLICABLE MULTIPLE EMPLOYER PENSION PLANS

Mr. STEVENS. I send a bill to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4121) to provide optional funding rules for employers in applicable multiple employer pension plans.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, a year ago I raised the issue of the problem of the small timber industry in Alaska, and we had an amendment to be offered to the tax bill. I was asked not to proceed then, and I received a commitment that this amendment would be included in the next tax bill as a technical correction. We thought it was going to be in this year again, and I discovered it is not in the bill.

What this bill does, it deals with the problem created in the timber industry in southeastern Alaska when a series of companies failed and they left a situation where the pension plan is supported only by the surviving companies. These companies have the obligation to pay the pensions of those who retired from other companies that failed, prior to their demise, but they found they cannot do that and survive unless the time within which the payments are to be made is extended. That will be the purpose of this bill. The purpose of this bill is to extend the time so that the surviving companies can pay not only their own employer contribution for their own employees but for the employees of the companies that failed.

I have been told today that this bill affects 600 to 1,000 jobs in southeastern Alaska now and up to 2,000 employees who already retired. Unless the time is extended, the surviving companies will fail and the existing employees will lose their jobs and those who have already retired will not get their pensions.

I conferred with our friend, the chairman on the House side, Chairman THOMAS. I suggested the only way to deal with this now, since the House has already passed this bill without the amendment in it, would be to have this independent bill passed. I am grateful to all who have been considering this bill all day long. It has been an all-day-long proposition, and I do hope it will be passed now so that we may try to see if the House can pass it before they adjourn.

I do urge immediate passage of the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPIN-OFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the

Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan) in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

(2) DEFINITIONS.—For purposes of this subsection—

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term "adjusted unfunded benefit liabilities" means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term "fractional portion" means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

(d) OTHER DEFINITIONS.—For purposes of this section—

(1) APPLICABLE PENSION PLAN.—The term "applicable pension plan" means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term "allocable portion" means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An "eligible employer" is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

Mr. REID. I move to reconsider the bill.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSAN MCCUE

Mr. REID. Mr. President, for 16 years I have had a woman working for me who has been outstanding. She has worked in my press department for the last 8 years. She has been my chief of staff. Her name is Susan McCue. She has a wonderful background. She is one of 10 children. She put herself through college working as a waitress, among other things. She is a graduate of Rutgers University with a bachelor's degree.

Some people are born with the ability to jump high and throw balls a long ways, and some people go to the finest business schools in the country to learn how to manage people. Susan has an innate ability, as if she were a skilled athlete, a skill to be an administrator. What she did to develop my staff is something that I am sure someday will be used as a "how you should hire a staff in Washington, DC."

I have such great affection for Susan. She has worked so hard for me. She has decided to leave after 16 years to go downtown and work, seeking not a job where she can make a lot of money but working in a program that will deal with poor people around the world. She will make just a little bit more money than she is being paid right here. But being the person she is, a kind, thoughtful, considerate person, she thought it was time for a change.

As hard as it is for me to let someone go who has done such a wonderful job for me. I must be as loyal and dedicated to her as she has been to me.

I want everyone to know—and I especially want Susan to know—that her work on my behalf has been something that I and my family will long remember. I have never had anyone in my professional career as a lawyer, as a government worker, who has been more dedicated or more skilled than Susan McCue. I will miss her greatly. I know our paths will cross, but I am a better person for having had her run my office. And poor people of the world will be well served with Susan McCue looking after them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

TAX EXTENDERS

Mr. DEWINE. Mr. President; I will be very brief. I have spoken a lot in the last week, but I want to talk very briefly about the bill that will be before the Senate in a few minutes, and speak about one particular provision, the antitrade bill.

I thank BILL THOMAS, I thank BILL FRIST, Senator GRASSLEY, Senator BAUCUS, CHARLIE RANGEL, KENDRICK MEEKS. I thank the Chair, I thank Senator DURBIN, the leadership in the House and the Senate of both parties, for including this provision in the bill.

BILL THOMAS told me a moment ago, as I congratulated him and thanked him, that this should have passed 4 years ago. I think it should have. We worked on it for a long time.

The good news is that it will make a difference. It will create many jobs in Haiti, a country that has about 70-percent unemployment, gross underemployment, a country that Fran and I visited again last week, where we saw Paul Farmer's hospital in the central part of Haiti, with children who were grossly malnourished, children who do not have enough to eat, children who would have died but for getting into Paul's hospital, children whose hair was turning orange because of malnutrition. When we went to Sisters of Charity in Port-au-Prince, we saw twins who had been brought in by their dad who did not have enough to eat; they were clinging to life. That is replicated all over Haiti.

This bill will not solve all the problems of Haiti, but it will begin to do the one thing that is needed: Create jobs. The Haitian people are an industrious people. They are hard working. They line up for jobs. Jobs in Haiti are what the country needs. It is what the new Government, that has been duly elected, needs—to be able to show some progress, to be able to give the people of Haiti some hope.

I thank my colleagues. I thank all of them for including this provision. I thank my friend Lindsey Graham and others who represent textile interests. I know they had problems with this bill. We tried to work out some of those problems. They represented their constituents well. But they also had the heart for the people of Haiti.

This is not just a question about humanitarian concern; it is also about our national interests. It is about our foreign policy. Haiti, as the Presiding Officer knows, being from Florida knows, is very close to Miami. It is probably an hour and 20 minute flight from Miami. Boat people come up there time and time again. We have had United States Marines, United States troops in Haiti twice in the last decade. It is a country that we need to care about. It is very important to us.

I thank the Chair. I thank my colleagues for including this provision. It is a provision that will make a difference. It is a provision that will save lives. I thank my colleagues for this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2007

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 102, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, I deeply regret that we will soon adjourn having adopted only 2 of the 12 fiscal year 2007 appropriations bills.

This year, the Senate Appropriations Committee reported all of the bills under its jurisdiction by July 20, the earliest that has been done in 18 years. These bills were all within the budget allocation, and the total funding appropriated was lower in real dollars than last year. I regret that the Senate was not allowed to consider these bills in time to complete action before the beginning of this fiscal year.

In this continuing resolution, which is now before the Senate, we have made sure that the Department of Veterans Affairs has sufficient resources to provide all the benefits veterans are entitled to receive under the law and that no veteran will be denied any benefit or receive anything less than the finest care available.

I urge the Senate to approve this bill.

Mr. BYRD. Mr. President, we are now 69 days into the fiscal year and only 2 of the 12 appropriations bills are public law. The Senate now has before it a third continuing resolution that funds 13 of the 15 executive branch Cabinet departments through February 15.

When it comes to funding bills for domestic agencies, the majority leadership is apparently satisfied with a restrictive continuing resolution. Eight of the 12 bills were never even debated in the Senate. When it comes to caring for our veterans, the education of our children, the health of our elderly, and the ability of our deteriorating infrastructure to sustain a growing economy, the majority leadership is satisfied with a rubberstamp continuing resolution, kicking the decisions down the road to the next Congress. This dismal performance is not the result of the work of the Appropriations Committee. The Appropriations Committee did its work and, on a bipartisan basis, reported all 12 of its bills by July 26. Chairman COCHRAN did an outstanding job in leading the committee.

Sadly, the appropriations process, once again, has fallen prey to politics.

Next year, the 110th Congress will have to complete the 2007 appropriations bills, a war supplemental, and the 2008 bills.

This will be a huge challenge. However, in the bipartisan tradition of the Senate Appropriations Committee, I am committed to working with my colleagues to meet this challenge.

Mr. DURBIN. Mr. President, the continuing resolution we are considering here today has a 6-week moratorium on a cost-of-living adjustment for Members of Congress. I support this provision because we should not give ourselves a raise until we pass legislation raising the minimum wage.

It has been a decade since Congress last increased the minimum wage to $5.15 an hour. Since then, the real value of the minimum wage has eroded by 20 percent, since—unlike Congress's pay raise—we did not increase the minimum wage to keep pace with inflation.

Twenty-nine States have answered the call and raised the minimum wage. Illinois is one of those States—it has a minimum wage of $6.50, and in December the Governor is expected to sign recently passed legislation raising the minimum wage to $7.50 in July.

But there are still 6 million Americans making $5.15 an hour.

We have been trying for nearly a decade to get the attention of the Republican leadership that there are millions of Americans who go to work every single day and can't make enough money to provide decent day care for their kids, pay medical and utility bills, and provide food and other essentials that are just a part of every family's daily life.

A Low Income Housing Coalition study shows that, for the first time, there was not one county anywhere in America in which a minimum wage worker could afford a one-bedroom apt. On average, workers have to make three times the minimum wage to afford a one-bedroom apartment in this country. So people who are working full time for minimum wage literally can't afford to keep a roof over their children's heads.

These hardworking Americans who work full time and make the minimum wage earn just $10,700 per year—$6,000 below the poverty level. In Illinois, $6.50 minimum wage workers currently earn $13,520. And now there are 37 million Americans in poverty—a 5.4 million increase since President Bush took office.

While the Republicans in this town refuse to raise the minimum wage to help millions out of poverty, Congress has seen its pay increased by $31,600. Something is wrong here.

We hope to send a message to the Republican leadership in Congress that these hardworking families deserve a raise too, because it's time for a Congress that truly is sensitive to real family values.

Because one of those real family values is when you get up and go to work every morning, doing your best for your kids and your family, you deserve a decent pay check.

Democrats believe that, and that is why we support passing legislation raising the minimum wage to $7.25 an hour over 2 years before we allow Members to receive a roughly $3,000 increase.

While some people may say that the amount of the automatic raise Members are foregoing—$350—is only symbolic, keep in mind that minimum wage earners only earn $206 per week. To them, $350 isn't symbolic, it is the equivalent of 68 hours worth of hard work.

Therefore, on behalf of 6 million Americans making the minimum wage, I urge Republicans to join with Democrats in passing a clean minimum wage bill in January before any automatic pay adjustment for Members takes effect.

Mr. COCHRAN. I ask unanimous consent that the resolution be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 102) was ordered to a third reading, was read the third time, and passed.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be discharged from further consideration of H.R. 6164, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

ENROLLMENT PERIODS

Mr. GRASSLEY. I wish to engage my colleague Senator BAUCUS in a colloquy concerning the Tax Relief and Health Care Act of 2006. This bill contains a provision that would allow certain Medicare Advantage plans to enroll individuals at any time during the year. I am concerned about this provision for two reasons: No. 1, the effect it will have on the Medicare Advantage program, and No. 2, the process by which it was included in this package.

Mr. BAUCUS. I thank you for bringing this provision up for discussion. I have concerns as well.

Mr. GRASSLEY. Under current law, beneficiaries can decide to stay in the traditional fee-for-service program or enroll in Medicare Advantage plans during the annual open period, which lasts from November 15 to December 31. They can also make certain changes one time between January and March of the following year. I remember how much time and effort we spent designing these enrollment policies when we worked together on the Medicare Modernization Act of 2003. Wouldn't you agree this provision is a significant policy change?

Mr. BAUCUS. That is an understatement. This provision would allow some but not all types of Medicare Advantage plans to enroll individuals throughout the year. Only those plans that do not offer prescription drug coverage will be given this special treatment. This may sound like a small change because it only affects a certain type of Medicare Advantage plan. But it creates an unlevel playing field between plans with no drug coverage and Medicare Advantage plans that have decided to offer prescription drug coverage.

Mr. GRASSLEY. That is exactly my concern, too. I am also disappointed in the process that led to the provision being included in the final bill. We had an understanding that we would only include agreed-upon extensions and must-do health items in the package and not make major policy decisions that had not gone through the regular process. This provision does not meet that standard.

Mr. BAUCUS. No, it does not. In fact, I soundly rejected the proposal during the negotiations with our House colleagues. They were clearly informed of my position on the matter. Our final agreement did not include this provision.

Mr. GRASSLEY. It disturbs me, that this major policy change—one that treats some plans unfairly—was included at last minute by the House rules committee. I do not operate like that, and I know you do not, either. Unfortunately, we are stuck with this provision for the time being. But I assure of my commitment to working with you as soon as possible next year to revisit this provision.

Mr. BAUCUS. I thank my colleague and good friend from Iowa. I look forward to working with you next year on this and all of the business we will have before our committee.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. ROCKEFELLER. Chairman GRASSLEY and Ranking Member BAUCUS, I would like to begin by thanking you for your efforts to address the impending Children's Health Insurance Program, CHIP, shortfalls as part of this end-of-the-year package. As many as 17 States face the prospect of not having enough Federal CHIP dollars to cover the children currently enrolled in their programs. Estimates by the Congressional Research Service and others indicate that these shortfalls will total approximately $920 million next year and could put the health care coverage of as many as 630,000 children in jeopardy. This compromise, struck between you, Congressman BARTON, and Congressman DINGELL, while not 100 percent of what everybody wanted, takes a significant step toward addressing that problem.

Mr. GRASSLEY. Thank you, Senator ROCKEFELLER. We share an interest in making sure that States have adequate Federal funding to cover children through CHIP. No one wants to see children lose coverage, and we hope the provisions in this bill will help States on a temporary basis until we have time to work out a more permanent solution to the CHIP financing structure. Now I know that there are a lot of concerns about this package. And I want to make it clear that Senator BAUCUS and I thought this was what we could pass right now. We are hopeful that we can pass this package here in the Senate and then get House agreement tonight or tomorrow so that we can forestall these shortfalls for the first part of the year.

I want to make it clear, however, that nothing in this package binds us for CHIP reauthorization next year. There is discomfort with the CHIP provisions on both sides of the aisle. But Senators are willing to compromise in order to get something done for children before we go home. Therefore, we should put aside our differences and individual gripes in order to get something productive passed.

Mr. BAUCUS. I want to associate myself with the remarks of the chairman. This bill is so important, so vital to the lives of hundreds of thousands of children who need health coverage. I am so proud that the Senate and the House were able to get together and work out a deal to get this done this year. I was disappointed we weren't able to include this in the tax extenders package that Senator GRASSLEY and I worked on, so it is very gratifying to know we were able to do this. I want to especially thank Chairman GRASSLEY and his staff, Becky Shipp, for their dedication to this effort and commitment to the program. I would also like to thank Chairman BARTON and his staff, Ryan Long, for their willingness to help in this process, and Congressman DINGELL and his staff, Bridgett Taylor and Amy Hall, for their dogged determination to get this done. I also agree with Chairman GRASSLEY in his view that the CHIP provisions in this bill will not set a precedent for reauthorization next year. Instead, this is a temporary fix—a downpayment toward addressing a long-term problem of increasing demand for CHIP and not enough Federal funds to go around. In an ideal world, Senator GRASSLEY and I would have liked to put new money on the table to fully fund the shortfalls. However, we are operating under significant budget constraints. This package represents what we think we can do now, despite those constraints. We know we will need to revisit this issue next year, either as part of the reauthorization of the CHIP program, or apart from that, to address the remaining CHIP shortfalls so that no State has insufficient funds to provide health coverage for children. I am heartened by Senator GRASSLEY's strong commitment to the program that we will be able to work together in this critical effort to shore up our Nation's safety net for low-income children.

Mr. ROCKEFELLER. Your comments are helpful because I think Members are concerned that accepting this CHIP shortfalls proposal means they will be giving tacit approval to other provisions in the bill that they don't really support—such as decreasing the CHIP allotment from 3 years to 2½ years, or putting restrictions on how States can use the redistributed money, for example. But what I hear both of you saying, I think, is that the CHIP provisions in this package are causing a little bit of pain for everyone, but that the benefits of getting something done now far outweigh the downsides and that nothing in this CHIP package binds us as we move to reauthorize the program next year.

Mr. GRASSLEY. I understand the concerns of our colleagues. Certainly, there are those who think we should have gone further in this proposal. There are Senators who support going from a 3-year allotment structure to a 2-year allotment structure immediately. And there are Senators who want to put greater limits on how CHIP dollars can be spent, to ensure program spending prioritizes children first. Senator BAUCUS and I developed a CHIP proposal that is somewhere in between but is a proposal that meets our ultimate objective of keeping children covered. We can have a policy debate about the merits of various proposals when we reauthorize the program next year. Nothing in this package precludes us from doing that.

Mr. BAUCUS. I expect the Finance Committee to have a deliberative process on CHIP reauthorization early next year, where we can hear from Members, Governors, CHIP directors, families and others about the CHIP financing structure, the allotment timeframe, populations covered and any other relevant issues of concern. As far as I'm concerned, we come to this process with a clean slate and we will have an honest dialogue about the future of this vital program. For right now, however, I hope that we can pass this legislation, so that no child loses coverage before we have a chance to reauthorize the program next year.

Mr. ROCKEFELLER. I thank my colleagues for their tireless efforts on behalf of children, and I look forward to working with both of them to address the remaining shortfalls early next year.

Mr. ENZI. Mr. President, today the Senate has once again affirmed its commitment to strengthen the National Institutes of Health and its important research to find better treatments and cures for all diseases. Today, the Senate passed H.R. 6164, the National Institutes of Health Reform Act of 2006. This important piece of legislation provides needed reforms to the crown jewel of the Nation's biomedical research enterprise, the National Institutes of Health.

This reauthorization builds upon the great initiatives and vision of Dr. Zerhouni, the Director of NIH, by creating a common fund to support cross-cutting trans-NIH research initiatives, such as those initiated as part of Dr. Zerhouni's "roadmap initiative". This reform bill also brings more transparency to the spending of this important agency. As we recently doubled the NIH budget, it is important that the NIH and Congress can plan and evaluate the efficiency and effectiveness of that spending.

NIH is the steward of this Nation's biomedical research enterprise and it is important we reevaluate the inner-workings of the agency to ensure they are meeting this responsibility. The legislation passed today is a fulfillment of our critical obligation to evaluate, strengthen, and improve the NIH so that they can shoulder this burden.

This bill also includes the substance of the NIH Foundation Improvement Act, which ensures the foundation has the resources and ability to aid researchers in fulfilling NIH's mission to find better treatments and cures for our most serious diseases. Most significantly, these provisions clarify membership in the foundation's board of directors and assures that the foundation receives funds to support its operating expenses.

Every member of the House and Senate takes pride in the NIH and its grantees. Through their work and vision, America has become the world leader in biomedical research, and Americans benefit from the fruits of these labors every day. I am confident that this legislation will help NIH continue to be the engine that drives our understanding of biomedical science and continue to be a source of pride.

Before closing, I would like to take this opportunity to acknowledge, thank, and congratulate the people who have worked hard to craft, draft, and pass this legislation. First, I would like to thank my colleagues in the House and their staff for their hard work in passing this critical legislation. It is hard to overstate their dedication and work in getting this bill done.

Specifically, Chairman BARTON and Representative DINGELL worked tirelessly crafting this legislation for months and getting the House to pass it nearly unanimously. They have continued to work for the last 3 months to address every concern from Members here in the Senate. Their staffs, Cheryl Jaeger, Katherine Martin, Ryan Long, John Ford and Jessica McNiece, have worked patiently and persistently to reach consensus that this bill is right policy at the right time. We appreciate their dedication and cooperative work.

Further, I would like to acknowledge the Senate and House Legislative Counsels, who worked hand in hand with staff to draft language as the House and Senate worked to accommodate concerns. They worked many long hours and all through the night last night to draft this language. In particular, I would like to express my gratitude to Pete Goodlowe, Warren Berg, and Bill Baird for their dedication and hard work which enabled us to pass this bill.

I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member, Senator KENNEDY, for his hard work and determination in seeing this bill become law. I would also like to thank all of the staff, without whom much of our progress would not have been possible.

I would also like to thank David Noll, Derrick Scholls, Caya Lewis, and David Bowen of Senator KENNEDY's staff for their hard work and late nights.

Finally, I would like to thank my own staff, including Katherine McGuire, my staff director, Ilyse Schuman, Greg Dean, Stephen Northrup, Dave Schmickel, and Shana Christrup for their diligence and determination as we worked to reach consensus on this important and essential bill.

We anticipate the House will pass this bill later today, after which it will be sent to the President's desk. I look forward to the exciting biomedical breakthroughs that will result from the continued commitment of the NIH to critical, lifesaving research.

Mr. CRAPO. Mr. President, I rise to comment briefly on the Tax Relief and Health Care Act of 2006. This bill includes a number of important provisions, including tax relief and reforms to the Medicare system. I wish simply to highlight two sections for the record.

Section 103 contains an update of the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services. The intent of this section is to provide an update of 1.6% for a period of 1 year to the current composite rate for dialysis care. This section does not address any other payment system modifications for the ESRD Program. The GAO report is intended to explore the cost of home dialysis and how to more effectively educate dialysis patients about the possible advantages of home dialysis.

Section 110 relates to the reporting of anemia quality indicators for Medicare Part B cancer anti-anemia drugs. The intent of this section is to require the Secretary to develop a process through full notice and comment rulemaking that requires providers to report hemoglobin or hematocrit levels for patients being treated with cancer chemotherapy. Nothing in this section is intended to require the Secretary to change the coverage or payment rules for any products under Part B.

Mr. McCONNELL. Mr. President, I rise to express my concerns about section 206 of the Tax Relief and Health Care Act of 2006. Under current law, Medicare beneficiaries are only permitted to enroll in a Medicare Advantage plan from November 15 to March 31. This provision would allow Medicare fee-for-service beneficiaries to enroll in certain Medicare Advantage plans at any time during 2007 or 2008, but only into those Medicare Advantage plans that do not cover prescription drugs. This is a significant change in policy, and I am concerned that this could provide incentives for seniors to join plans that do not offer prescription drug coverage. I am also troubled that this provision could distort the thriving Medicare Advantage marketplace that is serving seniors well today.

I also am concerned about the process by which this provision was added to the underlying legislation. While the vast majority of the Medicare provisions of the Tax Relief and Health Care Act of 2006 were discussed and agreed to by the appropriate committees in the House and Senate, it is my understanding that this provision was added to the final package without the consent of the Finance Committee members who negotiated on the Senate's behalf.

I want to make certain that our seniors are able to choose the Medicare option that best meets their health care needs and I look forward to working with my colleagues to ensure this provision does not harm our Nation's Medicare beneficiaries.

Mr. LEVIN. Mr. President, this bill covers a number of important areas. The so-called "tax extenders" provisions will continue a number of expired or expiring tax incentives that are important to our economy. These include the critical tax credit for research and development done here in the U.S. The bill also extends the Welfare to Work and the Work Opportunity Tax Credits, which encourage employers to hire certain long-term family assistance recipients and members of targeted groups such as high risk youth, families receiving food stamps, SSI recipients, and qualified veterans. Another important extension is the deduction for the out-of-pocket expenses of elementary and secondary school teachers of up to $250 for books and other supplies. And there is a deduction of up to $4,000 for qualified tuition and related expenses. There is also a provision to provide equity to the U.S.-flag ships operating in the Great Lakes.

I am also pleased that this Congress is addressing the annual dilemma of appropriate reimbursement for physicians treating Medicare patients. The current Medicare reimbursement system is flawed, and without action, doctors treating Medicare patients would have faced a 5% reduction in reimbursement. I am pleased that this legislation will halt those cuts and I urge the 110th Congress to take a serious look at overall Medicare reimbursement so that we do not make this an annual affair. I am also pleased that this legislation contains a six month extension of the Medicare hospital wage index reclassification, bringing additional temporary financial relief to over 100 Michigan hospitals.

This bill also includes the permanent extension of Normal Trade Relations (PNTR) to Vietnam which Congress has been granting on an annual basis since December 2001. Vietnam is joining the WTO and the United States is obligated to grant Vietnam permanent normal trade relations in order to receive the market opening commitments that were made by Vietnam as a condition of joining the WTO. As a member of the WTO Vietnam will be subject to all of the WTO's international trade rules. Currently, the United States provides PNTR to most countries, but not Vietnam.

I also support the inclusion of the provisions of S. 3711, the Gulf of Mexico Energy Security Act of 2006, in this package. I supported this bill when it passed the Senate because I believe we need to move forward to open up more areas for natural gas exploration to address the increasingly tight natural gas supply in the U.S and its resulting high prices.

Over the past six years, the tight natural gas supply and increasing costs of natural gas has had a significant impact on consumers and particularly on the U.S. manufacturing sector, which depends on natural gas as both a fuel source and a feedstock and raw material. With U.S. natural gas prices the highest in the industrialized world, many companies have made decisions to move their manufacturing operations offshore. Millions of manufacturing jobs have outsourced overseas during this period.

Mr. President, I will support this bill because it contains many important provisions. I do hope, however, that in the next Congress we can take up legislation in a timely manner allowing for more study and deliberation on important far-reaching provisions and avoid these last minute omnibus packages. The process by which this omnibus package was pulled together and unveiled at the eleventh hour is seriously flawed. Pushing through an un-amendable, take-it-or-leave it package of otherwise unrelated bills is not the way Congress should legislate. But at least we are finally coming to address a number of important provisions that we should have dealt with long ago.

Mr. REED. Mr. President, I have been a longtime supporter of these tax credits and I am pleased that they are extended by this long overdue bill before us tonight.

The tax credits included in this bill are significant both for families and for businesses; these credits will help families send their children to college, encourage businesses to hire individuals working to get off welfare, and support research and development. The IRS indicates that 19 million taxpayers will benefit from this relief. Our economy benefits from these provisions and many taxpayers have grown to rely on them. And those who benefit from these provisions need certainty.

I am disappointed, however, by critical omissions and the inclusion of some provisions about which I have serious concerns.

For starters, this package does not address the Alternative Minimum Tax, AMT; a tax provision that, with no Congressional intervention, will affect 37.1 million tax returns by 2010. Households are more likely to pay the AMT if they have children or live in a high-tax state because the AMT does not allow taxpayers to claim an exemption for dependents as an itemized deduction for state taxes. By 2010, nearly 90 percent of married couples with two or more children and incomes between $75,000 and $100,000 will pay the AMT.

The AMT is complicated, unfair, and no longer meets its intended purpose. That is why in her 2003 annual report to Congress, National Taxpayer Advocate Nina Olson identified the AMT as the most serious problem encountered by taxpayers. According to Olson ". . . that is how the AMT appears to function—randomly, no longer with any logical basis in sound tax administration or any connection with its original purpose of taxing the very wealthy who escape taxation. Congress must address the AMT before it bogs down tax administration and increases taxpayers' cynicism to such a level that overall compliance declines."

Also, the bill includes many ill-conceived provisions. I strongly oppose the bill's inclusion of an expanded voucher program for the District of Columbia. There is no doubt that our nation's capital faces severe educational challenges. However, this expansion is an unnecessary action that subverts the program's original intent to serve solely low-income students, and continues federal government subsidization of private and religious schools at the expense of public education.

This is another attempt by the President and Republican leadership to expand private school voucher programs, while reneging on our fundamental commitment to public schools, where 90 percent of American children receive their education. Instead of private school vouchers, we should spend the dollars necessary to make the No Child Left Behind reforms work. We should be focusing on educational issues that touch the lives of all American students, not just a select few.

Also inserted in the bill is a considerable expansion of Health Savings Accounts, HSAs. The provisions, which were never given full consideration by either the Senate or House of Representatives, provide yet another mechanism for high income individuals to shelter taxable income under the guise of health care. An August Government Accountability Office, GAO, report on tax filers who reported making HSA contributions had an average income of $133,000 in 2004. The annual survey of health care consumers by the Employee Benefit Research Institute and the Commonwealth Fund found virtually no change in enrollment in HSAs, nor did they find any measurable impact on the rates of the uninsured in this country. While those who support these extensions, which will cost taxpayers close to a billion dollars over the next decade, will argue that they will help expand these insurance products to more Americans, in reality they will benefit only those Americans wealthy enough to take advantage of them.

The bill does contain some essential health-related provisions. Specifically, it includes another temporary update in the reimbursement rate for physicians under Medicare. While this package reverses the projected 5.1 percent cut for 2007, this Congress must take action next year to bring greater stability and predictability to the Medicare physician payment formula than currently exists. Nevertheless, this provision ensures that elderly and disabled Medicare patients will continue to have access to their providers.

While this bill provides a 1-year extension of the moratorium on Medicare therapy caps, many other needed Medicare and Medicaid provisions have been omitted. For instance, the bill does not include a moratorium on impending reductions in reimbursements for imaging services.

However, I would commend the architects of the legislation for carving out unexpended monies available in the Medicare advantage stabilization fund to finance the provisions that were included instead of resorting to cuts in reimbursements to individual Medicare providers groups.

I am further disappointed that this bill allows for exploration of the outer continental shelf. This provision will not provide energy security to the United States. Our nation needs a comprehensive energy policy that reduces dependency on fossil fuels through increased energy efficiency, greater investment in renewable energy, and development of alternative fuels to replace oil: This provision is also unsound fiscal policy. It would mandate that almost 38 percent of revenue from federal resources generated by new leases in the Gulf of Mexico be given to four states—Alabama, Louisiana, Mississippi, and Texas. These are revenues that currently would be provided to the United States Treasury for the benefit of the Nation as a whole. Reducing revenue to the Treasury means that we, as a nation, will have fewer resources available in the future to respond to a call for help should there be another devastating natural disaster or terrorism attack.

Unfortunately, the majority played political games to get us to this point. We should have passed this legislation long ago. Instead, we are now faced with passing a bill that contains important provisions but also a number of others that I would have opposed had they been offered on their own merits. Despite this bill's shortcomings, I will support it because it extends tax credits that will truly benefit countless Americans and contains an important physician reimbursement fix. I will work in the new Congress to address the bill's shortcomings.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5238) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6164), as amended, was read the third time and passed.

STATEMENT OF MANAGERS

Mr. GRASSEY. Mr. President, I ask unanimous consent that a manager's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MANAGERS

DIVISION B—MEDICARE AND OTHER HEALTH PROVISIONS

SECTION 1. SHORT TITLE OF DIVISION

Current law

No Provision.

Explanation of provision

This division may be cited as the "Medicare Improvements and Expansion Act of 2006".

Title I—Medicare Improved Quality and Provider Payments

SECTION 101. PHYSICIAN PAYMENT AND QUALITY IMPROVEMENT

Current law

Medicare payments for services of physicians and certain nonphysician practitioners are made on the basis of a fee schedule. The fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor. The conversion factor for 2006 is $37.8975.

The conversion factor is the same for all services. It is updated each year according to a formula specified in law. The intent of the formula is to place a restraint on overall spending for physicians' services. Several factors enter into the calculation of the formula. These include: (1) the sustainable growth rate (SGR) which is essentially a cumulative target for Medicare spending growth over time (with 1996 serving as the base period); (2) the Medicare economic index (MEI) which measures inflation in the inputs needed to produce physicians services; and (3) the update adjustment factor which modifies the update, which would otherwise be allowed by the MEI, to bring spending in line with the SGR target. In no case can the adjustment factor be less than minus seven percent or more than plus three percent.

The law specifies a formula for calculating the SGR. It is based on changes in four factors: (1) estimated changes in fees; (2) estimated change in the average number of Part B enrollees (excluding Medicare Advantage beneficiaries); (3) estimated projected growth in real gross domestic product (GDP) growth per capita; and (4) estimated change in expenditures due to changes in law or regulations. In order to even out large fluctuations, MMA changed the GDP calculation from an annual change to an annual average change over the preceding 10 years (a "10-year rolling average").

The SGR target is not a limit on expenditures. Rather, the fee schedule update reflects the success or failure in meeting the target. If expenditures exceed the target, the update for a future year is reduced. This is what occurred for 2002. It was also slated to in subsequent years; however, legislation kept this from occurring. Most recently, the Deficit Reduction Act froze the 2006 conversion factor at the 2005 level. A negative 5% percent update is slated to occur in 2007.

Explanation of provision

The conversion factor for 2007 would be the conversion factor otherwise applicable for 2007 divided by the product of: (i) 1 plus the Secretary's estimate of the percentage increase in the MEI for 2007 (divided by 100), and (ii) 1 plus the Secretary's estimate of the update adjustment factor for 2007. These changes would not be considered in the computation of the conversion factor for 2008.

The provision would also implement a voluntary quality reporting system for Medicare payments for covered professional services tied to the reporting of claims data. Physicians and other eligible professionals (including physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, certified nurse-midwives, clinical social workers, clinical psychologists, registered dietitians or nutritional professionals as defined under current law, physical therapists, occupational therapists, and qualified speech-language pathologists) who report the quality information would be eligible for a bonus incentive payment for services. For 2008, the Secretary would address a mechanism whereby an eligible professional could provide data on quality measures through an appropriate medical registry (such as the Society of Thoracic Surgeons National Database) as identified by the Secretary.

For covered professional services furnished beginning July 1, 2007 and ending December 31, 2007, the quality reporting measures are those identified as physician quality measures under the CMS Physician Voluntary Reporting Program (PVRP) as published on the CMS public website as of the date of enactment of this provision. The Secretary may modify these quality measures if changes are based on the results of a consensus-process meeting in January of 2007 and if such changes are published on the CMS website by April 1, 2007. The Secretary may subsequently refine the quality measures (without notice or opportunity for public comment) up until July 1, 2007 by publishing modifications or refinements to previously published quality measures but may not change the quality measures.

Eligible professionals who (1) furnish services for which there are established quality measures as determined by this provision and (2) satisfactorily submit quality measures would be paid a single additional bonus payment amount equal to 1.5% of the allowed charges for covered professional services furnished during the reporting period. The bonus incentive payments would be paid from the Supplemental Medical Insurance Trust Fund (Part B). These bonus incentive payments would not be taken into account in the calculations and determination of payments for providers in health professional shortage areas or Physician Scarcity Areas, nor would these bonus payments be taken into account in computing allowable charges under this subsection.

The Secretary would presume that if an eligible professional submits data for a measure, then the measure is applicable to the professional. However, the Secretary may validate (by sampling or other means as the Secretary determines to be appropriate) to determine if an eligible professional reports measures applicable to such professional services. If the Secretary determines that an eligible professional has not successfully reported applicable measures, the Secretary would not pay that professional the bonus.

Satisfactory reporting of data determines whether the provider is eligible for the bonus payment. If there are no more than 3 quality measures that are applicable to the professional services furnished, the provider must report each measure for at least 80% of the cases to meet the criteria. If there are 4 or more quality measures that are applicable, the provider must report at least 3 of the quality measures for at least 80% of the cases.

The provision also places a limit on bonus payments. No provider would receive payments in excess of the product of the total number of quality measures for which data are submitted and three times the average per measure payment amount. The average per measure payment amount would be estimated by the Secretary and would equal the total amount of allowed charges under Medicare part B for all covered professional services furnished during the reporting period on claims for which quality measures are reported divided by the total number of quality measure for which data are reported during the reporting period under the physician reporting system.

The Secretary would provide for education and outreach to eligible professionals regarding these changes. The Secretary would implement these provisions acting through the Administrator of the Centers for Medicare and Medicaid services.

This provision would allow no administrative or judicial review, under the existing Medicare appeals process or through a Provider Reimbursement Review Board as currently codified in statute, of the determination of measures, satisfactory reporting, payment limitation, or bonus incentive payment. A determination under the provisions of this section would not be treated as a determination under current appeals processes for Medicare.

For 2008, the quality measures would be selected from measures adopted or endorsed by a consensus organization (such as the National Quality Forum or AQA, originally known as the Ambulatory Care Quality Alliance) that includes measures that have been submitted by a physician specialty developed through a consensus-based process as identified by the Secretary. Such measures shall include structural measures, such as the use of electronic health records and electronic prescribing technology. The CMS administrator would publish a proposed set of quality measures for 2008 in the Federal Register no later than August 15, 2007 with a public comment period. The final set of measures appropriate for eligible professionals to use to submit quality data in 2008 would be published no later than November 15, 2007.

The Secretary would be required to establish a Physician Assistance and Quality Initiative Fund which would be available to the Secretary for physician payment and quality improvement initiatives. Such initiatives may include application of an adjustment to the update to the conversion factor. The amount available to the Fund would be $1.35 billion for 2008. The Secretary would be required to provide for expenditures from the Fund for the obligation of the entire amount (to the maximum extent feasible) for payment for physicians services furnished in 2008. The specified amount available to the Fund would be made to the Fund from the Part B trust fund as expenditures are made from the Fund. The amounts in the Fund are to be available in advance of appropriations, but only if the total amount obligated to the Fund does not exceed the amount available to it. The Secretary may obligate funds from the Fund only if the Secretary determines (and the CMS Chief actuary and the appropriate budget officer certifies) that there are sufficient amounts available in the Fund. If the expenditures from the fund affect the conversion factor for a year, this would not affect the computation of the conversion factor for a subsequent year.

The Secretary would be required to transfer $60 million from the Part B trust fund to the CMS Program Management Account for the period of FY 2007, FY 2008, and FY 2009 for the purposes of implementing this section.

SECTION 102. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT

Current law

Medicare's physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the average would have an index below 1.00. The physician work geographic adjustment factor is based on a sample of median hourly earnings in six professional specialty occupational categories. Unlike the other geographic adjustments, the work adjustment factor reflects only one-quarter of the cost differences in an area. The practice expense adjustment factor is based on employee wages, office rents, medical equipment and supplies. The malpractice adjustment factor reflects differences in malpractice insurance costs. The Secretary is required to periodically review and adjust the geographic indices.

MMA required the Secretary to increase the value of any work geographic index that was below 1.00 to 1.00 for services furnished on or after January 1, 2004 and before January 1, 2007.

Explanation of provision

The requirement is extended for an additional year, for services provided before January 1, 2008.

SECTION 103. UPDATE OF THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) required the Secretary to establish a basic case-mix adjusted prospective payment system for dialysis services furnished either at a facility or in a patient's home, for services furnished beginning on January 1, 2005. The basic case-mix adjusted system has two components: (1) the composite rate, which covers services, including dialysis; and (2) a drug add-on adjustment for the difference between the payment amounts for separately billable drugs and biologicals and their acquisition costs, as determined by Inspector General Reports.

The Secretary is required to update the basic case-mix adjusted payment amounts annually beginning with 2006, but only for that portion of the case-mix adjusted system that is represented by the add-on adjustment and not for the portion represented by the composite rate. The DRA increased the composite rate component of the basic case-mix adjusted system for services beginning January 1, 2006 by 1.6%, over the amount paid in 2005. For 2006, the base composite rate is $130.40 for independent ESRD facilities and $134.53 for hospital-based ESRD facilities. The total drug add-on adjustment, with inflation, is 14.5%.

Explanation of provision

The composite rate component of the basic case-mix adjusted system shall be increased by 1.6 percent above the 2005 rate, for services furnished on or after January 1, 2006 and before April 1, 2007. For services furnished on or after April 1, 2007, the composite rate component of the basic case-mix adjusted system shall by increased by 1.6 percent, above the amount of such rate for services furnished on March 31, 2007.

Not later than January 1, 2009, GAO shall submit a report to Congress on the costs for home hemodialysis treatment and patient training for both home hemodialysis and peritoneal dialysis. The report shall include recommendations for a payment methodology that measures, and is based on, the cost of providing such services and takes into account the case mix of patients.

SECTION 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE

Current law

In general, independent laboratories cannot directly bill for the technical component of pathology services provided to Medicare beneficiaries who are inpatients or outpatients of acute care hospitals. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) permitted independent laboratories with existing arrangements with acute care hospitals to bill Medicare separately for the technical component of pathology services provided to inpatients and outpatients. The arrangement between the hospital and the independent laboratory had to be in effect as of July 22, 1999. The direct payments for these services applied to services furnished during 2001 and 2002. MMA applied the provision to services furnished during 2005 and 2006.

Explanation of provision

The provision is extended through 2007.

SECTION 105. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS

Current law

Generally, hospitals that provide clinical diagnostic laboratory tests under Part B are reimbursed under a fee schedule. MMA specified that hospitals with under 50 beds in qualified rural areas (low density population rural areas) would receive 100% reasonable cost reimbursement for clinical diagnostic tests covered under Part B that are provided as outpatient services. The provision applied to services furnished during a cost-reporting period beginning during the 2-year period starting July, 1, 2004.

Explanation of provision

The provision is modified to apply to services furnished during a cost-reporting period beginning during the 3-year period starting July 1, 2004. The provision is effective as if included in the enactment of MMA.

SECTION 106. HOSPITAL MEDICARE REPORTS AND CLARIFICATIONS

(a) Correction of mid-year reclassification expiration

Current law

Section 508 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established a one-time-only appeals procedure to provide relief for certain hospitals that could not meet the existing reclassification criteria used by the

Medicare Geographic Classification Review Board (MGCRB). The Section 508 reclassifications appeals were heard by the MGCRB and were not subject to further administrative or judicial review. The Section 508 reclassifications are effective for 3 years, beginning on April 1, 2004 and ending on March 31, 2007. Congress allocated $900 million over 3 years to fund this provision. Generally speaking, unless otherwise specified by law, the MGCRB's classification decisions are required to have a budget neutral effect in the inpatient prospective payment system (IPPS).

Explanation of provision

The provision would extend wage index reclassifications that expire on March 31, 2007 until September 30, 2007. This provision would not be implemented in a budget neutral fashion.

(b) Revision of the Medicare wage index classification system

Current law

As directed by Medicare statute, the amount of a hospital's operating and capital payments will vary according to the relative level of hospital wages in its geographic area compared to the national average. The geographic areas or hospital labor markets that have been used by Medicare are urban areas as established by the Office of Management and Budget (OMB). Essentially, a hospital's payment will depend upon whether it is in an urban area (and if so, which one) and the wage data reported by the hospitals in that area. Counties that are not in an urban area are grouped into one statewide rural labor market. Also, with modifications, the hospital wage data are used to adjust for geographic cost differences in Medicare's payment systems for other services, such as inpatient rehabilitation facility (IRF), long-term care hospital (LTCH), home health agency (HHA), skilled nursing facility (SNF), and hospice care. Unlike these other providers, IPPS hospitals have an administrative process, through appeals to the Board (the Board), to reclassify to different geographic areas. Other statutory provisions affecting hospital's geographic designation also have been established.

Explanation of provision

The Medicare Payment Advisory Commission (MedPAC) would be required to submit a report to Congress no later than June 30, 2007 on the wage index classification system used in Medicare's prospective payment systems, including IPPS. This report would include recommendations for alternatives to the current methods used to compute the wage index. $2 million in funds in the Treasury would be appropriated to MedPAC for FY 2007 for these activities. The Secretary would be required to include in the proposed rule making process for FY 2009 one or more proposals to revise the IPPS wage adjustment, after taking into account MedPAC's recommendations. The proposals would consider problems associated with labor market definitions; modification or elimination of geographic reclassifications and other adjustments; the use of Bureau of Labor Statistics data to calculate relative wages; minimizing variations in wage index adjustments between and within metropolitan statistical areas and rural areas; the feasibility of applying all components of the proposal to other settings, including HHAs and SNFs; methods to minimize the volatility of wage index adjustments while maintaining the budget neutrality; the effect on health care providers and on each region of the country; implementation of proposal, including the transition methods; and occupational mix issues such as staffing practices, effect on quality of care and alternative recommendations.

(c) Elimination of unnecessary report

The Secretary is required to submit a report to Congress that includes an initial estimate of the percentage update (change factor) in the per discharge payment amounts. The Secretary's estimate is required to take into consideration the recommendations of MedPAC and may vary for hospitals in different geographic areas.

Explanation of provision

This provision would eliminate the requirement that the Secretary include recommendations with respect to the update factors no later than March 1 before the beginning of the fiscal year.

SECTION 107. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY

Current law

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established that brachytherapy devices consisting of radioactive sources (or seeds) would be paid on the basis of a hospital's cost for such device (computed by reducing a hospital's charges to costs) for services furnished starting January 1, 2004 until January 1, 2007. The Secretary was directed to create additional groups of covered. OPD services that classify such devices separately from other services (or group of services) in a manner that reflects the number, isotope, and radioactive intensity, including separate groups for palladium-103 and iodine-125 devices. Starting January 1, 2007, CMS will continue to pay separately for brachytherapy sources, but will base payment on the source-specific median costs. CMS declined to create new brachytherapy source codes to differentiate stranded from unstranded brachytherapy sources.

Explanation of provision

This provision would extend payment for brachytherapy sources on the basis of a hospital's charges adjusted to cost until January 1, 2008. The provision also directs the Secretary to create additional groups of covered OPD services for stranded and non-stranded brachytherapy devices furnished on or after July 1, 2007. These provisions may be implemented by program instruction or otherwise.

SECTION 108. PAYMENT PROCESS UNDER THE COMPETITIVE ACQUISITION PROGRAM (CAP)

Current law

MMA revised the way Medicare pays for Part B drugs. Beginning in 2005, payments for these drugs are based on an average sales price (ASP) payment methodology, which sets payments at the weighted average ASP plus 6%; the Secretary has the authority to reduce the ASP payment amount if the widely available market price is significantly below the ASP. Alternatively, beginning in 2006, drugs can be provided through a newly established competitive acquisition program (CAP). The intent of the program is to enable physicians to acquire certain drugs from an approved CAP vendor thereby enabling them to reduce the time they spend buying and billing for drugs.

Explanation of provision

The provision deletes the requirement that payments to CAP contractors are conditioned upon the administration of the drugs and biologicals. The provision specifies that payment may only be made to the contractor upon receipt of a claim for a drug or biological supplied by the contractor for administration to a beneficiary. Further, the Secretary is required to establish a post-payment review process to assure that payment is made for a drug or biological only if it has been administered. The process of postpayment review may be established by program instruction or otherwise and may include the use of statistical sampling. The Secretary is required to recoup, offset or collect any overpayments determined by the Secretary under this process.

The section further clarifies that nothing in this provision is to be construed as requiring any additional competition by entities under the CAP program. Further the provision is not to be construed as requiring any additional process for elections by physicians under the program or additional selection by a selecting physician of a CAP contractor. The provision applies to payments for drugs and biologicals supplied on or after April 1, 2007. Additionally, the provision applies on or after July 1, 2006 and before April 1, 2007, for claims that are paid before April 1, 2007.

SECTION 109. QUALITY REPORTING FOR HOSPITAL OUTPATIENT SERVICES AND AMBULATORY SURGICAL CENTER SERVICES

(a) Outpatient hospital services

Current law

Each year the hospital outpatient department (OPD) fee schedule is increased by a factor that is generally based on the hospital market basket (MB) percentage increase. In certain years, the MB has been reduced by percentage points as specified by statute.

Explanation of provision

Starting in 2009 and for each subsequent year, a hospital paid under the inpatient prospective payment system (IPPS) that does not submit required measures will receive an OPD fee schedule increase of the MB minus 2.0 percentage points. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing the OPD fee schedule increase in a subsequent year.

Each IPPS hospital is required to submit data on measures under this section in the form, manner, and timing specified by the Secretary. The Secretary would be required to develop appropriate measures for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings and that reflect consensus among affected parties. To the extent feasible and practicable, the measures shall include those set forth by one or more national consensus building entities. Nothing would prevent the Secretary from selecting the IPPS quality measures or a subset of such measures. The Secretary would be able to replace any measures as appropriate, such as where all hospitals are effectively in compliance or the measures have subsequently been shown not to represent the best clinical practice.

The Secretary would be required to establish procedures for making the submitted data available to the public. These procedures would ensure that a hospital has the opportunity to review data prior to being made available to the public. The Secretary would be required to report quality measures of process, structure, outcome, patients' perspective on care, efficiency, and costs of care on the Internet website of the Centers for Medicare and Medicaid Services. Other conforming amendments would also be established.

(b) Application to ambulatory surgical centers

Current law

Presently, Medicare pays for surgery-related facility services in an ambulatory surgical center (ASC) based on a fee schedule. The Medicare Prescription Drug, Improvement, and Modernization Act of 2006 (MMA) required the Secretary to implement a revised payment system for ASCs no later than January 1, 2008, taking into account recommendations issued by a required report from the Government Accountability Office (GAO). The GAO report, which has just been issued, was required to examine the relative costs of ASC services to those in hospital outpatient departments. GAO was also required to recommend whether CMS should use the outpatient prospective payment system as the basis for the revised ASC system. Total payments under the new system should be equal to total projected payments under the old system.

Explanation of provision

In the revised payment system, the Secretary would be able to provide for a reduction in any annual update of 2.0 percentage points for failure to report required quality measures. A reduction under this provision would only apply to payments for the year involved and would not be taken into account when computing any annual increase factor in subsequent years. Except as otherwise provided by the Secretary, the provisions of subparagraphs (B), (C), (D), and (E) of the newly established Section 1833(t)(17) concerning the form and submission of data, the development of outpatient measures, the replacement of measures, and the availability of quality measures in a hospital outpatient setting would apply to ASC services.

(c) Effective date

Current law

No provision.

Explanation of provision

The amendments made by the section would apply to payment for services furnished starting January 1, 2009.

SECTION 110. REPORTING OF ANEMIA QUALITY INDICATORS FOR MEDICARE PART B CANCER ANTI-ANEMIA DRUGS

Current law

Medicare Part B covers certain drugs used as anticancer chemotherapeutic agents, and certain oral anti-emetic drugs and biologicals used as part of an anticancer chemotherapeutic regimen. Medicare also covers certain drugs and biologicals to counter anemia for chronic kidney disease and cancer patients. At present, Medicare Part B requires hemoglobin or hematocrit levels to be reported only for certain chronic kidney disease (dialysis) patients, but not for cancer patients. MedPAC has recommended that the hemoglobin or hematocrit levels be reported for patients receiving anti-anemia drugs.

Explanation of provision

The provision requires that all Part B claims submitted for drugs for treatment of anemia in connection with cancer chemotherapy include the hemoglobin or hematocrit levels for the individual. The information is to be submitted in the form and manner specified by the Secretary after full notice-and-comment rulemaking as part of the physician fee schedule update rule in 2007. The provision applies to drugs and biologicals furnished on or after January 1, 2008.

SECTION 111. CLARIFICATION OF HOSPICE SATELLITE DESIGNATION

Current law

Section 1814(i)(2)(A) of the Social Security Act limits total Medicare payment amounts to individual hospice providers by an absolute dollar amount, or "cap amount." This amount is based on the number of Medicare patients the agency serves and is calculated by dividing total payments to a hospice per year by the total number of beneficiaries served to get the per beneficiary payment amount. If the per beneficiary payment amount does not exceed the cap amount, the hospice may retain all payments. If the result exceeds the cap amount, the hospice must repay excess funds to the Medicare program. For purposes of calculating whether or not a hospice exceeds the cap amount, increasing the number of beneficiaries a hospice serves reduces the per beneficiary payment amount. A lower per beneficiary payment amount reduces the likelihood that a hospice will exceed the annual hospice cap and be required to repay excess funds to the Medicare program.

Explanation of provision

For purposes of calculating the hospice cap for 2004, 2005 and 2006 and for hospice care provided after November 1, 2003 and before December 27, 2005, this provision would designate hospice with provider number 290-1511 as a multiple location of hospice with provider number 29-1500.

Title II—Medicare Beneficiary Protections

SECTION 201. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS

Current law

The Balanced Budget Act of 1997 established annual per beneficiary payment limits for all outpatient therapy services provided by non-hospital providers. The limits applied to services provided by independent therapists as well as to those provided by comprehensive outpatient rehabilitation facilities (CORFs) and other rehabilitation agencies. The limits did not apply to outpatient services provided by hospitals.

Beginning in 1999, there were two beneficiary limits. The first was a $1,500 per beneficiary annual cap for all outpatient physical therapy services and speech language pathology services. The second was a $1,500 per beneficiary annual cap for all outpatient occupational therapy services. Beginning in 2002, the amount would increase by the Medicare economic index (MEI) rounded to the nearest multiple of $10.

The Balanced Budget Refinement Act of 1999 (BBRA) suspended application of the limits for 2000 and 2001. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) extended the suspension through 2002. Implementation of the provision was delayed until September 2003. The caps were implemented from September 1, 2003 through December 7, 2003. MMA reinstated the moratorium from December 8, 2003 through December 31, 2005.

The caps went into effect again beginning January 1, 2006. The 2006 caps are each $1,740. However, DRA required the Secretary to implement an exceptions process for expenses incurred in 2006. Under the process, a part B enrollee, or a person acting on behalf of the enrollee, can request an exception from the physical therapy and occupational therapy caps. The individual may obtain such exception if the provision of services is determined medically necessary. The exceptions process only applies for 2006.

Explanation of provision

The provision extends the exceptions process through 2007.

SECTION 202. PAYMENT FOR ADMINISTRATION OF PART D VACCINES

Current Law

Medicare Part B covers pneumococcocal vaccine and its administration, influenza vaccine and its administration, and hepatitis B vaccine and its administration when furnished to a high or intermediate risk individual. Medicare Part D covers other vaccines licensed under the Public Health Service Act.

Explanation of provision

The provision specifies that during 2007, the administration costs for a vaccine paid under Part D are to be paid under Part B as if it were the administration of a hepatitis B drug covered under Part B. Beginning in 2008, Part D coverage will include the administration costs.

SECTION 203. OIG STUDY OF NEVER EVENTS

Current law

No provision.

Explanation of provision

The Office of the Inspector General (OIG) in the Department of Health and Human Services would be required to conduct a study on the incidence of never events for Medicare beneficiaries, including types of such events and payments by any party, including beneficiaries, of such events. This study would also include the extent to which Medicare paid, denied or recouped payment for such services as well as the administrative processes of the Centers for Medicare and Medicaid Services (CMS) to identify such events and to deny or recoup associated payments. The OIG would be required to audit a representative sample of claims and medical records of the events; would be able to request access to claims and records from any Medicare contractor; and would not be able to release individually identifiable or facility specific information. The OIG would be required to submit a report to Congress no later than two years from enactment. This report would include recommendations for legislative or administrative action on the processes to identify, deny or recoup payments for never events. The report will also provide a recommendation on a potential process for public disclosure of never events that ensures patient privacy and permits the use of disclosed information for root cause analysis. $3 million of funds in the Treasury will be appropriated which will be available until January 1, 2010. Never events are those that are listed and endorsed as "serious reportable events" by the National Quality Forum as of November 16, 2006.

SECTION 204. MEDICARE MEDICAL HOME DEMONSTRATION PROJECT

Current law

No provision.

Explanation of provision

The Secretary is required to establish a medical home demonstration project in Medicare law for the purpose of redesigning the healthcare delivery system to provide targeted, accessible, continuous and coordinated, family-centered care to high-need populations (i.e., those with multiple chronic illnesses that require regular monitoring, advising, or treatment).

Under the project, case management fees would be paid to personal physicians, and incentive payments would be paid to physicians participating in practices that provide "medical home" services. Medical homes are physician practices in charge of targeting beneficiaries for project participation. They are responsible for: (1) providing safe and secure technology to promote patient access to personal health information; (2) developing a health assessment tool for the targeted individuals; and (3) providing training for personnel involved in the coordination of care.

The project is to operate for three years in urban, rural, and underserved areas in up to 8 states and would include physician practices with fewer than three full-time equivalent physicians, as well as larger practices, particularly in rural and underserved areas.

In addition to meeting Medicare requirements for physicians, personal physicians who provide first contact and continuous care for their patients must be board certified. Personal physicians must also have staff and resources to manage the comprehensive and coordinated health care of each of their patients. Participating physicians may be specialists or subspecialists for patients requiring ongoing care for specific conditions, multiple chronic conditions (e.g., severe asthma, complex diabetes, cardiovascular disease, and rheumatologic disorder), or for those with a prolonged illness.

Personal physicians must perform (or provide for the performance of): (1) advocates for and provides ongoing support, oversight, and guidance to implement a plan of care; that provides an integrated, coherent, cross discipline plan for ongoing medical care developed in partnership with patients and including all other physicians furnishing care to the patient involved and other appropriate medical personnel or agencies (such as home health agencies); (2) uses evidence-based medicine and clinical decision support tools to guide decision-making at the point-of-care (based on patient-specific factors); (3) uses health information technology that may include remote monitoring and patient registries; and (4) encourages patients to engage in management of their own health through education and support systems.

Payments for care management to personal physicians are to be provided under a care management fee under section 1848 of the Social Security Act. The Secretary would be required to develop a care management fee code and a value for these payments using the relative value scale update committee (RUC) process.

Payments for a medical home shall be based on the payment methodology applied to physician group practices under section 1866A of the Social Security Act. Under this methodology, 80% of Medicare reductions (determined by using assumptions with respect to the reductions in the occurrence of health complications, hospitalization rates, medical errors, and adverse drug reactions) resulting from the medical home participation (as reduced by the total project-related care management fees), would be paid to the medical home. Project payments are to be paid from part B.

The Secretary would be required to provide a yearly project evaluation and submit it to Congress on a date specified by the Secretary. In addition, the Secretary would be required to submit to Congress a project evaluation no later than one year after project completion.

SECTION 205. MEDICARE DRA TECHNICAL CORRECTIONS

(a) PACE clarification

Current law

The Secretary appropriated $10 million for FY2006 for the outlier funds for rural PACE providers. Outlier costs are those inpatient and other costs in excess of $50,000 incurred within a given 12-month period by a PACE provider for an eligible participant who resides in a rural area. These appropriated funds would remain available for expenditure through FY2010.

Explanation of provision

The amendment clarifies that the appropriated $10 million would be applied to fiscal years 2006 through 2010, rather than only for FY2006. It also specifies that the funds would remain available for obligation, rather than for expenditure, through FY2010.

(b) Miscellaneous technical corrections

(1) Correction of margin (section 5001)

Current law

No provision.

Explanation of provision

Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 5001(a) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended by moving clause (viii) (including subclauses (I) through (VII) of such clause) 6 ems to the left.

(2) Reference Correction (Section 5114)

Current law

This P.L. 109–171 provision modified the first sentence of section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Explanation of provision

Instead of modifying section 1842(b)(6)(F) to add paragraph H, the amendment would modify section 1842(b)(6) of the Social Security Act.

(c) Effective date

These amendments would become effective as if they had been included in DRA 2005, enacted on February 8, 2006.

SEC. 206. CONTINUOUS OPEN ENROLLMENT INTO CERTAIN MEDICARE ADVANTAGE PLANS

Current law

Individuals entitled to Medicare part A or enrolled in part B can choose to receive Medicare benefits by enrolling in a Medicare Advantage plan. Individuals enrolled in a Medicare Advantage (MA) plan who also want to receive Medicare prescription drug coverage may obtain prescription drug coverage through that MA plan. MA enrollees may not also enroll in a stand-alone prescription drug plan under part D, except for: (1) enrollees in private fee-for-service MA plans that do not offer qualified prescription drug coverage or (2) enrollees in Medical Savings Accounts MA plans.

In general, individuals can make a coverage election during the annual election period, which in 2006 and beyond, begins on November 15 and ends on December 31. During this time, beneficiaries can elect to receive benefits through original Medicare fee-for-service (FFS) program or an MA plan. Individuals also can elect to enroll in a stand-alone prescription drug plan or an MA plan that offers drug coverage. Under certain circumstances, an individual may be afforded a special election period outside of the annual election period, during which time they can change their coverage election.

Beginning in 2007, individuals can change their coverage elections one time between January 1 and March 31. Permissible election changes during this period include: FFS to an MA plan; MA plan to FFS; MA plan to a different MA plan; FFS with stand-alone prescription drug coverage to an MA-PD; MA-PD to a different MA-PD; and MA-PD to FFS with a stand-alone prescription drug plan. With respect to PFFS plans, the permissible election changes include FFS with a stand-alone PDP to a PFFS or MSA plan with the same stand-alone PDP or FFS with a stand-alone PDP to a PFFS-PD. Individuals who did not elect prescription drug coverage during the annual election period cannot elect prescription drug coverage during this one-time change period.

Explanation of provision

For 2007 and 2008, the provision modifies current law such that an unenrolled fee-for-service individual can make a one-time change to their coverage election on any date during the year. An unenrolled individual is defined as an individual who is receiving benefits under original Medicare FFS, is not enrolled in an MA plan on such date; and as of such date is not otherwise eligible to elect to enroll in an MA plan. Permissible coverage election changes for an unenrolled individual include: (1) FFS to an MA plan with no drug coverage and (2) FFS with a stand-alone prescription drug plan to an MA plan with the same stand-alone prescription drug plan. As such, this provision effectively permits only MA plans with no drug coverage to enroll individuals throughout the year. MA plans that integrate prescription drug coverage into their benefit packages would be kept under the current law provision, that is, they would not be allowed to enroll individuals throughout the year.

Title III—Medicare Program Integrity Efforts

SECTION 301. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 established a stabilization fund to provide incentives for plans to enter into and to remain in the Medicare Advantage regional program. Money in the fund is available to the Secretary for expenditures from January 1, 2007 to December 31, 2013. Initially $10 billion is to be provided to the stabilization fund and additional amounts are to be added to the fund from a portion of any average per capita monthly savings amounts. The secretary is responsible for determining the amounts that may be given to MA plans from this fund, based on statutory requirements. For example, the national bonus payment will be available to an MA organization that offers an MA regional plan in every MA region in the year, but only if there was no national plan in the previous year.

Explanation of provision

This provision would delay the initial availability of the stabilization fund until January 1, 2012, and reduce the amount of the fund to $3.5 billion.

SECTION 302. EXTENSION AND EXPANSION OF RECOVERY AUDIT CONTRACTOR PROGRAM UNDER THE MEDICARE INTEGRITY PROGRAM

(a) Use of recovery audit contractors

Current law

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (PL 108–73) authorized a 3-year demonstration project using recovery audit contractors to identify both under- and overpayments made to Part A and B Medicare providers and recoup overpayments in the Medicare program. The demonstration is being conducted as part of the Medicare Integrity Program, created by section 1893 of the Social Security Act, which enables the Secretary to enter into contracts with entities to carry out a range of activities designed to prevent health care fraud and abuse in Parts A and B of the Medicare program. The Medicare Integrity Program was established by the Health Insurance Portability and Accountability Act of 1996 along with the Health Care Fraud and Abuse Control Program. The program is financed via the Federal Hospital Insurance Trust Fund.

Explanation of provision

Section 302 would allow the Centers for Medicare and Medicaid Services (CMS) to continue using recovery audit contractors to identify both under and overpayments made under Medicare Parts A and B and recoup any overpayments made to providers. To pay the contractors, the Secretary would be required to use only those funds recovered by the contractors. From these recoveries, the bill would require the Secretary to pay the contractors in two ways: (1) on a contingent basis for collecting overpayments; and (2) in amounts that the Secretary may specify for identifying underpayments. A portion of the recovered funds would be available to the CMS program management account for activities conducted under the recovery audit contractor program. Any remaining recovered amounts—those recoveries that are not paid to the contractors or applied to the CMS program management account—would be used to reduce expenditures under Medicare Parts A and B. It is also expected that CMS will rectify any identified underpayments. Each contract would be required to provide that audit and recovery activities be conducted during the fiscal year and retrospectively for not more than 4 fiscal years. The Secretary would be allowed to waive Medicare statutory provisions to pay for the services of the recovery audit contractors.

By January 1, 2010, the Secretary would be required to contract with enough recovery audit contractors to cover Medicare activities in all states. When awarding contracts, the Secretary would be required to contract only with recovery audit contractors that have the staff with the appropriate clinical knowledge of and experience with Medicare payment rules and regulations, or recovery audit contractors that will contract with another entity that has the staff with the appropriate knowledge of and experience with Medicare payment rules and regulations. The Secretary shall give preference to entities with more than 3 years direct management experience and a demonstrated proficiency in audits with private insurers, health care providers, health plans, state Medicaid programs or Medicare. Recovery audit contractors cannot be fiscal intermediaries, carriers, or Medicare Administrative Contractors, and the recovery of overpayments by these contractors would not prohibit the Secretary or the Attorney General from prosecuting allegations of fraud and abuse arising from these overpayments.

Finally, the Secretary would be required to submit a report to Congress annually on the use of these recovery audit contractors. Specifically the report would include information on the performance of these contractors as it relates to identifying over and underpayments and in collecting overpayments. The report would also be required to include an evaluation of the comparative performance of these contractors and any Medicare savings that have accrued as a result of their activities.

(b) Access to Coordination of Benefits Contractor database

Current law

The Coordination of Benefits (COB) Contractor consolidates the activities that support the collection, management, and reporting of other insurance coverage for Medicare beneficiaries. The purposes of the COB program are to identify the health benefits available to a Medicare beneficiary and to coordinate the payment process to prevent mistaken payment of Medicare benefits.

Explanation of provision

For the purpose of carrying out their audit and recovery activities, the Secretary of HHS would provide recovery audit contractors with access to the database of the Coordination of Benefits Contractors of the Centers for Medicare and Medicaid Services during the current fiscal year and for a period of up to 4 fiscal years prior to the current fiscal year.

(c) Conforming amendments to current demonstration project

Current law

Section 306 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 requires that the Secretary's demonstration project using recovery audit contractors last for no longer than 3 years. After the completion of the program, the Secretary shall submit to Congress a report on the project and its impact on savings to the Medicare program.

Explanation of provision

The provision would continue the use of recovery audit contractors under the demonstration until all contracts could be entered into. The provision would also eliminate the requirement that the Secretary submit to Congress a report not later than 6 months after the project's completion on the impact of recovery audit contractors' activities on Medicare savings.

SECTION 303. FUNDING FOR THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

(a) Departments of Health and Human Services and Justice

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104–91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15% above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend appropriations for the Health Care Fraud and Abuse Control Program through FY06 and beyond. For FY98 through FY03, the annual appropriation to HHS and DOJ is the limit for the preceding fiscal year increased by 15%. For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year beyond 2010, the legislation would cap the appropriation at the FY10 level.

For the Office of the Inspector General of HHS, Section 303 would extend the annual appropriation of $160 million through FY06. For FY07, the bill would increase the FY06 appropriation to OIG by the percentage increase in the consumer price index. For fiscal years 2008, 2009, and 2010, the annual appropriation would increase by the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after FY10, the legislation would cap the appropriation at the FY10 level.

(b) Federal Bureau of Investigations

Current law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104–91) established section 1128C of the Social Security Act, which authorized the creation of a national health care fraud and abuse control program headed by the Secretary of HHS and the Attorney General. In Section 1817(k) of the Social Security Act, HIPAA created an expenditure account within the Medicare Federal Hospital Insurance Trust Fund called the Health Care Fraud and Abuse Control (HCFAC) Account. Within the HFCFAC account, the legislation appropriated funds to HHS and DOJ at an amount of $104 million in FY97 and for FY98 through FY03 at annual increases of 15% above the preceding year. For each fiscal year after 2003, the annual appropriation available to HHS and DOJ was to be capped at the FY2003 level of $240.6 million. The legislation also established a separate funding stream within the HCFAC account to support activities undertaken by the FBI. Funding for the FBI was increased from $47 million in FY97 to $114 million in FY03. The legislation capped FBI funding at the FY03 level for FY03 and beyond.

Explanation of provision

Section 303 would extend the annual appropriation to the Federal Bureau of Investigations (FBI). For fiscal years 2007 through 2010, the annual appropriation would be the limit for the preceding year plus the percentage increase in the consumer price index for all urban consumers. For each fiscal year after 2010, the legislation would cap the appropriation at the FY2010 level.

SECTION 304. IMPLEMENTATION FUNDING

Current law

No current law.

Explanation of provision

For implementation of provisions and amendments made by this title and titles I and II of this division, other than the section requiring the Inspector General in the Department of Health and Human Services to conduct a study of newer events, the provision would require the Secretary of Health and Human Services to transfer $45,000,000 to the CMS Program Management Account for FY2007 and FY2008, from the Federal Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust, in appropriate proportions.

Title IV—Medicaid and Other Health Provisions

SECTION 401. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM

Current law

States are required to continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation is known as transitional medical assistance (TMA). Federal law permanently requires four months of TMA for families who lose

Medicaid eligibility due to increased child or spousal support collections, as well as those who lose eligibility due to an increase in earned income or hours of employment. Congress expanded work-related TMA under Section 1925 of the Social Security Act in 1988, requiring states to provide TMA to families who lose Medicaid for work-related reasons for at least six, and up to 12, months. The sunset date for Section 1925 has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Under Section 510 of the Social Security Act, federal law appropriated $50 million annually for each of the fiscal years 1998–2003 for matching grants to states to provide abstinence education and, at state option, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on groups that are most likely to bear children out-of-wedlock. Funds must be requested by states when they apply for Maternal and Child Health Services (MCH) Block Grant funds and must be used exclusively for the teaching of abstinence. States must match every $4 in federal funds with $3 in state funds.

A state's allotment of abstinence education block grant program funding is based on the proportion of low-income children in the state as compared to the national total. Funding for the abstinence education block grant has been extended a number of times, most recently through December 31, 2006 by the Deficit Reduction Act of 2005.

Explanation of provision

The provision would extend TMA under Section 1925 of the Social Security Act through June 30, 2007. It would also fund the abstinence education block grant program through June 30, 2007 at the level provided through the third quarter of FY2006.

SECTION 402. GRANTS FOR RESEARCH ON VACCINE AGAINST VALLEY FEVER

Current law

Under existing National Institutes of Health (NIH) authority, the National Institute on Allergy and Infectious Diseases has supported projects to study coccidioidomycosis, known as Valley Fever. Grants have included projects to study the organism that causes Valley Fever; to improve the ability to evaluate vaccine candidates; to support the clinical development of potential drug therapies; and to support acquisition of equipment and facilities for research on the disease, among others.

Explanation of provision

The Secretary is required to conduct research on the development of a vaccine against coccidioidomycosis, known as Valley Fever. Grants may not be made on or after October 1, 2012. This does not have any legal effect on payments for grants for which amounts appropriated under this section were obligated prior to October 1, 2012.

To carry out this section, $40 million is authorized for fiscal years 2007–2012.

SECTION 403. CHANGE IN THRESHOLD FOR MEDICAID INDIRECT HOLD HARMLESS PROVISION OF BROAD-BASED HEALTH CARE TAXES

Current law

Under federal law and regulations, a state's ability to use provider-specific taxes to fund their state share of Medicaid expenditures is limited. If states establish provider specific taxes, those taxes cannot generally exceed 25% of the state (or non-federal) share of Medicaid expenditures and the state cannot provide a guarantee to the providers that the taxes will be returned to them. However, there is what is referred to as a "safe harbor." If the taxes returned to a provider are less than 6% of the provider's revenues, the prohibition on guaranteeing the return of tax funds is not violated. Those taxes do not have to undergo the process, defined in section 433.68 of Title 42 of the Code of Federal Regulations, of determining if a guarantee exists. The President's FY2006 budget proposes to phase the 6% "safe harbor" for provider taxes down to 3% although no new regulation has been issued on this subject to date.

Explanation of provision

Beginning on the date of enactment, the provider tax "safe harbor" upper limit is codified at 6%. For the fiscal periods beginning on or after January 1, 2008 and ending before October 1, 2011, the "safe harbor" percentage will be reduced from 6% to 5.5%. After October 1, 2011, the provider tax "safe harbor" percentage will return to 6%.

SECTION 404. DSH ALLOTMENTS FOR FISCAL YEAR 2007 FOR TENNESSEE AND HAWAII

(A) Tennessee

Current law

Tennessee operates its Medicaid program under a comprehensive statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. Medicaid demonstration waivers, authorized under Section 1115 of the Social Security Act, allow states a great deal of flexibility on how eligibility for Medicaid is determined, how Medicaid services are provided, and what those services are comprised of. States operating under a waiver are subject to a budget neutrality requirement intended to hold program spending under the waiver to estimates of amounts that would have been spent in the absence of the waiver. Because Tennessee receives its Medicaid funds under the provisions of the waiver, it does not receive federal matching for Medicaid payments to disproportionate share (DSH) hospitals nor do they receive an allotment for DSH payments (state by state allotments are calculated based on a formula in Medicaid law and represent a federal cap on the amount that the federal government will provide in DSH matching payments to any state.) DSH payments, however, continue to be counted as a component in Tennessee's budget neutrality calculation since, in the period prior to the waiver approval, the state was required to make DSH payments, and if the waiver had not been granted, the requirement to make those payments would continue to have applied.

Explanation of provision

The provision would establish a DSH allotment for the state of Tennessee for fiscal year 2007 equal to the greater of the amount that is reflected in the budget neutrality provision for the TennCare demonstration year ending in 2006 and $280 million. Federal matching payments to the state for DSH hospitals for fiscal year 2007 would, however, be limited to one-third of the DSH allotment. Those amounts would be considered TennCare project expenditures and would be subtracted from TennCare demonstration payments for Essential Access Hospital supplemental pool payments. The sum of the DSH payments and the Essential Access Hospital supplemental pool payments would be prohibited from exceeding the allotment amount. The state would be permitted to submit a state plan amendment describing the methodology to be used to identify DSH hospitals and to make payments to such hospitals. However, the Secretary may not approve the plan amendment unless the methodology is consistent with the requirements under Section 1923 of the Medicaid Act for making payment adjustments for DSH hospitals.

(B) Hawaii

Current law

Like Tennessee, Hawaii operates its Medicaid program under a statewide waiver, the terms and conditions of which have been negotiated by the state and CMS. The state does not make DSH payment under their waiver program and does not have a DSH allotment in Medicaid law.

Explanation of provision

The provision would set a DSH allotment for Hawaii for fiscal year 2007 at $10 million. The Secretary shall permit Hawaii to submit an amendment to its State plan under this title that describes the methodology to be used by the State to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities. The Secretary may not approve such plan amendment unless the methodology described in the amendment is consistent with the requirements under this section for making payment adjustments to disproportionate share hospitals.

SECTION 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS

(a) Technical corrections relating to state option for alternative premiums and cost sharing (sections 6041 through 6043)

Current law

P.L. 109–171 allows states to impose premiums and cost-sharing for any group of individuals for any type of service (except prescribed drugs which are treated separately), through Medicaid state plan amendments (rather than waivers), subject to specific restrictions. Preferred drugs are defined as those that are the least (or less) costly effective prescription drugs within a class of drugs (as defined by the state). Premium and cost-sharing rules for workers with disabilities were not changed in P.L. 109–171.

Individuals in families with income below 100% of the federal poverty line (FPL). Premiums and service-related cost-sharing imposed under this option are allowed to vary among classes or groups of individuals, or types of service. Explicit rules are provided by income level for those with income between 100–150% FPL and for those with income over 150% FPL.

States are allowed to condition the provision of medical assistance on the payment of premiums, and to terminate Medicaid eligibility on the basis of failure to pay a premium if that failure continues for at least 60 days. States may apply this provision to some or all groups of beneficiaries, and may waive premium payments in cases where such payments would be an undue hardship. In addition, the provision allows states to permit providers participating in Medicaid to require a Medicaid beneficiary to pay authorized cost-sharing as a condition of receiving care or services. Providers may be allowed to reduce or waive cost-sharing amounts on a case-by-case basis.

For the purposes of cost-sharing, two income-related groups are identified: (1) individuals in families with income between 100 and 150% FPL, and (2) individuals in families with income over 150% FPL. For both groups, the total aggregate amount of all cost-sharing (including special cost sharing rules for prescribed drugs and emergency room copayments for non-emergency care) cannot exceed 5% of family income as applied on a quarterly or monthly basis as specified by the state.

Treatment of non-preferred drug cost-sharing. Special cost-sharing for prescribed drugs is subject to the general 5% aggregate cap on cost-sharing for individuals with income between 100–150% FPL and for individuals with income over 150% FPL who are not otherwise exempt from service-related cost-sharing.

Treatment of non-emergency cost-sharing. Individuals exempt from premiums or service-related cost-sharing under other provisions of P.L. 109–171 may be subject to nominal copayments for non-emergency services in an ER, only when no cost-sharing is imposed for care in hospital outpatient departments or by other alternative providers in the area served by the hospital ER. For non-exempt populations with income between 100-150% FPL, cost-sharing for non-emergency services in an ER cannot exceed twice the nominal amounts. For non-exempt populations with income exceeding 150% FPL, no cost-sharing limit is specified for non-emergency care in an ER. Aggregate caps on cost-sharing (described above) still apply.

Definition of non-emergency services. The term "non-emergency services" means any care or services furnished in an emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment required to be provided by the hospital under Medicare law (Section 1867 of the Social Security Act).

Exemption from cost-sharing for newly eligible children with disabilities. Section 6062 of P.L. 109–171 created a new optional Medicaid eligibility group for children with disabilities under age 19 who meet the severity of disability required under the Supplemental Security Income program (SSI) without regard to any income or asset eligibility requirements applicable under SSI for children, and whose family income does not exceed 300% FPL. (States can exceed 300% FPL, without federal matching funds for such coverage.) Special premium and cost-sharing rules apply to this new group of eligibles.

Explanation of provision

The definition of preferred drugs would be amended to include those that are the most (or more) cost effective prescription drugs within a class of drugs (as defined by the state). In addition to separate cost-sharing provisions for prescribed drugs, the amendment would clarify that separate cost-sharing provisions also apply to non-emergency services provided in an emergency room.

Individuals in families with income below 100% of the federal poverty line (FPL). The provision would exempt from the general cost-sharing rules in new Section 1916A (a) all individuals in families with income below 100% of the federal poverty line (FPL). However, Section 1916 of Title XIX (nominal cost-sharing provisions) would still apply to this income group, as would the comparability rule regarding amount, duration and scope of available benefits (Section 1902(a)(10)(B)). States would still have the option to impose the special cost-sharing rules for prescribed drugs and nonemergency care provided in an emergency room to individuals in families with income below 100% FPL.

The provision would exempt individuals in families with income below 100% FPL from the provisions defining enforceability of premiums and other cost-sharing. Protections regarding payment of premiums and cost-sharing in Section 1916(c)(3) and Section 1916(e) would continue to apply to this income group.

The provision would apply the total aggregate cap of 5% of family income to individuals in families with income below 100% FPL for applicable cost-sharing with respect to nominal amounts (as defined in Section 1916), and prescribed drugs and emergency room copayments for non-emergency care (as defined in new Sections 1916A(c) and 1916A(e)).

Treatment of non-preferred drug cost-sharing. The definition of preferred drugs would be amended to include those that are the most (or more) cost effective prescription drugs within a class of drugs (as defined by the state). In addition to separate cost-sharing provisions for prescribed drugs, the provision would clarify that separate cost-sharing provisions also apply to non-emergency services provided in an emergency room. The provision would clarify that no cost-sharing for preferred drugs can be imposed on individuals exempt from service-related cost-sharing under the general cost-sharing provisions (identified in new Section 1916A(a)). It would also clarify that no more than nominal cost-sharing amounts may be imposed for non-preferred drugs on individuals exempt from services-related cost-sharing under the general cost-sharing provisions.

Treatment of non-emergency cost-sharing. The provision would clarify that for non-exempt persons with income between 100–150% FPL, cost-sharing for non-emergency care in an ER may not exceed twice the applicable nominal amount (up to the 5% aggregate cap). For persons with income below 100% FPL or who are exempt from service-related cost-sharing, cost-sharing for non-emergency care in an ER may not exceed the applicable nominal amount when no cost-sharing is imposed by the outpatient department or alternative providers. The 5% aggregate cap on all service-related costsharing for all income groups remains in effect.

Definition of non-emergency services. The provision would strike the phrase "the physician determines" from the definition of non-emergency services as provided in P.L. 109–171.

Exemption from cost-sharing for newly eligible children with disabilities. The provision would exempt this new optional eligibility group for children with disabilities established under P.L. 109–171 from the premium and service-related cost-sharing rules under new Section 1916A.

Correction of IV–B References. Among the groups explicitly exempted from the general cost-sharing provisions for premiums and cost-sharing, the provision would change references to Title IV–B to mean child welfare services made available under Title IV–B on the basis of being a child in foster care.

Effective Date. The provision specifies that all changes made are effective as if included in the affected sections and subsections of P.L. 109–171.

(b) Clarifying treatment of certain annuities (section 6012)

Current law

Under Section 6012(b) of P.L. 109–171, the purchase of an annuity is treated as a disposal of an asset for less than fair market value unless certain criteria are met. One of these criteria is that the state be named as the remainder beneficiary in the first position for at least the total amount of Medicaid expenditures paid on behalf of the annuitant or be named in the second position after the community spouse or minor or disabled child and such spouse or a representative of such child does not dispose of any such remainder for less than fair market value.

Explanation of provision

The provision would strike the term "annuitant" and replace it with "institutionalized individual." This change would become effective as if it had been included in DRA 2005, enacted on February 8, 2006.

(c) Additional miscellaneous technical corrections

(1) Documentation (section 6036)

Current law

Under Section 6036 of P.L. 109–171, states are prohibited from receiving federal Medicaid reimbursement for an individual who has not provided satisfactory documentary evidence of citizenship or nationality. Documents that provide satisfactory evidence are described in the law, as are exceptions to the documentation requirement.

Section 6036(a)(2) of the law specifies that the documentation requirements do not apply to an alien who is eligible for Medicaid: and is entitled to or enrolled for Medicare benefits; on the basis of receiving Supplemental Security Income (SSI) benefits; or on such other basis as the Secretary may specify that satisfactory documentary evidence had been previously presented.

The provision applies to initial determinations and to redeterminations of eligibility for Medicaid made on or after July 1, 2006.

Explanation of provision

The provision would specify that the documentation requirements do not apply to an individual declaring to be a citizen or national of the United States who is eligible for Medicaid: and is entitled to or enrolled for Medicare benefits; and is receiving (1) Social Security benefits on the basis of a disability or (2) SSI benefits; and with respect to whom (1) child welfare services are made available under Title IV–B of the Social Security Act or (2) adoption or foster care assistance is made available under Title IV–E; or on such basis as the Secretary may specify that satisfactory documentary evidence has been previously presented.

The provision would also make reference corrections. These changes would be effective as if included in the Deficit Reduction Act of 2005.

In addition, effective 6 months after enactment, the provision would (1) require states to have procedures in effect for verifying the citizenship or immigration status of children in foster care under the responsibility of the state under Title IV–E or IV–B of the Social Security Act and (2) specify that in reviews of state programs under IV–E and IV–B, the requirements subject to review shall include determining whether the state program is in conformity with the requirement to verify citizenship or immigration status.

(2) Miscellaneous technical corrections

Current law

Section 5114(a)(2). This P.L. 109–171 provision modified the first sentence of Section 1842(b)(6)(F) of the Social Security Act to add a new paragraph H to 1842(b)(6) so that a federally qualified health center (FQHC) would be paid directly for FQHC services provided by a health care professional under contract with that FQHC.

Section 6003(b)(2). This P.L. 109–171 provision modified Section 1927 of the Social Security Act by referencing subsection (k) relating to Section 505(c) drugs.

Section 6031(b), 6032(b), and 6035(c). These sections referenced Section 6035(e) of P.L. 109–171, which does not exist, to provide exceptions to effective dates.

Section 6034(b). Section 6034 of P.L. 109–171 establishes the Medicaid Integrity Program.

It references modifications made to the Social Security Act by Section 6033(a).

Section 6036(b). Section 6036 of P.L. 109–171 deals with improved enforcement of documentation requirements. Section 6036(b) references Section 1903(z) of the Social Security Act. This section does not exist.

Section 6015(a)(1). Section 6015 of P.L. 109–171 pertains to continuing care retirement community admissions contracts. It makes reference to clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act.

Explanation of provision

Section 5114(a)(2). Instead of modifying Section 1842(b)(6)(F) to add paragraph H, the amendment would modify Section 1842(b)(6) of the Social Security Act.

Section 6003(b)(2). Instead of referencing subsection (k) of Section 1927 of the Social Security Act, the amendment would reference subsection (k)(1).

Section 6031(b), 6032(b), and 6035(c). Instead of referencing Section 6035(e), the amendment would reference the effective date exception in Section 6034(e) of P.L. 109–171.

Section 6034(b). Instead of referencing modifications made by Section 6033(a) of P.L. 109–171, the amendment would reference Section 6032(a).

Section 6036(b). Instead of referencing Section 1903(z) of the Social Security Act, the amendment would reference Section 1903(x).

Section 6015(a)(1). Instead of referencing clause (v) of Section 1919(c)(5)(A)(i)(II) of the Social Security Act, the amendment would reference subparagraph (B)(v).

TO AMEND THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6111.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill H.R. 6111, entitled an act to amend the Internal Revenue Code of 1986, and to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with amendments.

CLOTURE MOTION

Mr. FRIST. I move to concur in the amendment of the House, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Under rule XXII, the clerk will now report the motion to invoke cloture on the motion to concur in the House amendment to H.R. 6111.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 6111: to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

Bill Frist, Johnny Isakson, Richard Burr, Jon Kyl, R.F. Bennett, Christopher Bond, John Cornyn, Rick Santorum, Mike Crapo, Jim Talent, Pat Roberts, Chuck Grassley, Pete Domenici, Jim DeMint, John Thune, Kay Bailey Hutchison, George Allen.

AMENDMENT NO. 5236

Mr. FRIST. I now move to concur in the amendment with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to concur in the House amendment to the Senate amendment to the bill H.R. 6111, with an amendment numbered 5236:

At the end of the House Amendment, add the following:

This Act shall become effective 2 days after the date of enactment.

Mr. FRIST. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5237 TO AMENDMENT NO. 5236

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5237 to amendment No. 5236:

Strike "2 days" and insert "1 day".

Mr. FRIST. I ask unanimous consent that Senator GREGG be recognized in order to make a point of order against the pending legislation; provided that Senator GRASSLEY then be recognized in order to move to waive and that there then be 30 minutes equally divided, with the first 15 minutes by Senator GRASSLEY and the next 15 minutes by Senator GREGG, for debate, equally divided in the usual form; provided further that following that debate, the Senate proceed to a vote on the motion to waive and that if the motion to waive prevails, the Senate then proceed to a vote on the motion to invoke cloture, notwithstanding the provisions of rule XXII; I further ask that if cloture is invoked, the motion to concur with an amendment be withdrawn and the Senate proceed immediately to a vote on the motion to concur in the amendment of the House, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, what we have just done is laid out a procedure whereby a point of order will be made. Senator GRASSLEY will make a motion to waive. We will have a vote on the motion to waive the point of order, a cloture vote, and ultimately passage. There will be three votes. The first vote will be at approximately 12:30, 12:35.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time, under the unanimous consent agreement, I will make my point of order.

The pending bill violates three significant elements of the Budget Act. After I make the point of order, I know the Senator from Iowa, the chairman of the Finance Committee, is going to move to waive it. And then he has 15 minutes and then I will have 15 minutes and we will explain the reasons for the issue.

So at this time, I make the following point of order.

The pending motion to concur violates section 302 and section 311 of the Budget Act because it exceeds the Finance Committee allocation and breaches the revenue floor set under the fiscal year 2006 budget resolution. It would also increase the deficit in excess of the pay-go limit by $17.5 billion. I raise a point of order against the motion under section 302 and 311 of the Budget Act and section 505 of the budget resolution for fiscal year 2004.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to waive the budget point of order on the appropriate sections of this pending legislation.

Mr. GREGG. Mr. President, have the yeas and nays been ordered under the unanimous consent agreement?

The PRESIDING OFFICER. Is the Senator seeking the yeas and nays?

Mr. GREGG. If they have not been ordered under the unanimous consent agreement, I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 30 minutes of debate on the motion.

Mr. GREGG. Mr. President, the Senator from Iowa, I understand, has the first 15 minutes. Mr. President, parliamentary inquiry: It is my understanding that the time now running is running against the time of the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from Iowa has the first 15 minutes.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want my colleagues to understand that if this budget point of order is not waived, this legislation that we have been working on for a period of 8 months, and should have been passed in July—probably should have been passed in May, but for sure in July, and here we are still doing it—will not be passed.

I want to comment on why, without hearing my colleague yet—and going before him, but anticipating from some statements that have been in the press—why he is wrong about his point of order against this legislation.

Earlier today, there were comments made by my Republican colleague regarding the tax extenders bill. I would like to take a few minutes to clarify the record regarding the tax extenders bill.

Three points:

First is the claim that tax cuts are a budget buster, that it is tax cuts that are putting us in the red. Nothing could be further from the truth. We have seen tax receipts going up by a record amount. From 2004 to 2005, receipts went from $1.8 trillion to $2.1 trillion. The calculators at the Treasury needed new batteries to count the new dollars coming in this year, increasing from $2.1 trillion to $2.4 trillion—an 11.8-percent increase. These tax receipts far outpace what was projected in the budget, and, most importantly, the budget resolution we are currently operating under.

The bottom line: Taxpayers are sending checks to the Treasury well over $100 billion in excess of what was expected under the budget resolution. We are now taking action to prevent what is effectively a tax increase. I never thought I would hear a Republican advocating we ought to have a tax increase. If we do not pass this legislation, 19 million people are going to have tax increases.

And let my colleagues absolutely be clear in understanding that failure to pass this legislation, then, is not just about nothing, it is about allowing tax increases to go into effect. And they would go into effect without even a vote of the Congress. Taxpayers, then, will be writing checks even bigger than this unexpected amount of money that is coming into the Treasury already, if this legislation does not pass. Teachers, parents of college students, working families will all have to dig deeper into their pockets to pay for out-of-control spending in Washington.

Taxes are pouring into the Treasury. As I said earlier, it is not for the lack of tax receipts that we are seeing a deficit. It is because of the inability to control spending. In my time here in Washington, DC, I have never seen that the way to control spending is to keep taxes high. Higher taxes is a license to spend more money. And that is borne out by the facts. While tax receipts have gone up 11.8 percent in 2005–2006, spending has increased 8.6 percent.

It is important for my colleagues to also understand that much of the tax cuts that are in the tax extender package were expected to be included in the $70 billion tax cuts passed in the budget resolution—the budget resolution out of the Budget Committee.

I find it extremely frustrating that those who come to the floor and decry this bill fail to note it is because we made room for other priorities, priorities they championed, such as capital gains and dividend cuts in the tax reconciliation bill, that we were unable to include the tax extender provisions in that reconciliation bill last spring. And it is for that reason that we now have to consider an extender bill.

It reminds me of the fellow who complains about not being able to get a BLT sandwich after he ate all the bacon. And speaking of bacon, one of the major pork products, I would now like to turn to the second point: the discussion on the floor earlier about earmarks.

I know my colleagues who serve on the Appropriations Committee have familiarity with the term "earmark." Earmark is something that goes to one individual or one company. That is not what this bill is about. But they have tried to characterize it that way. This bill provides tax relief, and these provisions provide tax relief that is not for one individual or one company. They are not earmarks.

For example, the deduction for tuition will help—let me take a State at random. Let's take New Hampshire as an example. It helped 23,124 taxpayers in the year 2004. These tax policies, then, are not earmarks when you are helping 23,000 taxpayers in New Hampshire. And failure to extend the tax extenders means that these taxpayers are going to have an increase in taxes.

Earlier we heard on the Senate floor discussion about a tax provision that benefited songwriters. Again, this is not an earmark. As most Members who have been to a record store recently are aware, there is more than one songwriter in this country. But I raise the songwriter provision to respond to another point, which is that there are provisions in this bill that because of the Senate rules, Members will be prevented from effectively raising concerns.

The songwriter provision, supported by several Members on both sides of the aisle, was voted on by Members earlier this year in the tax reconciliation bill. It already passed the Senate. The extenders bill is now making that provision permanent. Members had ample opportunity to raise concerns about this provision when it was considered 6 months ago. Not a discouraging note was heard. In fact, colleagues who discussed this provision earlier today actually voted for the legislation that contained the songwriter provision. Talk about saying one thing and doing another. So I think those who sang the first verse earlier in the year should be cautious about complaining that we are now singing the second verse.

Finally, I want to comment about the point raised on the sales tax deduction. Again, you call that an earmark, when people in nine States who would not be able to deduct their State sales tax from their Federal income tax have the opportunity to do it? It is affecting 10 million people, and that is an earmark? I find the statements made about the sales tax to be of concern and a misrepresentation of policy.

First, my colleagues earlier heard complaints about the cost of the sales tax provision but then in the same breath complain that the sales tax provision does not cost enough, that the sales tax provision's flaw is it should be expanded to both itemizers and nonitemizers, which then would cost billions more.

The easy answer is that the intent is to roughly mirror the deduction for State income tax that residents of the rest of the States have. The State income tax deduction is only for itemizers. So why would you want the sales tax deduction to be expanded to include nonitemizers?

Second, the deduction for sales tax is only allowed in lieu of a deduction for the income tax. So the benefits that it provides to residents of States such as New York and California, who have both a State income tax and sales tax, is limited. But it does certainly provide real benefits to taxpayers who live in States without a State income tax but do have a State sales tax.

The provision means that the Federal Tax Code will not treat similarly situated taxpayers differently based on how the State decides to raise revenue. The Finance Committee has seen no evidence that States have responded to this provision by raising the sales tax.

I appreciate the opportunity to clear the record and separate facts from fantasy when it comes to this tax extender bill. These are important provisions that we need to act on now to ensure that taxpayers can properly file their tax returns and receive much-needed tax relief.

Finally, the Congressional Budget Office has scored the total health package as costing $1.7 billion over 5 years. The $1.7 billion stems from the cost the Congressional Budget Office has attributed to making the Recovery Audit Contractor Demonstration a permanent part of the Medicare Program and implementing it on a nationwide basis.

The 3-year demonstration project was authorized in the Medicare Prescription Drug Act of 3 years ago and requires the Center for Medicare Services to contract with the recovery audit contractors to detect Medicare overpayments and underpayments and to recoup overpayments. Typical overpayments involve improper coding or billing for services for which there is no medical necessity. Also, Medicare inadvertently pays for services when another payer, such as a worker's comp or auto insurance, should be a primary payer.

Despite being implemented for a limited time in three States, this demonstration has already shown enormous potential for the identification of overpayments and underpayments and the recoupment of overpayments. In fiscal year 2006, this demonstration identified around $300 million in improper payments in three States. It is estimated that implementing this program on a permanent basis nationwide would result in approximately $8 billion in recovered funds being returned to the Medicare trust funds over 5 years. And somebody is bellyaching about investing $1.7 billion to bring back $8 billion.

CBO has assigned a cost to this provision because of a budget scoring rule—some scoring rule that somebody ought to do something about—called rule 14, which says that "no increase in receipts or decrease in direct spending will be scored as a result of provision of a law that provides direct spending for the administration or program management activities." As a result, even though they are real and substantial, savings from this program will not be recognized for budget purposes.

Despite the potential of a budget point of order, we have included this provision in the package because it is simply good policy. It will recover billions that would otherwise be wasted in the Medicare Program—some of it fraudulently wasted. For all these years, Medicare has not been able to effectively detect payment errors. The nationwide adoption of this program will result in real savings for the Medicare Program and, ultimately, the taxpayers.

Mr. President, I wish to talk briefly about the issue of Red Cross reform. The Red Cross is one of the great institutions in this country. It is supported by millions of Americans with their volunteer work and contributions. Americans have a right to expect the best from this proud organization.

On Monday, I shared with leadership staff on both sides of the aisle as well as interested members copies of legislation that brings much needed reform to the governance of the Red Cross. The Red Cross is congressionally chartered and therefore any reforms to the governance require changes in statute.

As many of my colleagues know, I have been active in oversight of the Red Cross since problems came to light with the organization after the tragedy of 9/11. However, it was after the Katrina hurricane that it became evident that fundamental change was needed in how the organization was managed and governed.

In response to my oversight, the Chairman of the Board Ms. Bonnie McElveen-Hunter called for an Independent Governance Advisory Board. I thank her for her leadership and responsiveness to the concerns raised.

This board recently issued its report "American Red Cross Governance for the 21st Century" which can be found on their website. This report is based on the fine work of its Chair, Karen Hastie Williams as well as Peter Clapman, Professor Charles Elson, Margaret Foran, Professor Jay W. Lorsch, Patricia McGuire and Professor Paul Neuhauser. I thank them all for their service.

The legislation that I shared with colleagues on Monday is based on the findings of the report from the Independent Governance Advisory Board which was approved by the Red Cross Board of Governors and released to the public on October 30, 2006.

The legislation deals with such vital issues as the size and role of the board; the characteristics of who should serve on the board; the role of cabinet members in Red Cross governance; the creation of an ombudsman; the responsibilities of the Government Accountability Office and many other important matters.

However, while the statutory changes are important, much of the hard work of changing the culture and governance of the Red Cross will have to be done by the management and board of the Red Cross. I expect them to look to the findings of the report as a close guide for their actions on the details.

I am hopeful that this legislation, which has the support of the Red Cross, can be passed by unanimous consent quickly so that we can have in place a Red Cross that has effective and modern leadership for this Nation.

However, I am deeply discouraged that despite the fact that this legislation has been cleared for several days on the Republican side it still has not been cleared on the Democratic side, and this despite the fact that the legislation has been originally cosponsored by Democrat Senators KENNEDY, LANDRIEU and AKAKA as well as Senators on this side of the aisle, SANTORUM, ENZI, ISAKSON, MARTINEZ and DOLE. As my colleagues all know, Senator DOLE was the former President of the Red Cross. I am pleased to have all their support.

But I am very frustrated that I have received no response or courtesies from the Democrat leadership of why this commonsense and needed legislation cannot be passed.

I have been informed that staff in the other body have stated to Red Cross officials that they do not want to pass this legislation because they want it to be an early victory for the new Congressional leadership. I do not want to believe that that is the reason why there is no action on these reforms.

The failure to act on these reforms is having a very real and very negative impact on the vital work of the Red Cross. I met with the Chairman of the Board of the Red Cross just two days ago and she informed me that the failure to pass this legislation quickly is hurting their efforts to successfully recruit and bring into place a new CEO. In addition, the needed changes to the governance structure at the Red Cross are also frustrated by the failure to make the necessary statutory changes.

We saw with Katrina the need for strong leadership and governance at the Red Cross. The Red Cross has taken the right steps to make reforms, reforms that will lead to better service for the American people in times of need. The Democrat leadership should be placing those same priorities first. I call on them to allow us to go forward with passing this legislation.

Mr. GRASSLEY. Mr. President, in connection with H.R. 6111, the Tax Relief and Health Care Act of 2006, the nonpartisan Joint Committee on Taxation has made available to the public the following document: Joint Committee on Taxation, Technical Explanation of HR. 6408, The "Tax Relief and Health Care Act of 2006," as Introduced in the House on December 7, 2006—(JCX–50–06)—December 7, 2006. This technical explanation expresses the Senate Finance Committee's understanding of the tax and other provisions of the bill and serves as a useful reference in understanding the legislative intent behind this important legislation.

Senator DOMENICI wants a few minutes. How much time do I have?

The PRESIDING OFFICER. Nine minutes.

Mr. GRASSLEY. The Senator can have 2 minutes.

Mr. DOMENICI. Mr. President, I rise tonight to remind the Senate that in this bill is something we can all be proud of, especially on this cold night. The American people are using more and more natural gas in their homes, and they will soon be getting bills—or they already have—with the increases in the cost of natural gas beginning to show up. Many companies have already closed their doors because natural gas prices are so high.

For the first time, we will have passed a production-oriented bill with reference to natural gas and crude oil. In this bill is the Gulf of Mexico Energy Security Act—passed by bipartisan votes in the Senate—which establishes some precedent because, for the first time, we are now going to do some deepwater drilling. We held that in abeyance for about 25 years and acted as if we didn't need any, just leave it there. It is American, but we won't use it.

Well, we are going to start now. That will open other States which can look at this bill and say: We ought to join up and begin to let drilling take place off of our coast, because they will share in the proceeds—the second good precedent that is made in this bill.

It will produce large quantities of natural gas over the next decade and a small amount of crude oil—1.2 billion barrels. With reference to natural gas, it will produce gas for millions of homes and thousands upon thousands of businesses. It will be American-owned business, drilled by American companies, supplied to Americans by

Americans, with American dollars involved for everybody along the way.

What a good thing to say tonight in the cold parts of America and in the coldness of tonight—that we have done something to produce natural gas and hold the price of natural gas where it is or reduce it because of the new supply. It is very important and should be something everybody in this Chamber is proud of. A lot of things we are not so proud of tonight. It takes too long to get some things done. We have not gotten a lot of them done on time. We have not governed quite properly. But this is a good one. I am thankful to those on this conference for putting it in.

I thank Senator GRASSLEY, and I thank his counterpart here. On the House side, they had to accept it exactly as we put it in because if it came here differently, we would never get it passed. That happened. Thank you.

Mr. GRASSLEY. How much time do I have?

The PRESIDING OFFICER. Six minutes.

Mr. GRASSLEY. I will give 4 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me join my colleague from New Mexico in thanking the leaders of this bill, Senator GRASSLEY and Senator BAUCUS, for their acquiescence to put this very important measure, which over 70 Senators voted earlier in the year to do, but to put it on this measure to make sure it passed.

Mr. President, you have not been in this Chamber long, but you know this has been a debate which has gone on around Louisiana and the gulf coast for almost 60 years—literally since President Truman was President of this country and offered 37.5 percent to the State of Louisiana for a new industry. Well, that deal was never struck 60 years ago. Tonight, that arrangement, that compromise, that deal is being struck in the Senate. It is a good deal, a square deal for the people of Louisiana, Mississippi, the gulf coast, and the people of the United States, and it is going to open up 8.3 million acres of new opportunity—enough gas, as the Senator from New Mexico said, to fuel 1,000 chemical plants for 40 years. That is a lot of gas. We need that. We need it right now. We need it today to preserve jobs in America and to keep our industries competitive. Those jobs are in every State in the Union, not just on the gulf coast. We are proud to be the producers, but people use this gas in industries all over the Nation.

In addition, as you know—and the Senator from New Mexico has heard this story literally a hundred times—the great delta that supports this extraordinary resource for the Nation is literally washing away into the Gulf of Mexico, not just because of the channels that have been dug in some cases for the industry—that has had a minor impact—but the damming of the Mississippi River, the leveeing of that river stopped its natural overflow, and a delta that took a thousand years or more to create, which is the home of hundreds of communities and literally tens of millions of people in this country, is at risk.

We saw the pain, suffering, and the death in Katrina and Rita. This bill will help because that money is dedicated to that source.

Finally, because of Senator SALAZAR and Senator ALEXANDER, primarily, a portion has been set aside for the first time in the Nation for conservation royalty, so that the land and water conservation fund stateside is fully funded. All 50 States can use these great revenues which come in for parts of the greenspace.

I thank Senators MARTINEZ and NELSON from Florida. Without their help and patience, this bill never could have come together. The buffer of protection has been provided for Florida. They have chosen a different way, but the gulf coast is working together as a unit. Some of us are drilling, some are not, but we are all working toward the benefit of America.

To all of the Senators along the gulf coast, including Senator VITTER from Louisiana, and particularly Senator TRENT LOTT, who put in countless hours to help us negotiate this bill, I thank him for his great and steady leadership.

To Senator FRIST and Senator MCCONNELL, who kept this issue steady, it is really a testament to their leadership.

So the people of Louisiana and the gulf coast are grateful that this provision is in the final package. It has been a long and tough battle but one of which we are very proud.

I thank the Senator from Iowa for yielding.

CAPITAL GAINS INCOME

Mr. GRASSLEY. Mr. President, I would like to discuss a tax policy matter that is important to several Senators. Although it is not a priority for me, I pursued the issue for those Senators during the "trailer" bill negotiations. On my side of the aisle, the interested Senators included Senators SMITH, LOTT, CORNYN, DOLE, GRAHAM, and VITTER. I know Senators on the other side of the aisle have similar interests, including Senators LINCOLN, PRYOR, LANDRIEU, CANTWELL, and MURRAY.

Under current law, the tax treatment of capital gain income from timber activities varies. The variance depends to a great degree on the form of the business entity that holds the timber. The top individual capital gain rate of 15 percent applies to capital gain from timber if the timber is held by pass-through entities. By contrast, capital gains from timber held by regular "C" corporations are taxed at the top corporate rate of 35 percent.

Senators SMITH and LINCOLN filed an amendment for the Finance Committee reconciliation tax relief markup last year. The amendment aimed at addressing the differential treatment of timber capital gains among entities. A form of that amendment was included in the first round of negotiations on the trailer bill. The final form of the trailer bill agreement did not include the timber capital gains amendment.

Since this issue was not fully resolved, and many Members remain strongly interested in the issue I would like to ask my friend, the ranking Democrat and incoming chairman, Senator BAUCUS, if he plans to further examine the issue in the next Congress.

Mr. BAUCUS. Mr. President, the timber tax proposal has the support of some Senators, but it is not included in the Tax Relief and Health Care Act of 2006. I have concerns about the proposal. I am sympathetic with the basic policy concern motivating the bill's supporters—to make it more feasible for timber companies to remain in corporate form if that is the best way for them to maintain their competitiveness. However, I believe that we need to do further work to make sure that we have an appropriate long-term solution.

I understand this may be a time-sensitive issue. As chairman of the Senate Finance Committee during the next Congress, I plan to work with interested Senators and with forest products companies to closely examine this issue and determine the appropriate long-term solution. It is my hope and expectation that this work can be concluded in a timely manner so that appropriate action can be taken to address the long-term competitiveness of the timber industry.

HAITI

Mr. GRAHAM. The Haiti Hope Act, incorporated into the package that we are debating today, poses a serious threat to the American textile industry. This bill has had no hearings in the Senate, no opportunity for discussion, no opportunities for amendments, and the industry that this bill affects most has had no official opportunities to voice their concerns. While it is questionable as to how everyday Haitians will benefit from this deal, there is no doubt the deal will only exacerbate the problems the U.S. textile industry faces today.

The provisions of this legislation will be difficult if not impossible for Customs to enforce. This could open the door to the transshipment of Chinese goods into the United States duty free. In order to ensure that Customs can enforce this legislation, Senator DOLE, Senator SESSIONS and I request that the Senate Finance Committee hold a hearing prior to the President certifying that Haiti has met the requirements set forth in the legislation at which representatives of the textile industry can voice their concerns over the impact of this legislation.

Mr. BAUCUS. I believe the Senators' request can be accommodated.

Mrs. DOLE. I agree that it is outrageous that the Haiti bill in this package was never considered by any committee in the Senate, never properly debated in a committee or on the Senate floor. No Member has been given an opportunity to offer amendments to improve this legislation, and the U.S. industry that has most to lose from this bill was never given an opportunity to formally make its case before this body. I have long supported increased assistance for Haiti, and support measures to expand trade between Haiti and the United States, but this poorly designed bill would cause serious harm to the U.S. textile industry, potentially putting many North Carolina textile workers out of jobs. I believe this Haiti trade package needs to be thoroughly evaluated.

Senator GRAHAM, Senator SESSIONS, and I would also like to propose a change to the length of time in which the administration must certify that Haiti has met the conditions to receiving benefits under the act. I request that the senior Senator from Montana agree to work with us to pass legislation to amend the Tax Relief and Health Care Act of 2006 to provide the President up to 1 year to certify that Haiti has made sufficient progress in meeting the conditions in the act. This change will in no way preclude the President from certifying that Haiti has met the requirements of this legislation prior to 1 year from now.

Mr. BAUCUS. I would be happy to work with my colleagues to make this change. Let me add that I have spoken with the incoming chairman of the House of Representatives Committee on Ways and Means, Mr. RANGEL, and he supports your requests as well.

Mr. SESSIONS. Once again we are at the end of a Congress. It is late at night. The result is a vote tonight on legislation that people refer to simply as the "tax extender" bill.

Much of it doesn't have anything to do with tax credits. The Haiti Free Trade Agreement is in this bill. The Vietnam Free Trade Agreement is in this bill. I have very real concerns about both of these provisions.

They are important issues. They deserve careful study. These trade agreements deserve a hearing and thoughtful debate on the Senate floor. From what I know of these measures, I don't support them.

Instead of treating these important provisions in the manner they deserve, we are forced to take a yes or no vote on the whole package. That means you have to take the good with the bad. We wonder why politics has such a bad name, and I would suggest we are looking at the reason right here tonight.

We have worked to make sure that some of our concerns regarding these measures are addressed and believe they will be. Based on the assurances that we have received, I am going to vote in favor of this measure. The good of the bill is so important it outweighs the bad.

I thank my fellow Senators who have worked hard to achieve some assurances that could lead to important improvements to the Haiti trade provisions. Clearly, the better approach would have been to bring these trade agreements up separately, allowing for full debate.

TREATMENT OF SIOUX CITY, IOWA BUILDINGS

Mr. HARKIN. Mr. President, I have been seeking a small change in the tax law that would simply undo a provision in the 1986 tax bill, eliminating the special treatment given to a few buildings in Sioux City, IA, allowing them to be treated like any other property under the general laws.

The desire is to rehabilitate one of those buildings, an old historic hotel. It has long been boarded up. The goal is to renovate it for use as affordable elderly housing, an adult respite care facility and perhaps other uses. I believe the Finance Committee has been aware of the technical tax issues involved for a long time. The provision is of no or minimal cost to the Treasury. And, as I noted, the property's owners are not asking for special treatment but, unusually, are asking that they be treated like other taxpayers with a similar property.

Mr. BAUCUS. I thank the Senator from Iowa. I am familiar with this problem and it is unfortunate that this provision has not been included in one of the recent tax measures. It is my intention to include this measure in a tax bill to be considered. And I expect to see it become law in the coming year.

Mr. GRASSLEY. Mr. President, I rise in support of the Haiti trade provisions in this legislation. And I want to respond to some of the criticisms leveled at these provisions.

Right now over two-thirds of Haitian apparel exports to the United States are made from fabric made in either the United States or a beneficiary country under the Caribbean Basin Initiative.

Under the bill, it is true that Haiti can use fabric from third countries to produce apparel exports for duty-free entry into the United States.

But to be eligible for such duty-free treatment, at least 50 percent of the value of the apparel must be attributable to Haiti, the United States, or another regional qualifying country.

If, for example, Chinese-origin fabric is used to manufacture apparel in Haiti, only the value of the cutting and sewing counts toward the 50-percent value-added requirement. The value of the Chinese fabric itself does not count toward the requirement.

And because fabric generally accounts for more than 50 percent of the value of a garment, the 50-percent value-added requirement will often mean that qualifying apparel must be made from fabric produced in a regional qualifying country to be eligible for preferential treatment.

Moreover, the benefits are capped in the first year at 1 percent of United States apparel imports, which is less than current apparel imports from Haiti and equal to only 20 percent of the total level provided under the African Growth and Opportunity Act.

Now, the bill does include a tariff preference level, but it is limited to woven apparel, not knits. And the level of the tariff preference level is equal to only 0.23 percent of United States apparel imports.

The Commissioner of Customs wrote a letter to Chairman THOMAS of the House Committee on Ways and Means stating that Customs remains committed to enforcing all textile trade laws. The Commissioner further indicated that Customs can, and will, enforce the textile provisions in this bill if they become law.

The bottom line is that the Haiti trade provisions in this bill will help to spur economic growth and prosperity in the most impoverished country in this hemisphere. At the same time, these provisions do not threaten to significantly impact our domestic industry in an adverse manner.

In addition, these provisions have been endorsed by a number of non-governmental organizations, including Oxfam America and the International Policy Committee of the United States Conference of Catholic Bishops.

I urge my colleagues to support the Haiti legislation, as well as the other trade provisions in this bill.

Mr. President, I ask unanimous consent that my remarks be printed at the appropriate place in the CONGRESSIONAL RECORD, and I yield the floor.

Mr. DOMENICI. Mr. President, I rise to speak briefly on this essential piece of legislation commonly referred as tax extenders.

This is, in many ways, also an energy security bill that is worth being proud of.

There are a host of important tax items here, many of which were implemented under the Energy Policy Act of 2005. Now we extend many of these items through 2008.

There are extensions of credit for electricity produced from renewable resources until December 31, 2008. This is clean energy produced from wind, biomass, geothermal and hydropower. It is critical to our Nation's future and these tax credits will play an important role in our energy security over the next decade.

There are extensions of credits to holders of clean renewable energy bonds. There are extensions of credits for energy efficiency for homes and for commercial buildings.

And, there are extensions of reduced excise tax rates for ethanol. The Energy bill of 2005 has helped in bringing about an economic boom to rural America. Analysis suggests that new biorefineries will result in 30,000 new jobs and will add $114 billion to the bottom lines of American households. These extenders help continue that momentum.

All of these items and many more help move us closer to achieving energy security.

Then, there is the big one. After much hard work and after hours of negotiations, Congress came together and crafted a bipartisan piece of legislation. We passed that bill with 71 votes in August and we pushed ever since to get that bill through the House and to the Senate. We fought for energy relief for the American people.

The Gulf of Mexico Energy Security Act provides such energy relief, and I am thrilled that it is included in this tax extenders package.

I thank the House Ways and Means chairman, BILL THOMAS, and the House leadership, specifically Majority Leader JOHN BOEHNER for showing interest in and moving this important piece of legislation. Also, importantly, I thank the Senate leadership on both sides of the aisle and Chairman CHUCK GRASSLEY for recognizing that this legislation is essential to the American consumer.

It's cold outside and natural gas prices are rising as we heat the homes we live in and the buildings we work in. So me tell you what this vote on the Gulf of Mexico Energy Security Act does.

This vote says that Congress win not sit by and watch natural gas prices climb by 400 percent. We will act.

We will not sit back and accept the closing of scores of our chemical manufacturing plants. We will act.

And, we will not sit back and watch as we continue to depend more and more on foreign oil while producing less and less domestic oil. We will act.

And act we did. And relief is on the way.

This legislation is critically important to American consumers and our economy. While the oil resources in this region are impressive, the vast reserves of natural gas are the real bonanza.

Tens of thousands of feet under the sea-bed in this 8.3 million acre area that we open for leasing, American ingenuity will produce American oil and American natural gas for the American people.

This area contains nearly 6 trillion cubic feet of natural gas and 1.26 billion barrels of oil.

I believe that there is enough natural gas in lease sale 181 and lease sale 181 south areas to heat 6 million homes for 15 years.

Because of this, the Wall Street Journal has called this OCS bill "an easy victory for the U.S. economy." And, on the other side of the political spectrum, the New York Times wrote that this bill meets "an immediate need" and is "a reason to drill in the Gulf."

And, in this bill we recognize the will of the people in our energy producing States. We recognize the sacrifices made by the Gulf States in being America's energy coast for so many years. And, we recognize protections important to the people of Florida.

This bill strikes the right balance. It is a blockbuster. It is a victory for this Congress, but more importantly, it is a victory for the American energy consumer.

The Federal Reserve Chairman Bernanke recently said that rising energy prices is posing a risk to our Nation's economic activity.

I say, that with this vote, we help to lessen that risk. What we have done here is the most important thing we can do in the near term to reduce the price of natural gas and to boost our Nation's domestic energy supply.

For that, the American people win tonight.

Mr. ENZI. Mr. President, today I rise in strong support of H.R. 6111, the Tax Relief and Health Care Act of 2006. This important tax relief legislation includes a number of provisions that are extremely important to my constituents in Wyoming. It deserves to be passed, and I am urging all of my colleagues to support this important bill.

First and foremost among the provisions that I am supporting is a provision to reauthorize the Abandoned Mine Land, AML, Trust Fund for 15 years. I have been working to reauthorize the AML trust fund since I was first elected to the Senate in 1996. As it currently operates, the AML trust fund does not work as intended and does not treat my home State fairly.

The Federal Government has hijacked more than $550 million that was promised to Wyoming from a tax on coal produced in my State. We have legislation before us to correct this problem and to fix it so that Wyoming receives its fair share of funding in the future.

This legislation has been a long time in the making, and it has broad support. Over the past year, I have worked with Senators ROCKEFELLER, SANTORUM, SPECTER and BYRD to build a coalition that can support this important bill. The bill is supported by the coal industry. It is supported by the United Mine Workers of America, UMWA. It is supported by members from the eastern United States and members from the western United States. All of the stakeholders are in agreement that the AML reauthorization language that is included in this bill is the best language to fix the problem and move the issue forward.

The legislation has many provisions that are important to my State. It returns the $550 million that was hijacked by the Federal Government over a 7-year period. I am pleased that it does so in a way that allows Wyoming's legislature to determine their priorities for how that money should be spent.

The legislation also ensures that Wyoming will continue to receive funding in the future for mining activities that occur within our State's borders. It does all this at the same time we direct more money toward reclamation in States where the reclamation work is needed.

Finally, I wanted to see a reduction in the tax charged to Wyoming's coal companies. Some of the companies in my State do not have the problems associated with abandoned coal mines, nor do they have the orphan miner liability that is held by some companies. Those companies agreed not to fight an extension of the tax if it was reduced, and this legislation includes a slight reduction in the fee.

The priorities of other members are also included in this bill, including provisions that shore up health care for orphan miners who fall into the Combined Benefits Fund. Those priorities include the addition of health care coverage for members who fall into the 1992 fund and the 1993 Fund. Although the shoring up of those three funds was not a priority for me, this represents compromise legislation.

Some opposition to this legislation comes from members who claim that it is too expensive. I would argue to my colleagues who are concerned with the cost of the bill that it is not as expensive as it appears at first glance. Money will continue to come in from collections of the AML fee, which will help to offset the cost. The Federal Government will also continue to receive significant revenues from coal production on Federal lands.

However, unlike past monies that have been sent to the Treasury and that have been spent outside the act, this legislation will ensure that the funding is used for its intended purposes. Money that is supposed to go to the States will no longer be hijacked and spent on unrelated programs. Instead of those unrelated programs, the money that is intended to do reclamation will actually be used to further our reclamation goals. Money that is supposed to go back to the States will actually be sent to the States. Coal money will actually be used to help fix a coal problem.

For those who do not like the health care portions of this bill, I share your heartburn. Wyoming does not have a significant number of orphan beneficiaries. However, it should be noted that the Federal Government has been spending Federal dollars to help provide these health care benefits for years, and there is nothing to suggest that we will stop funding these benefits. The Senators who represent the families who receive this health care continue to make sure the families receive it. Since miners' health care continues to be funded, we needed to find a way to fulfill the promise to the States. This legislation was such a fix.

When a program is broken, we need to fix it. The AML program has been broken for years, and this legislation is an opportunity to fix it. It will send more money to reclamation and will return money to States that those States are owed.

This is a good bill, and I am so pleased that we were able to include this reauthorization in H.R. 6111.

AML reauthorization is not the only important section of this legislation. The bill also includes the extension of the State and local sales tax deduction. The State and local sales tax deduction, which is crucial for the residents of States without a State income tax, was included in the American Jobs Creation Act of 2004. However, this deduction expired this year. Because this deduction has expired, it is crucial that Congress act now to extend this important deduction. The State and local sales tax deduction is an issue of fairness. Residents who live in a State without a State income tax should not have to pay more in Federal taxes simply because they cannot take advantage of the State income tax deduction. While I would like to see this deduction become permanent, I am pleased that the option to deduct State and local sales taxes will be extended an additional 2 years through this legislation.

In addition, I want to take a few moments to express my support for the extension of the New Markets Tax Credit program through 2008. This is a highly successful program that stimulates investment in low-income communities. Multiple communities within Wyoming have been able to take advantage of this tax credit. I am hopeful that with this extension, additional cities and organizations in Wyoming will be able to utilize this tax credit. I am also pleased that this legislation includes a modification to the New Markets Tax Credit program to guarantee that nonmetropolitan communities receive the proper allocation of qualified equity investments. This change in law is welcome news for the smaller communities throughout Wyoming.

The final tax provision I will discuss today is the extension of the research credit. This credit has played a vital role in encouraging companies throughout the United States to expand their research efforts. Innovation and advancements in technology are critical to the progress of the United States. This research credit encourages companies to spend more of their financial resources on the discovery of new and innovative products and ideas. Without the ongoing research and development of American businesses, the overall economic outlook of our Nation would greatly diminish. It was crucial that this credit be extended and I am pleased that this legislation includes such an extension.

Finally, I am pleased that H.R. 6111 includes a section to increase our domestic energy production. We need to increase our domestic energy production to reduce our dependence on foreign sources of energy. Domestic energy production is akin to economic and national security. The Outer Continental Shelf, OCS, provision included in this act is based on S. 3711, the Gulf of Mexico Energy Security Act which the Senate passed in a bipartisan way on August 1, 2006.

The OCS has tremendous untapped potential to meet the energy needs of our Nation. Energy that we need to heat our homes and energy that we use in manufacturing can come from this region. The OCS has energy that will help secure our food supply by lowering prices for farmers and ranchers who produce that food.

The entire OCS is composed of 1.76 billion acres and there are 8,000 active lease areas producing oil and natural gas. This production translates to approximately 20 percent of our domestic oil production and approximately 30 percent of our domestic natural gas production. Yet, of the 1.76 billion acres of potential production area, 85 percent of the coastal waters around the lower 48 States currently is off limits to energy development.

Under this provision the Secretary of the Interior is directed to offer mineral leases in a specified area within 1 year of enactment. This action has the potential of producing 1.26 billion barrels of oil and 5.8 trillion cubic feet of domestic energy. This bill will provide enough natural gas to heat 6 million homes for 15 years, and so I am pleased that it was included in this bill.

I thank my colleagues who worked on this important tax relief legislation. Specifically, I thank Chairman GRASSLEY and Ranking Member BAUCUS for their efforts. I thank Senators ROCKEFELLER, BYRD, SANTORUM and SPECTER for their hard work and dedication on the AML bill. This important legislation deserves to pass, and so I will be voting to move the legislation forward.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased to support the legislation before the Senate today. As often happens at the end of a Congress, the leadership has negotiated a large and complicated bill to tie up many loose ends. And I believe that on balance this is a very good bill. While I am disappointed in some aspects of this agreement, I understand that, when legislating, hard compromises sometimes have to be made. I recognize how difficult it was for us to get this far.

I want to thank the leadership, and especially Senator GRASSLEY, the chairman of the Finance Committee, and Senator BAUCUS, our ranking member and incoming chairman, for working so hard and so long to protect the Senate's interests in very difficult and often frustrating negotiations. They were fierce negotiators, and they made sure that we would be voting on a bill that a substantial majority in the Senate can support. It was no easy feat given the circumstances and sometimes bitter disagreements between the two Houses, and at times, between Members. The leaders of the Finance Committee deserve enormous credit.

This bill includes a critical Coal Act and AML reform provision. And I would like to take just a few minutes to explain to my colleagues what this provision is all about. It is about protecting the health benefits of tens of thousands of retired coalminers and their widows who were promised lifetime health benefits by their companies and by their Government. It is about keeping a promise to the men and women who have sacrificed themselves to fuel our Nation's economic growth and continued prosperity.

Historically, coal miners have bargained for their health benefits at the expense of other pension benefits and salaries because they have long known the grave toll that coal mining takes on a person's health and safety. This year's tragic and record string of mine deaths shows that remains true today. More than 50,000 coal miner retirees and their aged widows, average age of nearly 80, are counting on the health benefits that are protected in the Coal Act and AML reform provision. These coal miner retirees live in nearly every State of the Union, and they still believe that the promise of their health benefits will and should be kept. So do I.

This reform will stabilize the coal miners' health funds and give retired miners some peace of mind that they will not face cuts in the health benefits on which they depend. That means the world to me. And Dixie Woolum, and the thousands and thousands of other retired miners and widows in West Virginia, Ohio, Pennsylvania, Kentucky, Illinois, and Indiana—all across this Nation—deserve that peace of mind. They have had to bear so much in the coalfields, for so long. They deserve this peace of mind. They earned it.

Specifically, the coal miners' health funds—the combined benefit fund, the 92 fund and the 93 fund—will receive annual transfers of monies from the interest on the AML trust fund, paid for by the coal companies. I think that is only fair. Before these changes, only the combined benefit and 92 fund could receive AML interest money to help compensate for its shortfalls—and the administration wrongly interpreted the original Coal Act to cap that amount.

That misinterpretation of the original Coal Act provision has been fixed in this bill. The new provisions helping the 92 fund and the 93 fund are phased in over time, but the CBF will get a needed infusion of money next year.

The AML/Coal Act provision is also about protecting the environment and health of communities where mining has left environmental scars—many of which continue to pose significant health risks. This proposal reauthorizes the AML program for 15 more years, at a slightly reduced rate, and gives States back their unappropriated balances while more fairly distributing funding for historic coal production States like West Virginia, Pennsylvania, Kentucky, and Tennessee. The AML program was part of the bargain when we reformed surface mining back in the late 1970s. We created a trust fund that is paid into by the coal companies that mine the land to ensure there would be money available to reclaim old mine sites. Hundreds of these sites remain unreclaimed. States have waited patiently for Federal dollars that have been parceled too slowly in the past. This provision will deal with the outstanding problem of AML reform at the same time it helps miners whose blood and sweat built up the AML trust fund in the first place.

Today marks the culmination of a long, long fight—14 years now—to make sure that Congress lives up to its responsibilities to retired miners and their families. And I won't recap all of the ups and downs of the past 10-plus years, but I do need to personally thank a few people who finally made this possible.

I am grateful to my distinguished leader and dear friend Senator REID. As the son of a hardrock miner, Senator REID appreciates what miners go through to bring us the natural resources that make our economy and standard of living possible. He has worked tirelessly to get these provisions passed. He is a trusted friend and an inspirational leader.

I also need to thank the leaders of the Senate Finance Committee. Senator GRASSLEY and Senator BAUCUS have an excellent relationship, built on working together and keeping their word. I know that they had to fight very hard to protect the AML provision, and they did so because they gave their word. That means a great deal to me. A great deal. I am very grateful for their efforts. I know that the same spirit of bipartisan respect and cooperation will continue under Senator BAUCUS' able leadership next year. I look forward to his tenure. I will not mention each of the superb Finance Committee staff members by name, but I must at least thank them as a whole. They are extraordinarily bright and hard working, and I know that today's victory would not have been possible without their absolute dedication.

I also want to thank my friend and colleague on the HELP Committee, Chairman ENZI, who seized this issue when tax extenders were debated in the pension conference which he chaired. He has never given up on getting this done in this Congress, even when procedural tactics by some put it in dire jeopardy. He just never gives up when it comes to fighting for his State. I admire that very much. I am indebted to him for his work on this measure, as I have been for his efforts on mine safety. He is tireless and yet with a demeanor that never rankles. I cannot fail to mention the support of my longtime, dear friend Senator KENNEDY. He was always on my side on this issue as well—as he is always on the side of our Nation's working men and women, whether our Nation's coal miners or anyone who puts in a hard day and struggles to meet the challenges of raising a family. He was there to help make this happen. This has been a true bipartisan effort. The way legislation should be done.

I also need to thank my good friend and colleague from West Virginia, Senator BYRD. He has been my constant partner on West Virginia mining issues. As a leader of the Appropriations Committee, he has saved the day for many years, by appropriating funds to prevent benefit cuts to retired miners and their families.

Finally, I cannot go without thanking the Senators from Pennsylvania, Mr. SANTORUM and Mr. SPECTER. From the beginning they have worked with me to make today's victory a reality. Senator SANTORUM reintroduced this proposal early this year, and even after a very difficult and hard-fought election, Senator SANTORUM continued to work hard for his constituents and pushed to make sure that his leadership did not give up on this provision. I know that our Nation's coal-mining families appreciate their hard work and dedication as much as I do.

Now, obviously, this bill contains many more items than just the AML provision. Many of these provisions I have voted for several times already, and I am very happy to see that they will finally be enacted into law—the tax deductions for tuition expenses or teachers' classroom expenses, the research and development tax credit, the welfare-to-work tax incentives. These provisions should never have been allowed to expire, and I am pleased that Congress is done using them as a political football and will finally extend them as we should have done last year.

This bill will also create new tax incentives to promote investment in mine safety equipment and the training of rescue teams that can help trapped miners. There is some work that remains to be done to make those incentives work as they should in the coalfields, and you can be sure I will be back to finish the job. Also, after years of inequity, this bill finally provides capital gains tax relief to members of the intelligence community who serve their country away from home. Both of these provisions are very important to me even though both need a little more work.

For the record, I also need to point out that this bill has some serious shortcomings. Most notably, I am concerned about the potential consequences of some of the health savings account provisions that were included in this bill. In general, I believe that HSAs will make the problems with our health care system worse, not better. They do not increase access to health care for our large uninsured population, and worse, they threaten to undermine the risk-sharing on which our current system depends. I hope that the 110th Congress will take a serious look at how to really increase access to health care. I intend to push very hard on that front.

But as I said at the beginning, Mr. President, I believe that on balance, this is a good bill. I am grateful to my colleagues who have been relentless in negotiating this bill, and I am pleased to support it.

Ms. COLLINS. Mr. President, I am pleased that the legislation to extend various provisions of the Nation's tax laws which is now before the Senate includes a 2-year extension of the $250 tax deduction available to teachers who incur out-of-pocket expenses to purchase classroom supplies. This extension builds upon the $250 tax deduction established by legislation which became law in 2001 as part of that year's tax relief package. The tax relief provided by that bill was later extended through the end of last year. I was proud to author that legislation, along with my good friends, Senator WARNER and Senator LANDRIEU.

Providing this deduction for teachers who buy classroom supplies is warranted by the facts. So often teachers in Maine and throughout the country spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, $400 a year on classroom supplies, other surveys show that they are spending even more than that. Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the $250 deduction limit—a few even as much as $1,000—on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. One such teacher is Debra Walker, who teaches kindergarten and first grade in the town of Milo, ME. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, "These are the extras that are needed to make learning fun for children and to create a stimulating learning environment."

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just 2 years, Tyler incurred substantial "startup" fees as he built his own collection of needed teaching supplies. In his first years on the job, he spent well over $500 out of pocket each year, purchasing books and other materials that are essential to his teaching program. This tax deduction is, in Tyler's words, "a nice recognition of the contributions that many teachers have made."

The teacher tax relief we have made available since 2001 is a small but significant way of helping teachers shoulder the expenses they incur to do their jobs well. Extending this provision for another 2 years demonstrates our gratitude and sends the right message to our Nation's teachers.

• Mr. HATCH. Mr. President, I am pleased to see H.R. 6111, the Tax Extender Act before us today. This legislation includes some very important provisions that extend retroactively several expired tax benefits that have been instrumental to keeping our economy growing and helping to provide tax equity to certain members of our society.

Many of my colleagues on the Finance Committee have joined me in supporting Chairman GRASSLEY's tireless efforts this year to extend these provisions since even before they expired on December 31 of last year. Unfortunately, our several attempts to do so were thwarted by difficult political circumstances that required that the extender package be deferred until now.

It is amazing to me, and undoubtedly very puzzling to Utahns and Americans across the country, that a set of provisions that enjoys nearly universal support in the Senate and in the House of Representatives should be so difficult to pass. However, I am very glad to see that we have finally been able to push the extension of these important tax benefits across the finish line.

First and foremost on the list of expired tax provisions that are extended in this bill is the credit for increasing research activities. The so-called research credit has been instrumental in this country in not only providing incentives for conducting an increasing amount of R&D among American companies, but also in keeping that research activity in this country in an environment where incentives to move research offshore are proliferating.

Because so many of our trading partners are now offering generous tax and other incentives in an attempt to lure away U.S.-conducted research, extending the research credit is of paramount importance just so we can keep ahead of the competition.

Some may question the value of a retroactive extension of the research credit, particularly when it has been expired for nearly a year. After all, it is difficult to argue that a retroactively provided incentive can have any real incentive effect, since the activity it is designed to induce has already taken place. I am very happy that my colleagues have recognized there is another important factor at work here.

Practically all of my colleagues agree with me that the research credit would be more effective if it were made permanent. Senator BAUCUS and I and others of our colleagues have long worked and argued for making the credit permanent. Indeed, in 2001 the Senate passed a permanent research credit, but it was unfortunately dropped in conference with the House.

However, because we have almost always extended the research credit seamlessly, it has become a sort of de facto permanent credit. And while a de facto permanent research credit is not as good as a de jure permanent research credit, there are certain benefits that we get from having even an expiring credit always available. I believe that because the credit has been retroactively extended every year, except for one, it is more effective in inducing research activities. I also believe that businesses in Utah and all over America have come to depend on the research credit being extended each year without a gap. Therefore, I believe that it is important to once again retroactively extend the credit to keep the faith that we have allowed to be built up around this tax benefit. Therefore, I am very pleased to see that the credit has once again been extended, retroactive to its expiration date last year.

The legislation before us also includes the extension of some other important expired tax provisions. One important provision included in this bill is the retroactive extension of the deduction for school teachers for classroom expenses that they incur. As a major proponent of this legislation for many years, I was extremely pleased to see this provision included in the final bill.

Our public school teachers are some of the unheralded heroes of our society. School teachers labor in often difficult and even dangerous circumstances. A historic turnover is taking place in the teaching profession. Unfortunately, these professionals receive an unfair tax treatment under our tax law. Specifically, teachers find themselves greatly disadvantaged by the lack of deductibility of professional development expenses and of the out-of-pocket costs of classroom materials that practically all teachers find themselves supplying. Furthermore, almost all teachers find themselves providing basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. As a result, dedicated teachers incur personal expenses for copies, art supplies, books, puzzles and games, paper, pencils, and countless other needs. If not for the willingness of teachers to purchase these supplies themselves, many students would simply go without needed materials.

I am pleased to see that this bill includes an extension of a teacher's tax credit which will help teachers, in some small way, to cope with these challenges and inequities. I believe much more must be done. That is why, earlier this year, I introduced the Tax Equity for School Teachers Act of 2006, S. 4027. S. 4027 will not only expand the tax credit teachers can take for school supplies, but also provide them a tax credit which will defer some of the increasing cost of training. I am hopeful we will be able to act on legislation similar to S. 4027 next Congress, but I am very pleased to see this basic tax credit for teachers extended once again this Congress.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation. I also applaud the leadership for including a retroactive extension of the provision offering a 15-year cost recovery period for certain leasehold and restaurant improvements. Failure to do so would mean an effective tax increase on many thousands of small businesses. Likewise, I am pleased to see that this bill has the foresight to include an extension of some energy tax provisions that have not yet expired. Some of these, including the credit for electricity produced from geothermal energy sources, are very important to my home State of Utah. It is refreshing to see that we are being a little more proactive and extending provisions before they actually expire. This represents a much more responsible public policy approach than waiting to act until the provisions have already expired.

I would now like to highlight some of the health care provisions that are included in this legislation. First, I have been a strong proponent of ensuring that patients continue to receive access to quality health care by addressing the scheduled reduction in the Medicare physician reimbursement for 2007. This legislation prevents physician payment cuts in 2007 by freezing payments for physician services, and, as a result, doctors will receive a 0 percent update next year instead of a 5 percent reduction. The bill also provides a 1.5 percent bonus-incentive payment to doctors who report on quality measures in 2007. Finally, the provision provides a fund to promote physician payment stability and quality initiatives in 2008.

I also am a proud advocate for providing Medicare patients continued access to needed therapy. More specifically, this legislation provides a 1-year extension of the exceptions process established in the Deficit Reduction Act of 2005 to allow Medicare beneficiaries to apply for additional physical, occupational and speech language therapy services if their treatment is expected to exceed the annual cap on therapy services. I am pleased that this provision was included in the legislation we are considering today.

In 2003, I introduced legislation that was included in the Medicare Modernizations Act of 2003 to change the formula for Medicare reimbursement to physicians, since the previous formula penalized those practicing in rural States like Utah. The bill extends the new formula through 2007, which will continue to raise payments in certain rural areas.

In addition, I fought to extend the availability of the Program of All-Inclusive Care for the Elderly, PACE, program, which is of interest to those providing long-term, acute care for frail elderly in rural areas, including Grand County in Utah. The legislation before the Senate would ensure that funds for the rural PACE grants are available through 2010.

Another important component of this bill is the payment for administration of Medicare Part D vaccines. The legislation specifies that during 2007, the administrative costs for a vaccine covered by Medicare Part D are to be paid under Medicare Part B. However, beginning in 2008, the Medicare Part D coverage will include the administrative costs for vaccines covered under Medicare Part D. Several months ago, I brought this matter to the attention of the Administrator of the Centers for Medicare and Medicaid Services and I am pleased that this issue will be addressed through this bill.

Also, the legislation includes a feasibility study on how to create a national database to collect data on elder abuse. Let me make it clear that I am extremely disappointed that the Elder Justice Act was not approved for the second Congress in a row. This legislation was passed unanimously by the Senate Finance Committee in both the 108th Congress and the 109th Congress. I want to let my colleagues know that I will continue to fight for passage of this legislation during the 110th Congress and it is my hope that my House colleagues will be more willing to work with me next year in passing this bill. We expect more than 78 million baby boomers to retire over the next three decades and, in my opinion, we owe it to our seniors to be more informed about elder abuse. Passing the Elder Justice Act is the first step toward accomplishing that goal.

During my tenure in the Senate, I have repeatedly voted in favor of free trade. Most economists agree that free trade is not only in the United States best interest but in the interest of developing nations throughout the world. One of the most efficient ways that we can lift millions out of poverty is through free trade.

However, since the end of the Second World War, the United States has, on a number of occasions, accepted nonreciprocal trade concessions in order to further important Cold War and post-Cold War foreign policy objectives. Examples include offering Japan and Europe nonreciprocal access to American markets during the 1950s and 1960s in order to strengthen the economies of our allies and prevent the spread of Communism. Other examples of this type of initiative include the Generalized System of Preferences, the African Growth and Opportunity Act and the Andean Trade Preferences Extension Act.

In the past, we have afforded these unilateral trade preferences because of the strength of American exports. But times have changed. Our nation has not enjoyed a trade surplus since 1975 and last year's deficit widened to a record $726 billion, increasing to 5.8 percent of the gross domestic product from 5.3 percent in 2004 and 4.5 percent in 2003.

This is not say that I do not support the renewal of the Generalized System of Preferences, the African Growth and Opportunity Act and the Andean Trade Preferences Extension Acts. I do support their renewal.

However, I share the concerns of the Chairman of the Senate Finance Committee, Senator GRASSLEY, that blanket renewals are not in our Nation's best interest, especially when countries with rapidly expanding economies, such as India and Brazil, can avail themselves of the unilateral preferences granted in the Generalized System of Preferences. I am also very concerned that the Andean Trade Preferences Extension Act will be renewed for nations like Ecuador, whose government has nationalized American-owned corporations without paying just compensation.

Therefore, I look forward to working with Senator GRASSLEY and the incoming chairman of the Senate Finance Committee, Senator BAUCUS, in order to better tailor our preference systems so that we help developing nations lift their populations out of poverty and craft a comprehensive strategy that will return American exports to the surplus column.

Another issue included in this trade portion of this bill is the granting of Permanent Normal Trade Relations, PNTR, for Vietnam. For years, I have been very concerned regarding the religious freedom of the Vietnamese people. That was one of the major reason why in 2001, I voted against the Vietnam Bilateral Trade Agreement. However, I have been encouraged by a series of reforms that have occurred that culminated in the agreement on religious freedom between our two countries, in which Hanoi agreed to take steps that were designed to improve conditions for people of faith, particularly in the Central Highlands, which includes the Montagnards. Therefore, I will support PNTR for Vietnam but I pledge eternal vigilance to ensure that the Vietnamese Government lives up to its commitments and ensure the basic rights of its people.

As to the economic benefits of granting PNTR for Vietnam, it is true that Vietnam currently enjoys a $5.3 billion trade deficit over the United States. However, it should be noted that Vietnam has been an important customer of high-value goods, especially aircraft. This includes being a launch customer for what promises to be one of the United States premiere export products of this century the 787 Dreamliner.

The adoption of the Vietnam PNTR will not assist in remedying the trade deficit between our two countries. The reason being, that unlike some free trade agreements that the United States has entered into, the United States does not grant Vietnam unilateral preferential access to United States markets. However, under the agreement Vietnamese tariffs on many U.S. agricultural products will be reduced from 27 percent to 15 percent or less. The agreement also calls for the elimination of 96 percent of the tariffs on scientific equipment. Scientific equipment is a significant export for my home State of Utah.

Therefore, I will support the Vietnam PNTR as a means for American companies to have greater access to this burgeoning market and as a means of closing the trade deficit with this Nation.

Finally, I support the Haitian Hemispheric Opportunity through Partnership Encouragement Act. This is of course a matter which has been brought to our attention, in part, through the hard work of my friend Senator DEWINE. I understand that with the enactment of this legislation tens of thousands of Haitians will find employment in their country. This is something that we must do. Haiti is the poorest nation in the Western Hemisphere, we must do all that we can to assist this nation, which is only 600 miles from our border, lift the heavy hand of poverty and begin to provide for a better life for its people.

I would like to thank all of those involved in getting this important piece of legislation through both Congressional bodies and saving American taxpayers from an enormous tax increase next year.●

Mr. GRASSLEY. Mr. President, I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. To begin with, I believe the time of the Senator has expired, unless I cannot count.

Mr. GRASSLEY. I should have 2 minutes left. I gave the Senator from Louisiana 4.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. Under the unanimous consent agreement, I believe the Senator from Iowa had 15 minutes, then I have 15 minutes. I believe the time has run against the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, parliamentary inquiry: Can the Senator from Iowa reserve time?

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. GREGG. Thank you.

This is an embarrassing situation. It is embarrassing to be chairman of the Budget Committee in the Republican Party and have a bill brought to the floor of the Senate which does such a grievous harm to the budget, to the deficit, and to our obligations and responsibilities of fiscal fairness to our citizens.

The budget was set up in a manner that would have allowed all the tax extenders the Senator from Iowa has so aptly and appropriately praised—and which I support—to have been put in place without any budget points of order against them. In fact, it was a result of efforts on my part that we created $106 billion of room within the budget so that we could do tax extenders dealing with things such as the R&D tax credit, dividends, and capital gains because I consider them to be extremely important, as does the vast majority of our conference.

But what has happened here is that wasn't enough. This bill, which could have been done within the terms of the budget, now comes to us well over what were the original proposals, not only in the area of tax laws—and you may be able to defend some of the tax policy—but in the end, it is a spending policy. This is an omnibus spending bill. There is a lot of spending initiative in this bill that is inappropriate and not authorized. That is why we have a Budget Committee to step up and say: Listen, you want to put $4 billion in to move the responsibility for health care on certain coal mines from the coal mining companies to the taxpayers, and it is supposed to go through the authorizing committees and come to the floor; it is not supposed to be stuck in a bill like this.

If you want to set up a phony mechanism to fund what should be done, which is a quick fix, a phony mechanism, if properly scored it would represent about $36 billion of new spending over the next 5 years. But because they set it up as a 1-year item, they were able to get around that. There is a budget point of order against that type of action.

You want to do earmarks—and yes, there were earmarks. Regrettably, the Senator from Iowa misrepresented—if he was referring to me—my representation of what the earmarks were. I don't consider the sales tax to be an earmark. I consider it to be bad policy. I don't even consider it to be a budget issue.

The Finance Committee has every right to stick that in the bill within the terms of the budget as long as they meet the budget requirements. It is a matter of policy. They chose that policy. I disagree with that policy. I think it puts States that don't have a sales tax at a disadvantage and puts low-income Americans at a disadvantage because they cannot deduct it. That is not an earmark. I never said that. To represent that I said that is inaccurate.

What I said was that you shouldn't bring a bill to the floor that is so inappropriately over what the budget set out as the proper role for this committee in the area of tax policy and what the Congress voted for and which has spending in it which hasn't been authorized and which actually creates new mandatory programs which nobody even knows about or spent any time thinking about, which is going to cost us billions of dollars in the outyears. You shouldn't bring that type of bill to the floor to begin with as the Republican Party because it is wrong, outside of fiscal discipline, which is what we are supposed to stand for—at least you shouldn't bring it to the floor in a manner in which, say, you are not going to allow it to be amended, you are not even going to allow motions to strike to lie against it. You are going to cause us to vote on a message from the House? A message from the House—we are going to concur in a message from the House.

We are not going to vote on the underlying substance of the bill. We are not going to be allowed to amend the underlying substance of the bill even though it adds $39 billion to the deficit. We are not going to be allowed to strike earmarks in this bill—and there are earmarks in this bill—such as the $150 million for the District of Columbia, the rum excise revenue sharing proposal for Puerto Rico, the special depreciation for ethanol, the extension of the tariff on ethanol coming into this country from Brazil, and the earmarks go on.

We are not going to be allowed to vote on any of those items. A motion to strike, the most simple right any Senator should have on any major vehicle coming before the Senate is being denied to us.

This is an omnibus bill that violates three sections of the Budget Act which were not put in place for arbitrary or technical reasons. They were put in place to try to deliver fiscal discipline to the Federal budget so that we don't pass on to our kids a lot of debt for expenditures which we want to do today.

That is the basic problem we have as a Congress. We continue to do things around here so that we can claim back home that we made these decisions which spend money today, and then we take that bill and we give it to our kids who are not even born, our grandchildren who are not born. The purpose of the Budget Act is to keep us from doing that.

These are real budget points of order. There are some budget points of order which I totally agree are technical. The Senator from Iowa has pointed out one about which he has a very good case. I will be happy to work with him to try to correct that situation. But these are not those.

There is spending in this bill which is an affront to anybody who genuinely believes that we should be fiscally disciplined. It creates a new mandatory program of $4 billion which will take money, which should have been paid by the coal companies to support the health care of people who are harmed or going to be harmed, and put that cost on to the American taxpayers. It is called coal in the stocking, I think, in the Christmas season.

There is this doctors' fix. I am 100 percent for the doctors' fix. Obviously, we should pay doctors fair compensation to keep them in the Medicare Program, but the understanding was we would but pay for it with real dollars, not some phony mechanism that came out of the House in the dying days of the House session, a phony mechanism which, if carried out to its natural extreme, will cost $36 billion over 5 years. We don't score it that way because they use an extra little mechanism to make sure it doesn't happen, saying it will only be for 1 year, even though we know we will have the same problem next year.

We should not have a bill on the floor of the Senate that cannot be amended that is filled with earmarks that exceed the budget. One can argue that maybe earmarks may make sense, and they do make sense in some instances, and as long as they are within the budget, because you are not spending more, you are not adding to the deficit. But this bill does spend more, as I have pointed out.

I have said it on occasion that the job of the budget chairman is a touch thankless. In this instance, as I said, it is embarrassing because it is sort of that old Pogo line: We've met the enemy and he is us. The only people responsible for this is the party that is still in the majority. Sure, the other side is an accomplice. They understood it was being done; they were for most of this stuff. As I said, when they obtain power, I suspect their activities are going to be much more egregious in the area of spending discipline. Maybe they won't be. If we look at the record, I suspect one can argue that.

But, quite honestly, the only people who are to blame in this little exercise are us. I just sort of thought that after the last election we might have said to the American people: Yes, we understand. You think we are supposed to be the party of fiscal discipline, and we haven't been. We are going to try to be now. We are going to try to correct that.

We have been given another opportunity, those of us who were not up for election or survived reelection. We are going to try to do it a little better. We are not doing it better. We are just doing the same darn thing: spending money we don't have that our children are going to have to pay for.

I regret it. My job is to point it out. I intend to do that. I recognize I am going to lose this point of order, probably overwhelmingly, but my job is to point it out.

There are three points of order against this bill, and every one of them is real. Every one of them deals with money. Even the Senator from Alaska should probably support them.

One is a 302-point of order that deals with the fact that it is billions of dollars over the allocation of the committee. Another is the fact that it spends more than the committee is allocated. And the third, ironically, is the pay-go point of order that we have heard so much about from the other side.

It is an interesting situation we confront here. As we close this Congress, I hope we will show a little fiscal discipline and vote for these points of order.

Mr. KENNEDY. Mr. President, the outrageous manner in which this tax extender bill is being handled proves the Republican leadership did not hear the clear message that the American people sent on November 7. The Republicans are still concocting special interest deals behind closed doors. They are still pursuing their agenda to further enrich the wealthy few while neglecting the needs of working families. And they are still denying members a meaningful opportunity to debate and amend major legislation.

For months, the Republicans have been holding the extension of important tax provisions that benefit families and businesses hostage to their special interest agenda. Many of these tax extenders are essential to the continued growth of our economy and the well-being of American families. Unfortunately, most of these tax incentives have already expired. Unless they are reinstated before the end of they year, millions of individuals and businesses will face a substantial tax increase when they pay their 2006 taxes. That would be terribly unfair.

What do these tax incentives actually accomplish? The tuition tax credit helps more than 3½ million families each year afford a college education for their children. The work opportunity and welfare-to-work tax credits encourage businesses to create jobs for economically disadvantaged workers. The research and development tax credit enables businesses to develop innovative new products and stay competitive. The new markets tax credit generates investment in underdeveloped areas across the country. If Congress does not renew these tax incentives now, real people who depend on the opportunities these tax benefits provide and the jobs they create will be hurt.

Let me describe the impact some of these tax provisions have had on my own State of Massachusetts.

Over 97,000 Massachusetts families have benefited from the tuition tax deduction. For some of these students, this provision makes the difference between being able to afford a higher education and being denied the opportunity to fulfill their potential. For all of them, it provides valuable financial assistance to cope with the rising cost of tuition and other school expenses.

According to the Associated Industries of Massachusetts, over 1,100 companies in our State—small and large—rely on the R&D tax credit. It helps provide the financial resources for them to become leaders in innovation, to create well-paying new jobs, and to compete more effectively in global markets.

In Massachusetts, investors like Bank of America and Citizens Bank are taking advantage of new markets credits to reinvigorate our communities. The revenue from these tax credits are used to turn vacant buildings into thriving retail developments and even to rehabilitate endangered historic buildings. The Massachusetts Housing Investment corporation has used its tax credits to finance the renovation of the historic Colonial Theatre in Pittsfield that will become a new performing arts center. And in downtown Holyoke, the corporation invested almost $19 million in the conversion of three historic buildings into a new community health center providing primary care services to the uninsured. These tax credits translate into real physical improvements in our communities and improve the lives of our citizens.

For nearly a year the Republican leadership has been holding the extension of these tax provisions hostage to their special interest agenda. First, the tax extenders were removed from budget reconciliation legislation to make room for capital gains and dividend tax breaks. Next, the extenders were tied to the virtual elimination of the inheritance tax on multimillionaires' estates. Republican leaders vowed that the tax extenders would never pass unless the Senate acquiesced in their irresponsible estate tax scheme. Fortunately, that did not work. Even now, after a decisive repudiation of their agenda by the voters in last month's election, the Republicans are still insisting on attaching special interest tax breaks to this "must pass legislation." They are now demanding an expansion of tax subsidies for health savings accounts that only the wealthy can afford to use. These accounts do nothing to help struggling families that cannot afford health insurance. Instead, HSAs are just one more tax avoidance scheme for the wealthy created by this Republican Congress.

Had the leadership allowed a straightforward extension of these tax provisions for working families and businesses to come to the Senate floor, it would have passed with near unanimity months ago. But they would not.

Health savings accounts already have the most preferential treatment in the tax code today. Unlike most other types of accounts, contributions are not taxed, savings grow tax-free, and withdrawals are tax-free if they are used for health costs.

Health savings accounts largely benefit the healthy and wealthy. According to the Government Accountability Office, those using health savings accounts disproportionately have high incomes. The average income of those with HSAs was $133,000; almost three times the income of the average tax filer. GAO also found that those with higher incomes made larger contributions to their accounts. The majority of those with HSAs did not withdraw any funds from them and many opened the accounts because they were a good way to shelter money from taxes.

But apparently the current HSA tax break was not a big enough tax loophole. The Republicans want to let the wealthy shelter even more money under the guise of health savings accounts.

The new provisions demonstrate that the real purpose of these accounts is to give the wealthy yet another vehicle to avoid paying taxes. They allow people to "overfund" their accounts—to deduct more from their taxes than they actually pay in medical expenses. It takes away the provision under current law that limits HSA contributions to the annual amount of medical expenses the insured must pay before his health insurance coverage kicks in. It would actually encourage account holders to shelter more money than they expect to spend on medical expenses.

Deductibles for family health coverage that can be used in conjunction with an HSA today range from $2,100 to $10,500. A family can put funds up to the threshold of their insurance coverage or $5,450, whichever is lower, into their account on a tax-free basis. This bill delinks account funding from the amount of the health insurance deductible, making it easier for wealthy persons to shelter funds beyond what they need for health care. Under the new HSA language inserted in this bill, someone with a $2,100 deductible health plan will be able to put $5,450 in their account and let it grow on a tax-free basis.

The bill also will allow the one-time transfer of some funds from individual retirement accounts into a health savings account without any taxes or penalty owed. This will allow wealthy individuals to shift funds from retirement accounts whose distributions are treated as ordinary income and subject to taxes into a health savings account whose distributions are not taxed. This will offer another new tax break to the wealthy.

Health savings accounts may work well as tax shelters for the wealthy—and they will work even better with these new provisions—but they do not work for low- and moderate-income families. While these families may have a high-deductible health plan because it is all their employer offers or because it is all they can afford, they rarely have the means to fund a health savings account up to even the current limit.

Make no mistake about it, the HSA provisions are meant to help wealthy individuals and the banks and investment vehicles that make money off their accounts. These are the people who will gain from the expansions of HSAs, not the uninsured.

I also want to express some concerns I have about the trade provisions that are included in this package. While trade brings enormous benefits to our economy, we need to ensure that free trade is fair trade. A provision in this bill regarding the Andean countries severely limits the process for the free-trade agreements currently being negotiated and creates pressure to accept the inadequate agreements negotiated by the Bush administration.

Time and again this administration only requires countries to enforce their own labor laws and not live up to international standards. This is a serious problem where laws are weak. Peru has consistently denied workers the right to form unions and to enforce their rights. In Columbia, labor advocates are blacklisted and even murdered for trying to exercise their democratic rights.

Ensuring that all countries meet basic labor standards benefits our economy and American working families—it also strengthens the economies in developing nations. U.S. workers should not be undermined by unfair competition with countries that do not honor worker rights. And the working people of Columbia, Peru, Bolivia, and Ecuador deserve to have an agreement that is thoughtful and gives serious consideration to the significant issues of labor and human rights.

This is no way to conduct a trade policy. The United States can and must do better.

I am also concerned that this bill will expand the District of Columbia voucher program, which is a program that diverts resources for public schools and lacks accountability for student performance. Unlike public schools, which are subject to the No Child Left Behind Act's demanding accountability system, this program has little accountability for improving student performance. It was authorized under very specific guidelines designed to create a 5-year demonstration program for low-income students. A provision expanding eligibility for the program was inserted in this bill by the House at the last minute. This provision detracts from the program's focus on low-income families and should be rejected. At a minimum, it should be proposed in a context open to debate on its merits.

Because of the urgency of extending the important family and business tax benefits I discussed earlier, we must approve this legislation, despite the special interest provisions that the Republican leadership has attached to it. However, there will be a new Democratic Congress taking office next month, and the outrageous provisions added by the Republicans in the dark of night can be repealed in the light of day.

Mr. FEINGOLD. Mr. President, I will oppose this measure. In addition to containing some questionable policy provisions, such as the provisions relating to drilling in the Gulf of Mexico, and granting Vietnam permanent most-favored-nation trading status, the bill before us contains expensive entitlement spending and tax cuts that have not been fully offset. As a result, the legislation will increase the deficit by $40 billion over the next 5 years.

I can count votes as well as the next person, and it is obvious that this measure will pass and pass by a large margin and with bipartisan support. That is disappointing, because while Members of my own party have rightly called for a return to the budget rules requiring that tax cuts and increased entitlement spending be offset, some are nevertheless pushing for the enactment of this measure without any serious effort to require such offsets.

One might wonder why that is. At least two reasons come to mind. First, there are reasons to believe that some in my party are anxious to get this bill through this year because they know full well that the new incoming Democratic majority in the House and Senate would bristle at some of the trade provisions in this proposal. Those who have supported the trade policies of the past several years understand that this may be their last chance to pass questionable trade measures.

If that is the reason, I have little to say other than thank goodness the 110th Congress is just around the corner. I am not sure the country could withstand another week of the kind of trade policy that we have seen promoted by both members of both parties since the early 1990s.

It was during the session following the 1994 elections that a lameduck Congress passed legislation implementing the GATT trade agreement that established the World Trade Organization. The trade model that the GATT and NAFTA established has been devastating to thousands of communities across our country. We can only hope that the action taken by this lameduck Congress will mark the end of a disastrous period of deeply flawed trade policies. And there is some hope because the November elections did result in dozens of new Members in both Houses who reject that ruinous trade model.

Beyond the trade issues, I have heard indirectly that some may want these bills to go through during the 109th Congress so that their cost would be assigned to the current budget rather than to a budget that the new Democratic majority will craft next year. I certainly hope that this scuttlebutt is unfounded because it reflects a cynical view of governing that we should reject. It certainly won't help those future generations of taxpayers who will be stuck with the additional debt that will result from this bill.

The bill also includes a fiscally irresponsible provision that will result in Outer Continental Shelf drilling in the Gulf of Mexico. Just a few months ago, the Senate approved this same misguided policy, which will redirect billions of dollars in Federal revenues to just four States. While I support efforts to provide needed assistance to those affected by Hurricane Katrina, we should not do so by creating a massive and long-term new entitlement for a handful of States.

This measure has also been used to jam through a provision to expand the income eligibility of the District of Columbia school voucher program. I oppose school vouchers because such programs funnel taxpayer money away from the public schools and instead direct Federal dollars to private schools that do not have to adhere to the same Federal, State, and local accountability provisions, civil rights laws, and regulations that apply to public schools.

However, as is the case of nearly any bill of this size, there are some good provisions in it. This bill provides relief for physicians who would have seen a reduction in payment of 5.1 percent in the absence of legislative action, and it goes a step further to provide payments for physicians who report quality-of-care data. This is a first step toward implementing some kind of pay-for-performance in Medicare, and I think this is something that should be pursued. Quality improvement is certainly something that the State of Wisconsin has been a leader in, and I am happy to see that there are Federal incentives for quality improvement.

I am especially pleased to see that this bill includes a measure that is very important to Wisconsin and other rural States—an extension of a provision enacted in the Medicare Modernization Act, MMA, that will keep physicians in rural States paid at a comparable level to those in other States. Under current Medicare law, Wisconsin physicians are paid less than physicians in other areas of the country, even though the work they do is identical. This provision helps address this inequity so that physicians who practice in States with large rural areas will not be at a disadvantage. I am pleased to see that Congress has taken the right steps to ensure that Medicare dollars are more fairly distributed throughout the State of Wisconsin and our Nation.

These fixes for physician payment will be paid for with the Medicare slush fund that provided "bonus" payments to insurance companies. These payments were unnecessary and simply provided a cash flow of taxpayer dollars to an industry already awash in money. I have long advocated for elimination of this fund, and I am glad to see it used in a way that actually benefits the American people rather than big business.

There are other good measures in the health portion of this bill. These include technical corrections to the so-called Deficit Reduction Act, an extension of a provision to help Medicare beneficiaries have better access to physical therapy, and a provision to help protect State Medicaid budgets. These are all important to the health care of people in our country, and are policies that I support.

It is unfortunate that this bill does not include a measure agreed to in the proposed Senate bill that would have preserved children's health care in our country. This measure was budget neutral, a good policy, and the right thing to do, but the other body would not agree to this provision that would have prevented budget shortfalls in State Children's Health Insurance Programs, SCHIP, in 14 States in fiscal year 2007. Wisconsin is one of the States that will see a shortfall next year, and I will work aggressively to see that this shortfall is addressed before it harms children in Wisconsin. It is shameful that Congress will add $40 billion to our deficit for tax breaks, but we cannot agree to a budget-neutral measure to provide health care to children who would otherwise not have it.

Despite some worthy provisions, this bill, on balance, is fiscally irresponsible, and I cannot support it. Perhaps the most telling gauge of this bill's cost is that it even violates the lax budget rules set forth in the last budget resolution adopted by this Congress, the 2005 budget resolution. That is right,this bill violates the loose fiscal rules adopted by Congress 2 years ago.

In some ways, this bill is a fitting end to the 109th Congress. It is a fair summary of the fiscal recklessness in which the White House and this Congress have engaged. I very much hope that when they take their seats in the 110th Congress, the new majority will govern in a more fiscally responsible manner, adopt tough, commonsense budget rules, and put an end to this kind of budget-busting, debt-swelling legislation.

Mr. BUNNING. Mr. President, I regret that I cannot support the tax extender bill before us today.

I have long worked to ensure the passage of several of the provisions contained in this bill. In particular, I strongly support the extension of the tax provisions and the OCS drilling provisions. In fact, I have voted for enactment of both of these pieces of legislation a number of times this year. I am very saddened that these provisions are presented before the Senate today coupled as a part of a larger package that I cannot favor.

I want to make it clear to my constituents and to American families, taxpayers and businesses that I recognize the immense importance of the tax extender provisions and will do all that I can to ensure that they are enacted as soon as possible.

Likewise, I am a cosponsor of Senator DOMENICI's original Senate bill regarding OCS drilling and I look forward to the day these provisions become law. This bill is a first step in providing domestic energy that will bring down prices while decreasing our dependence on Middle Eastern oil. I will continue to work toward expanded access in the Gulf of Mexico and with any other states who would like to pursue offshore drilling.

Despite my strong support for many provisions of this bill, I must oppose it because I have a number of fundamental concerns about it.

First and foremost, I object vehemently to the inclusion of legislation granting permanent normal trade relations status, PNTR, to Vietnam in this bill. The decision of whether to grant PNTR status to Vietnam is a very important decision that will have consequences well into the future and it deserves to be debated on its own merits by both the House and Senate. It is inappropriate for legislation of this magnitude to be attached to other relatively noncontroversial legislation in an attempt to quiet any objections and ensure its enactment.

I have spent a lot of time contemplating whether I should support the granting of PNTR status to Vietnam. I serve on the Senate Finance Committee and I was disturbed by a number of issues that were raised during committee consideration of this issue. I voted "Present" when this legislation was approved by the committee because I wanted to have more time to examine these issues more in depth. What I have found has disturbed me and made it impossible for me to support such a measure at this time.

I believe that access to free markets should depend on access to other freedoms such as political freedom and human rights. Despite increased diplomatic ties between the United States and Vietnam over the past 15 years, we must not forget that Vietnam is still a Communist country. A country made up of only one political party that continues to deny its citizens the basic freedoms of speech, press, and religion.

Now some of my colleagues would argue that we should grant permanent normal trade relations, PNTR, to Vietnam because the State Department recently removed them from their list of "Countries of Concern" for severe violations of religious freedom. Vietnam has been on this list for the last ten years but was removed this year—just one day before the Asia-Pacific Economic Cooperation—APEC—Leaders Meeting in Vietnam. I believe that they were removed more for diplomatic reasons than anything else. Evidence presented to me by the International Commission on Religious Freedom shows that Vietnam has done very little to warrant such a removal.

Vietnam's record on human rights and religious freedom is abysmal—absolutely abysmal. Hundreds of political and religious prisoners remain behind bars in a country that lacks any sort of a real judicial system. Arrests and detentions of religious leaders continue daily. They are often arrested for no other reason than the practice of their religion or for possession of nongovernment-mandated religious materials such as Bibles.

Forced renunciations of faith also continue on a daily basis. While this is prohibited by Vietnamese law there is no criminal penalty for carrying out this practice—so it continues. In this practice, religious followers are detained, threatened, and beaten in order to force them to recant their faith or stop their religious activities. I ask my colleagues to imagine what it would be like to have your faith literally beaten out of you? I find such a practice perverse.

Aside from beatings and renunciations of faith, churches are often destroyed, property is seized and people are continually placed under house arrest. Religious materials and charitable activities are also severely restricted by the government. They even retain the right to appoint all Catholic bishops and seminarians; a right that is reserved solely for the Vatican. In the past year. Vietnam has done very little to help strengthen its relations with the Vatican and still refuses to allow them to build a seminary in their country.

Vietnam has acknowledged the fact that these abuses occur. Last year they even went so far as to enter into agreement with the State Department to try to end such abuses, but unfortunately little if any real progress was made especially in the rural areas of the Central and Northwest Highlands. While there was a great deal of talk of reform, there was little action. This is at a time when Vietnam is seeking to more fully participate in the global economy and international community. I find that unacceptable.

I fear that in granting Vietnam permanent normal trade relations, PNTR, we would take away a key incentive for them to implement any type of real reform.

Vietnam is on its best behavior while it is under the international spotlight, but what will happen after this trade deal is signed? I fear that the consequences of this would be too great.

In addition to my opposition to the inclusion of the Vietnam trade provisions in this legislation, this package also includes a health component that primarily deals with the Medicare and Medicaid Programs. I am extremely disappointed that the negotiators on this bill decided to take money from the Medicare stabilization fund to pay for other spending in the bill.

When Congress created the new Medicare drug benefit in 2003, it was very important to me and other Members that all Medicare beneficiaries have access to Medicare managed-care plans. The stabilization fund was created to provide incentives for managed care plans to remain or enter the Medicare Advantage program, thereby ensuring that beneficiaries in rural areas of this country—including many parts of Kentucky—had access to Medicare managed care plans.

Some people argue that the stabilization fund is not necessary. Quite honestly, however, it is too early to tell if this fund is necessary. The Medicare Advantage program has only been up and running for 1 year. At this point, we don't know what will happen to the Medicare Advantage program 5 or 10 years down the road, and we shouldn't be spending the money from the stabilization fund before we do.

This fund was supposed to ensure that all Medicare beneficiaries have equal access to managed care plans, and it is irresponsible for Congress to view this account as a piggy bank to fund other spending.

Finally, I would be remiss if I failed to mention the budgetary impact of this bill. As Chairman GREGG of the Senate Budget Committee has already pointed out, this bill is a budget buster. It will break the budget by at least $17 billion. The bulk of the cost of this bill is not found in the tax extenders—they represent less than a third of the cost. The cost of this bill is in the extraneous items that were added to the bill—many, I suspect, in order to ensure its passage today.

I am sorry to see that some of my colleagues are more interested in quickly going home rather than working to draft legislation that falls within our budget and is more than the Christmas tree we have here. I urge my colleagues to oppose this legislation and to continue to work to find another solution on how to pass some of the good provisions in this package.

Mr. GREGG. I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. Time has expired. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 21, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—67

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bond
Boxer
Byrd
Cantwell
Carper
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Dayton
DeWine
Domenici
Durbin
Enzi
Feinstein
Frist
Grassley
Harkin
Hutchison
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Wyden

NAYS—21

Alexander
Bingaman
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Conrad
Crapo
DeMint
Dole
Dorgan
Ensign
Feingold
Graham
Gregg
Inhofe
Isakson
Sununu
Voinovich

NOT VOTING—12

Biden
Brownback
Dodd
Hagel
Hatch
Jeffords
Lautenberg
Lieberman
McCain
Murkowski
Specter
Warner

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 6111: to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

Bill Frist, Johnny Isakson, Richard Burr, Jon Kyl, R.F. Bennett, Christopher Bond, John Cornyn, Rick Santorum, Mike Crapo, Jim Talent, Pat Roberts, Chuck Grassley, Pete Domenici, Jim DeMint, John Thune, Kay Bailey Hutchison, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 6111, an act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. McCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 78, nays 10, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—78

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Durbin
Ensign
Enzi
Feinstein
Frist
Grassley
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Wyden

NAYS—10

Bingaman
Bunning
Burns
Coburn
Conrad
Dorgan
Feingold
Graham
Gregg
Sununu

NOT VOTING—12

Biden
Brownback
Dodd
Hagel
Hatch
Jeffords
Lautenberg
Lieberman
McCain
Murkowski
Specter
Warner

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to concur with an amendment is withdrawn. The question is on the motion to concur with the amendment of the House.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Virginia (Mr. WARNER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 9, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—79

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Grassley
Harkin
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Wyden

NAYS—9

Bunning
Burns
Burr
Coburn
Feingold
Graham
Gregg
Sununu
Voinovich

NOT VOTING—12

Biden
Brownback
Dodd
Hagel
Hatch
Jeffords
Lautenberg
Lieberman
McCain
Murkowski
Specter
Warner

The PRESIDING OFFICER. Without objection, the Senate concurs in the House amendment to the title.

Mr. FRIST. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

TRIBUTE TO RAMONA LESSEN

Mr. FRIST. Mr. President, I say hello to her as I come to the office every morning. And I say goodbye to her after I have closed the Senate each evening. The "her" is Ramona Lessen, my gatekeeper, my jailer, a distinguished member of my staff.

Twelve years ago, I was a newly elected Senator, a brandnew Senator who got lost trying to find his way to this place called the Russell Building. My chief of staff was just as green, just as new as me. We were all learning the ropes of the Senate together. But one member of our staff at least was not new. She took us under her experienced wing, and we took off on what has been a magical flight.

That person is Ramona Lessen, my executive assistant, who became very quickly the geographic and operational commander and controller of the Frist office.

Little did I realize when I first brought Ramona onboard that she would sit right outside—right outside—my office door, for not the next year or 2 years or 3 years or 4 years, but for 5, 6, 7, 8, 9, 10, 11, 12 years. As many of my colleagues know, I am a pilot, and I have flown a long time. I love to fly. And nothing is more comforting when you are flying an airplane close to a thunderstorm, and you are there alone, but you are talking to an air traffic control tower, and the voice on the other end is somebody who is reassuring, somebody who is calm, somebody who gets the big picture, who knows what is at stake and ultimately can vector you right around that thunderstorm.

And that is Ramona. Ramona, who is the expert in terms of scheduling, in terms of that coordination, who keeps the flights landing safely and keeps those flights landing on time. She prioritizes literally hundreds of meeting requests with flexibility and efficiency. And when someone puts a last-minute kink in the schedule, which as we all know occurs all too often, she works hard to correct it. She handles it with perfect aplomb.

When other staff members are out traveling with me or at committee meetings or monitoring the floor, Ramona is back in that office holding down the fort. She is always working behind the scenes to make our lives run as smoothly as possible. It gets hectic. Everybody here knows that. Everybody wants something all the time. And I know there are many days when she is—and these are her words—"hanging on by her fingernails." But despite the intense pressures of her job, the stress of juggling that busy schedule and responding to untold invitations and meeting requests, not to mention working for a demanding—not so demanding, but a demanding—boss, Ramona not only maintains her cool, but she keeps the office upbeat and literally fun.

Her talents take many forms. She is a professional pianist, professional at least in my eyes. You will find her playing at our Christmas parties, at the Bible study groups we have here, at her church, and even in the studios in Music City USA, Nashville, TN.

She is a formidable athlete. She runs a little slow but a formidable athlete. She led the Frist staff softball team to winning seasons—championship seasons really; but we will say winning seasons—for 4 consecutive years, pitching with a changeup that baffled even the most experienced batters.

She does have an infectious laugh, that endearing cackle that we all know and have come to love. She treats the staff to doughnuts on many a Friday. She keeps me posted on the whereabouts of former staff members, Members who worked with us 12 years ago and 10 years ago and 8 years ago. And if you go into her office back in the majority leader's office, she has a baby board with candid photos of our staff and their children.

She frequently carpools in with her beloved husband Joe, who is always at her side, who has also spent many a late night out front waiting for her, as we finished business. And most people know we finish fairly late.

She gave us daily updates when her son Robert was proudly serving in Iraq, representing freedom, and their son Jonathan was proudly serving in Afghanistan—a family proudly serving this country.

Ramona is the glue of the Senate Frist staff family, and she is an extension of my own family. When we first moved to Washington, she reached out, she helped Karyn and me and our three boys, Bryan, Jonathan, and Harrison settle into a new city, a new city we had spent no time in at all. She has watched my three sons grow from three young boys to three young men.

Ramona, you have kept my life organized for 12 years. You have faithfully served your country in the Senate for 27 years—27½ years. And you have done a tremendous, tremendous job.

Thank you, Ramona, for sticking with us all these years. Thank you, and we love you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

THANKING STAFF WHO WORKED ON THE GULF OF MEXICO SECURITY LEGISLATION

Ms. LANDRIEU. Mr. President, I wanted to just take a minute. I spoke before the vote and thanked many of my colleagues for their extraordinary work on passing the Gulf of Mexico security bill, which Senator DOMENICI led and so many of us helped. But I did not have an opportunity at that time to thank so many staff people who put their heart and mind and spirit into this action, which is really a historic accomplishment for the State of Louisiana and the gulf coast.

This effort goes back 9 years, and there are many staff people who contributed. I want to read into the RECORD and mention some of the Energy staffers who worked with me over the years, and legislative directors and chiefs of staff who have helped make this possible: Dionne Thompson, Ben Cannon, Jason Schendle, Tom Michels, Elizabeth Craddock, Kathleen Strottman, Jason Matthews, Janet Woodka, Adam Sharp, Rich Masters, Norma Jane Sabiston, and my current chief of staff, Ron Faucheux.

There were many other staffers on the committees, from both sides of the aisle, who helped to make this bill possible. But in the Landrieu office, none of this would have gotten done without the people who just worked tireless hours, year after year, through victory and defeat, through disappointments and setbacks, to keep their eye on the ball to make this historic bill that is going to do so much to help the southern part of our State, the entire State, and the whole southern part of the United States, to gain its footing, to rebuild, to restore these wetlands, and protect some great infrastructure for America.

So I want to thank my colleagues, particularly Senator FRIST and Senator REID, for their work in guiding us to victory tonight. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Ms. COLLINS. Mr. President, shortly, the Senate will consider H.R. 6407, the Postal Accountability and Enhancement Act. As the Presiding Officer is very well aware, since he has been a key player in molding this important legislation, this postal reform legislation has been a long time coming. And it is great news for the U.S. economy.

This legislation represents the culmination of a process that began back in 2002 when a group of constituents came to me, sat down with me in Maine, and taught me the importance of the Postal Service to the viability of their businesses and to the employees they had.

This coalition of groups included a Maine catalog company, a paper manufacturer, a printer, a local financial services company, and a publisher. They all came together and it was from them that I learned just how vital the Postal Service is to our economy.

So shortly after that meeting in the summer of 2002, I introduced a bill to establish a Presidential commission charged with examining the problems of the Postal Service and charged with developing specific recommendations and legislative proposals that the Congress and the Postal Service could implement.

The President appointed the members of the commission. They worked very hard. They came up with an excellent report which provided, in many ways, the basis for the landmark legislation that I believe we will finally clear tonight.

During the next 4 years, the Homeland Security and Governmental Affairs Committee, which I had been privileged to chair, worked very hard to craft the most sweeping changes in the U.S. Postal Service in more than 30 years.

Senate passage of this legislation will help the 225-year-old Postal Service meet the challenges of the 21st century.

As a Senator representing a large rural State, I want to ensure that my constituents, whether they live in the northern woods or on our islands or in our many small rural communities, have the same access to Postal Services as the people of our cities. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communications link upon which many Americans rely would be jeopardized. Most commercial enterprises would find it uneconomical, if not impossible, to deliver mail and packages to rural Americans at the affordable rates charged by the Postal Service.

But for several years now, the Postal Service has clung to the edge of an abyss. Under the business model in which it has been forced to operate, the Postal Service has been at great financial risk. In fact, the Government Accountability Office aptly describes it as a potential death spiral in which escalating rates lead to lower volume, which in turn leads to even higher rates, which in turn causes the Postal Service to lose more business.

The Postal Service faces the challenge of the electronic age while saddled with more than $60 billion in unfunded liabilities and obligations, including $2 billion in debt, $8 billion for workers' comp claims, $4 billion for retirement costs, and at least $50 billion to cover retiree health-care costs. The Comptroller General of the United States, David Walker, has cited these figures to point to the urgent need for "fundamental reforms to minimize the risk of a significant taxpayer bailout for a dramatic postal rate increase." And it is telling, indeed, that the Postal Service has been on GAO's high-risk list since April of 2001.

With this landmark reform legislation, we will put the Postal Service on a firm financial footing. We endorse the principle of universal service, of affordable, predictable postal rates. This legislation will modernize the Postal Service's rate-setting process and provide much-needed rate predictability for postal customers. Without this reform, postal ratepayers would have faced billions of dollars in higher—much higher—rates over the next several years.

The 750,000 career employees of the Postal Service often labor without anyone really knowing who they are, but their efforts play an absolutely essential role in the American economy. The Postal Service is the linchpin of a $900 billion mailing industry that employs 9 million people in fields as diverse as direct mailing, printing, catalog companies, paper manufacturing, publishing, and financial services. The health of the Postal Service, therefore, is essential to the vitality of thousands of companies and the millions of employees they serve.

This bill represents years of hard work. As chairman of the committee with jurisdiction, I held a series of eight hearings, including a joint hearing with our House colleagues, during which we reviewed the recommendations of the President's commission and we heard from a wide range of experts and stakeholders, including representatives of the postal employees unions, the Postal Service itself, administration officials, mailers, the postmasters, postal supervisors, publishers—a wide variety of groups. In fact, there is a broad coalition supporting this bill, including many nonprofit mailers, which rely on affordable postal rates.

There are many people who have worked very hard to craft the very delicate compromise that is before us tonight. I particularly thank Senators CARPER, COLEMAN, and LIEBERMAN for their assistance but also our House colleagues. I will have more to say about them later.

The compromise legislation before the Senate replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for products such as first class mail, periodicals, and library mail. For 10 years, the price changes for market-dominant products like these will be subject to a 45-day prior review period by the Postal Regulatory Commission. The Postal Service will have much more flexibility, but the rates will be capped at the CPI. That is an important element of providing 10 years of predictable, affordable rates, which will help every customer of the Postal Service plan.

After 10 years, the Postal Regulatory Commission will review the rate cap and, if necessary, and following a notice and comment period, the Commission will be authorized to modify or adopt an alternative system.

While this bill provides for a decade of rate stability, I continue to believe that the preferable approach was the permanent flexible rate cap that was included in the Senate-passed version of this legislation. But, on balance, this bill is simply too important, and that is why we have reached this compromise to allow it to pass. We at least will see a decade of rate stability, and I believe the Postal Rate Commission, at the end of that decade, may well decide that it is best to continue with a CPI rate cap in place. It is also, obviously, possible for Congress to act to reimpose the rate cap after it expires. But this legislation is simply too vital to our economy to pass on a decade of stability. The consequences of no legislation would be disastrous for the Postal Service, its employees, and its customers.

Among other highlights of the compromise, the bill will reform the Postal Service workers' compensation system to require a 3-day waiting period. This is consistent with every State workers' compensation program. The bill introduces new safeguards against unfair competition by the Postal Service in competitive markets, prohibits subsidization of competitive products by market-dominant products, and requires an allocation of institutional costs to competitive products.

I note that we looked at competitive issues with UPS and FedEx, and I think we have come up with the right balance here. The bill transforms the existing Postal Rate Commission into the Postal Regulatory Commission with enhanced authority to ensure that there is greater oversight of the Postal Service as its management assumes greater responsibility.

The bill reaffirms postal employees' rights to collectively bargain. It changes the bargaining process only in small ways and only in ways that have been agreed to by both the Postal Service and the four major unions.

Another significant provision amends the current law to essentially free up $78 billion over 6 years. This is a complicated issue. It has to do with the responsibility for paying for the military retirement credits of postal employees and also money that was put into an escrow account to compensate for an overpayment into the civil service retirement system. These savings will be used to pay off debt to the U.S. Treasury, to fund health care liabilities, and to mitigate future rate increases.

This compromise is not perfect and, indeed, earlier tonight, there were issues raised by the appropriators—legitimate issues—that threatened at one point to derail the bill again. It has been a delicate compromise to satisfy all of the competing concerns. Everyone has had to compromise, but I think we have come up with a good bill. This compromise will help ensure a strong financial future for the U.S. Postal Service and the many sectors of our economy that rely on its services, and it reaffirms our commitment to the principle of universal service that I believe is absolutely vital to this institution.

Finally, there are so many people both within Congress, within the administration, and among the stakeholders who have worked very hard to bring this legislation to a successful conclusion. I cannot name them all, but I want to name some of them.

Senator CARPER and his staffer, John Kilvington, have been here every step of the way. Senator CARPER was the original cosponsor of the bill and has worked very hard to bring the compromise about.

Senators LIEBERMAN, COLEMAN, AKAKA, and VOINOVICH also have played very important roles.

Our leaders, Senator FRIST and Senator REID, have been vitally interested and have helped us get this job done.

In the House, Chairman TOM DAVIS and the ranking Democrat HENRY WAXMAN of the Government Reform Committee, also worked hard to produce a bill and to work with us to bring about the compromise.

A true hero of this effort; a person who worked on postal issues for a decade, is Congressman JOHN MCHUGH.

The administration has played an absolutely critical role in bringing us to where we are today. The administration often doesn't get credit for that, and they deserve credit. They have worked with us to come up with solutions on the financial issues in this bill, and without the strong support of the administration, we would not be here tonight.

I want to particularly salute OMB Director Rob Portman; Michael Bopp, my former staff director, who is now working at OMB and brought his expertise to bear on this issue; Jess Sharp and Candi Wolff of the White House staff; and of course the staff of the Postal Service itself, which was always there with expertise, particularly Kim Weaver.

But most of all, I thank Ann Fisher of my staff, who has worked for years on this bill. This has been an issue which has meant a great deal to her, and she has been working on postal issues for a long time. She is a recognized expert, and without her expertise, we would not be here tonight.

I finally also want to thank the committee's new staff director, Brandon Milhorn, for bringing his judgment to bear on this issue.

There are so many people who have worked so hard, but the collective effort of everyone has produced a bill of which we can be proud.

It is not a perfect bill, but I am convinced it will put the U.S. Postal Service on a sound financial footing for years to come.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I concur with many of the remarks the Senator from Maine has made. She has listed a host of people who played critical roles in the adoption of the legislation, hammering out a difficult compromise over the last 4 years. I salute her for her leadership and thank her for her leadership.

I especially say thank you to Ann Fisher, who has served for Senator COLLINS and really for us, for the great work she has done in the course of this effort.

I have been blessed with my own staff and a young man named John Kilvington from New Castle, DE, who came here with me 6 years ago and became an expert of his own with respect to postal reform and has worked long and hard, even into this night, to bridge our differences and to get us over one last hurdle.

There is a reason why we only do postal reform once every 36 years, and the reason is that it is tough to do. There are so many competing interests—mailers large and small in areas rural and urban, the labor unions involved trying to do their best to represent hundreds of thousands of postal employees; there are competitors, UPS and FedEx, that didn't exist a number of years ago.

In fact, if you go back in time to 1970 when the current business model for, the Postal Service was created by then junior Senator TED STEVENS, who today is our President pro tempore and one of the most senior Senators in the Senate, he provided the leadership in 1970 to create the U.S. Postal Service.

At the time and for many years thereafter, it was the right business model for providing postal service to the people of this country. But a lot has changed since 1970. In 1970, I was a lieutenant JG on the other side of the world in Southeast Asia the year the Postal Service, as we know it, was born.

One of the things different—I think of the current war that many of our soldiers, sailors, airmen, and marines are waging—in the Vietnam war, we didn't have any e-mails. We had mail call. It was one of the highlights of our day every day. We had no cell phones with which to communicate with our loved ones. We had no bank by phone. We had no electronic banking. Direct deposits were new. There was no such thing as a FedEx or UPS to provide the kind of competition the Postal Service faces today, and no threat of anthrax in the mail.

The world has changed dramatically, and also the way that we exchange information, the way we communicate with one another has changed dramatically, too. The Postal Service needs to change as well. With the adoption of this legislation, it will.

I extend my heartfelt thanks to our colleagues in the House of Representatives with whom we have served and worked on this challenge, particularly Congressman MCHUGH who led the fight for a decade or more, Congressman DAVIS who chairs the relevant committee in the House, and also Congressman HENRY WAXMAN, with whom I served years ago in the House, entered the fray and helped, along with Congressman DAVIS and others, to get us to the finish line.

I don't want to belabor what this bill does or does not do, but it acknowledges this is not 1970 anymore; this is 2006. We will still have universal delivery for the mail. We will still receive that mail 6 days a week. The Postal Service will still be expected, when somebody builds a new house or starts a new business, to deliver mail to those places.

I am told during the course of the year at least a million new customers come online for the Postal Service, and the Postal Service will be there through rain, sleet, and snow to deliver the mail to all those customers.

The Postal Service under the legislation we have is going to act more like a business. They will have an opportunity to price their products more competitively and overall can put together a whole slew of postal products. Overall, the price of those products cannot go up in a given year by more than the rate of inflation, but individual products can. Product A can go up more than product B and product C more than product D. Over the next 10 years, the overall increase in the cost of postal products can rise above the cost of living. That will provide a measure of stability to the huge industry that relies on the post office and a good postal service.

For those who compete with the Postal Service—and there are very strong and good competitors; UPS and FedEx are among those—they will have the opportunity to continue to compete, but I think they will be on a playing field that is a bit more level where the first-class mail the Postal Service will continue to enjoy a monopoly on will not be able to underwrite the cost of their competitive products with companies such as UPS and FedEx.

One of the things I am happiest about—and I give Senator COLLINS the credit on this for convincing the administration to agree on two points: One, folks who served in the military to come to work in the Postal Service and eventually earn a postal pension. The mailers, people who buy stamps, mailers large and small shouldn't have to pay for the military service that later accrues to those same individuals when they retire from the Postal Service. It is not fair to the mailers. It is not fair to the public. Those costs should be borne by the Treasury, and under this bill they will be.

And secondly, for many years folks thought the Postal Service was underpaying its pension costs for its employees. A couple years ago the Office of Personnel Management did a study and found that rather than underpaying pension obligations, they are overpaying, and if they continue at the rate they are going, they will be making a big overpayment in the years to come.

This legislation corrects that situation. It says that in the future, the Postal Service, 10 years out, will have access to a fair amount of money that would have gone into overpayments. In the meantime, a lot of money is going to be used to pay down the unamortized cost of health care. Tens of billions of costs will be paid off, and that will put the Postal Service in stronger financial shape going forward.

Lastly, I want to mention the administration. I know Senator COLLINS has as well. In the negotiations that lasted for years on this legislation, the administration, particularly in the last weeks, especially played a constructive role. I single out among those Michael Bopp, who previously served on the staff for Senator COLLINS, and his help was critical, as was that of Rob Portman and a number of others in the administration.

Our people said this is perfect legislation. I am not aware of any perfect legislation I have been associated with. This was a hard one to put together. My dad used to say that the hardest things to do are the things that are worth doing. If that is any indication, this is something worth doing. I am grateful to all who played a part.

The hour is late, about 2:20 in the morning. I am ready to call it a day, and I know we will have other business to do.

Again I thank my colleagues, those within the mailing public, the Postal Service, Jack Porter, our Postmaster General, and all who worked to get us to this point in time, and particularly to PATTY MURRAY who worked with us tonight to get past a real tough spot.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, while the chairman of the Governmental Affairs Committee is on the floor, I want to say congratulations, through the Chair, to her for a tremendous success on the Postal Accountability and Enforcement Act which will be passed shortly. It was a tremendous accomplishment and one she and I have been in touch with a lot by e-mails in the middle of the night, as it came to my mind how important this particular bill is. I will say a few remarks about that.

I did want to congratulate her for a tremendous success on a bill people said was impossible to pass, and 6 months ago people said it was impossible to pass, and a month ago people said it was going to be a challenge, and even 3 days ago saying it was a challenge. But in a bipartisan way coming together, bicameral—the House and Senate—it is a tremendous accomplishment.

For more than 225 years, America's postal system has kept Americans connected. We depend on the Postal Service to keep in touch with family and friends, to send birthday greetings, ship care packages—and a little taste of home—to our students, pay the bills, and even to learn we might win a million dollars if we act right now.

The U.S. Postal Service operates on a single, deep-rooted principle: Every person in the United States—no matter who, no matter where—has the right to equal access to secure, efficient, and affordable mail service.

Today, that translates into serving 7.5 million customers daily in over 37,000 post offices, providing stamps at more than 27,800 vending machines, nearly 25,500 commercial retail outlets, nearly 15,300 banking and credit union ATMs, and 2,500 automated postal centers, and delivering 212 billion pieces of mail annually to over 144 million homes, businesses, and post office boxes in virtually every city and town in the country.

But the Postal Service we know today is vastly different than our ancestors knew 225 years ago or even 75 years ago or 50 years ago. Before there were ZIP codes and mail carriers with home delivery routes—before Priority Mail and Express Mail, before air mail—the Postal Service was an informal network that kept settlers and colonists in touch with each other and their homelands.

The U.S. Postal Service's history is a story of transformation from the steamboats and the pony express in the 19th century, to delivery confirmation and online package tracking of the 21st century.

But in order for the Postal Service to take the next step, in order for the Postal Service to continue delivering on the promise of its fundamental operating principle, Congress must act, and tonight we will do just that.

The Postal Accountability and Enhancement Act enables the Postal Service to maintain its competitive edge. It streamlines the rate-setting process for market-dominant products, such as first-class mail, periodicals, and library mail.

It removes the redtape and increases the efficiency of the rate-setting process by granting new authorities to the Postal Regulatory Commission and the Postal Service Board of Governors.

It introduces new safeguards against unfair competition by the Postal Service in competitive markets. It transforms the Postal Rate Commission into the Postal Regulatory Commission and grants the new body enhanced authorities to ensure appropriate oversight of postal management.

It ensures increased financial transparency by requiring the Postal Service to file certain financial disclosure forms in detailed annual reports.

It reaffirms USPS employees' right to collectively bargain by instituting changes already agreed upon by the Postal Service and the four major unions.

It brings continuation of payrolls into lines already established by every State's workers compensation program, and it increases the fairness of USPS employees' pension benefits.

This bill is comprehensive in the scope and depth of the reforms it institutes. But these changes are necessary and essential to helping the U.S. Postal Service continue its more than 225 years of reliable and efficient mail service. I once again congratulate Chairman SUSAN COLLINS, and I do thank my colleagues for joining me in supporting this very important measure.

GULF OF MEXICO ENERGY SECURITY ACT OF 2006

Mr. FRIST. Mr. President, on another issue, one of the most significant components of the legislation we passed about 30 minutes ago is the Gulf of Mexico Energy Security Act of 2006. This measure will open more than 8 million acres in the Gulf of Mexico to domestic energy production. In doing so, it will help to make America more energy independent. It will lower oil and natural gas prices for American consumers, and it will help to preserve jobs right here in America—jobs that have been migrating overseas due to high natural gas prices. According to the National Association of Manufacturers, since the year 2006, more than 3 million highways and manufacturing jobs have been lost due to high energy prices.

The area opened up under this bill is estimated to contain a remarkable 1.26 billion barrels of oil and over 5.8 trillion cubic feet of natural gas. That is roughly the same amount of oil as the proven reserves of Wyoming and Oklahoma combined and more than six times our current imports of liquefied natural gas each year.

These estimates could be the tip of the iceberg. This fall, the Chevron discovery in a nearby area found an estimated 3 to 15 billion barrels of oil, the largest discovery in a generation. This find alone could boost U.S. domestic oil reserves by 50 percent.

Efforts have been underway to try to open this area in the Gulf of Mexico for more than a decade. In November 1996, the Clinton administration Interior Secretary Bruce Babbitt proposed opening the so-called Lease Area 181 to oil and gas production. Yet, for various reasons, the area has not been leased and America has not been benefiting from the energy resources we know it contains—until now.

In a post-9/11 world, energy security is a matter of national security. We must take steps, real steps, meaningful steps to reduce our dependence on foreign sources of energy, particularly from countries hostile to the United States. Now, more than ever, America needs America's energy. That is what this provision does: It brings more American energy to American consumers.

This has been a bipartisan effort all along the way. The Senate passed the Gulf of Mexico Energy Security Act on August 1 by a vote of 71 to 25. Chairman DOMENICI led the way on the issue in partnership with Senator LANDRIEU, Senator VITTER, and the entire gulf coast delegation. I do want to salute their efforts and also to thank the assistant majority leader, Senator MCCONNELL, for spearheading this issue on behalf of leadership.

I also thank the tremendous staff, bipartisan staff who helped shepherd this issue through both the House and the Senate. In particular, I thank on my own staff Libby Jarvis, who represented leadership at the table throughout these negotiations.

I truly believe this is one of the most significant accomplishments of the 109th Congress which will have a lasting impact on American consumers and on our economy. I am very pleased we were able to get it over the finish line as part of this important package.

Ms. LANDRIEU. Mr. President, as a member of the Senate Committee on Energy and Natural Resources, and as an original cosponsor and a principle architect of S. 3711, the Gulf of Mexico Energy Security Act, I wanted to rise today to offer my perspective on the bill. This bill is now part of a broader package that was considered today in the House H.R. 6111. The package passed by a vote of 367–45. I sincerely hope and believe that the Senate will pass this historic legislation later tonight or sometime this weekend and that if it is tonight or tomorrow, it will be a historic occasion.

The legislation will open 8.3 million acres of the U.S. Outer Continental Shelf in the central Gulf of Mexico to leasing for oil and natural gas exploration and production. This area is located more than 125 miles from the closest point in Florida on the Florida Panhandle and more than 300 miles from the southern gulf coast of Florida. The area is closest to Louisiana, Alabama, and Mississippi and most of the exploration and production activities are likely to be staged from ports along the gulf coast, and from the ports in my state located in southeast Louisiana.

The U.S. Department of the Interior estimates that the area contains at least 1.3 billion barrels of oil and 5.8 trillion cubic feet of natural gas. To put this in perspective, that is enough natural gas to heat and cool nearly 6 million homes for 15 years.

In addition to opening up 8.3 million acres in the Gulf of Mexico to new oil and natural gas leasing, this legislation will prohibit leasing within 125 miles of the State of Florida in the new eastern Gulf of Mexico planning area until June 30, 2022. Additionally, it prohibits leasing within 100 miles of the State of Florida in the new central Gulf of Mexico planning area, and east of the western boundary of the 181 area until June 30, 2022. Similarly, under the provisions of S. 3711, no oil and natural gas leasing, preleasing and other activities east of the military mission line may occur until June 30, 2022. This was done to accommodate the military training missions that occur from military installations located in Florida. After 2022, the Department of Defense may veto leasing plans if such would interfere with these exercises.

Under the Gulf of Mexico Energy Security Act, 50 percent of the receipts resulting from the collection of bonuses, rents, and royalties from leases in the new areas will be deposited in the general fund of the U.S. Treasury. The other 50 percent will be spent, without further appropriation action, for payments to States and to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965—16 U.S.C. 4601-8. Of this amount, 25 percent will provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965—16 U.S.C. 4601-8—the "state-side" of the Land and Water Conservation Fund. The other 75 percent of this amount will be disbursed by the Secretary of the Interior, without the need for appropriation, to the four Gulf producing states of Texas, Louisiana, Alabama, and Mississippi. These amounts are not subject to appropriation or further authorization.

It is the intent of this legislation that the State of Louisiana and all of the recipient States shall have the immediate capacity to bond anticipated future revenues they expect to receive from that portion of the Outer Continental Shelf Federal revenues to which they will be entitled to under this act and to allow the States, if they so decide, to get immediately underway hurricane and coastal protection projects within the scope of this act pursuant to such financing. There is nothing in this act that is intended to prohibit or impede the right of the four recipient States to bond anticipated future revenues they shall receive from this act.

The receipts that derive from the leasing in areas newly opened by the Gulf of Mexico Energy Security Act will be allocated among the four gulf producing States of Texas, Louisiana, Alabama, and Mississippi to each state in amounts based on a formula established by the Secretary by regulation—that are inversely proportional to the respective distances between the point on the coastline of each gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract. Thus, for each lease, the Department of the Interior will determine the distance from the center of that lease to the nearest point on the coast of each of the four producing states and allocate the qualified revenues derived from that lease according their respective distances with the farthest getting the least and the closest getting the most, but with none receiving less than 10 percent.

A detailed example will help to illustrate how this will work in practice. Imagine that OCS lease A that is producing $10,000 in qualified—shared—revenues each year. The distance from lease A to the nearest points in the four gulf producing States is: 260 miles to Texas, 80 miles to Louisiana, 100 miles to Mississippi, and 90 miles to Alabama. The sum of these distances is 530 miles. The inverse proportion of the distance from the lease to each State's shore is: for Texas 530/260, for Louisiana 530/80, for Mississippi 530/90. Therefore, the States revenues from that lease would be allocated as follows: 10 percent or $1,000 for Texas, 33 percent or $3,300 for Louisiana, 27 percent or $2,700 for Mississippi, and 30 percent or $3,000 for Alabama. In this example Texas is precisely far enough away to receive 10 percent of the total under the formula. However, if Texas were somewhat farther away, it would still receive 10 percent of the total because of the provision in S. 3711 that guarantees a minimum share to each gulf producing State.

This process is repeated for every new lease located in the areas opened for leasing by this legislation. The totals for each state are added up. 20 percent of each state's allocable share and is disbursed directly to coastal counties, parishes or political subdivisions in the manner outlined under section 384 of the Energy Policy Act of 2006, Public Law 109-58.

Under the legislation, the Gulf energy producing States of Texas, Louisiana, Alabama, and Mississippi will 37.5 percent of the receipts that derive from new leasing in areas of the Gulf of Mexico where oil and gas production occurred prior to enactment. Those receipts will be allocated among the states based on the amount of leasing and oil and natural gas production that has taken place over historically off each State's coast. The more leasing and production of oil and gas that has occurred off your coast, the greater your share of these receipts will be.

The task of determining each State's share is not an easy one. The MMS will examine every lease tract in the central and western Gulf of Mexico, determine the revenues derived from its leasing and any ensuring production and add up the totals for each tract. Then, the MMS will determine the distance from the center of every lease tract that has been let since October 1, 1982, to the nearest point on the coast of each of the four producing States.

Then the MMS will divide the total revenues generated by each lease by the proportional according to their respective distances, allotting the least to the farthest, and the most to the closest, but with none allotted less than 10 percent.

After completing this exercise, the MMS will total up the amount allotted to each State. Each State's total will determine the proportional share of the new revenues from the gulf leases from areas where leasing has been allowed.

Again, an example may help to clarify what is an admittedly complex formula: Imagine that 500 leases in this area had cumulatively produced $100 million since 1982. Then imagine MMS going through the process outlined above with each of these leases. When all is settled, Louisiana would be allotted $50 million, Texas $25 million, Mississippi and Alabama would both be allotted $12.5 million. Those allotments then become each State's proportionate share—Louisiana's allotment was 50 percent of the total, so Louisiana would receive 50 percent of the shared revenues from every new lease located in the already-opened areas after the date of S. 3711's enactment. Texas would receive 25 percent, Alabama 12.5 percent, and so on. Each year, each gulf State's allocation will be adjusted by the amount of leasing and production that took place near its shore in the preceding calendar year.

And, as with the revenues shared from newly opened areas, at the end of each year, the totals for each State are tallied and 20 percent of each State's allocable share is disbursed directly to coastal counties, parishes or political subdivisions in the manner outlined under section 384 of the Energy Policy Act of 2006, Public Law 109-58.

Starting in 2017, this legislation would provide additional direct spending authority encompassing 50 percent of the receipts derived from new OCS oil and gas leases, purchased after the date of enactment, in the areas of the Central and Western Gulf of Mexico that were made available by the 2002–2007 Proposed Final Outer Continental Shelf Oil and Gas Leasing Program. Beginning in 2016, the bill would limit total direct spending under the bill in any year to no more than the sum of the receipts from the new areas plus $500 million.

Additionally, the Gulf of Mexico Energy Security Act will offer monetary credits to firms that hold OCS leases located in areas that will be subject to the temporary moratorium on new leasing activity near Florida. These credits may be used for the purchase of a new lease in the Gulf of Mexico. The credits will be equal to the sum of the original bonus bid paid for the held lease and the rentals paid for the lease as of the date that the lessee notifies the Secretary of the Interior of the decision to exchange the lease or leases. Based on information from the Department of the Interior, the Congressional Budget Office has estimated that those credits would be worth $84 million and would be redeemed soon after they were made available.

In general, revenues shared with the coastal energy producing States under the Gulf of Mexico Energy Security Act should be treated in exactly the same ways as are revenues shared with States under the Mineral Lands Leasing Act 30 U.S.C. Sec. 181-287. These funds are not grants by any definition. Rather, they constitute income for the State—simply the State's fair share of revenues generated seaward of its coast. States have, in at least two occasions; used funds provided under the Mineral Lands Leasing Act as cost-share for other Federal programs. At this time in Louisiana's recovery, I envision this as a very much needed avenue for the State of Louisiana, as its citizens regain their feet following the destruction of Hurricanes Katrina and Rita.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SUSAN BUTCHER

Mr. STEVENS. Mr. President, this past August, Alaska lost a great hero and the Stevens family lost a cherished friend. Susan Butcher was the four-time Iditarod Trail Sled Dog Race Champion and the first and only woman to mush her team to the summit of Mt. McKinley—with her friend and Iditarod race founder, Joe Redington, Sr. She is the reason we say "Alaska—where men are men and women win the Iditarod." Susan left behind her husband David Monson and daughters Tekla and Chisana, and friends and admirers everywhere.

In the solitude of the unforgiving Arctic terrain, this tough, focused, intelligent woman traveled and ran many thousands of miles with her dog teams over the years—a distance greater than a trip around the world. In David's words, she was the most driven woman on the face of this earth.

Susan's skill as a musher was matched only by her great and abiding love for her dogs. If her dogs were happy, Susan was happy.

Whether on the trail or at home, Susan always took care of her huskies before tending to her own needs. With only her ax and a parka, she once fended off a moose attacking her team along the trail. The moose killed two dogs and stomped 13 others. In another harrowing experience, she was rescued by her dogs when her sled broke through the ice on a remote river in the Wrangell Mountains. After that escape, Susan said she looked at every moment of her life as a gift. Susan did it all—living a life without many regrets and always great humor.

Susan was blessed with a wonderful partner when she married fellow musher and lawyer David Monson. He gave her the love, laughter and relentless support that carried her through their years together. They expanded their family beyond their 100 huskies with the birth of their daughters Tekla and Chisana. Susan embraced motherhood with even greater passion, energy and devotion than she had in her life as a musher. And the girls blossomed in a home and cabin filled with books, music, Native Alaskan culture, and, of course, dogs.

In December 2005, Susan was diagnosed with leukemia and began the toughest fight of her life. At the time, her husband David said "We're going to do everything we can to make sure she has the best care. She does have the best attitude. Someone said this might be a tough disease, but this leukemia hasn't met Susan Butcher yet." Throughout her treatment in Seattle, Susan actively campaigned to help others by increasing donations to the National Marrow Donor Program and support for leukemia and lymphoma research.

Over the past 20 years, Susan often traveled to Washington—bunking with our family—sled dogs, cat, kids and all. Presidents Reagan and George Bush, Sr., invited her and her lead dogs to the White House. She drove her team in the inaugural parades—the last time in 2001, with both her daughters in the sled. With her lead dog, Granite, she was welcomed by Justice Sandra Day O'Connor to her Supreme Court chambers, and to the Pentagon by her friend General Colin Powell, then chairman of the Joint Chiefs of Staff.

Susan had a gift for inspiring others to never give up, to test their limits, to see their way through to the finish line, and to always try the path less traveled. It is no wonder her favorite poem reflected her New England roots—Robert Frost's "The Road Not Taken."

On a winter day in 1994, near her home in Eureka, AK, the reporter Skip Hollandsworth watched Susan and her dogs: "She whispers a command, and in unison the dogs pull forward. The sled slips across the snow. Soon, Butcher and her dogs are like a mirage in the distance. A few moments later, the cold, silent land swallows them up." "Sometimes when she leaves," David says, "I wonder if she ever wants to return home."

Some day in the years ahead, Susan and David's beautiful daughters Tekla and Chisana will graduate from high school. We hope they and their friends will find the same inspiration to challenge themselves as Susan's words instilled in our daughter Lily's Holton Arms class in 1999.

Mr. President, Alaska lost one of its brightest stars when Susan Butcher passed away. We will always remember this remarkable and courageous woman.

I ask unanimous consent that Ms. Butcher's commencement address to the Holton Arms School be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HOLTON-ARMS SCHOOL COMMENCEMENT ADDRESS—JUNE 1999

Thank you very much. I'm very honored and excited to be speaking here today. And thank you to the class for asking me. It's especially exciting for me to be here because of my great friend, Lily Stevens, who I watched grow up since she was just a tiny little girl.

I certainly would be surprised to hear if any of you were going to follow me in my chosen occupation as a dog musher. So I don't think that's why you have asked me here. I live in Alaska about a hundred miles south of the Arctic Circle. I own a hundred dogs, and I travel about 6,000 miles a year by sled and dog team. So my life is very different from what we see here. I thought, when I was asked to speak on achievement, that it would be easy to do. But getting to the soul of what motivates a person to excel cuts to the core of each person's dreams, desires and beliefs. Sometimes it goes beyond words. So I will speak for myself, and try and tell you how and why things have worked for me.

It's really exciting to see such youth and promise before me. And it certainly takes me back to my high school graduation in 1972, when I was in Cambridge, Massachusetts. I was very good in math and sciences. But I am dyslexic, so I struggled very hard in school. My strong loves were the wilderness, animals, science, and sports. I had a hobby for the last couple of years of working with my two Alaskan huskies, trying to teach them to be sled dogs. I feel that I was very lucky because even at that young age, I knew my true passion. It was to live in the wilderness and work with animals. But what sort of a career was that? So I started with veterinary medicine, which I also loved. I moved to Colorado where I went on with further schooling, and to enhance my career. By then, my mushing was becoming more than just a hobby. I had eight dogs and was starting to run in smaller races.

In those days though, the Iditarod race didn't even exist. There was no such thing as a professional musher. And yet my dream still was to go and live in the wilderness with my dogs. Shortly after I turned 20, the Iditarod was run for the first time, and I said "that's for me." I packed up my dogs, my cats, and my Volkswagen Bug, and I drove up to Alaska—all my belongings and against all parental advice, but not without their blessings—I lived way out in bush Alaska, teaching myself the art of dog mushing. Still at that time I had no clue that I was going to be able to make this passion into a career and a livelihood. In the summers I supported myself working on a musk ox farm and through fishing for salmon.

I can only say that when I reached Alaska and was working out there, I knew this was perfect for me. I was content in my soul. I knew that I had found my dream. The relationship that I was able to develop with my dogs was deeper and stronger than anything that I could have possibly imagined. Perhaps I can describe that to you a little bit in this story. I worked very hard to try and develop a trust with each one of my dogs individually. And a number of years ago, when I was with my dog team in the Wrangell Mountains and I traveling on a trail that I had been using all year long that crossed a frozen river, my lead dog at the time kept veering off to the right. I kept calling her back to the left, telling her "haw"—that's the command we use. But she kept going off to the right. She had never disobeyed me before, so I couldn't understand. So I let her have her lead, and just as she pulled myself and the team off to the side of the trail, the entire river collapsed. She had a sixth sense that saved us from drowning. It's this mutual trust—mine and their guidance, and their ability and instinct in the wilderness—that has not only gotten us to the finish line many times, but has also saved our lives.

Success did not come easy for me at all. I struggled for many years with barely enough money to feed myself and my dog team. I was working seven days a week, at least twelve-hour days, trying to train myself and the dogs for the races. I did fairly well in many of the races that I entered, but it took me nine years before I was able to win. I lived alone for nine years in a 16′ x 19′ log cabin. Today my husband and I have built quite a complex, and we have a couple of diesel generators now. But back then I had nothing. I had no electricity, no phone. I hauled my water from the creek, and I had very few neighbors. In fact, there were only eight people in 2,500 square miles. So this was my childhood dream come true!

I was absolutely dedicated to the care and the training of my dogs. All my focus was on becoming the best long-distance sled dog racer in the world. I had put together a great team that was very fast and well cared for. But I kept coming in second in more races than I cared to remember. Clearly, some essential element was missing. It was vision—the winning spirit. I didn't actually see myself as a winner. I believed wholeheartedly that someday I would win the Iditarod, but I didn't see myself as a winner today. I often finished with the strongest, fastest team—in second place. I often finished an hour or—in two instances, a split second—behind somebody else. In 1986, I learned how to pull together. I told myself that not only could I win, but that I deserved to win, and that I would win today. I saw myself crossing the finish line, and I lived and breathed that vision for a year. I told myself the 1986 race was mine. I was able to hold that image eleven days into the Iditarod, when with just 44 miles to go, I was neck-and-neck in a sprint for the finish with a musher named Joe Garney. I had slept less than 20 hours in 12 days. I had run up every hill between Anchorage and Nome. I was exhausted. Joe made a big push and he passed me, gaining a 2-minute advantage. I was demoralized. I said to myself, "Well, I guess second place isn't that bad." But then, through the blur of fatigue, I again saw myself winning the race. I got off my sled and I ran, pumped with one leg, and pushed the sled until I was able to pass Joe and win my first Iditarod. Once I learned that lesson, I won a lot of races.

I quit fishing and musk ox farming, and I dedicated myself solely to my dogs all year 'round. To maintain consistency and excellence, you are always looking over the horizon, past the finish line, to the next race and the next record time. I found that it wasn't enough to just say to myself "Well, I want to win again." I had to reach deep within and challenge myself. No racer had ever run in four long-distance races in a year. So in 1990 I decided to try to attempt to run in five. I set my goal to win all of them, and to win them in record time. All of these were between 300 and 1,100 miles in length. And some of them were as close as just five days apart. I ended up winning four in record time and coming in a close second in the fifth. So I didn't reach my ultimate goal, but by challenging myself like that I was able to set four new world records. I try to examine each race that I run, even the ones that I have won, to see what little steps I can take to keep getting better.

Let me speak now of failure, because I have had very many of them and each one of you will. It's how you deal with these failures and your setbacks that's the most important thing. In 1991, I was at the top of my game. My team was said to be the best team in the history of the Iditarod that year. I ran a very aggressive race. Mother Nature threw every curve at me and my team that she possibly could. For over 500 miles, me and my team broke trail through storms, leading all the other mushers, until we finally reached the village of White Mountain an hour in front of our next competitor. We were only 77 miles from Nome. The awesome power of nature is very humbling and it must be respected. I went out first into an Arctic blizzard for six hours, losing the trail, regaining the trail, searching to make it through to Nome and win another race, until finally I knew that I could ask my team for no more. Because I continually challenge myself to win, I know that sometimes I must fail. As I tried to become the best, I know that there will be setbacks along the way. This is the essence of competition—that there will be both winners and losers. But I have learned at looking at losing, it's just another step to attaining my final goal. Many times, the pain of failure is very raw for me. But I have great faith in myself, that I will turn my defeats into something positive. I have learned many valuable lessons from my defeats. But I think the best thing was summed up in the words of an old Athabaskan Indian. He told me, "There are many hard things in life, but there is only one sad thing. And that is giving up." So I know that in the future, I will continue to try very hard, and in the end—I will prevail.

Adversity is a very large part of life, and learning to overcome it can be very difficult. When I started racing, I believed that I would win when I made everything run perfectly, when I was able to train all year round, when I didn't get lost or break my sled. So when I would have trouble, I wouldn't completely give up, but I would often settle for second place. Now I know that winning is overcoming adversity. I don't win because I run a perfect race. I win because I deal with the problems that the dogs and I encounter better than my fellow competitors.

I have actually learned to love adversity. In 1988, I had every type of trouble that you could ask for. My sled broke five times. I got lost and I ran into ground storms of 80 miles an hour as I crossed the frozen Bering Sea. I could hardly see my lead dog in front of me, let alone the next trail marker. But I won the race despite all the problems the dogs and I encountered. We finished fourteen hours in front of the second place musher, who couldn't make it through the storm. So I learned that no matter what the obstacles, I always had the chance of winning and should never give up.

It is true that I raced in a totally male-dominated sport. I was a pioneer for women in long-distance racing. But you won't hear me talking very much about that. I think the most important thing was that I saw no gender barriers. And anyone who tried to put me in that box and say, "well, Susan is the best woman racer," I would quickly correct them. I was not a woman racer, I was a racer. It was my plan to be the best musher, and I did that.

Perhaps I have been able to say something here today that will strike a chord with each of you, or some of you. Many of my lessons have been learned from my heroes—my dogs. I'd like to share the story of one of my animals. Twenty years ago, I had a puppy born to my kennel, who didn't look like he was going to be much of a dog. He had a very poor hair coat. He had cowhocked legs, which is basically knock-knees in the back end, and he had no confidence whatsoever. Most mushers would have given up on this puppy and just sold him to someone as a pet dog. But on my runs in the woods with he and his littermates, I saw a special spark in this dog that was not yet ignited. It was a challenge that I couldn't resist to try and make him into a champion sled dog. So I worked with him very hard physically to bring him around, through special nutrition and training. But mostly I concentrated on his lack of confidence. I gave him a strong name—Granite. He soon learned to draw from my strength and confidence, and we became a very powerful team. Granite grew into a 58-pound, deep-chested dog who compensated for his cow-hocked legs with a very powerful gait. All that extra work paid off because he not only turned into a good sled dog, but a great leader. He ended up leading me to victory in the 1986 and 1987 Iditarods, both of those in record time, along with countless other races between 300–500 miles in length. In October of 1987 while we were training for what we hoped would be his third consecutive victory, he became very seriously ill. I had to rush him down to Anchorage to a veterinary hospital to try and save his life. We set up a cot next to his kennel so that I could sleep with him there, day and night, tending him and willing him to live. After two weeks, the veterinarians told me I could take him home, but that he was never going to be able to run again, that he had permanent damage to his heart and liver and kidneys along with damage to the hypothalamus in the brain, which controls body temperature. But Granite had grown to be a magnificent canine athlete who loved to run and race, and all the dogs loved competition. They understand when they have won. They have as much pride as any human athlete. Granite was determined to get back on the team. Every time I would take other dogs out on runs, he would cry and howl, wishing that he could go out with us. Slowly but surely, his test results started showing improvements that the veterinarians were astounded at. They decided to let him start training with me and the puppies on little 2-mile runs. He soon advanced to running with the yearlings on 10-mile runs. And finally, by January, he was once again running with the main team, and the veterinarians okayed him for a 200-mile race. He towed that young team to record-setting victory. Then, 1½ months later he went on to do the impossible. He led me to victory in the Iditarod. And he did it by pulling me through a blinding snow storm that stopped all my competitors. So we finished 14 hours in front of the second place musher, as I told you—through that storm. That made Granite the only lead dog ever to win three consecutive Iditarods.

All of us will fall on hard times, and it's often hard to find the key to help us with our problems. But if we can draw from our inner strength and desires as Granite did, we can overcome incredible odds. It's always important to look around us and see that there are those whose problems are far greater than ours. It's important to take time to give back to your community, to youth, and to those less privileged. As I am now a mother and a dog sled racer, I have taken more time to contemplate my past Iditarod years. So I want to leave you with one last story that sort of sums up what I think of my career.

I always felt that there was a division of duties between myself and the dogs. The dogs were definitely better in the wilderness, such as being able to sense thin ice or where there were wild animals around us, and helping me through the storms. But I was better when we were in Anchorage starting out and there were cars and traffic lights and all sorts of things in any of the villages, and I was also better at strategy and understanding competition. In 1989 I was racing towards the half-way point in the Iditarod. They give you a prize of $5,000 for being the first into that checkpoint, and nothing for being second, so it's quite coveted. Joe Runyon and myself were the best two teams in the race that year, and we had been vying for first place for miles. We had just left the checkpoint of Ophir, and it was about a 90-mile run over to the abandoned gold mine town of Iditarod. Throughout the day, Joe and I had passed each other. You have got to imagine that these are just two mushers out in the middle of nowhere, so when you pass each other—even though you're very competitive with each other—you definitely talk. And when you see each other and pass, you will have a little conversation. So just as it was getting dusk, I had put on my headlight so that I could see through the darkness—a battery-powered headlight, as had Joe—he put his new young lead dog, Rambo, up in lead. He came flying by me. He stopped—I had out my map and compass. He said, "Where do you think we are?" I said, "I think we have just passed the Deshka River. Here it is on the map, so we must be about five miles from the town of Iditarod." He said, "That's what I'm thinking too," and he passed me. I was using my lead dog, Tolstoy, at the time. I starting pumping with one leg and encouraging my dogs, saying "Come on, let's get going." They just were flat. They were not going to pick up and go as fast as Joe's team. So I took Granite, who was in the team, and I put him up in lead. I encouraged him, and I encouraged the rest of the team. Still, they didn't respond. Five miles should have taken us about thirty minutes. We went hour after hour after hour. Three hours later, we were still on the trail. I could see Joe's headlight—it's very hilly country there—going up and down the hills, just a little ways ahead of me. All of a sudden, Granite turned around and he looked at me and he went, "Now!" And he kicked it into gear, all the dogs immediately responded to him, and he passed Joe 100 yards from the finish line at Iditarod and we won the halfway prize. So I learned that not only do I not know as much about the wilderness as my dogs, but I don't know anything about competition. And it is my job to love the dogs, care for them, feed them and nurture them, and hold on for dear life.

So in parting, I want to say to each and everyone of Holton Arms' 1999 graduating class, I hope very dearly that each one of you is able to find your dream. And when you do—love it, nurture it, and hold on for dear life.

REMEMBERING JOHN MARK LACOVARA

Mr. STEVENS. Mr. President, it is with sadness that I call to the attention of my colleagues the recent passing of one of our most loyal and hardworking former Senate staff members, John Mark Lacovara.

Mark, as he was called by his family and friends, was part of a Capitol Hill family, joining both his father and sister in holding staff positions in the U.S. Senate. Mark began his Senate career in 1969. He worked his way up the ranks in a number of jobs, starting first as an elevator operator, then as an enrolling clerk, and finally capping his career as the Senate journal clerk.

Those of us who knew him admired his tireless and cheerful dedication to this body. Often he would be the last one to leave his office at night and the first to arrive in the morning, no matter how late the previous session had ended. He truly loved his job, but due to health reasons, he resigned in 1997.

Mark was born in Washington. He grew up in Rockville and graduated from Richard Montgomery High School. Attending night school while maintaining his full-time Senate duties, he received a bachelor's degree in political science with a minor in American history from the University of Maryland. He served as a member of the U.S. Air Force Reserve for many years.

Mark Lacovara passed away on October 3, 2006. Mark was the son of the late John Lacovara, administrative assistant to the Senate Sergeant at Arms, and Mrs. Patricia Lacovara Ingold of Springfield. My colleagues join me in extending our deepest sympathy to her and Mark's sisters, Dale Monno, a retired lieutenant with the Capitol Police, and Joyce. He will be missed by all of his friends in the Senate.

TRIBUTE TO BOB McGOWAN

Mr. REID. Mr. President, I rise today to honor the accomplishments of Bob McGowan, the Washoe County assessor. After more than 24 years in office, Bob will retire this year as the longest serving elected department head in the county. His personable demeanor and dedication to service will be missed.

Bob has been a resident of Nevada for more than 38 years. After working in the Nevada Attorney General's office, Bob made the first of many successful runs for elected office. In 1982, the citizens of Washoe County elected him as their county assessor. For more than two decades, Bob has presided over the growth of Washoe County. From the rising real estate values at Lake Tahoe to the rapid development in the city of Reno, Bob has sought to provide fairness for Washoe County residents.

Most importantly, Bob has never forgotten that the goal of elected office is service. After his election in 2002, he told the Reno-Gazette Journal: "From the first day I went in office, we've always been a public service organization, not just a property appraisal." Under Bob's guidance, the assessor's office has become more responsive to Washoe County Residents. For example, Bob moved the assessor's office into the digital age, and residents of Washoe County can now access many forms online. Bob has also worked to save the taxpayers money, trimming his own budget to return more than $2 million to the Washoe County general fund.

As the county assessor, Bob has always been in tune with the issues of Washoe County. He has navigated controversies over rising property values with ease, taking the time to talk with people he serves. To this day, residents are amazed that Bob is so approachable and accessible. He can quickly put a visitor at ease with his humble demeanor and his frequent jokes. In fact, I cannot recall a time that I have met with Bob when he hasn't told me a funny anecdote or story.

In addition to his professional accomplishments, Bob is a dedicated part of his community. He has served as president for Habitat for Humanity and as an executive board member of the alumni organization for the University of Nevada, Reno. Additionally, as the president of Keep Truckee Meadows Beautiful organization, he led an effort to protect the pristine areas surrounding Lake Tahoe. While working to improve Washoe County, Bob also raised three wonderful children in Reno. A few years ago, I had the privilege to host his daughter Megan in my Washington office as an intern.

Mr. President, Bob McGowan has been an important part of northern Nevada for more than two decades. His retirement will leave large shoes to fill, but I am confident that Bob will continue to improve Washoe County for many years to come. It is my great pleasure to offer my congratulations to Bob and the McGowan family.

TRIBUTE TO RALPH E. WALZ

Mr. McCONNELL. Mr. President, today I recognize the outstanding service of a remarkable Kentuckian, Mr. Ralph E. Walz. Mr. Walz is the executive liaison officer for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the U.S. Army Corps of Engineers on January 3, 2007, with over 34 years of dedicated service to our Nation as a member of the U.S. Army (1969–1972) and as a civil servant.

A native of Louisville, KY, Mr. Walz is a graduate of Western Kentucky University. As a young man in the 1960s, Ralph Walz served with the U.S. Army in Vietnam as an enlisted infantryman. Performing his duty on the front lines as a non-commissioned officer, facing the daily dangers of active combat, he bravely and honorably served his country.

Mr. Walz began his distinguished civil service tenure with the Louisville District, U.S. Army Corps of Engineers, in 1977. He began his career in the

Comptroller's Office, later named Resource Management, where he participated in numerous efficiency reviews, organizational studies, and business-process analysis. During this time, Mr. Walz was instrumental in the transfer of Smithland Lock and Dam to the Louisville District.

In 1981, Mr. Walz helped develop the proposal that resulted in the military construction mission being reinstated at the Louisville district, making it a full-service district whose impact is felt worldwide.

In 1990, Mr. Walz was chosen as the executive liaison Officer and assigned to the Executive Office. In that capacity, he has been instrumental in coordinating many significant events that showcased our great Commonwealth, including National Society of American Military Engineers Conferences which included military personnel and civilians from all over the United States and overseas.

Mr. Walz has also been a champion of quality-of-life initiatives. He helped implement the Uncle Sam's Child Care Center and initially served as board chairman. He served as board chairman and as a member of the board of directors for his local credit union. And he was chairman of the Kentucky Federal Agency Tourism Council, among many other volunteer activities.

Finally, Mr. President, Mr. Walz is a good neighbor and valued steward of our natural resources and defense assets. He will be long remembered for his patriotism, leadership, mentorship of others, and service to his Nation and the Commonwealth of Kentucky. On the occasion of his retirement, I wish to extend my best wishes to Mr. Ralph Walz, his wife, Mary Lou, and their children, Matthew (Matt) and Jake, and I ask my colleagues to salute this esteemed Kentuckian.

TRIBUTE TO DAVID MORGAN

Mr. McCONNELL. Mr. President, I rise today to honor a great Kentuckian, Mr. David Morgan, for his service to the Commonwealth and his commitment to the preservation of Kentucky's historic landmarks.

For the past 29 years Mr. Morgan has worked on preserving Kentucky's heritage, helping cities and towns utilize and revitalize their downtowns and historic sites.

On Sunday, December 3, 2006, the Louisville Courier-Journal published an article highlighting Mr. Morgan's many years of service to Kentucky. I ask unanimous consent that the full article be printed in the RECORD and that the entire Senate join me in thanking this beloved Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Dec. 3, 2006]

PRESERVATIONIST BIDS FAREWELL

(By Chris Poynter)

Most Kentuckians likely do not know David Morgan.

But they have certainly seen his work.

If you drive along Paris Pike—the road between Paris and Lexington lined with famous thoroughbred farms—you've seen the historic stone fences and picture-perfect rolling landscapes that he helped protect when the road was widened.

If you've strolled the Main Streets of Kentucky's downtowns—and marveled at the historic buildings—you can thank Morgan for helping revive them.

And if you've seen the old trolley barn in western Louisville that is slowly being transformed into the Kentucky Center for African-American Heritage, Morgan deserves part of the credit.

After 29 years with the Kentucky Heritage Council—the agency that oversees historic preservation for the state—Morgan is retiring and moving to Washington, D.C.

Morgan, 54, and his wife, Marcia, have bought a historic home just blocks from the Capitol. They have a son, Ned, 18.

Morgan has spent his entire professional career at the heritage council, rising from a staff planner in November 1977 to executive director, a position he's held since 1984, when then-Gov. Martha Layne Collins appointed him.

He survived through Republican and Democratic administrations, which friends and co-workers say is a testament to his effectiveness, and he's been at the forefront of saving historic properties from Paducah to Pikeville.

His interest in preservation began as a child in Oxford, Ohio, the son of a college professor and a stay-at-home mother who sold antiques.

On a fourth-grade class trip to Yellow Springs, Ohio—named for a spring that supposedly had curative powers—a young Morgan lamented the demolition of the old Neff House hotel.

"It is important to know how America was settled," Morgan wrote in a school essay he still keeps. "If you tore down everything that was historical, people would forget how America was settled."

Morgan laughs at his simple six-paragraph essay now—but the lessons he learned on that field trip are woven throughout his life.

Preservation—though it began as a movement of upper-crust white women—has expanded and matured and become more inclusive. Morgan has changed the heritage council's mission with that evolution.

He helped create the African-American Heritage Commission, the Native American Heritage Commission, and the Military Heritage & Civil War Preservation Program. He and his agency worked to raise awareness about Rosenwald Schools—one-room schoolhouses for black children that at one time dotted Kentucky and the South—and he has helped preserve 60 Civil War sites across the state.

In 1979, while still in his 20s, he started the Main Street program to help revive Kentucky's decaying downtowns. The program now includes 110 cities and towns across Kentucky and is credited with helping breathe new life into desolate city centers.

And he pushed to get Kentucky buildings and properties on the National Register of Historic Places. Kentucky now has 41,000 properties and 3,200 historic districts, such as Old Louisville, on the register.

That's the fourth-largest number of any state in the nation, according to the National Park Service, which keeps the register.

Though he's had many successes—including persuading state transportation leaders to make historic preservation a key component of the Paris Pike widening—all has not been positive, Morgan admits.

He hasn't persuaded the state legislature to commit more money for preservation.

"We don't have the ability to give grants out, to start projects on the local level," Morgan said.

He also laments that grassroots preservation groups have been slow in forming. It's those organizations, such as Preservation Kentucky, run by citizens, that have the power to effectively lobby the legislature, Morgan said.

"A lot of people don't consider themselves preservationists," he said. "But people who live in Old Louisville in an old house, for example, are great preservationists."

Helen Dedman, whose family owns and operates the Beaumont Inn in Harrodsburg, a restaurant, hotel and tavern housed in an 1845 building, said Morgan had done much for Kentucky out of the public eye.

"He has touched people and places over the whole state," she said.

Dedman met Morgan when they were students at Centre College.

"He was the first person that I knew that really knew about antiques," she said.

The two kept in sporadic touch over the years, but it wasn't until 15 years ago that she and Morgan closely reconnected because of newfound activism in preservation.

Dedman helped organize a tour of historic homes and found herself "falling in love with these old homes," she said. She, along with others, formed the non-profit James Harrod Trust to advocate for preservation in Harrodsburg and Mercer County.

"David has never lost his passion," Dedman said. "It didn't matter who you were, what class you were, what color you were—if you had just a little bit of interest in his preservation, he was your cheerleader, he was on your side."

Historic preservation leaders from across Kentucky gathered for a dinner in downtown Louisville last month to honor Morgan. The location was befitting—inside the old Henry Clay Hotel, a 1924 building that is being renovated into housing and commercial shops.

Morgan has been an advocate of saving the structure, commonly called the old YWCA.

Friends and co-workers roasted Morgan—poking fun at his big nose, bushy eyebrows and black mustache—while viewing pictures of him over the decades, with former governors and first lady Laura Bush. Bush visited Louisville in 2004 and praised Morgan and the heritage council for their work on the "Preserve America" federal program.

Morgan, whose replacement will be named next year, said he one day hopes to return to Kentucky. For now, he plans to enjoy his free time and will likely find a job in preservation in Washington.

"Leaving this job is the hardest thing," he said. "I've put my whole life into it. There's not an inch of Kentucky in the last 29 years I've not seen."

"It's an incredible place," he said, "and its greatest asset are its people."

TRIBUTE TO JEANE KIRKPATRICK

Mr. McCONNELL. Mr. President, today America mourns the loss of one of its great public servants and patriots, Dr. Jeane Kirkpatrick.

Dr. Kirkpatrick was the first woman to serve as U.S. Permanent Representative to the United Nations. During her tenure at the U.N., she was a vigorous advocate of American interests. She also recognized the strong moral leadership that this Nation provides for the rest of the world.

She was awarded numerous honors for her work. Among them, she received the Nation's highest civilian honor, the Presidential Medal of Freedom.

Mr. President, few can match the courage that Dr. Kirkpatrick brought to defending freedom and American interests around the world. She was a warrior for human rights, for freedom, and for her Nation. Few have or ever will match her service to our country. We, and millions around the world, are in her debt. We will miss her greatly.

TRIBUTE TO WILL EDD CLARK

Mr. McCONNELL. Mr. President, I today pay tribute to Will Edd Clark, who is the general manager of the Western Dark Fired Tobacco Growers' Association in Murray, KY. Will Edd has served in this role for 27 years, and during that time, he has been a tireless advocate for tobacco farmers in western Kentucky.

The Western Dark Fired Tobacco Growers' Association was established in 1931 and has helped administer the Federal tobacco program as well as represent the interests of tobacco growers in nine counties in western Kentucky, plus three counties in Tennessee. In 2004, the tobacco quota buyout program was signed into law, which dismantled the Federal tobacco program that had been in place since the 1930s. Will Edd realized the benefit that the association's growers would receive from this historical piece of legislation, and he played a vital role in securing its passage.

Now that the tobacco quota program is gone, the Western Dark Fired Tobacco Growers' Association has decided to close its operations at the end of 2006. Although the association will no longer be in existence, the association's historical papers will be kept by Murray State University, which will preserve the legacy of Will Edd as a true supporter of Kentucky's tobacco industry. I ask unanimous consent that an article which appeared in the Murray Ledger & Times on December 1, 2006, detailing the association's history and Will Edd's record of service be printed in the RECORD. I ask my fellow Senators to join me in thanking Will Edd Clark for his service to the people of Kentucky.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESPITE CLOSURE, TOBACCO ASSOCIATION'S HISTORY, EFFORTS WILL BE PRESERVED

(By Greg Travis)

Murray's Western Dark Fired Tobacco Growers' Association is closing its operations after serving the people of western Kentucky and west Tennessee since 1931. An absolute auction of the association's business office and warehouses was held Thursday for the 4,048 brick, business office complex at 206 Maple Street and property consisting of 55,599 square feet of three commercial warehouses located at Poplar and Elm streets.

"We appreciate everyone's interest in the auction. Naturally, we would liked to have seen them bring more but we had to sell them. We had no choice," Association General Manager Will Edd Clark said, adding that the combined totals realized from the sale was just over $400,000.

"Those bidding knew this was an absolute auction. We're proud for them. They got some good buys today."

He said the office went to Rick Hixon and the warehouses were purchased by Keith Brandon.

He said that as a result of the tobacco buyout program, directors of the association decided there was no need or purpose for the association to continue.

"The association came about as a result of low prices that were being realized from the early 1900s to the 1920s. Farmers were looking for security in their production of tobacco," Clark said. "The tobacco industry as we know it today did not exist. There were Night Riders in the area and other situations that influenced the production of tobacco for many growers."

He said the tobacco business that most people are familiar with existed from the 1930s until the tobacco quota buyout that was included in the America Jobs Creation Act of 2004 terminated the federal tobacco price support and supply control programs.

He said the program that had been in place until then worked well and was one of the best farm programs. "But everything has a life span. With the anti-tobacco feelings in the country today it's hard to generate changes in the program," he said.

He said the local organization had a lot of local history. "Tobacco will continue to play a major role in this region. It will still be here for many years to come, but you have to change with the changes, and our changes will really start to be felt with the new owners of our properties."

Clark said that once the properties are disposed of and all the business issues are settled, the association will go back and return those assets to the association's members.

He added that James R. Cash of Mayfield, who is a member of the association, offered to conduct the auctions at no fee charge. "He said that, as a member, he has been fortunate to assist other members with auctions of land and equipment and that he wanted to conduct this auction with no fees," Clark noted. "This will be a great benefit to the association and its members."

Clark said the association will still maintain a presence in the community for some time. He said, as with any industry of its size, there are still business-related issues that will require time and attention. He estimated that his final days on the job would probably be in a few months. "The association had a good run. There have been lots of directors and I have no regrets for my time here."

The association has approximately 1,000 members, it was reported.

He noted that, over the years, tobacco has paid billions of dollars in taxes and those dollars collected have paid for many things. "Tobacco has meant so much to so many people and it has impacted everyone. Our forefathers thought it was important enough that there are tobacco leaves on the facades of many important buildings. Tobacco has saved many farmers, helped families and sent many children to school."

Throughout the years the local association has administered the tobacco program and lobbied for the growers in the nine counties of the Jackson Purchase and the Tennessee counties of Henry, Weakley and Obion.

"Since there will not be a tobacco program or a price support system, then there really isn't a need or purpose for our association any longer," Clark said. "We have been working to get things in place for the closure."

Clark said he has arranged with Murray State University to take over some of the association's historical papers.

"This will be a big benefit for residents of the community. MSU's people will have to go through the old papers and catalog all of those items before they are available to the public," he said. "We have old records, papers and even the minute books from the first meetings. Many papers date back to 1931. And there are old floor sheets on tobacco that went to pool. There's lots of information and names."

He said the vintage documents will be of interest to a lot of people.

"One of the very first things I did when I came to work here was to go back and read through all of the old minute books. It really helped me to know where we were as an association and it helped to plan for the future," he noted.

Clark is only the fourth or fifth manager since the association began. He said he was unsure what he would do, but he added, "something will come along."

Association President Jim Kelly said the sale was the end of a long era in Calloway County. "Lots of farmers were helped through the association. Things are just different now. Farmers are contracting with companies and that's where most of the farmers are at these days. The pool was a safety net that would grade and process tobacco until somebody needed it," he said.

Kelly, who farms 76 acres of burley and dark-fired tobacco, said more farmers were going for larger acreage and many of the smaller farmers were dropping out the businesses. "With the costs of farming nowadays, it's just not something that people get into the way they used to do."

He said farmers were basically at the mercy of what the companies would pay for the tobacco. But even then, there are pluses and minuses to the situation.

He added that the association was in a shut-down phase and assets would eventually be returned to its members.

"There hasn't been any tobacco stored in those warehouses in a long time. It's sad to see it all come to a close," he remarked.

DEFINITION CLARIFICATION

Mr. DURBIN. Mr. President, I come to the floor to discuss a very important issue facing American workers—millions of whom will be barred from organizing or exercising their labor rights unless Congress intervenes.

Eight million workers will no longer be able to join a union or fight collectively for better pay and working conditions—including those already in a union, who will be forced to leave when their current collective bargaining agreements expire.

This includes more than 800,000 nurses—40,000 nurses in my home State of Illinois alone.

This will happen because the Bush administration's National Labor Relations Board recently decided which types of workers are considered "supervisors." By law, if you are considered a "supervisor," then you are not allowed to join a union.

In a series of rulings, the NLRB has decided the fate of America's workers, and it did so behind closed doors. These changes—some of the biggest decisions in years have stripped millions of American workers of their rights under the National Labor Relations Act.

This flies in the face of what Congress intended more than 60 years ago.

Moreover, at a time when several states are suffering from nursing shortages, this will further worsen the nursing crisis. More than 72 percent of hospitals experience nursing shortages, and 1.2 million nursing positions need to be filled within the next decade. By denying 800,000 nurses the right to collectively bargain, pay will surely decrease and nurses' working environment will deteriorate, thereby driving even more nurses out of the profession and discouraging people from becoming nurses.

Clearly, this law must be clarified so that American workers receive the labor law protections that Congress envisioned.

Many courts, including the United States Supreme Court, have struggled with how to apply the definition of "supervisor." It is time for this Congress to step up and make clear that the American worker has the right to organize.

Therefore, early in the next Congress, I hope that every Senator will join Senators DODD, KENNEDY and myself in introducing legislation to amend the National Labor Relations Act to clarify the definition of "supervisor."

The legislation we envision will use a commonsense definition of the term that is faithful to Congress's intent in 1947, to delineate the relationship between supervisors and employees.

I look forward to working with my colleagues on both sides of the aisle in the 110th Congress to pass this much-needed legislation so that millions of working Americans will be able to retain their right to join a union and collectively bargain.

MATERNAL MORTALITY

Mr. DURBIN. Mr. President, I rise today to talk about what should be a moment of great joy: the birth of a child. But for millions of women in the world, childbirth is a deadly game of Russian roulette.

Over 500,000 women died last year in childbirth or from complications during pregnancy. Another 10 million were injured or disabled, often permanently. During her lifetime, a woman in Angola has a 1 in 7 chance of dying in childbirth or from complications stemming from pregnancy—1 in 7. In Sierra Leone, the risk of dying is 1 in 6. That number is the same in Afghanistan—a 1 in 6 chance of dying from pregnancy or childbirth. In developed countries, such as ours, the risk of dying in childbirth is 1 in 2,800. Every such death is a tragedy, but it is hard for us to even imagine that we would lose 1 of every 6 or 7 of our mothers, wives, sisters, or daughters.

That statistic, the chance of dying from childbirth, represents one of the widest chasms separating rich and poor countries.

That gap is wider than differences for life expectancy and wider than differences in child mortality, even though the health of the mother and her baby are deeply intertwined.

As Isobel Coleman of the Council on Foreign Relations has stated, "In some countries, getting pregnant is the most dangerous thing a woman can do." We have an obligation to change that state of affairs.

Earlier this fall, William Kristof wrote in the New York Times, "These women die because they are poor and female and rural—the most overlooked and disposable people throughout the developing world."

Kristof did a pair of columns on the subject of maternal mortality.

In the first column, he described how a young woman in Cameroon named Prudence Lemokouno was desperately ill. Her baby was already dead and she was dying, her uterus ruptured. After 3 days of labor, her family had managed to get her to a hospital, but the doctor initially refused to operate, saying he needed both money and blood. The family did not have the money, and the nearest blood bank was 50 miles away. Kristof and his associate provided the money and donated the blood. They hoped it would be enough, but the doctor still did not operate immediately. Later, Mr. Kristof wrote a second column. In it, he told us that the young woman had died. In describing her struggle, he wrote, "It was obvious that what was killing her wasn't so much complications in pregnancy as the casual disregard for women like her across much of the developing world. . . . It's not biology that kills them so much as neglect."

We cannot continue to overlook these women. No one should be disposable. And today's devastating statistics do not have to be tomorrow's realities. We cannot make childbirth risk free; it is not. There are sometimes factors and conditions that doctors cannot in the finest hospitals in the world cannot prevent.

But women and girls in developing countries die at such tragically high rates during pregnancy and childbirth primarily for some basic and preventable reasons. And many of the solutions are both simple and cost effective.

Millions of deliveries in the world take place without a skilled birth attendant—that means no doctor, no nurse, no midwife, no one with any medical training at all. In fact, millions of women literally give birth alone.

The shortage of health workers handicaps the world's fight against HIV/AIDS and every other global health challenge. That is equally true of the struggle against maternal mortality. Training community health workers, nurses, midwives, and doctors is part of the battle. But it is also critical to help countries better distribute their health workforces and better manage their health systems.

Malawi, for example, has one of the highest maternal mortality rates in the world. But 25 percent of its nurses and 50 percent of its physicians are concentrated in 4 central hospitals. And yet the population of Malawi is estimated to be 87 percent rural.

We address the maternal mortality crisis in part by building health workforces to provide prenatal care and to be there during delivery, in rural areas as well as cities.

We also help countries address this crisis by getting them to take a second look at child marriage. In developing countries, girls aged 10 to 14 who become pregnant are 5 times more likely to die in pregnancy or childbirth than women aged 20 to 24. These same young mothers are also at higher risk of obstetric fistula. Fistula is a devastating condition that can result from prolonged labor without medical help. In the end, as a result, babies are most often stillborn and women and girls are left with gaping holes in their bodies that leak feces and urine. They are then often abandoned by their families.

Even if their mothers escaped this brutal, prolonged labor and its terrible consequences, infant mortality rates for the babies of these child mothers are also much higher than for the children of older women. Yet an estimated 25,000 girls are married each day in the world, some of them as young as 7 or 8 years old.

We save lives not by demanding that countries ban child marriage in fact, child marriage is officially illegal in most nations. We save lives by convincing communities to keep their daughters in school rather than marrying them off. Many parents believe that marrying their daughters early is the best way to keep them safe from sexual predators and other dangers. We can help their communities find better ways to keep their daughters safe.

Senator HAGEL and I have introduced a bill, the International Child Marriage Prevention and Assistance Act, to help countries take such steps. We plan to reintroduce this bill when Congress reconvenes for the new session in January and work toward its enactment.

Women and girls also die during pregnancy and childbirth because they are cut off from access to health care. There is a direct link between lack of transportation and high maternal mortality rates. That is one of the many links between poverty and maternal mortality. Being poor should not be a death sentence.

Rural development is critical to solving this problem, and reducing maternal mortality will enhance economic development. We can and should train more health workers, encourage communities to end child marriage, and build better transportation networks.

But those aren't the only factors that affect maternal mortality and our response to it. Politics is another cause of death. Of all the factors that contribute to the deaths of mothers, and often their babies, this is the easiest one to fix and the most unforgivable to allow to persist.

The United Nations Population Fund, UNFPA, is an organization that is doing lifesaving work. They help to promote reproductive health, including, for example, providing safe delivery kits. What is a safe delivery kit? It is often just a plastic sheet, a bar of soap, a razor to cut the umbilical cord, and a string to tie it. Imagine being on the verge of giving birth or knowing that your wife is about to deliver and lacking even these most basic supplies.

UNFPA provides family planning assistance in countries where they are welcomed. In those countries, they provide this help to families who ask for it. They also have a well developed program to prevent and treat obstetric fistula, that terrible condition which I described earlier that results from prolonged labor without medical assistance.

So each year, Congress appropriates money to support UNFPA's efforts to help countries and families who want their assistance. Yet every year the Bush administration has withheld that money. The administration does so because it claims that since UNFPA works in China, that UNFPA is supporting or participating in coercive abortions or involuntary sterilization, practices which the Chinese Government has long carried out.

In fact, UNFPA works to do exactly the opposite. UNFPA promotes voluntary family planning and opposes abortion as a form of family planning.

The United States sent a fact finding mission to China in 2002 to investigate this matter. It found no evidence of wrongdoing by UNFPA and recommended that the funds Congress appropriated for UNFPA be released. Studies have shown that abortions decrease in areas where UNFPA operates—and so do maternal and child mortality.

False accusations that UNFPA supports abortions in China are cutting off funding that could help save the lives. Yet, on September 13, for the fifth year in a row, the Bush administration announced that it was withholding the $34 million appropriated by Congress for UNFPA.

Every minute, a woman in the developing world dies from treatable complications of pregnancy or childbirth. That is a terrible tragedy. But the fact that politics are making this tragedy worse is an abomination.

HONORING OUR ARMED FORCES

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SSG Jeremy W. Mulhair of Omaha, NE.

Sergeant Mulhair will be remembered as a brave and committed soldier, a dedicated husband, and a loving father. His family says it was Sergeant Mulhair's dream to serve his country as a soldier, inspired by his father's, Jerry Mulhair, service in Vietnam, his uncle's service in the Navy, and a cousin's in the Marines.

Sergeant Mulhair was originally born in Michigan but grew up on a farm in a rural area northwest of Omaha. He attended Horace Mann Junior High School and Omaha Central High School. He later earned an equivalency degree before enlisting in the Nebraska Army National Guard. Sergeant Mulhair served with the Army in Korea in addition to two tours in Iraq.

On November 30, 2006, while serving in support of Operation Iraqi Freedom with A Troop, 1st Squadron, 7th Cavalry Regiment, 1st Calvary Division, of Fort Hood, TX, Sergeant Jeremy Mulhair passed away when a roadside bomb exploded near his vehicle in Taji, Iraq. He was 35 years old and had been serving in Iraq since October.

Giving his life in service to our country, Sergeant Jeremy Mulhair is the paradigm of courage and selflessness. He is survived by his wife Suzie and three children, Celina, Jeremy, and Maybel, of Fort Hood, TX; his parents, Jerry and Mildred, of Kimballton, IA; his brother, Robert Mulhair, of Mead; and his sisters, Tammy Lines and Dixie Heisner, both of Omaha.

I offer my prayers and thoughts to Sergeant Mulhair's family. He made the ultimate sacrifice to ensure that his children and others realize a peaceful and free world. Sergeant Mulhair was a soldier of incredible purpose and all Americans will never forget what he gave to our country.

LANCE CORPORAL MICHAEL SCHOLL

Mr. President, I rise today to honor LCpl Michael Scholl of Lincoln, NE.

Corporal Scholl will be remembered as a brave marine, a good friend, and a loving father and husband. He graduated from Lincoln High School in 2002, where teachers and classmates knew him for his easygoing personality and intelligence. He was also interested in cars, participating in a local car club, Camaros, Inc.

Friends say Corporal Scholl had dreamed of serving as a marine since he was young. When he enlisted it was only after being denied at first because he was diagnosed with a kidney condition as a toddler. His ability to overcome this obstacle set the precedent for his reputation as a reliable, courageous marine. Corporal Scholl's company commander told Scholl's family that the corporal had saved his life during a battle in October.

Corporal Scholl met his wife Melissa on a beach in Hawaii while training there. The couple married before his overseas assignment in Afghanistan. A few weeks after his deployment to Iraq, Melissa gave birth to their daughter, Addison. Sadly, Scholl was never able to see his infant daughter.

On November 14, 2006, while serving with the Marine Corps' 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force based out of Kaneohe Bay, HI, Corporal Scholl passed away from wounds received from a roadside bomb in Haditha, Iraq. He was 21 years old.

In addition to his wife and daughter, Cpl Mike Scholl is survived by his mother and stepfather, Debora and Jackson Chandler of Lincoln, and his father and stepmother, Steve and Donna Scholl of Friend.

Sacrificing his own life so that others could live, Corporal Scholl was the embodiment of bravery and the finest example of selflessness. I extend my deepest condolences to Corporal Scholl's family and friends. His unfaltering patriotism and his dedication to his family will remain a source of hope and inspiration for all Americans. Corporal Scholl was a man of exceptional honor, and we will not forget what he gave for our Nation.

SERGEANT FIRST CLASS SCOTT E. NISELY

Mr. President, I rise today to honor SFC Scott E. Nisely, 48, of Marshalltown, IA.

Sergeant First Class Nisely will be remembered as a man of faith, a compassionate father and friend, and a dedicated soldier. Originally from Syracuse, NE, Sergeant First Class Nisely graduated from Doane College in Crete, NE, where he was a decorated track star, excelling in hurdles. His alma mater is renaming an annual track and field event as the Scott Nisely Memorial Track Classic. While in college, SFC Nisely enlisted with the Marines Corps Reserve, later rising to the rank of major, and serving in Operation Desert Storm.

After leaving the Active-Duty Marines, he worked for the U.S. Postal Service in Marshalltown, IA. In 2002, he enlisted in the Iowa Army National Guard. On September 30, 2006, while serving in support of Operation Iraqi Freedom in Al Asad, Iraq, with C Company, 1st Battalion, 133rd Infantry Regiment, 34th Infantry Division, Iowa Falls, then-Staff Sergeant Nisely passed away when his military vehicle encountered small arms fire. He was posthumously promoted to sergeant first class.

Sergeant First Class Nisely is survived by his wife Geri of Marshalltown, IA, his son Justin of Greeley, CO, his daughter Sarah of Ames, IA, and his parents J.C. and Norma of Syracuse, NE.

I offer my sincere condolences to Sergeant First Class Nisely's family. He made the ultimate and most courageous sacrifice in the name of freedom and hope to defend liberty. Sergeant First Class Nisely was a man of incredible bravery; he will be forever remembered as a hero who sacrificed everything for his fellow country men and women.

RETIREMENT OF GENERAL JAMES L. JONES, U.S. MARINE CORPS

Mr. LEAHY. Mr. President, I would like to take this opportunity to commend GEN James L. Jones and to congratulate him on his retirement. General Jones has served this country through landmark events, including the Cold War and September 11, with consistent skill and with dedication, energy and intelligence. The country has greatly benefited from his service, and his clear-eyed coumsel will be greatly missed.

I have known Jim Jones for almost 30 years. I was immediately impressed with his calm manner and obvious intellect when I first encountered him as a major in the Senate's Marine Corps liaison office. I had heard of his distinguished background to that point, which included service in Vietnam, where he earned a Silver Star, and years as a company commander, motivating his marines with his steadfastness.

Over the years, I, along with all of my colleagues in the Senate, have watched Jim Jones grow into a stellar leader. There are two sides to military service—the field operations and the administrative side. While each presents its own challenges, both are absolutely essential to a strong Marine Corps. Jim Jones has been simply superb in both roles.

I remember encountering then Colonel Jones in northern Iraq after the first gulf war during Operation Provide Comfort, which sought to provide food and supplies to the Kurds. At one point, I accompanied him into the town of Zaku. While you would think that this would be one of the more dangerous places, with multitudes of refugees and harassing Iraqi forces, I must admit I have never felt safer as Marine helicopter gunships, Air Force A-10s, and well-orchestrated groups of marines provided cover. General Jones was utterly comfortable, and completely confident, in that environment.

Yet he was just as at home in the conference rooms at Corps Headquarters, at the Pentagon, and walking the historic Halls of Congress. Serving as the 32nd Commandant of the U.S. Marine Corps, General Jones provided remarkable leadership to the Corps before and after the September 11 attacks. The marines under his command took on critical counterterrorist activities, forging strong ties with our special operations forces. General Jones' leadership led to the Marine Corps' successful operations in southern Afghanistan. Always a persuasive advocate for adequate resources for the Corps, he was an equally outstanding contributor to the Joint Chiefs of Staff, where he could only "partly" wear his service hat.

For someone with such multifaceted talent, skill and experience, it is little surprise that General Jones performed in equally spectacular fashion in his last, two-pronged position as Commander of U.S. European Command and as the Supreme Allied Commander, Europe. The 14th Supreme Allied Commander, he has encouraged our NATO allies to take on greater military responsibilities outside of Europe, including more leadership in ongoing operations in Afghanistan. His clear, well-spoken manner and obvious credibility have made General Jones an invaluable asset.

Through it all, General Jones has had no greater partner, confidant, and friend than his wife Diane. The commitment that they have shown in the good and bad times, to their children and to all who know them, is simply remarkable, and it is inspiring.

I join with my wife Marcelle, my fellow Vermonters, and all Americans in expressing our deep thanks to General Jones and his family. We owe this outstanding American, great marine, and dedicated representative of the very best aspects of our Nation, a debt of gratitude that can never be repaid.

LANDMINES IN COLOMBIA

Mr. LEAHY. Mr. President, as someone who has been concerned about the problem of landmines for nearly two decades, I was heartened when every nation in this hemisphere, except, regrettably, the United States and Cuba, joined the Ottawa Treaty banning antipersonnel landmines. Many of them had experienced the human misery and economic hardship that landmines cause. Today most people in Central and South America can walk in safety thanks to the treaty and thanks to the efforts of the Organization of American States, with assistance from the U.S. Government, to remove the mines in those countries.

Today Colombia is the only country in Latin America where landmines are still being used. They are a persistent problem in almost every department, including some of Colombia's richest coffee-growing areas. According to the 2006 Landmine Monitor report, landmines in Colombia claim an average of three new victims a day. Colombia has the third highest incidence of mine victims in the world, behind only Cambodia and Afghanistan.

In Colombia the mines are used by rebel and paramilitary groups, and they are rudimentary in design. They kill or maim whoever comes into contact with them, whether it is a soldier or a young child. Many of the victims live in remote areas, hours or days from any medical services, so there is a high risk of bleeding to death.

Several initiatives are under way to help Colombia's mine victims with artificial limbs and rehabilitation and vocational services. Among them are the Polus Center for Social and Economic Development, the Colombian Coffee Federation, the OAS, Centro Integral de Rehabilitacion de Colombia, the Observatorio de Minas Antipersonnel, and the Colombian organization TECNOVO.

In addition, the Colombian organization United for Colombia has been working on a shoestring budget, and recently with assistance from the U.S. Government, to bring Colombian soldiers who have been grievously injured from landmines to the United States for reconstructive surgery.

I applaud the efforts of organizations that are working to assist victims of landmines in Colombia.

It is tragic that any of this is necessary. Landmines are inhumane, inherently indiscriminate weapons which should be relegated to the dustbin of history. The FARC rebels and AUC paramilitaries who use mines should be condemned. The use of these weapons is a gross violation of human rights and a crime against humanity.

On December 3, 2007, the world will mark the 10th anniversary of the signing of the Ottawa Treaty. Great progress has been made during the past decade in ridding the world of landmines. Let us hope that those who continue to insist on their right to use these indiscriminate weapons—in Colombia and in other parts of the world including the United States—will finally recognize that too often their victims are innocent people and that this cannot be justified.

FIGHTING MALARIA

Mr. LEAHY. Mr. President, earlier this year, the widely read, widely respected Sports Illustrated columnist Rick Reilly launched his Nothing But Nets campaign after learning that thousands of Africans—including about 3000 children—die each day from malaria and that simple mosquito netting could save many of these lives.

When I saw recently that his readers had kicked in more than $1.2 million for this effort—enough to buy 150,000 nets—I had to give that dollar total a double-take before it sunk in. His campaign has collected enough to buy thousands and thousands of nets, enough to save thousands and thousands of lives. Those nets, distributed by the United Nations Foundation and the World Health Organization, already are accomplishing that.

What Rick Reilly's crusade shows is that if you give Americans a clear and worthy goal, just about anything is possible.

Government and private relief agencies should be taking notes—and a lesson—from Rick Reilly. There are so many other devastating diseases that we could control or even conquer, if we summon the will.

I ask unanimous consent that Rick Reilly's column about this project be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD.

[Sports Illustrated, Nov. 28, 2006]

NOTHING BUT THANKS

(By Rick Reilly)

Seven months ago you and I found out that each day 3,000 African children die of malaria for the very sad reason that they can't afford mosquito nets over their beds. Didn't seem right to us. Sports is nothing but nets—lacrosse nets, cutting down the nets, New Jersey Nets. So SI started the Nothing But Nets campaign. Doctors guaranteed that if you sent in $20, you'd save at least one kid's life, probably two.

It was the alltime no-brainer. Skip lunch; save a life. Buy the Top-Flites instead of the Titleists; save a life. Don't bet on the Redskins; save a life. Nothing to research. No government to topple. No warlords to fight.

Bless your little hearts, all 17,000-plus of you who chipped in more than $1.2 million—enough to buy 150,000 nets, which the United Nations Foundation and the World Health Organization started hanging all over Nigeria, where kids younger than five are getting murdered by mosquitoes that come out only at night.

I know, because I saw the nets. Just got back. Feel a little bad about going without you. After all, it was your money. So let's pretend it was you who made the trip, not me.

Remember? Everywhere you went, people mistook you for King Tut. Women got down on their knees and kissed your hand. Whole towns threw festivals. The king in every ward summoned you to his one-room, one-lightbulb palace. One pointed his horsehair scepter at you and pronounced, "Thank you for dee nets. All my wives use dem!" Turns out he has four wives and 23 kids, and they're all under the nets, which is a good thing because the open sewer that runs right outside his shack is a kind of one-stop malaria center.

Everywhere you went, 40 people followed: doctors and nurses and random government suits and guards with AK-47s and vice-kings. You rode in an eight-truck caravan past unimaginable squalor, vans on fire and guys selling caskets on the street—a very good business in Nigeria, where the average life span is 47. And every time you opened your car door, two drummers beat a skull-busting welcome. You'd pull into a school, and the principal would hang a ribbon around your neck and say something you couldn't hear. "What?" you'd holler over the drums.

"We humbly fumalk apoplia!"

And you'd shrug, and he'd gesture to the 200 kids behind him, who were chanting something over and over, their faces beaming. Later you'd find out it was, "Thank you, white person!"

And they'd play a soccer game in your honor that featured nine-year-olds who played like 14-year-olds in the U.S., on fields full of weeds and trash, with goals made of tree branches. In three games the closest thing you saw to a boy with shoes was a set of brothers who wore one sock each.

And they'd hand you the mike, and you'd try to say how blown away you were and how you wished you could raise 100 times more in donations, because already one hospital in Nigeria is saying that since the nets went up, outpatient cases of malaria have dropped from 80 a month to 50. But they'd all put their hands to their ears and go, "What?"

When you bribed the drummers into taking a union break, you finally met the people you'll never forget: the mothers. Turns out they're nothing but nuts about the nets. In fact, so many mothers want the nets that to get one, the World Health Organization requires them to bring their kids in for a measles vaccination. How often do you get two for one on diseases?

You met a mother who walked half a day to get a net. You met a woman who sleeps with her four kids under her net, maybe because she knows that three out of every 10 child deaths in Nigeria are from malaria.

In the fetid slums of Lagos you met a woman named Shifawu Abbas who's had malaria twice. "Everybody wants the nets here, everybody!" she said, beaming. "My sister visited from the country and tried to steal it from me!"

Still, as you were climbing back into your air-conditioned SUV, she yanked back your hand and begged, "Please? Can I come with you?"

Sorry, you said.

On the last day you met Noimot Bakare, a mother whose youngest child died of malaria. She was so grateful that she trembled as she spoke. "Malaria is killing our children," she said, holding her toddler. "There is so much need here. God will bless you for the work you are doing."

Please go to NothingButNets.net and keep it up.

For that, we humbly fumalk apoplia.

INDIAN GAMING LEGISLATION

• Mr. McCAIN. The 109th Congress ends with many missed opportunities, and among them is the opportunity to enact necessary amendments to the Indian Gaming Regulatory Act, IGRA. IGRA has not been significantly amended since its enactment in 1988, almost 20 years ago. When IGRA was enacted, Indian gaming was a $200 million dollar industry. Today, the industry earns $23 billion a year. The industry is no longer just bingo; instead, the lion's share of revenue—at least 80 percent—is generated by what IGRA calls class III gaming; that is, slot machines and other "Las Vegas" style casino games. This explosive and unanticipated growth in Indian gaming has created a changed environment that cries out for modifications in the law. Yet Members of this body have blocked getting needed legislation passed. They have done so at the cost of good public policy.

During the 2 years that I have served as chairman and Senator DORGAN has served as vice chairman of the Committee on Indian Affairs, we held seven hearings on Indian gaming. After four of those hearings and based on testimony received, in November 2005, we introduced S. 2078. After the bill's introduction, we held three more hearings to continue oversight over the Indian gaming industry. These hearings revealed, among other things, that a court decision had decimated the Federal regulatory agency's authority and that, meanwhile, new large Indian casinos were threatening to appear in all areas of the country. Based on the hearings and responses from interested parties, I offered a substitute amendment, which was successfully reported out of committee with bipartisan support. However, when we sought unanimous consent for passage of the bill, holds were placed on it. These holds were placed by Senators with concerns that the bill was not restrictive enough and by those who thought it too restrictive. Understandably, these concerns were mostly prompted by constituent interests. We then worked in a bipartisan effort to modify the bill to answer our colleagues' concerns while balancing the need to provide real oversight over the industry. Some of our Members' constituents, however, simply do not want Federal oversight. Some took the position that there must be no change in IGRA because opening up IGRA would send a signal that Indian gaming was not perfect and no one was to speak that truth. It seems that these people assumed that ignoring the problems is a better policy than confronting them.

And there are problems. Through S. 2078, I sought to confront these problems while at the same time honoring the rights of Indian tribes to conduct gaming, a right guaranteed by the Supreme Court in the California v. Cabazon decision. I will continue to believe that effective regulation—including effective Federal regulation—of Indian gaming is critical to tribes' continued success.

A critical problem we have left unsolved is the hole left in regulation of class III gaming; that is, slots and other casino games. On August 24, 2005, the U.S. District Court for the District of Columbia issued its decision in Colorado River Indian Tribes v. NIGC, "CRIT", ruling that the National Indian Gaming Commission, NIGC, did not have jurisdiction to issue class III Minimum Internal Controls Standards, MICS. That ruling was upheld by the U.S. Court of Appeals for the District of Columbia in October of this year.

Until the court's decision, the NIGC had been regulating class III gaming through MICS since 1999. The regulations applied both to class II gaming—that is, bingo and games similar to bingo—and to class III—gaming including slot machines and table games—which represents the source of four-fifths of all revenue in Indian gaming. Following the CRIT decision, however, tribes have increasingly challenged NIGC's authority to issue or enforce the MICS over class III gaming. This leaves Federal oversight only over class II gaming, which is a small—and with increasing numbers of States entering into compacts, a diminishing—source of Indian gaming revenue. It leaves class III regulation up to the terms of the compacts negotiated between tribes and States. But States' roles in regulating and enforcing class III regulation varies widely among State-tribal compacts. While some States take a rigorous role in regulation, many simply do not have the expertise or resources to regulate Indian casino games. These States have typically relied on NIGC to provide regulations. As a result of the CRIT decision, however, tribes are increasingly refusing to allow for NIGC access to or oversight of their gaming facilities. These tribes are, in effect, now free to regulate themselves.

I do not believe that self-regulation without oversight is real regulation. By failing to enact legislation that overturns the CRIT decision, we have left the lion's share of a huge industry in its own hands. This is not a small matter. Indian gaming in 2006 is a nationwide industry. More than 220 tribes operate gaming facilities throughout the United States, from Connecticut to California. Indian gaming is no longer simple bingo parlors on rural Indian reservations. For a nationwide industry that generated $23 billion dollars a year and is growing, uniform Federal standards are necessary and vigorous enforcement of those standards are imperative to making sure that the money that customers put into Indian gaming machines finds its way safely from the casinos to the tribal governments, which through IGRA are directed to use the money to strengthen the social and economic fabric of their tribes. The failure of this Senate to pass this bill will leave Indian gaming radically less protected than it was before the 109th Congress convened and the CRIT decision was issued. What we have now is the triumph of individual self-interests over the public good and it sorrows me to leave Indian gaming in that condition.

Failure to pass this bill also leaves a well-documented hole in Federal oversight of gaming contracts. While the NIGC has told us that management contracts are not the only source of overreaching by contractors, we have left the agency with the authority to approve or disapprove only management contracts. Similarly, while we all know that Indian gaming is spreading beyond the confines of reservations, by not passing this bill, we have also failed to amend IGRA to limit "off-reservation" gaming and the growth of casinos where local people could never have foreseen their arrival. In 1988, when we first enacted IGRA, we provided a general prohibition against conducting gaming on land acquired after 1988; in the interest of fairness, several exceptions to this ban were provided. Unfortunately, exploitation of these exceptions, not anticipated in 1988, has led to a burgeoning practice by unscrupulous developers seeking to profit off Indian tribes desperate for economic development.

S. 2078 would have eliminated the ability of tribes to establish casinos outside of their reservations and provided a process whereby local communities can voice their concerns regarding impacts of casino development. Finally, it would have prevented attempts to create reservation land, specifically for casinos, through so-called land claims unless Congress actually approved legislation to that effect.

It is my hope that the next Congress will leave Indian gaming better regulated and more responsive to present-day realities than this Congress has left it. This is my hope for tribal members, who depend on honestly tracked revenue from gaming establishments for their government services. This is my hope for local communities who are facing the prospect of huge casinos in their hometowns where they could never have anticipated them. I am hopeful that we will choose to put the good of the American people above special interests.●

NORTH KOREA

Mr. FEINGOLD. Mr. President, I think we all can agree that North Korea remains one of the greatest challenges to our country's foreign and national security policy, and it is clear that approaches to date haven't been successful. This year saw Kim Jong Il launch seven ballistic missiles into the sea of Japan and successfully detonate a nuclear device, defying the clear will of the international community and forcing us to confront the reality of a nuclearized North Korea.

The Bush administration's policy on North Korea has been a complete failure. The 1994 Agreed Framework which this administration inherited was not perfect, and the North Koreans cheated by pursuing uranium enrichment. But the collapse of the framework, which had kept North Korea's fuel rods under IAEA supervision, has been a disaster. As the Director of Central Intelligence, George Tenet testified publicly in 2004, "the IC judged in the mid-1990s that North Korea had produced one, possibly two, nuclear weapons. The 8000 rods the North [now] claims to have processed into plutonium metal would provide enough plutonium for several more."

But that is the past; our problem now is to find a way forward. For far too many months we have been waiting on the sidelines, hoping, passively, that conditions will turn our way. We have been distracted by Iraq—it took a series of missile launches and the actual detonation of a nuclear device for us to get fully engaged again. And still we wait for the Six Party Talks to reconvene.

I welcome the news that North Korea has agreed to come back to the Six Party Talks. That is a good starting point, but it cannot be the end point; the Six Party process has dragged on for years now, and the only objective result has been that Kim Jong Il now has nuclear weapons. There must be results that come from these talks, and we must have in place benchmarks for what success means. I hope that we can convince Kim Jong Il to give up his nuclear weapons, but history does not provide a great deal of reassurance on that score. At a minimum, we should seek steps in that direction, such as partial dismantlement or a freeze on further production of fissile material, as a starting point.

Ultimately, North Korea needs to be brought back into the international fold. Unfortunately, we can't do that if we signal that our true desire is "regime change" and we continue to refuse to consider other options, such as direct negotiations. When dealing with such an important matter to our national security, we should not keep any option off the table. It is high time for a change of course in President Bush's North Korea policy.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

Mr. CRAIG. Mr. President, I rise to make a few comments regarding the Secure Rural Schools and Community Self-Determination Act, or County Payments Act as it has been nicknamed.

As this session comes to an end, I want to express my disappointment that this Congress did not act to reauthorize County Payments and to publicly reaffirm my commitment to finding resolution for this issue.

In 2000, the Congress passed Public Law 106-393 to address the needs of the forest counties of America. It created a new cooperative partnership between citizens in forest counties and our Federal land management to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

The act has been an enormous success, not just achieving but surpassing the goals of Congress. This act has restored programs for students in rural areas and prevented the closure of numerous isolated schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to those enjoyed by suburban and urban students. More than 4,400 rural schools receive funds because of this act.

Next, the act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced, and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs, have been formed. These RACs cover our largest 150 forest counties. Nationally, these 15-person diverse RAC stakeholder committees have studied and approved more than 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our national forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious week eradication.

RACs are a new and powerful partnership between county governments and the land management agencies. They are rapidly building the capacity for collaborative public land management decisionmaking in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

The legacy of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our national forests.

I could go on and on about the merits of this act, but the truth is politics got in the way of funding any extension.

Some of my colleagues proposed to fund this measure through a sweeping new 3-percent withholding on all payments made by Federal, State, and local governments. This proposal would impose significant burdens on businesses. In most cases, businesses make substantially less than a 3-percent profit on their contracts and sometimes turn no profit at all. The withholding requirement will effectively withhold entire paychecks—interest free—thereby impeding the cash flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount. In addition, the cost to the Federal, State, and local governments to administer and implement the new withholding requirement will be substantial. The Congressional Budget Office called the provision an unfunded mandate on State and local governments because its expected costs exceed the allowable $50 million annual threshold. In short, this proposal would hurt many of the same people we are trying to help.

The administration also proposed a few ideas, one being the selling of public lands. I have always supported the exchange or sale of small parcels of public land that improve land management for wildlife habitat, recreation, and access. I oppose selling those public lands that are America's treasures such as national parks, wilderness lands, or national monuments. I also oppose selling public lands for the sole purpose of generating funds for the U.S. Treasury.

All of the ideas I brought to the working group encouraged responsible resource development and further promoted the relationship of our resource dependant communities and our public lands. I have encouraged the working group to look at expediting oil and gas leases, thus generating additional revenue through increased royalty payments. Next, I asked that the working group consider streamlining NEPA for salvage logging and other timber-related projects. My hope was to build on the success of the Healthy Forest Restoration Act of 2003 and reunite our communities with our public lands.

Let me assure you that these ideas I have just described were only the tip of the iceberg. No stone was left unturned, and in many cases the rock was flipped several times in hopes of shaking a new idea loose. Unfortunately, none of the ideas could garner enough bipartisan support. Again, it is upsetting to me to see an issue that has built its reputation on nonpartisan success fall victim to partisan politics.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost. Schools in timber-dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling afterschool programs, sports programs, music programs, and other programs that serve the basic educational needs of our children. In addition, many school districts will have to determine if and how many staff members they can retain for the next school year. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford. Since most school districts and counties operate on a fiscal year that begins July 1, many of these critical decisions have to be made sooner rather than later.

I have always viewed that this act as a temporary measure to help communities transition from historical payments to the reality of today. Unfortunately, our communities have not come far enough in the last 6 short years. I want to work with my colleagues to help counties expedite their transitions and feel that the first step is to address how much funding is associated with the reauthorization.

With the beginning of the next Congress, I will encourage my colleagues to recall why we are working on this reauthorization, the relationship between our public lands, schools, and counties. And I will be asking for their commitment in working in a bipartisan fashion to address this critical issue expeditiously.

RECOGNIZING THE DC COMMISSION FOR WOMEN

Mr. BROWNBACK. Mr. President, I rise to reflect on the contributions that the DC Commission for Women has made to the lives of the disenfranchised in our Nation's Capital. Of particular note has been the commission's focus on homeless women and children who are often forgotten and neglected in the District of Columbia.

I am particularly pleased that the commission will serve as a partner in the "big read" program, sponsored by the national endowment for the arts. This program provides books for low-income "at-risk" children. The DC Commission for Women is also a national model for educating the public on domestic violence prevention and women's health and safety issues.

My remarks are coming on the eve of Mayor Anthony Williams' transition from pubic service into private life. It is befitting that the commission is paying tribute to Mayor Williams' mother, Virginia E. Hayes Williams, a member of the commission and a strong advocate for children and women. It is not coincidental that the tribute will be held at the Saint Constantine and Helen Greek Orthodox Church for Mrs. Williams, like Constantine the Great's mother, Helen, advised her son on religion and affairs of the state.

I would also like to acknowledge the commission's chair, Dr. Christine M. Warnke, whose leadership has brought international resources and visibility to the commission. She has expanded the commission's programs and forged global partnerships which promote religious and cultural tolerance.

As we move into the 110th Congress, I look forward to working with the Commission for Women on these important issues.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOICE OF AMERICA

• Mr. BIDEN. Mr. President, as the people of Serbia approach a critical national election on January 21, 2007, I pay tribute to the journalists and broadcasters who have worked to provide an antidote to forces of extremism in the country. I especially congratulate the Voice of America's Serbian Service and recognize the 10-year anniversary of its first television broadcast. VOA's long-running work in Serbia has played a valuable role in the country's evolution and provided an important source of information during the darkest periods of Serb history. This contribution has been particularly evident as Serbia has undergone profound changes in the last 10 years.

Open Studio, VOA's first daily television newscast, was launched on December 11, 1996, in the wake of massive demonstrations to protest the invalidation of election victories by opponents of Slobodan Milosevic. In the face of public outcry, the Milosevic regime worked quickly to silence independent media outlets in Serbia, including a small, vibrant radio station called B92. The student-run station had distinguished itself by broadcasting hard news about the wars in the former Yugoslavia and engaging in relentless criticism of the Government. VOA's Serbian Service responded to the Milosevic regime's attacks on media freedom by expanding its broadcast and providing extensive reports on the international reaction to the protests in Serbia. On the day Serb authorities finally shut down B92, VOA requested permission to help the station reach its audience via VOA radio waves. As a result, VOA Serbian launched a media solidarity project and began broadcasting reports prepared by B92 stringers. The solidarity project received widespread international attention, including press coverage by the New York Times, Washington Post, CNN, and many other respected media outlets.

After VOA began providing assistance to B92, the Milosevic Government relented and permitted the station's radio service to resume broadcasting. B92's chief editor, Veran Matic, credited VOA's assistance and international pressure on the Milosevic Government with getting his station back on the air. B92 quickly became a symbol of freedom and resistance to ultranationalism during the balance of the Milosevic era. Today, the station is one of the most respected radio and television broadcasters in Serbia.

VOA's Open Studio program has built on its early success and is now carried by 53 television stations in the region; 45 in Serbia and Montenegro, 6 in Bosnia-Herzegovina, and 1 each in Kosovo and Macedonia. VOA is the leading international broadcaster in Serbia and Montenegro today, reaching 16 percent of the country's population each week through its radio and television programming.

By presenting American values to an audience that was predominantly anti-American, the Voice of America Serbian Service has been an important public diplomacy tool and helped promote United States foreign policy objectives in Southeast Europe. In keeping with the best traditions of the service's 60-year history, VOA has helped guide Serbs toward greater freedom and openness, and encouraged the country to come to terms with the difficult legacy of the Yugoslav wars. VOA's objective, comprehensive reporting and analysis has provided reliable, often indispensable information to the region's Serbian population.

Events in Serbia during the last decade provide compelling evidence of how courageous journalism can serve as a catalyst for democratic change. As the region prepares to deal with new challenges, including potential political changes in Belgrade and Kosovo, there is an ongoing need to provide Southeast Europe with reliable information. Along with the important work of B92 and other brave Serb partners, I applaud the efforts of the Voice of America to convey the facts and represent the United States to the people of Serbia. I look forward to the VOA's continued success in its next decade of service.•

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON of Florida. Mr. President, I rise today to talk about a bill that we have been trying to pass for several years now—the Water Resources Development Act. Yet, again, we were not able to pass this bill that is not only important for the State of Florida, but also for the country. It includes two particularly key projects for Everglades Restoration: Indian River Lagoon and Picayune Strand. Both of these projects are critical to "getting the water right" and restoring the natural environment of America's Everglades. As incoming Chair of the Senate Environment Committee, will it be a priority of the new Chair, Senator BOXER of California, to pass the WRDA as soon as possible in the 110th Congress?

Mrs. BOXER. Yes. I commit to my friend from Florida, Senator BILL NELSON, that as the new chair of the Environment Committee, WRDA will absolutely be a priority for the committee. I look forward to working with him on projects important to Florida and passing WRDA as a whole as soon as possible in the 110th Congress.

WORLD TRADE MONTH

Mr. SMITH. Mr. President, I rise today to speak about World Trade Month. I have always been a free trader, and I am very proud of the many Oregon companies that are active in international trade and are pioneers in breaking into new markets and tearing down ancient barriers to commerce and cooperation. As advances in technology and transportation shrink our world, the international trade of goods and ideas becomes more and more vital to our economy.

In May 2006, the Commerce Department's Office of Export Assistance organized a very timely and useful program that focused on Asian markets beyond China. Oregonians who pay attention to trade realize the importance of China as a market for goods and services from the Pacific Northwest, but we also have a long and robust history of trade relations elsewhere in Pacific Rim Asia. As a result of this, I have led the Senate's effort to normalize our trade relations with Vietnam and increase trade with the least developed countries in the Asia-Pacific region.

As a businessman, I have seen how trade can raise standards of living both in America and around the world. International commerce creates new growth opportunities for our manufacturers and agricultural producers, and WTO membership for Vietnam will help ensure that everyone's playing by the same rules. It will also mean that Oregon farmers, ranchers, manufacturers, and service providers will enjoy greater access to a market of more than 83 million new customers.

During the Commerce Department's conference, Deputy Assistant USTR Jeri Jensen provided a very insightful keynote address, which, without objection, I would like to have printed in the RECORD. I believe this speech is worth examination by my colleagues interested in trade policy and export markets for U.S. goods and services.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPANDING TRADE WITH THE PACIFIC RIM

(Remarks of Jeri Jensen)

Want to thank the Portland USEAC and Scott Goddin in particular. Before coming to USTR, I spent about 20 years at the Commerce Department, working trade promotion and policy issues. I've known Scott most of that time, and can say without a doubt how lucky Portland is to have him.

Also want to thank companies that are here today, for their interest in the region and their support for our trade agenda more broadly. Companies like Intel, Nike, Tektronix, HP, Infocus and Colombia Sportswear are the reason why we work as hard as we do at USTR to increase our footprint in the Asia Pacific region. We look forward to your support next year when we seek Congressional approval for our trade agenda.

What I want to accomplish today is for you to come away with the clear sense that there really is no other region in the world now where we are more economically engaged than the Asia Pacific. We have a vision to continue to get you in on the ground floor of these economies, which you all know are the fastest growing economies in the world.

This is good news to Oregon, because you all are the seventh largest state exporter to Asia, (Washington is third—but Scott assures me that its only forty planes and some Microsoft software that separates Oregon from Washington when it comes to trade with the Asia Pacific).

Exports from your state to Asia have averaged about $5 and a half billion over the last 5 years, and as most of you know, have been concentrated in the high tech sector and agriculture. Eight of your top twelve trading partners, or more than 60 percent of Oregon's trade, is with countries in the Asia-Pacific region.

This tracks with the overall significance of U.S. trade with Asia. Asia accounts for one-third of total U.S. trade—up almost 70 percent over the past 10 years. U.S. investment, also has more than tripled in the region over same period.

As we can see from the number of companies in the room, few major U.S. companies do not have an Asia strategy, and many have chosen some of our FTA partners like Malaysia and Singapore as hubs for their regional supply chains.

What I want to do today is give you a snapshot of where we are with our trade policy efforts in the region, but before I do, let me provide some context and say a word about some of the recent economic dynamics in the region.

First, it wasn't that long ago when our trade policy was all about our rising trade deficit with Japan. Now, the challenge and opportunity is dealing with the commercial and strategic influence of China.

Second, along with China's new economic might, we've seen unprecedented economic growth and political reform in the rest of Asia. And, we are now the largest or second largest trading partner of most of these fast-growing economies.

Third, most of the countries in the region are developing unique visions of how they intend to compete and integrate their economies into the global trading system. Some want to move quickly, some more slowly.

Fourth, we are well aware of the fact that we are not the only country that is thinking strategically about this region. Virtually every country in Southeast Asia has or is negotiating an FTA or regional agreement. There are now about 14 trade agreements in SE Asia. China has 3 now and is negotiating 17 more. ASEAN has an FTA with China and is negotiating FTAs with Korea and now the EU.

None of them are as comprehensive and deep as those the U.S. negotiates. But they clearly affect the competitive landscape, and China's influence in the region.

So the question we try to answer every day is how to deepen our economic ties with each of these countries in a way that supports their unique efforts toward economic and political reform, and yet recognizes the commercial and strategic significance of the region, and the fact that our competitors are not standing still?

We are answering that question, as Ambassador Portman has said, by walking and chewing gum at the same time.

We are working to build relationships regionally in APEC and ASEAN. Indeed, we are all going to the APEC Trade Ministerial next week, and we are in the midst of negotiating a Trade and Investment Framework Agreement with ASEAN.

But most of our efforts are focused on an aggressive bilateral agenda. We believe this approach will accomplish the most, in light of our Congressional requirements, the different levels of development in the region, and the needs of U.S. companies for genuine market access that goes beyond just tariff reductions to include non-tariff measures like IPR, remedies for investment disputes, trade facilitation, transparency, and other barriers that plague many of the markets in SE Asia.

This approach is working for U.S. companies. We are increasing our exports and are opening the markets that matter most to our exporters.

If you were to take all of our current FTA partners, while they may represent only 14 percent of the world economy, they buy about 50 percent of U.S. goods exports and are about the size of our third largest market.

And if you look at the exports of our FTA partners, they are growing at a clip of about twice as fast as our exports to the rest of the world.

We have five FTAs in the Asia-Pacific region which we have recently negotiated or are about to negotiate. When all five are complete, Oregon companies will have better access to a $2 trillion market, and the sixth largest market worldwide.

Our agreement with Singapore in 2003 was one of the first FTAs President Bush announced under Trade Promotion Authority and the first FTA between the U.S. and an Asian country.

Since we implemented the agreement, U.S. exports have increased almost 25 percent and our trade surplus with Singapore has tripled. Most of those increases have come in sectors where Oregon companies are globally competitive, like info technology equipment and chemicals.

Singapore, by the way, at our urging, has developed one of the strongest intellectual property rights regimes in Asia. Over the last 2 years they have even gone beyond their FTA commitments, amending their laws in all IPR areas.

Based on those amendments, just last month Singapore's courts imposed its first fine (of about $20,000) on a copyright-infringing design firm after police discovered illegal installations of Microsoft, Adobe, and Autodesk software.

Our FTA with Australia was completed 1 year after Singapore's. We have referred to it as "the manufacturing FTA" because 99 percent of our manufactured goods exports gained immediate duty free access. All U.S. agricultural exports received immediate duty-free treatment as well.

One year later we can already see the benefits. U.S. exports are already up 10 percent; U.S. agriculture exports are at record levels, and when the data comes in we expect to see gains in services as well.

Let me turn to our ongoing FTA negotiations in the region. First, regarding Thailand, we have had six rounds of FTA negotiations, and have made progress in a number of areas.

However as many of you know, this February the Thais called for snap elections in April. Since then, the Thai government has had no mandate to negotiate and our negotiations have been on hold.

Two weeks ago, the Thai courts invalidated the results of the April elections and new elections will now be held, probably this Fall. Once a new government is in place, we will determine, in consultation with the Thai government, where we go from there.

But our negotiations with Malaysia are poised to begin in three weeks in Penang. This agreement holds particular promise for Oregon companies because you are the third largest exporter to Malaysia, beating out Washington who comes in at a mere 12th.

Few people realize we export more to Malaysia than we do to India, Russia, Chile, Singapore, Brazil or Thailand. Malaysia is our tenth largest trading partner, with $44 billion in two-way trade, and a consistently strong growth rate averaging about 5 percent for the last decade.

Two-thirds of our trade with Malaysia is in electronics and high-tech products, and is tied to a number of U.S. company supply chains, which may explain Oregon's interest. Financial services and autos, where entry barriers are high, will also likely benefit from an FTA.

We will also begin our negotiations with Korea next month. This will be a huge opportunity for U.S. companies, as the most commercially significant bilateral free trade agreement launched by the U.S. since NAFTA 15 years ago.

Korea is the third largest market in Asia, after China and Japan, and the world's tenth largest economy. Like Malaysia, it has consistently high growth of about 5 percent a year over the last 10 years. It is a high-income economy with per capita income about $20,000/year.

And it is a major world trader—the world's seventh largest goods and services exporter. We are already Korea's second largest trading partner.

But we are under no illusions about the challenge ahead. As with Malaysia, we have about a year to complete the agreement, which will be no small feat in light of the size of the Korean economy and the number of non-tariff measures unique to Korea. But because of the extensive preparatory work that was done and the political commitment on both sides, we believe it is achievable.

We also have an active bilateral agenda that's distinct from our FTA negotiations.

At about the same time we were concluding the Singapore FTA, President Bush announced the Enterprise for ASEAN Initiative in 2002. This is really the strategic framework for our trade relationship with the ASEAN countries.

It's a vision for a network of FTAs with those ASEAN economies that have demonstrated an ability to resolve bilateral trade issues, build strong support in the U.S. business community and in the Congress, and are ready to meet our comprehensive FTA commitments.

TIFAs—Trade and Investment Framework Agreements—are really just a fancy acronym for an ongoing trade dialogue. TIFAs are one of many possible bilateral vehicles that can work to take a trade relationship to the next level.

The point is that we are broadening and deepening our trade relationships throughout the region, and the shape that takes for each country depends on each country. Indeed, precisely because the region is so dynamic, there is no "one size fits all" for trade agreements here.

We have TIFAs with 7 countries in Asia.

Our TIFA discussions with the Philippines and Indonesia are great examples of the breadth of issues that can be covered.

The Philippines have lifted its ban on U.S. beef, opened its market to U.S. poultry and modified their decision to increase auto tariffs. There have also been major accomplishments on IPR, including stronger legislation and increased coordination among IP agencies.

Indonesia's Trade Minister Pangestu was just in town in March for TIFA discussions. She and Ambassador Portman announced a customs cooperation agreement and an MOU on textiles. They also announced their intention to negotiate a bilateral investment treaty and the first agreement ever on illegal logging and illegal trade in endangered species.

As a major exporter of forest products that compete with illegal logs, this should be of interest to Oregon. We hope the agreement will be a model for other countries who have an interest in protecting their land and sensitive habitats from illegal logging, while making sure they have access to legally produced timber.

We are particularly excited about the agreement in principal we reached with Vietnam May 14 on bilateral market access that will pave the way for Vietnam to enter the WTO.

This is a major accomplishment, considering that it wasn't that long ago—just a little more than a decade—that France was Vietnam's major trading partner and Vietnam was a state-controlled economy.

Now the U.S. is Vietnam's major partner and it's clear Vietnam recognizes its future is tied to the global economy, through broad-based economic reform.

You can see this in the stats: its growth rate last year alone was 8.4 percent, the fastest in Southeast Asia. Its imports have grown dramatically. Last year our exports to Vietnam were up 24 percent. Two-way trade with the U.S. has grown to more than $8 billion, which is an increase of more than 400 percent since 2001.

Our bilateral agreement will result in real market access for U.S. companies when Vietnam accedes to the WTO.

About 94% of Vietnam's imports from the United States will face duties of less than 15%. Major U.S. exports like construction equipment, pharmaceuticals and aircraft will face duties of less than 5%.

Vietnam will join the Information Technology Agreement, implement low duties on nearly all medical equipment and to harmonize its chemicals tariffs.

About three-fourths of U.S. agricultural exports to Vietnam will face duties of less than 15%. And, Vietnam will open up telecom, distribution, financial, insurance and energy services to foreign participation.

The next step is for Congress to grant Vietnam Permanent Normal Trade Relations (PNTR), so that U.S. companies can take advantage of all of the benefits I've just described. We believe there is bipartisan support for PNTR, and are consulting with the Hill to highlight the benefits of the agreement.

Last but certainly not least, let me say a few words about Japan and China.

Japan of course is our 4th largest trading partner. And the question that is always posed is why aren't we negotiating an FTA with Japan? And the answer is, as with all of our FTAs, we always seek a fully comprehensive agreement that covers all industry sectors, including agriculture. And the reality is that Japan is not yet interested in negotiating this kind of fully comprehensive agreement.

That said, Japan certainly is one of our most important trade relationships. We already have an advanced approach to working with Japan, under our Joint Economic Partnership for Growth, which includes work across a number of important areas—including regulatory reform, financial services, express delivery and investment.

And we are looking at new ways to integrate our markets more, particularly in the area of IPR, both through APEC and bilaterally.

And then there is China. Thirty years ago China accounted for less than one percent of the world's economy. Today, it is four percent of global economic activity, with almost $1 trillion in foreign trade annually, one third of which is with the U.S.

It is one of the world's fastest growing economies, with almost 10 percent growth in 2005, the third largest economy in the world in terms of purchasing power, and our second largest trading partner.

What is often overlooked in our relationship with China is the opportunity—the fact that it is our fastest growing export market and that U.S. companies are doing quite well there.

Exports to China have increased at a clip of about 20 percent a year for the past five years. What's even more impressive is that in the first 3 months of this year we almost doubled that rate, with our exports increasing 39%, 2 times faster than our exports to Japan and more than double the growth rate of U.S. imports from China during the same period.

And, China is not a market just for large, sophisticated companies. The number of small and medium-sized enterprises (SMEs) exporting to China rose faster than to any other major market in the last ten years, with the total number of firms exporting to China quadrupling.

But as with any complex relationship, there are challenges. In February, USTR unveiled a top-to-bottom review which concluded that, while the U.S. has clearly derived substantial benefits from U.S.-China trade, the relationship has not been sufficiently balanced.

We are entering a new phase in our relationship with China. We are treating it as a mature trading partner and drawing upon the full set of tools available to us to make sure China complies with its commitments.

You may have noticed that we were just joined by Canada and the EU in bringing a case to the WTO over China's unfair barriers to imported auto parts. Of particular concern has been its WTO commitment to enforce intellectual property rights.

We've had two recent opportunities to strengthen this relationship. The Joint Commission on Commerce and Trade, or JCCT, chaired by the Secretary of Commerce and the USTR, met in April as it does each year to discuss our bilateral trade agenda. And then there was President Hu's visit to see President Bush ten days later.

At the JCCT, the Chinese made a number of commitments to strengthen their enforcement of intellectual property, resume trade in U.S. beef, improve access to China's telecom market, sign the WTO government procurement code and take steps on transparency and export controls.

During his remarks on the South lawn, (just before the Falun Gong protester made her remarks, President Hu reiterated the key commitments China made during the JCCT, such as boosting domestic demand and increasing imports, improving market access and strengthening intellectual property protection.

And President Bush impressed upon Vice Premier Wu Yi that the value of these commitments was in the follow-through. We are currently working with our Chinese counterparts to turn these commitments into reality.

So we believe our relationship with China is on track.

To sum up, there are really just three points.

First, the transformation of the Asia-Pacific region from a center of low-cost manufacturing to what has become the growth engine for the world economy has been truly remarkable;

Second, we "get" at USTR that for Oregon's companies—and all U.S. companies—to stay innovative and globally competitive, they have to be integrated into the fabric of the Asia-Pacific;

And third, we have a strategy to do just that, one that contemplates the economic diversity of the region and employs a variety of tools matched to the potential, capacity and willingness of our trading partners.

Thank you.

ENRICHED URANIUM

Mr. VOINOVICH. Mr. President, last year after many years of effort, the Congress finally passed a bipartisan energy bill, the Energy Policy Act, which I was very pleased to work on and support. I believe, as I know many of my colleagues believe, that abundant, stable and affordable energy is one of the most fundamental challenges the United States faces in terms of job creation and our ability to compete in the global marketplace.

In order to best meet these challenges, I believe we need to develop and nurture all forms of energy—including coal, oil, natural gas, renewables and clean, safe nuclear energy. In doing so, we need to promote energy diversity and conservation.

I commend the Chairman DOMENICI and Ranking Member BINGAMAN of the Senate Energy Committee for their outstanding work on the bill. In particular, I applaud their work in promoting new nuclear generation, and in fact helping to launch a nuclear renaissance in the United States.

According to the Energy Committee, the bill will have a dramatic effect:

> Because of the provisions in the energy bill, including the loan guarantee authority, the production tax credits, and the insurance protection against licensing delays and litigation, electricity generating companies and consortiums across the United States are preparing applications for permission to build up to 25 new nuclear power plants.

The committee further states that if all 25 plants are built: they would generate between 20,000–25,000 megawatts of new electricity, enough to power 15 million households; they would create between 40,000 and 45,000 construction jobs; and they would create approximately 10,000 high paying, high-tech plant operation jobs.

As my colleagues also know, one of our often stated but not yet achieved priorities is to foster energy independence. I must point out to my colleagues that at present our country is threatened not only by our current dependence on foreign oil, but also by a possible future dependence on Russian uranium needed to fuel U.S. nuclear reactors.

Earlier this year, when President Bush traveled to Russia for the G8 summit, I was pleased to join in a letter led by Senators DOMENICI, BINGAMAN and DEWINE that expressed our concern about further expansion of Russian uranium into the domestic marketplace. We wrote of our concern that any changes proposed in either the Highly Enriched Uranium, HEU, Agreement or the Suspension Agreement would have the potential of making the U.S. more dependent on foreign sources of nuclear fuel at a time when domestic sources are being developed. Further, the letter stated that additional Russian access to the U.S. market at this time is likely to result in market destabilization potentially jeopardizing resurgence of the nuclear-related industry.

Frankly, I am concerned not only based on our goal being secure in our energy needs, but because of concerns regarding our national security. Russia is the largest single supplier of uranium enrichment services to U.S. utilities, providing 45 percent of the domestic market.

Unfortunately, a recent decision of the U.S. Court of Appeals for the Federal Circuit has created a possible loophole in U.S. antidumping law that could further expose the U.S. to a greater reliance on Russian uranium. This decision is important because the United States government is currently engaged in negotiations with Russia over possible changes to the U.S.-Russian Suspension Agreement, with critical meetings to take place this month and in January.

Unfortunately, this possible loophole may compromise the administration's negotiating position because Russia now believes it can simply terminate, rather than renegotiate, this agreement, and subsequently exploit this possible loophole to avoid any dumping liability on its low enrichment uranium exports. Under this decision, the Russians can designate their uranium fuel as a "service" and bypass the U.S. trade restrictions that are in place to regulate the import of "goods".

I had planned to offer a narrow amendment expressing concern over possible Russian plans to export more uranium and to support maintaining the existing Suspension Agreement and HEU Agreement between the United States and Russia. In fact, I have a communication from the National Security Council that states the administration's support for language similar to the amendment I had drafted.

The basis for my concerns for our national security is this: should the Russians back out of the Suspension Agreement in an effort to obtain direct access to the U.S. nuclear fuel market, this could undermine and disrupt the HEU Agreement. The bottom line is the Suspension Agreement and the HEU Agreement have a direct relationship. It is clear to this Senator that changes to the Suspension Agreement would have significant consequences to the HEU Agreement, and there is no doubt that ensuring uninterrupted execution of the HEU Agreement is absolutely in the U.S. national security and energy security interests.

That being said, I understand there is concern with addressing the issue at this time, and I have decided to withhold further action. While I am disappointed that there is not enough time in this Congress to deal with this important issue, it is my hope that this situation can be quickly addressed in the 110th Congress.

(At the request of Mr. ALLEN, the following statements were ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. WARNER. Mr. President, rollcall vote No. 275 was in reference to Executive Calendar No. 924, the nomination of Kent Jordan to be a U.S. Circuit Court Judge for the Third Circuit. I had to be necessarily absent from this vote so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote, I would have voted for cloture on the nomination.

Mr. President, I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to invoke cloture on the tax extenders package, I would have voted in favor of it.

I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the motion to waive regarding the tax extenders package, I would have voted in favor of it.

I had to be necessarily absent from votes today so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism. Had I been able to vote on the tax extenders package, I would have voted in favor of it.●

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL

● Mr. WARNER. Mr. President, I speak in support of legislation that passed the Senate unanimously last evening to establish the CAPT John Smith Chesapeake National Historic Trail.

This House legislation, championed by my Virginia colleague, Congresswoman JO ANN DAVIS, and supported by many in the Chesapeake Bay watershed, is the companion to S.2568, introduced by Senators SARBANES, ALLEN, MIKULSKI, CARPER, BIDEN, SANTORUM, SPECTER, and myself. It establishes the first all-water trail in the National Park Service trail system. This trail commemorates Captain John Smith's 2,300-mile voyages to explore the Chesapeake Bay and its tributaries in 1607–1609, and will become an important component of our national ceremonies next year to mark the 400th anniversary of the establishment of Jamestown in 1607.

Events to commemorate the 400th anniversary of Jamestown, the first permanent English settlement in America, will remind Americans that Jamestown was the birthplace of representative democracy, religious freedom, free enterprise, and as distinguished by the voyages of John Smith, the spirit of exploration. The cornerstone of this year-long commemoration is to tell the complete story of the convergence of three cultures at Jamestown between Europeans, Native Americans, and African Americans.

Central to understanding the first encounters between the English and Virginia native tribes, and the bounty of the bay that sustained the early settlers are John Smith's diaries. It is those diaries that give a first-hand account of the interaction of the English with Native American tribes throughout the bay during Smith's journeys. Captain Smith also wrote in vivid detail about the living resources of the bay, the abundance of shellfish, finfish, and other species, as his small group traveled in their 28-foot shallop.

Many people and organizations deserve credit for their work to advance the concept of a national water trail. Principal among these are Patrick Noonan, chairman emeritus of the Conservation Fund, and Gilbert Grosvenor, chairman of the board of the National Geographic Society. They had the vision to see that a new national trail to mark John Smith's travels of the Chesapeake bay would foster renewed interest in early colonial history, highlight the importance of geography and the bay's natural resources in sustaining life, broaden our understanding of the contributions of Native American tribes, stimulate heritage tourism, and expand educational efforts to restore the Bay's ecosystem.

The Conservation Fund and the National Geographic Society's steadfast support, and dedication of resources to this effort created a partnership that ensured our success. I speak on behalf of all Virginians, and lovers of the bay to say a warm and heartfelt thank you.

I also thank my colleagues for their support of this legislation, and extend my personal appreciation to my friend and colleague, Senator SARBANES, for his leadership on this issue and for the many courtesies he has extended to me over the years. He has been an effective working partner over the years as we have worked on issues important to the Metropolitan Washington region.

As America prepares for the 400th anniversary of Jamestown, this new national trail will connect Americans to one of the earliest chapters of our heritage, allowing us to retrace the paddle strokes and footsteps of CAPT John Smith, to relive what he experienced some 400 years ago, and to give us a new avenue to enjoy and preserve the Bay.●

RESIGNATION OF AMBASSADOR JOHN BOLTON

Mr. BUNNING. Mr. President, I speak today on the resignation of Ambassador John Bolton from the position of Permanent Representative of the United States to the United Nations.

I am very disappointed that a handful of my colleagues prevented Ambassador Bolton from receiving the up-or-down vote that he deserved in the Senate. This comes at a critical time in our Nation's foreign policy.

His no-nonsense diplomacy was a welcome change at the United Nations at a time when the organization found itself rife with corruption.

During his time at the United Nations he successfully led negotiations that resulted in unanimous Security Council resolutions regarding North Korea's military and nuclear activities. He built consensus among our allies on the need for Iran to suspend the enrichment and reprocessing of uranium. In addition, his efforts to promote the cause of peace in Darfur resulted in a peacekeeping commitment by the United Nations.

I wish Ambassador Bolton well in his future endeavors and thank him for his service at the United Nations. His job was not an easy one, but he carried it out with a unique grace and candor that served our country well. He will be missed.

TRIBUTE TO HANNAH TETER

Mr. LEAHY. Mr. President, I would like to recognize the achievements of an outstanding and accomplished young Vermonter. Last February, Hannah Teter of Belmont made her family, her friends, and her fellow Vermonters proud as she won the Olympic gold medal in the women's half pipe event in Turin, Italy. While this accomplishment alone deserves congratulations, Hannah has, perhaps more impressively, reached beyond her athletic success and used her national—and international—recognition to forge one of the most creative charitable endeavors I have seen in quite some time.

Just 19 years old, Hannah has enjoyed immense success on the international snowboarding circuit, winning nine titles and medals in the last 2 years alone. In the summer of 2005, ESPN recognized her with an ESPY Award for Excellence in Sports Performance. Realizing how blessed she was with the opportunities that gave her the chance to make her mark in snowboarding, Hannah was inspired to give something back. She has seized this opportunity to demonstrate to other young people that they have the power to make a difference.

Upon her return from Turin earlier this year, Hannah enjoyed the limelight that her Olympic successes brought her. But it wasn't long before her altruism opened the door to a creative way to help others to benefit from her success. Raised in a family where maple syrup production was an annual event, Hannah drew on her childhood experiences and, together with her mother, conceived "Hannah's Gold." The bottles of maple syrup, produced on a neighbor's farm, are sold to benefit World Vision, a charitable organization that provides aid to struggling people in Africa. Proceeds from each bottle of syrup will go toward alleviating hunger and the AIDS crisis in impoverished areas.

Hannah's efforts are just one example of the long legacy of service and charity in which we Vermonters take so much pride. She is truly an example to the many young people who look at her achievements with dreams of their own.

The Boston Globe recently published a superb account of Hannah's story, "Teter's Syrupy Story is Worth Telling," profiling Hannah and her charitable venture. I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the material was ordered to be printed in the RECORD.

[The Boston Globe, Oct. 26, 2006]

TETER'S SYRUPY STORY IS WORTH TELLING

(By Bob Duffy, Globe Staff)

BELMONT, VT.—At the crest of a spiraling dirt road, fronting the private pond and the greenhouse attached to the small wooden home, on the outskirts of this splotch of a village amid the amphitheater of the Green Mountains—at the peak of her universe—Hannah Teter stands in the ramshackle wooden shed and explains how you make really good maple syrup.

You collect enough logs to suffocate a room, like the one behind the elongated brick-and-steel oven she's pointing to. You jam the wood under the oven until you have a small inferno.

You let the sap from the maples creep agonizingly along a tubular labyrinth—you do this for hours upon hours—until it achieves a viscous state.

You fill bucket after bucket with it. You dump each bucket into a huge vat on the bed of a truck. You drive the load to the processing plant.

Then you pour it all over the world.

Granted, the standard recipe doesn't include this last ingredient. But Teter likes to think big. She's in a position to, as she has been since she won the Olympic halfpipe snowboarding gold medal at Turin in February.

Standing atop the podium, she was transported to another perch—the large rock in the field at the bottom of her street, where she used to sit and muse.

"I was doing all this traveling for snowboarding then," she says. "I'd think about how much I was doing, how lucky and blessed I was, and I wanted to reach back, give something back."

In the hubbub of triumph, she found an Olympic torch of inspiration.

"The fire was still burning," says Teter. "I thought, 'This is my big chance to do something to help people.'"

It was still a vague notion. Teter wanted something special to express her charitable inclinations, but she had no clue about what it should be. She turned to her mother, Pat, whose brainstorm became Hannah's Gold.

Hannah's Gold is marketing metallurgy. Its intent is to provide nourishment in the truest sense. The proceeds from each $15 bottle of Vermont maple syrup, produced by Mapleside Manufacturing, go to the charitable organization World Vision to alleviate the hunger and AIDS crises in Africa's most impoverished towns.

It's personal. It's indigenous. It's pure, well, Hannah.

"Maple syrup made me what I am today," she says.

All right, so it isn't actually snowboarding's answer to Popeye's spinach. Give the kid a break; she's only 19. And maple syrup sweetens an abundance of her childhood memories.

Out in the shed, Hannah and some combination of her four brothers—Amen, Abram, Elijah, and Josh—would sit transfixed on a discarded truck seat overlooking the oven where their father, Jeff, made syrup every spring. He'd let them pour the buckets into the vat. And after they'd driven it around town for processing, she couldn't wait to eat it. Before she got into the house, if necessary.

"Snow syrup," says Teter, her eyes sparkling at the recollection. "Nothing like it."

Such was the flavor of her youth on this 10-acre plot—simple, ineffable pleasures. With an extended family that she estimates includes "about 50 cousins," she'd swim and canoe and skate on the pond. She'd skateboard on a homemade ramp. She'd play volleyball at the net that stood in the side yard. She'd jump from an upstairs bedroom window onto a trampoline in front of the house—when her parents were away, of course. And after she became a globetrotting snowboarding prodigy, following her apprenticeship at the local ski area, Okemo Mountain, she'd miss all that.

"Not being here for maple syrup season," says Teter, "is like missing Christmas."

Now she's trying to turn maple syrup season into Christmas.

"I wondered where the money would help the most," says Teter. "I thought of Africa. I read up all I could on it. I read about the AIDS and the hunger and I thought this would be the best place to start."

"Start" is the operative word. Hannah's Gold has raised only about $5,000 so far, but it was launched just a couple of months ago, and Teter's grasp is of a much grander scale. She'll appear on Jimmy Kimmel's late-night TV show Dec. 15 to promote Hannah's Gold. She has agreements from Okemo and Burton Snowboards to donate $1 each per bottle of Hannah's Gold sold.

This is only the ground floor, anyway. Teter now lives in the limelight; she's based in South Lake Tahoe, Calif., but most of the time she's ordering room service on a transcontinental whirlwind on behalf of sponsors Motorola, Burton, and Mountain Dew. "They keep me pretty busy," she says.

But she wants to do the majority of her cashing in for charity.

"People know me as a snowboarder," she says, "but I want to branch out to different avenues, really reach out and raise money. Hannah's Gold is the first step. I plan to do more, keep building." The ideas are like mountain snow right now, more kinetic rush than specifically targeted, but even as a novice fund-raiser, Teter intends to be more than a mouthpiece.

"I plan to go over to Africa soon to see where and how the money is being spent," she says. "I don't just want to lend my name to these projects."

No matter how modest a start her altruism is off to, Teter won't be shortchanged on enthusiasm and optimism.

"Hannah's Gold has only been out so long," she says. "It's really flying. It's going uphill, the way I go in snowboarding. I hope it goes with me. No, I know it will."

A TRIBUTE TO ANTHONY J. ZAGAMI

Mr. LEAHY. Mr. President, on January 3, 2007, a longtime employee of the Congress and the Legislative Branch will retire from public service. After 40 years of service, Anthony J. "Tony" Zagami will depart as the longest serving general counsel in the history of the U.S. Government Printing Office.

Tony Zagami began his career as a young Senate Page in the mid-1960s. I first met him during my first term in the Senate representing the citizens of Vermont. At that time, Tony was working in the Senate Democratic cloakroom while completing law school. He spent a total of 25 years in various positions on Capitol Hill before leaving in 1990 to become the general counsel for GPO, the agency responsible for printing and distributing the CONGRESSIONAL RECORD and almost all other Government publications.

Years ago, my wife Marcelle and I invited Tony over for an evening at our house in McLean. Also joining us was Henry Chapin, who gave us a performance that showed us why he is known as a great balladeer. I will always remember that night of music, laughter, and friends fondly.

Throughout his career both here on the Hill and later with GPO, Tony was known for his dedication and hard work on behalf of the American people. He leaves with a lengthy and very distinguished record of public service. I thank my friend Tony Zagami for that service, and Marcelle and I wish him well as he departs to begin a new chapter in his life.

Mr. KENNEDY. Mr. President, at the end of the year, a longtime public servant who is a former congressional staff member will retire after 40 years of distinguished Government service to the Nation. Since 1990, Anthony J. Zagami has been general counsel of the Government Printing Office, the longest serving general counsel in the agency's history, and I welcome this opportunity to commend him for his long and outstanding career.

Tony has been general counsel at GPO for the past 16 years. Before that, he had worked ably with us in a variety of positions in the Senate. I first met him in the 1970s, when he was an impressive young aide in our Senate Democratic cloakroom.

At the time, Tony was also earning his law degree from George Mason University School of Law in Arlington, and his strong commitment to public service impressed us all.

He later became general counsel of the Congressional Joint Committee on Printing, our oversight committee for GPO, and he served there for 9 years. When he moved to GPO in 1990, Tony became an essential part of the ongoing effort to guide the agency in the digital age.

I have enjoyed working with Tony very much over the years, and I have always had great respect for his ability and dedication. On the occasion of his retirement, I thank Tony for all he has done so well, and I extend my best wishes to him and to his family for the years ahead.

SERGEANT FIRST CLASS ROBERT LEE "BOBBY" HOLLAR, JR. POST OFFICE BUILDING

Mr. ISAKSON. Mr. President, today I pay tribute to SFC Robert Lee "Bobby" Hollar, Jr. Sergeant First Class Hollar was an exemplary soldier, respected U.S. Postal employee, and a loving family man.

Before deploying for Iraq, Sergeant First Class Hollar dropped by Crescent Elementary School in Griffin, GA, to visit a class of students. In the classroom, Sergeant First Class Hollar fielded questions about where he was headed, what he would be doing there, and when he would be coming home. He encouraged the students to write and promised he would do the same.

On September 1, 2005, on a road south of Baghdad, an IED ended the life of Sergeant First Class Hollar. As word of his death reached the classroom where he had stood just months before, the children began to cry. You see, Sergeant First Class Hollar taught them something else: he taught them that our freedom is not free.

This week, the Senate passed S. 4050, a bill naming the post office in Thomaston, GA, as the Sergeant First Class Robert Lee "Bobby" Hollar, Jr. Post Office Building. For the children at Crescent Elementary School, this building will serve as a lasting memory of their pen pal and hero. For the rest of us, this building will serve as a reminder that our freedom is not free.

In closing, I would like to thank the numerous people in Georgia who helped to make this possible as well as the U.S. Postal Service and my fellow Senators.

INDIAN TRUST REFORM ACT

• Mr. McCAIN. Mr. President, as chairman of the Committee on Indian Affairs, I rise today to speak in vigorous support of S.1439, the Indian Trust Reform Act of 2005, a bill I introduced in July 2005, with Senator DORGAN as an original co-sponsor, to address a broad range of Indian trust asset issues and trust management policies and practices. As introduced, this bill was intended only as a starting point for an extended dialogue with interested parties in Indian country and in the Government that would lead us, eventually, to legislation that brings real and lasting improvements in the way Indian trust assets are managed and that resolves the 10-year old class action lawsuit against the United States known as Cobell v. Kempthorne. I want to begin by extending my thanks and great appreciation to Senator DORGAN, who is vice-chairman of the committee and will soon be its chairman in the 110th Congress, for the extraordinary, tireless effort that he and his staff have made in working on this bill over the course of the past 2 years. In accordance with a long-standing tradition of bipartisanship within the Committee on Indian Affairs, Senator DORGAN and his staff have worked hand-in-hand with me and my staff in our attempt to reform the way in which Indian trust lands and resources are managed and to settle the Cobell lawsuit.

By no means did trust reform begin with this bill. I myself have introduced similar legislation in prior Congresses, including S. 1459 in the 108th Congress; in 2004 the Congress enacted the Indian Probate Reform Act, which brought significant reforms to the laws applicable to the probate of individual Indian trust and restricted land; and 10 years before that the American Indian Trust Fund Management Reform Act of 1994 was enacted into law, which, among other things, created the Office of the Special Trustee for American Indians. While I truly believe that as a result of these and other enactments, and reform initiatives within the Department of the Interior—in part in response to court orders in the Cobell case—there have been improvements in at least some areas of trust management, we still have a very long way to go before the business of Indian trust reform is complete.

I will not even try to recount here the difficult history of the relationship between the United States and its native peoples. But I am pleased to say that the past 25 years have brought significant advancements in the lives of many Indian people as a result of better access to education, health care and housing, and because of economic development in some parts of Indian Country. However, there are still many unacceptable disparities between conditions in many Indian communities and those of non-Indian communities in this country. S. 1439 represents an attempt to address one particular component that affects the economic well-being of many Indian people: the way in which Indian trust and restricted assets—land, minerals, water, timber, crops, and the revenues derived from these resources—are managed by the United States.

The performance of the United States over the past 125 years in its capacity as trustee and manager of Indian trust and restricted lands is not something to be proud of. The policy of allotting Indian tribal lands, which had become the general Federal Indian policy in the 1880s, was one of several federal "experiments" in Indian matters that have had regrettable results both for the Indian tribes and for the Government. This policy of the 19th Century has come back to haunt us now in the form of fractionated ownership of allotted lands—where some parcels of land are owned by dozens, often hundreds and in some cases even over a thousand different individual Indian owners. This fractionation of ownership has led to a proliferation of individual Indian money accounts, "IIM accounts", which now number in the hundreds of thousands of separate accounts and many of which have very small balances and annual income, all of which the Federal Government has a trust obligation to track and manage—at considerable expense.

The staggering number of tiny fractionated interests—along with decades of mismanagement on the part of Government officials—contributed to the conditions that led to the filing of the Cobell class action here in the District of Columbia. A lot has happened in that litigation since it was filed 10 years ago, much of it reported in newspapers across the country, but I think it is fair to say that one thing the case has shown is that the United States has not lived up to its duty as a fiduciary to the thousands of Indian beneficiaries of trust lands and funds.

Between 1993 and 2006, the Committee on Indian Affairs has held at least 17 hearings on the matter of Indian trust reform or reorganization of the Bureau of Indian Affairs. In 1994, Congress passed into law the American Indian Trust Fund Management Reform Act, 25 U.S.C. §4001, et seq., to reform the management of Indian assets, accounts, and resources held in trust and managed by the United States. The 1994 Act was not the final word on trust reform, even in the limited context of Indian trust funds management. Two years after that Act was passed, a class action based in part on the requirements of the Act was filed in the United States District Court for the District of Columbia: the case of Cobell v. Babbitt—redesignated Cobell v. Norton with the appointment of Gale Norton as Secretary of Interior, and again Cobell v. Kempthorne with the appointment of Dirk Kempthorne as Secretary.

In November 2001, in response to the Cobell litigation, the Department of Interior submitted a reprogramming request to the Senate and House Appropriations Subcommittees on Interior and Related Agencies to establish a new "Bureau of Indian Trust Asset Management", BITAM, within the Department to be administered by a new appointed official, an "Assistant Secretary—Indian Trust Asset Management."

The BITAM proposal was very poorly received by Indian country, and soon thereafter the Senate Appropriations Subcommittee on Interior and Related Agencies asked the Department to resubmit its reprogramming request at a later date pending further consultation and further review of the management and organization of the Department's trust program.

Over the course of 2002, the Department convened and participated in a series of consultations and other meetings with Tribal officials and representatives across the country to discuss Indian trust asset management and reform. The principal mechanism for this consultation was a "Joint Tribal Leader/Department of Interior Task Force on Trust Reform" composed of Tribal leaders from around the country and Department officials. The joint task force reviewed and documented trust asset management functions and processes at all levels within the Bureau, and eventually identified numerous features of the Bureau's trust system and organization that required reform. The joint task force also studied several restructuring proposals developed by Indian tribes around the country.

Ultimately, the joint task force reached an agreement in principle on a restructuring proposal that would create a new position of Under Secretary for Indian Affairs. The Under Secretary would report directly to the Secretary of Interior and have authority over all aspects of Indian affairs within the Department, including the management of tribal and individual Indian trust assets, including both financial and natural resource trust assets. Under this proposal, the Office of the Special Trustee would eventually be phased out. However, although Tribal leaders and Department officials on the task force also reached agreement on other significant matters relating to trust reform and restructuring, they were unable to agree on certain key elements of the legislative proposal. In October of 2002, the joint task force was disbanded.

Mr. President, I wish I could say that our efforts in the 109th Congress bridged all of the gaps between the Government, the tribes and individual Indians, but I cannot. That does not mean that we did not make significant progress. In the course of the past 18 to 20 months all parties have acquired a much better understanding of the issues and of each other's positions. The Committee and its staff have also acquired a better understanding and appreciation of the issues as well. Again, I want to thank Senator DORGAN for his insights, efforts, and commitment of time and staff in this truly bi-partisan effort. The majority and minority staff of the Committee on Indian Affairs met extensively with representatives of Indian tribes, tribal organizations and individual Indian organizations in an effort to get a solid understanding of what Indian country wants to get out of trust reform. The staff of both sides of the committee also met and conferred extensively with various components of the administration and representatives of the plaintiffs in the Cobell case to discuss S. 1439 and the settlement of claims in the lawsuit. I know this outreach and the information it produced will be extremely useful to this body as the Indian trust reform initiative goes forward in the 110th Congress.

One significant outcome of our efforts during this Congress is the fact that the administration made a counter-proposal in October of this year which spells out its views of what should be done to reform the management of Indian trust assets, and I am submitting a summary of that proposal along with this statement. Their proposal has four major components: consolidation of ownership of fractioned tracts within the next 10 years; a transition to beneficiary-managed ownership of trust lands within the next 10 years; resolution of tribal trust claims—in addition to individual Indian trust claims; and some limitations on the liability of the Government for claims that may arise during and after the 10 year transition period to a system of beneficiary management.

Not surprisingly, the reaction of Indian country to the administration's proposal was, for the most part, quite negative. Much of the opposition focused on the timing of the proposal: it was made with only weeks of legislative days left in our calendar, not nearly enough time to consider, debate or even understand the far-reaching implications of the administration's ideas.

On the other hand, while many tribes and individuals criticized the proposal taken as a whole, many were not completely opposed to all aspects of the proposal and, indeed, some even agreed with certain aspects of the administration's ideas. For example, there was widespread acknowledgment that fractionated ownership of individual Indian lands has been a real, ever-worsening problem that has plagued the system for many decades—one that Indian country must confront and deal with now and not later—and that dealing with the problem will require solutions that are not altogether pleasant. And even though some commentators seemed to oppose any system of beneficiary-driven management decisions for trust lands, others recognized that the Indian tribes and Indian landowners can and will make better decisions regarding the use of their own lands than the Bureau of Indian Affairs if they are given the appropriate resources to do so. I am also submitting for the record a copy of a recent editorial that appeared in a widely read Indian periodical, Indian Country Today. The editorial suggests that certain aspects of the administration's proposals are in fact reasonable, including the idea that Indian beneficiaries will make good managers of their land, and it challenges Indian country to engage with the administration on its ideas and "come back with an improved set of proposals based on them" rather than just reject them out of hand.

So indeed, Mr. President, while I am disappointed that S. 1439 was not passed into law, I am also encouraged by the progress we have made in our understanding of trust management problems and in the willingness of the Indian tribes, individual Indians, representatives of the class action plaintiffs and the administration to engage in meaningful discussions on how to fix this system. I am hopeful that in the 110th Congress the Committee begins where we left off in this bill and that it will not shy away from the difficult issues of Indian trust reform.

Mr. President, I ask that the aforementioned documents be printed in the RECORD. The documents follow.

NEWLY PROPOSED PROVISIONS FOR SENATE BILL 1439 THE INDIAN TRUST REFORM ACT

Senate bill 1439, the Indian Trust Reform Act of 2005, would resolve the Cobell v. Kempthorne case and make reforms to the way the United States manages Indian trust funds and assets. The bill was introduced in July 2005 and Committee staffs have been meeting with representatives from the plaintiffs, the Administration, and Indian tribes to decide what changes, if any, should be made to the bill. This paper highlights several proposals that have come out of some of those discussions.

To gain support for a multi-billion dollar bill, it may be necessary to incorporate significant changes to the management system for Indian trust assets. As proposed, these changes would not remove the trust status of Indian lands, but would reallocate significant decision-making authority and legal responsibility from the Federal government to the Indian tribes and individuals. The proposed changes are generally described below.

The Chair and Vice-Chair of the Committee have not approved these proposed changes to S. 1439, but have asked their respective staff to seek input from Indian Country before they make a decision on these proposals and how to proceed with the bill.

Land fractionation—consolidate all 128,000 individual Indian allotments into ownership of no more than 10 individuals per tract of land within 10 years

The highly fractionated nature of many individual Indian lands has made it difficult for the United States to manage these lands and the revenues generated from them. There are currently 128,000 individual Indian allotments and 3.6 million fractionated interests. One proposal to address this issue has been to develop aggressive mechanisms to consolidate all allotments into 10 or fewer owners for each tract of land within the next 10 years.

All land would remain in Indian title with individual Indian or tribal owners.

Consolidation would include voluntary and involuntary mechanisms, but large interest owners would have a first opportunity to buy out the smaller interest owners would have a first opportunity to buy out the smaller interest owners before an entire tract is put up for sale to either the tribe or a member of that tribe.

Consolidation of tracts with 100 or more owners would be prioritized.

Funding for the proposed consolidation mechanisms would be assured by inclusion in the funding levels of the bill.

Beneficiary-managed trust—transition of all individual Indian and tribal land to a beneficiary-managed trust system within 10 years

After fractionated lands are consolidated, it is proposed to convert the current management system for all individual Indian and tribal land into a new system within a 10 year timeframe. The lands would remain in trust and not be subject to taxation, but the individual or tribal owner of the lands would have most of the privileges and responsibilities of property management.

The landowners would make nearly all decisions on land use within certain broad parameters.

All revenues generated from the land would go directly to the landowners (direct pay).

The landowners would negotiate their own long-tern leases and land use agreements, without Secretarial approval.

The BIA would provide "management" financial support and technical assistance during a transition period to assist owners in becoming efficient property owners and managers.

The federal government would remain responsible for: preventing involuntary alienation of land; approving transfers of land title; maintaining land title records; and probating trust estates.

Resolution of tribal claims related to the mismanagement of trust funds, lands and resources

In addition to resolving all individual Indian claims related to the United States' mismanagement of trust funds, lands and resources, it has been proposed to resolve all tribal claims for the same matters. Possible suggestions for addressing this issue include:

All mismanagement claims for tribal monies, lands, and resources would be resolved and settled.

A settlement fund would be established and each tribe would receive a distribution based on a formula that would take into account the amount of land a tribe owns and the amount of revenues that were generated from that land for a specified period of time.

All historical accounting claims against the United States would be settled.

Account balances for Indian trust accounts would be deemed accurate as of the date of passage of Senate bill 1439.

The bill would not settle takings claims for land or related resources, claims to establish the right to possess or the ownership of tribal land, or claims arising under Federal environmental laws.

Limitation on liability of the United States during and after transition period

In order to facilitate the proposed reforms, it has also been proposed that during the period of time for land consolidation and transition of the trust management system into a beneficiary-managed trust there would be some limitations on the liability of the United States in regard to the management of trust resources.

After the transition period, the Federal government would remain responsible for correcting errors, but without damage claims against the government for its residual responsibilities.

[From Washington Watch, Nov. 30, 2006]

TRUST FUNDS SETTLEMENT SHOULD NOT BE LEFT TO THE FOSSIL RECORD

The Individual Indian Money trust remains a troubled realm, and it is likely to stay that way well into the next Congress.

Indian country was right to reject the case settlement concepts offered by the administration. But as spelled out by the next Senate Committee on Indian Affairs chairman, Sen. Byron Dorgan, D-N.D., failure to resolve the IIM litigation "overhangs everything else" in federal Indian affairs, on the funding front above all.

That overhang, 10 years in the making, isn't likely to get any less severe under a Democratic Congress over the next couple of years. Another leading figure on the issue, Sen. John McCain, R-Ariz., has stated outright that he will not vote for a bill to settle the IIM litigation if it does not also settle as many subsidiary trust claims as may be possible. He wants a "whole" settlement, in contrast to an IIM-only settlement that would be considered "partial." As a Republican of high stock right now and a probable presidential candidate in 2008, McCain's views will take many lawmakers along with him.

So for now, any hope of an IIM-only, "partial" settlement is out.

So is any hope of the huge settlement described as fair by the IIM plaintiff class. Remember, the litigation itself is only about an accounting. When the frail pages of the lawsuit are found among other fossils many centuries from now, they may show that a court has "settled" the mismanaged accounts for a larger sum than the government will agree to, left to its own devices. But the government can litigate for decades yet at a cost still light-years from the settlement figure(s) the plaintiffs have initiated.

The starting figure of $176 billion, though never actually sought, was off-putting; $27.5 billion proved another non-starter; $13 billion also struck the administration as unrealistic; $8 billion to $9 billion, considered a reasonable "rough justice" number by the SCIA, might have been reachable two years or so ago, but now the administration considers a much lower figure justice enough.

Nonetheless, according to Interior Secretary Dirk Kempthorne, it is willing to invest "billions" in a kind of omnibus bill on trust claims. The key verb is not "to settle" or "to reimburse" but "to invest," and in the short term there is no getting around it.

Indian country should engage with the administration's case settlement concepts, then, and come forward with an improved set of proposals based on them.

It's a steep order, but the case settlement concepts do provide some footholds. For starters:

The administration foresees "voluntary and involuntary" mechanisms for consolidating fractionated lands. Given the history here, the concept of an involuntary taking of land to be consolidated is troublesome, to say the least. But assuming economic use is the goal of consolidation, there is no other way. Land tracts with hundreds of owners cannot be managed for profit, period. Consolidation that requires consent from all owners is impossible for many reasons. Tribes should be able to propose sensible limits on involuntary consolidation mechanisms that don't also torpedo the purposes of consolidation.

The administration foresees a "beneficiary managed trust" that would grow the trust estate. This was dangerous at the time of the Dawes Severalty Act, a century and some years ago, but nowadays it simply isn't a new concept. In fact, it's a solid, tested concept that can help prosperity along by goading individuals and tribes toward the aggressive management of their own resources. After a 10-year period for technical assistance as financed in the law itself, individuals would manage their own lease property, with payments going direct to individuals instead of being lightened along the way by the government. The original trust funds reform law of 1994 foresaw every bit of that. But the government would still fulfill vital residual roles, maintaining the land as inalienably tribal land, in trust and tax-exempt, as well as probating estates, correcting errors in the accounts, transferring titles and keeping title records. A proposal like this should not be rejected with outrage, but embraced with care. Again, tribes can certainly offer proposals for the longer-term protection of their more vulnerable members.

Tribes have especially reviled the idea of limits on federal liability, should IIM beneficiaries choose to manage their own lands. But already, the U.S. Supreme Court has established limits on federal liability in cases where statutory language does not assign liability. Tribes should be willing to propose strictly limited statutory language that assigns certain modified federal liabilities, but without going so far as to convince McCain and company that the settlement is therefore "partial."

Tribes also seem to despise the idea of an alteration in the trust relationship. But Elouise Cobell, lead plaintiff in the IIM case, suggests the same and then some every time she declares the IIM trust should be taken from Interior and placed in receivership. This could never be done because no bank could responsibly take on the liabilities, but if it were done it would profoundly alter the trust relationship. So let's alter it already, not through receivership but by participating and directing. It really is too important to be left to lawyers and individuals.

Finally, tribes have objected to the idea that tribal claims should be included in any settlement that approaches the $8 billion range. But the guessing here is that if tribes genuinely got behind a "whole" settlement at some realistic cost, providing their own serious counterproposals with a minimum of posturing, billions more might be found.•

NATIONAL INSTITUTES OF HEALTH REFORM ACT

Mr. REED. Mr. President, I take this opportunity to acknowledge a very important deed this body has accomplished prior to the conclusion of the 109th Congress. Despite some incredible obstacles and limited time we have succeeded in protecting real health insurance coverage for low-income, working Americans.

The State Children's Health Insurance Program, SCHIP, which I am proud to have helped establish in 1997, has made a difference in expanding health insurance coverage to low-income children around this country. In previous years, Congress has stood up for low-income children and produced the additional funding necessary to keep the SCHIP program running. A number of states are again facing urgent shortfalls in their SCHIP allotments in fiscal year 2007. I was deeply disappointed when the tax extenders package did not include, as expected, a modest proposal to help those states facing immediate shortfalls in their SCHIP budgets.

Not so long ago, Rhode Island could proudly claim it had the lowest rate of uninsured children in the country. The latest Census Bureau report is now showing a different picture—the number of uninsured children rose a full percentage point, from 5.8 percent to 6.8 percent from 2004 to 2005. My state has worked hard over the past decade to build a children's health insurance program that has become a model for the nation. Yet, Rhode Island is anticipated to be the first of several states in a funding shortfall next year. Specifically, my state is facing a $43 million shortfall and will have only 32 percent of the funding necessary to sustain SCHIP in 2007. These dollars mean the difference between thousands of children, pregnant women, and families getting access to health care or not getting the care they need at all.

Included with the reauthorization of the National Institutes of Health, NIH, is a modest bipartisan proposal to defer the shortfalls that would negatively impact the SCHIP program in my state as well as several others. This additional time is needed to work on a more permanent solution to the chronic shortfalls and other structural issues that should be addressed in the context of SCHIP reauthorization next year.

I would be remiss if I did not extend my sincere gratitude to the Democratic leader, Senator HARRY REID, and his staff, particularly Kate Leone, for their understanding, tenacity, and tireless effort in making this possible. I would also like to thank my colleague from Montana, Senate Finance Committee Ranking Member MAX BAUCUS, and his staff for all of their hard work in putting together a carefully crafted stopgap measure, and I look forward to working with him on the equally challenging task of SCHIP reauthorization next year.

In the waning hours of the 109th Congress, we have taken a small but important step to maintain our commitment to America's children.

END OF THE 109TH CONGRESS

Mr. ROCKEFELLER. Mr. President, as the 109th Congress wraps up its final session, I want to note my disappointment that the current leadership decided not to work on all 10 of the appropriations bills that remain undone. Congress is adjourning and walking away with much of our work incomplete.

It is irresponsible and wrong. We should have stayed and made the tough decisions to get the appropriations done. The Federal budget is due October 1. We missed that deadline, as we have often in recent years. The leadership adjourned for the elections, and when we returned the leadership lacked the will and determination to finish the appropriations bill. Many individuals Senators, including me, would have stayed and worked hard to get the job done. But we were overridden.

Failure to enact the appropriations in a timely manner hurts programs because administrators cannot plan and they cannot hire staff in a timely manner. This can create real problems in our VA hospitals, our Head Start agencies and the clinics funded by the Maternal and child health block grant.

This year, instead of doing our work, the congressional leaders are punting the tough budget decisions into the next year and the next Congress. On February 15, 2007, when the continuing resolution, CR, expires, agencies will have been operating for 4½ months under a CR which represents more than a third of the fiscal year. This imposes burdens and hardships on the people that our agencies of Government serve. It is failure of leadership.

The Coalition of Human Needs has done some estimates about these cuts and their effects since 2002. Their analysis highlights that over time 72 programs of direct services have been cut when inflation is considered. Inflation erodes buying power over time, and it makes a stark difference in what services needy children and families receive. The coalition reports that 35 programs were cut by 10 percent or more, including essential programs like family violence, maternal and child health block grant, and Even Start, the early education component of Head Start. Such cuts are harsh and, in my view, shortsighted. Investments in our children's health care and education are downpayments for our future.

Housing programs, economic development investments in water and sewer projects, and basic funding for local law enforcement, along with a host of other programs will be put on hold for the next 9 weeks. I wish this were not the case, but sadly it is.

My hope for the new Congress and the new leadership is that we will get the job done. I am proud to note that the leaders for the 110th Congress, which begins on January 4, 2007, have already announced their commitment to strike a new tone and to unite the interest of the American people. I will work with our leaders to get our work done for the families in West Virginia and across our country.

FEDERAL DISASTERS IN OREGON

Mr. SMITH. I rise on the Senate floor today to lament a state of emergency in the rural parts of my State. The emergency we face is related to natural resources but different from those of drought and hurricane that the Senate has discussed and responded to.

The disasters in Oregon are not acts of God but of an infinitely more fallible entity—the Federal Government. Adverse decisions on forest and fisheries management are imperiling entire communities and entire ways of life.

I am not seeking, at this time, to reverse those management decisions. Although they deserve intense scrutiny. What I am seeking is that this Government recognize that its decisions have a cost—one that is borne on the backs of those who can least afford it. These people and communities need relief as much as those burdened by other disasters not of their creation.

Over a decade ago, the Federal Government sought fit to bring tens of thousands of loggers and mill workers to their knees by stopping timber harvest on Federal lands in Oregon. It did so in the name of the spotted owl, a threatened species under the Endangered Species Act. I should add that after 15 years of negligible harvest on these lands, the owl is still not recovering and its habitat is being incinerated in catastrophic wildfire.

That timber war had more casualties than just jobs in the woods. County governments receive a share of timber receipts from Federal land—25 percent from the Forest Service and 50 percent from the BLM. For generations these funds have offset the inability to tax Federal property—which makes up the vast majority of most counties in my State.

When timber harvest evaporated, so did county budgets. In 1999, I came to this floor to describe to my colleagues what was happening in rural Oregon. Schools went to 4-day weeks, dropped sports and extracurricular activities, and curtailed other programs. Communities were forced to make heartbreaking decisions over whether to cut back social service programs or school funding—or to sharply reduce sheriffs' patrols and close jails or to cut out all extracurricular activities at their schools.

Fortunately, Congress created a safety net in the Secure Rural Schools and Community Self-Determination Act of 2000. This provided funding to counties based on historic rather than current timber harvest levels. And not just Oregon counties. In the life of that legislation, California received California received $308 million; Idaho, $102 million; and Montana, $63.4 million.

That program expired, on our watch, 2 months ago.

My colleague from Oregon and I have left no stone unturned to find money for an extension. Those efforts have been unsuccessful and we stand here, with our timber dependent counties, at the mercy of the Government.

Their plight is compounded by a second Federally created disaster in Oregon's commercial salmon fishing industry, delivering a double blow to many of the same counties. Commercial salmon fishing remained this season along more than 400 nautical miles, stretching from Florence, OR to Pigeon Point, CA. Estimates put the impact of this closure to Oregon and California fishing communities around $60 million. This year marked the first time in history that there was no commercial salmon harvest in Curry and Coos counties in Oregon. Curry County also stands to lose $6,591,993 or 62.3 percent of its road and general discretionary funds with the failure of Congress to extend the Secure Rural Schools and Community Self-Determination Act.

Mr. President, the clock is winding down on the 109th and soon Members of Congress will leave town to return to their districts or States. We will be leaving without extending this important safety net for our rural counties and without completing action on the annual appropriations bills to fund the Government. I can only tell my counties and Oregon's fishermen that the fire will not die on these issues, it will only grow more intense when the 110th Congress convenes.

IRAQ

Mr. FEINGOLD. Mr. President, this past Wednesday, Washington felt a little like Hollywood. In fact, not many blockbuster movies have gotten the kind of massive press and critical acclaim that we saw yesterday for the release of the Iraq Study Group report. Official Washington rushed to embrace the report—understandably, since it reflected the same flawed mindset that led so many here to embrace the war in Iraq 4 years ago. Unfortunately, that same mindset is now what is keeping too many here from fixing an Iraq policy that many now agree is badly flawed.

The administration still believes that Iraq is the be-all and end-all of our national security. So, too, does most of Washington. Unfortunately, the Iraq Study Group report does too little to change that flawed mind-set. I respect the serious efforts of the group to correct the administration's misguided policies, and the report has some valuable ideas. But the very name, the "Iraq Study Group" says it all. We need recommendations on how to address Iraq, but those recommendations must be guided by our top national security priority—defeating terrorist networks operating in dozens of countries around the world. We can't just look at Iraq in isolation—we need to also be looking at Somalia and Afghanistan and the many other places around the world where we face grave and growing threats.

The report doesn't adequately put Iraq in the context of a broader national security strategy. We need an Iraq policy that is guided by our top national security priority—defeating the terrorist network that attacked us on 9/11 and its allies. Unless we set a serious timetable for redeploying our troops from Iraq, we will be unable to effectively address these global threats. In the end, this report is a regrettable example of "official Washington" missing the point. The report may have gotten a glowing reception at its DC premiere, but I don't think it will get the same response once it goes on the road. Maybe there are still people in Washington who need a study group to tell them that the policy in Iraq isn't working, but the American people are way ahead of this report. It has been just over a month since the American people told us clearly what they were thinking about Iraq. They recognize that we need a timetable to bring the troops out of Iraq. They know that a flexible timetable is needed to preserve our military readiness, to prevent more unnecessary and tragic American casualties in Iraq and to protect our national security. They are the ones we should be listening to—not the insiders, politicians and think-tankers who believe they have cornered the market on wisdom.

Unfortunately, the focus of this commission, and the amount of attention being given to this single report, show just how myopic this administration and Members of Congress are. The long-running debate here in Washington about whether and when to redeploy our troops from Iraq always centers on the situation on the ground there, and whether a drawdown of troops will make it better or worse. Those are important considerations. But even more important are the issues that are largely ignored—the fact that our commitment of troops and resources in Iraq is dangerously weakening our national security and the opportunity cost of ignoring the growing threats elsewhere in the world.

As the administration and Congress mull over the Iraq Study Group's recommendations, it comes as no surprise that the group's work includes what the New York Times had called a "classic Washington compromise." But we need much more than a compromise to fix our national security policy. We need a dramatic and immediate change of course in Iraq—a timeline to redeploy our troops from Iraq so that we can refocus on the terrorist networks that threaten the safety of the American people.

The war in Iraq was, and remains, a war of choice. The administration has tried to create a false choice, between staying in Iraq with no end date in sight and "cutting and running." They want us to believe that Iraq is the central front in the war on terror, just as they wanted us to believe their trumped-up reasons for going to war in the first place. They want us to believe that any option besides staying the course is going to be detrimental to our national security. That argument is mistaken.

The real choice is this: continuing to devote so much of our resources to Iraq, or devoting some of those resources to waging a global campaign against al-Qaida and its allies. We cannot do both.

The administration's choice—to maintain a massive and seemingly indefinite U.S. presence in Iraq—is harmful both to our efforts in Iraq, as well as to our global efforts to defeat the terrorists that attacked us on 9/11.

Our indefinite presence in Iraq is destabilizing and potentially damaging Iraqi efforts to rebuild their government and their country. That is not the fault of our brave troops—it's the fault of the policymakers here in Washington, who don't recognize that our presence is generating instability in Iraq, and that, unless we make it clear that we intend to leave, and to leave soon, our presence is more harmful than it is helpful.

The Administration's approach in Iraq is a diversion from the global fight against terrorism. Iraq isn't, and never was, the central front in the war on terrorism. Unfortunately, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world. While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere.

The administration has also failed to adequately address the terrorist safe haven that has existed for years in Somalia and the recent instability that has threatened to destabilize the region. And resurgent Taliban and al-Qaida forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. In Indonesia, home to historically moderate Islamic communities, conservative religious groups are becoming increasingly hostile towards the U.S. In countries like Thailand, Nigeria, Mali, the Philippines, and elsewhere, militant groups are using U.S. policies in Iraq to fuel hatred towards the West.

This administration's choices have been devastating to our national security. Unfortunately, the Iraq Study Group's report doesn't do enough to put Iraq into a global context. It doesn't recognize the extent to which our disproportionate efforts in Iraq are damaging our national security. And, even where the report suggests the toll that Iraq is taking on our ability to address global threats, it ends up falling back into the same Iraq-centric mindset that we need to change. For example, the report says that "the United States should provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are moved out of Iraq." But then it goes on to recommend that "The most highly qualified U.S. officers and military personnel should be assigned to" teams imbedded in Iraqi battalions and brigades. Those are the very people we need in places like Afghanistan and elsewhere we face significant threats to our national security. It was the administration's decision to move resources from Afghanistan to Iraq that contributed to the resurgence of the Taliban there—we can't afford to perpetuate that mistake.

Elsewhere, the report recommends that the DNI and Secretary of Defense "should devote significantly greater analytic resources to the task of understanding the threats and sources of violence in Iraq." The problem is that the report doesn't consider the relative importance of directing more intelligence resources to understanding Iraq as opposed to al-Qaida and its affiliates around the world, Afghanistan, Somalia and other critically important regions and concerns. So it came up with a recommendation that doesn't serve our overall national security interests. Implementing this recommendation at the expense of fighting terrorism and dealing with other terrorist safe havens around the world will make us less safe.

We need to return to the post-9/11 mindset. In the days after 9/11, we all shared an anger at and a resolve to fight back against those who attacked us. This body was united and was supportive of the Administration's decision to attack al-Qaida and the Taliban in Afghanistan. No one disputed that decision.

That is because our top priority immediately following 9/11 was defeating the terrorists that attacked us. The American people expected us to devote most of our national security resources to that effort, and rightly so. But unfortunately, 5 years later, our efforts to defeat al-Qaida and its supporters have gone badly astray. The administration took its eye off the ball. Instead of focusing on the pursuit of al-Qaida in Afghanistan, it launched a diversion into Iraq—a country that had no connection to the 9/11 plot or al-Qaida. In fact, the President's decision to invade Iraq has emboldened the terrorists and has played into their hands, by allowing them to falsely suggest that our fight against terrorism is anti-Muslim and anti-Arab, when nothing could be further from the truth.

But instead of recognizing that our current policy in Iraq is damaging our national security, the President continues to argue that the best way to fight terrorists is to stay in Iraq. He even quotes terrorists to bolster his argument that Iraq is the central front in the war on terror. Just a few months ago, he told the country that Osama bin Laden has proclaimed that the "third world war is raging" in Iraq and that this is "a war of destiny between infidelity and Islam."

Instead of letting the terrorists decide where we will fight them, the President should remember what he said on September 14, just 2 days after 9/11. He said:

> [t]his conflict was begun on the timing and terms of others. It will end in a way, and at an hour, of our choosing.

The President was right when he said that, and he is now wrong to suggest that we must stay in Iraq because that is where the terrorists say they want to fight us. al-Qaida and its allies are operating around the globe. We must engage in a global campaign to defeat them, not focus all of our resources on one country.

The way to win a war against global terrorist networks is not to keep over 140,000 American troops in Iraq indefinitely. We will weaken, not strengthen, our national security by continuing to pour a disproportionate level of our military and intelligence and fiscal resources into Iraq.

Unfortunately, the administration has yet to understand that the threats to our country are global, unlike any we have encountered in the past. Our enemy is not a state with clearly defined borders. We must respond instead to a loose network of terrorist organizations that do not function according to a strict hierarchy. Our enemy isn't one organization. It is a series of highly mobile, diffuse entities that operate largely beyond the reach of our conventional war-fighting techniques. The only way to defeat them is to adapt our strategy and our capabilities, and to engage the enemy on our terms and by using our advantages.

We have proven that we can't do that with our current approach in Iraq.

By redeploying our troops from Iraq, we can pursue a new national security strategy. We can finish the job in Afghanistan with increased resources, troops, and equipment. We can develop a new form of diplomacy, scrapping the "transformational diplomacy" this administration has used to offend, push away, and ultimately alienate so many of our friends and allies, and replacing it with an aggressive, multilateral approach that would leverage the strength of our friends to defeat our common enemies.

And we can repair and infuse new capabilities and strength into our armed forces. By freeing up our Special Forces assets and redeploying our military power from Iraq, we will be better positioned to handle global threats and future contingencies. Our current state of readiness is unacceptable and must be repaired. Our National Guard, too, must be capable of responding to natural disasters and future contingencies.

This new national security strategy will make our country safer. It will enable our government to fully address the wide range of threats our country faces. It will free up strategic capacity to deal with Iran, North Korea, and the Middle East, and to provide real leadership internationally against other enemies that we all face, like poverty, HIV/AIDS, and corruption.

In sum, it will help return the United States to a place of preeminence in the world and will give us the opportunity to address the very real threats we face in the 21st century. While the Iraq Study Group has generated some good ideas and choices, it doesn't put Iraq in the context of a broader national security strategy.

We face an unprecedented threat to our national security, and we must respond with much more than a classic Washington compromise. We need to refocus on fighting and defeating the terrorist network that attacked this country on September 11, 2001, and that means realizing that the war in Iraq is not the way to defeat al-Qaida and its global affiliates. It never was and it never will be. That global fight can't be won if we let Iraq continue to dominate our security strategy and drain vital security resources for an unlimited amount of time. The President's Iraq-centric policies are preventing us from effectively engaging serious threats around the world. We must change course in Iraq, and we must change course now.

This isn't a choice, it's a necessity.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT

Mr. INOUYE. Mr. President, I rise to recognize final passage of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 by both the Senate and the House this week, clearing the bill for Presidential approval. I am proud to have developed this bill with my friend and colleague, Senator TED STEVENS.

The Magnuson-Stevens Fishery Conservation and Management Act is the primary Federal statute governing how we manage our Nation's fisheries and, as such, plays a vital role in our Nation's ability to achieve its overarching ocean policy goal. This bill reauthorizes the Magnuson-Stevens Act from fiscal year 2007 through fiscal year 2013 and takes steps to improve the act both by making it more effective and responsive to the needs of our fishing communities here at home and by taking important steps toward exporting our successful management approaches internationally.

After the Senate passed the bill earlier this year, Senator STEVENS and I worked with the House on a bipartisan basis in order to reach consensus on a final version of the bill. I am pleased that these discussions have resulted in further improvements and additions to the bill that have motivated strong bicameral and bipartisan support for this important piece of conservation legislation.

The key to the success of the Magnuson-Stevens Act has always been its regional approach to management. Keeping with that regional approach, this bill strengthens the accountability of the Regional Fishery Management Councils by requiring training of new members to prepare them to comply with legal, scientific, economic, and conflict of interest requirements applicable to the fishery management process.

Our bill also aims to improve conservation performance in our fisheries by requiring all Councils to establish annual catch limits in each federal fishery management plan. The role science plays in this decisionmaking process will be strengthened by this bill as well, since requirements will now be in place for each council to adhere to the recommendations provided by their Science and Statistical Committee, SSC, or other peer review process to prevent overfishing and achieve rebuilding targets. In recognition of the SSC's increased role, we have strengthened the conflict of interest disclosure requirements to which each SSC member must comply.

The bill also requires limited access privilege programs, such as individual fishing quota systems, established in the future not only to contribute to a reduction of capacity in overcapitalized fisheries and improve fishermen's safety by ending the race for the fish but also to consider social and economic benefits to coastal communities. Senator STEVENS' and my intent was to sustain thriving fishing communities and promote access to the fisheries by residents of our coastal communities in order to foster the independent, coastal community-based character of our Nation's fisheries. To achieve this aim, the bill sets forth a strong list of standards to ensure that any such program take into account the social and economic implications of the program. In addition, it authorizes the creation of voluntary regional fishery associations for the mutual benefit of fishery participants, including provisions to ensure we maintain free and open markets for fishermen to sell their catch.

The bill also requires a periodic review of each program's compliance with the goals of their program. Individual permits will be renewed automatically every 10 years, unless the permit holder fails to meet the requirements specified in the program as meriting modification, limitation, or revocation. The bill also contains grandfathering and transition rules to address the application of these new standards to existing and developing programs. I want to make clear that final Senate changes in these provisions were not intended to adversely affect or delay ongoing development of a proposal for a rationalization program for the Pacific trawl groundfish and whiting fisheries by the Pacific Fisheries Management Council. We intend that this process go forward and that adherence to the new standards not delay development of the plan called for in the bill.

In order to assist fishermen in helping to reduce bycatch and seabird interactions, H.R. 5946 establishes a regionally based Bycatch Reduction Engineering Program to develop technologies and methods to improve the ability of fishery participants to reduce bycatch and associated mortality, including post-release mortality. The provision includes an outreach mandate to encourage the adoption of new technologies and also encourages the adoption of bycatch reduction incentives in fishery management plans, such as bycatch quotas. Finally, it encourages the National Oceanic and Atmospheric Administration to continue coordinating with the U.S. Fish and Wildlife Service and other entities to reduce or mitigate seabird interactions in fisheries, a process that has had much success in the Western and North Pacific.

This comprehensive package not only addresses conservation and management within our Nation's waters but equally as important, strengthens controls on illegal, unreported, and unregulated IUU fishing in the high seas. IUU fishing, as well as expanding fleets and high bycatch levels, are threats to sustainable fisheries worldwide. The bill includes provisions to strengthen the ability of international fishery management organizations and the United States to ensure appropriate enforcement and compliance with conservation and management measures in high seas fisheries. The international component of this bill ensures other nations provide comparable protections to populations of living marine resources at risk from high seas fishing activities. These provisions help the U.S. fishing industry by both sustaining shared resources and leveling the playing field in terms of regulation and responsibility.

I am particularly pleased that the bill includes provisions crucial to the long-term sustainability of tuna and other high seas stocks so important to Hawaii and the Pacific Islands, as well as a program to help increase marine education and technical skills in the region. These provisions will not only help us work with other countries to conserve our shared marine resources but also reduce unfair conservation burdens on U.S. high seas fleets. The bill also contains long-awaited legislation to implement the Western and Central Pacific Fisheries Convention, a critical step in ending overfishing of bigeye and other tuna species in the Pacific. I am pleased that representatives of both the Western Pacific Council and the Pacific Council will be commissioners and that the territories will be provided representation in this important organization.

In addition, the bill contains provisions that promote marine education, training, and assistance opportunities for Western Pacific communities and underrepresented groups. This training is critically important for communities that are so dependent upon the health and sustainability of our ocean resources.

Finally, the bill contains the text of the Tsunami Warning and Education Act, another bill that Senator STEVENS and I developed early last year and then negotiated with the House Science Committee. This legislation, so critical to the Pacific region, will go far to strengthen and expand the existing tsunami warning and detection system, and I am grateful, on behalf of the people of Hawaii, for all the support the bill has gained in Congress.

Mr. President, I look forward to working with the administration on implementation of the many important provisions of this bill, and I thank my friend, Senator STEVENS, as well as committee colleagues, particularly Senators CANTWELL, SNOWE, BOXER, LOTT, AND LAUTENBERG, for working so hard toward enactment.

HONORING THE LIFE OF GRENVILLE GARSIDE

Mr. DOMENICI. Mr. President, on behalf of myself and Senator BINGAMAN, I come to the floor today to inform the Senate that the Committee on Energy and Natural Resources has recently passed a resolution honoring the life and service of Grenville Garside. I have here a resolution signed by all 22 members of the committee.

Mr. Garside served as the very first staff director of this committee when it was first established in 1977 under Senator Henry "Scoop" Jackson of Washington. Gren was well respected on both sides of the aisle and was renowned for his knowledge of energy and natural resources law.

The committee enjoyed the able leadership of Mr. Garside in those early years as its jurisdiction and influence began to take shape. Gren was known for his integrity, good judgment, and affable nature.

So, it is fitting that we take a moment to honor this man, whose professional career was so intertwined with this revered institution. It is right that we place this resolution in the RECORD. We are grateful for his many years of service. Each member of this committee expresses their deepest sympathy to Gren's family and multitude of friends.

Mr. President, I ask unanimous consent that a copy of this resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE

COMMITTEE ON ENERGY AND NATURAL RESOURCES HONORING THE LIFE AND SERVICE OF GRENVILLE GARSIDE

Whereas Grenville Garside was legislative counsel to the late Senator Henry M. Jackson of the State of Washington from 1969 to 1972;

Whereas Grenville Garside joined the staff of the Committee on Interior and Insular Affairs of the Senate in 1972 and became its staff director in 1975;

Whereas Grenville Garside became the first staff director of the Committee on Energy and Natural Resources of the Senate in 1977;

Whereas Grenville Garside faithfully served Senator Jackson, the Committee on Interior and Insular Affairs, the Committee on Energy and Natural Resources, and the Senate for 10 years;

Whereas Grenville Garside was renowned for his knowledge of energy and natural resources law, his integrity, and his good judgment;

Whereas, Grenville Garside served as vice president of the Henry M. Jackson Foundation, a nonprofit public policy foundation dedicated to continuing the unfinished work of the late Senator Henry M. Jackson and perpetuating the legacy of Senator Jackson for the benefit of future generations; and

Whereas Grenville Garside passed away on September 22, 2006: Now, therefore, be it

Resolved, That the Committee

(1) learned with profound sorrow and deep regret of the death of Grenville Garside;

(2) remembers with gratitude his service to the Committee, the Senate and the United states; and

(3) expresses its deep and heartfelt condolences to his family on their loss.

Pete V. Domenici, Chairman; Jeff Bingaman, Ranking Democratic Member; Larry E. Craig, Daniel K. Akaka, Craig Thomas, Byron L. Dorgan, Lamar Alexander, Ron Wyden, Lisa Murkowski, Tim Johnson, Richard Burr, Mary L. Landrieu, Mel Martinez, Dianne Feinstein, James M. Talent, Maria Cantwell, Conrad Burns, Ken Salazar, George Allen, Robert Menendez, Gordon Smith, Jim Bunning.

FAREWELL TO BRUCE ARTIM

• Mr. HATCH. Mr. President, as this session draws to a close, I would be remiss if I did not take a moment, or perhaps more than a moment, to share with my colleagues my deep appreciation to a staffer who has recently left the Senate and Federal service. I speak of Bruce Artim.

Bruce came to us over a decade ago, first as a legislative fellow, then moving through the ranks of the Senate as a detailee, and finally as the top Judiciary Committee staffer.

What a long, strange trip it has been.

Bruce's work has spanned stem cells to trade treaties to the criminal code. In fact, I can't think of an issue that Bruce has not worked on—nuclear waste with the Department of Homeland Security to international AIDS with Bono—although it is an open secret Bruce much prefers the Stones—to juvenile diabetes with Mary Tyler Moore.

At times, Bruce has provided legislative drafting services to the Utah legislature and medical advice to Members of Congress. He has plotted strategy to enact the Child Health Insurance Program, flipped charts at Labor Committee hearings, and written floor statements so long the podium sagged.

Bruce is equally competent and equally happy explaining the complexities of molecular biology or the intricacies of intelligence law. His range of expertise spans the subchapters of food and drug law to the nuances of trade treaties. He is a man who really knows his Zantac. He works equally well inside the bureaucracy, outside the bureaucracy, and around the bureaucracy. He has advised me on the esoterics of the totipotent oocyte, the best escape route from the Hart in times of emergency, and which dishes were best at the Dirksen buffet. Never was there a better proofreader of international law.

I have valued his work, both as a trusted aide in whom I have total and absolute confidence, but also as a family member, who has been with me through thick and thin.

So it is with great sadness that I rise to express my heartfelt thanks, appreciation and best wishes to Bruce and his family as he retires from 25 years of Federal service and assumes a wonderful opportunity in the private sector.

Bruce has exemplified the best of Capitol Hill staffers. He is known and loved by all—from the cafeteria workers to the chairmen of the major committees. All recognize what we have come to appreciate about Bruce—his affable manner, his keen intellect, quick wit, and his readiness to help any and all.

Bruce is truly one of a kind. His departure from my office has certainly left a void that will be very difficult to fill.

Bruce, his loving wife, Brenda, and his precious 12-year-old son Jon, have been a part of the extended HATCH family for many years. In fact, Jon has had such a frequent presence in our office that I think we have even put him to work more than once.

Another frequent guest to our office was Bruce's wonderful mother Irma, who turned 80 years old this May. Bruce father's Ed, a World War II combat veteran, passed away many years ago and I will always regret that I never had the chance to meet him.

I remember so well the time Bruce told me one of the most important things that his father taught him was to always try to make time to give career counseling and opportunities to the talented individuals you meet at work, particularly the young people.

I agree with this advice wholeheartedly because as I look at my 30-year career in the Senate, one of the aspects I most cherish is the successes that so many of my friends and constituents in Utah and former staffers and other associates have accomplished in part because of the help that our office has provided.

Bruce is one of the brightest, hard-working, and loyal staffers who have ever served on my staff.

And there is one unique and endearing quality about him—he always put his family first. His love for his family is inspiring. Even though he worked endless hours for me, he always made it a priority to attend his son's baseball games and swimming meets.

After completing his undergraduate education, Bruce started his career in government as a member of the Volunteers in Service to America—as a VISTA Volunteer. Stationed in Columbus, IN, Bruce helped organize six local housing authorities and helped train them to operate housing rehabilitation and community development programs to benefit low-income families.

After returning to school and graduating from law school in 1983, Bruce joined the Office of Management and Budget where he was assigned to review the regulatory and legislative programs of the Food and Drug Administration. In 1986, Bruce moved to the Department of Health and Human Services as the executive assistant to the Assistant Secretary for Health, Dr. Robert Windom. In 1989, Bruce became the assistant director for policy at the National AIDS Program Office of the U.S. Public Health Service.

Bruce first joined my office as a legislative fellow assigned to the Senate Labor Committee, on which I served as ranking Republican member. It was during this time that Bruce was my lead counsel on the original Prescription Drug User Fee legislation, which will again be up for reauthorization next year.

Between late 1992 and mid-1995, Bruce served as the Assistant Director for Policy at the National Institutes of Health's, NIH, Office of Technology Transfer. During that time, he played a key role in formulating NIH policy on gene patenting, sponsored research agreements, and pricing clauses in Federal Licenses and research agreements.

When Bruce returned to my staff in 1995 on loan from the NIH, I was chairman of the Judiciary Committee. I assigned him to a wide range of high-priority, complex and sometimes contentious issues. For example, Bruce became an expert in the manner in which the historic 1995 General Agreement on Trade and Tariffs—the GATT Treaty—intersected with FDA regulatory requirements and U.S. and international intellectual property laws, including the special rules related to pharmaceutical patents.

In 1997, my friend from Massachusetts, Senator KENNEDY and I decided to collaborate together on legislation that would increase health insurance coverage to children of low-income families to be financed by increased tobacco taxes. At the beginning of the effort to enact what would become the very popular and very successful CHIP program that provides millions of children with health insurance, there was a bipartisan team of six staffers.

Representing me were Bruce, my longstanding, loyal, and very talented aide and current chief of staff, Trish Knight, and Rob Foreman, who went on to run the legislative office of the Centers for Medicare and Medicaid Services during the busy and challenging time period when the Medicare Modernization Act and the new prescription drug benefit was being written and implemented.

Senator KENNEDY was also represented by a team of energetic experts: Lauren Ewers, who was a key player in the Kassebaum-Kennedy Health Insurance Portability and Accountability Act, better known as the HIPAA law, David Nexon, a leading Congressional staff authority of health issues who was the nemesis to many a Republican Member and staffer alike on a plethora of issues, and, last, but certainly not least, Nick Littlefield, a visionary and inspirational leader and master legislative tactician. It is my firm hope now that Nick and David are both in the private sector that they see the error of Senator KENNEDY's liberal ways and allow their inner-conservative selves to come out.

One of the things that make this institution a great place is the ability to battle one another politically but to do so always with respect and, as often as possible, with good humor. One thing you can say about Bruce is that he made us laugh, sometimes not even intentionally.

I will never forget the time when I was testifying before the HELP Committee on the children's health bill. I noticed that Senator KENNEDY's staff had made far better charts than my own crack staff could muster. I ordered Bruce to borrow Senator KENNEDY's posters for me to use and was prepared to enjoy my friend from Massachusetts' surprise and dismay when he discovered the temporary heist. But the situation got even better when Bruce thoroughly distracted Senator KENNEDY's opening statement by dropping the posters on the floor after getting into a verbal altercation with none other than that great shrinking violent of the press corps, Adam Clymer of the New York Times.

Apparently, Mr. Clymer was dismayed that the charts were blocking his and other reporters' view and demanded that the offending charts be moved. Bruce explained that he was just doing his job. To which Mr. Clymer responded in his normal diplomatic style: But do you have to be so bad at it?

Suffice it to say that years later when Vice President CHENEY made that now famous comparison between Mr. Clymer and an unflattering part of the anatomy, some of us thought back to his discourse with Bruce.

Although from time to time Bruce could drive me out of my gourd, it did not stop me from giving him challenging assignments. Once he wrote a history of how the Food Drug and Cosmetic Act treated exports of products for me to deliver at a major conference we were to attend in Salt Lake. As it was time to depart for the airport, Bruce looked up and said, "But I am only up to 1938!" But he got it done.

In 2003, I promoted Bruce to be my right-hand man by naming him as the Judiciary Committee's chief counsel and staff director, where he advised me and other committee members on matters pertaining to executive branch and judicial nominations, criminal and civil justice, counterterrorism, immigration, intellectual property, antitrust, and constitutional law. During his tenure as chief counsel, Bruce helped devise and implement a successful strategy that resulted in the passage of the Justice for All Act, a key legislative priority for me, Senator LEAHY, Chairman SENSENBRENNER, and Representatives CONYERS and WILLIAM DELAHUNT. This law helps ensure that DNA technology will help bring to justice those who have eluded arrest and trial in serious crimes such as rape and, just as importantly, helps set free those wrongfully convicted and incarcerated.

I feel compelled to add that this success was achieved despite the fact that during a particularly sensitive time in the often-contentious negotiations, Bruce did not at first completely comply with my direct order to refrain from speaking to anyone from the Department of Justice, specifically including a certain sometimes confounding official we all knew well.

I am very proud that, with Bruce's help, during my last 2 years as Judiciary Committee Chairman, we were able to work to have the Senate confirm 104 Federal judges.

I am also proud that when a few Republican staffers acted overzealously and improperly with regard to confidential committee member files concerning judicial nominations, my staff including Bruce, Reed O'Connor now Senator CORNYN's chief counsel, and Grace Becker—now a Deputy Assistant Attorney General at DOJ, helped me and the committee set the matter back on the right course. Regardless of whether it is ultimately determined that any laws were or were not violated, in this case the conduct of accessing another's computer files was simply wrong and unacceptable. With the advice and counsel of staffers like Bruce Artim and Bruce Cohen, Senator LEAHY's Democratic Chief Counsel and others, I think the Judiciary Committee faced up to a serious breach of comity and concluded, despite those who might erroneously think that anything goes in political combat, anything does not, and should not, go in the Senate, especially not on the Senate Judiciary Committee.

I do not shy away from political battles.

I do not like to lose political battles.

But when I fight a political battle, I fight straight up.

Part of what makes our country so great and so strong is that for over 200 years we have agreed to disagree agreeably. Bruce understood that fighting fairly and ethically with our adversaries in the Senate today helps ensure that this body will remain strong and respectful tomorrow.

In the current 109th Congress, Bruce served as the chief counsel and staff director of the Intellectual Property Subcommittee but still made time to advise me on a wide range of matters, including the confirmations of the Chief Justice of the United States, John Roberts, and Associate Justice of the Supreme Court, Samuel Alito; reauthorization of the USA PATRIOT Act; the Bankruptcy Reform bill; and the Class Action Reform legislation.

I frequently called upon Bruce to counsel me on difficult matters involving ethics. In recent years, stem cell research has required a careful study of complex issues relating to ethics, law, science, economics, intellectual property, politics and religion.

Bruce Artim accompanied me every step in my journey to understand and formulate policy on stem cell research. He worked closely with key Senate staffers, such as David Bowen of Senator KENNEDY's staff, and Sudip Parikh of Senator SPECTER's staff.

He helped me and other Senators and House members draft the critical pieces of legislation that are at the center of national debate.

I could list so many laws to which Bruce contributed—the cord blood bank law, modifications to FDA export law we enacted not once, but twice, Federal Tort Claims Act coverage for Community Health Center workers, the bioterrorism legislation, and of course, patent law and especially drug patent law.

As Bruce leaves, there are many voids we struggle to fill. There is so much we will miss about Bruce. He was undoubtedly the most accomplished Hill expert on the Drug Price Competition and Patent Term Expiration Act, better known as Waxman-Hatch or Hatch-Waxman.

We will miss his pink bicycle down in the Hart garage, the many jokes left on the cutting room floor, and a never-ending supply of neckties which supplied so many Hill gentlemen in a time of need.

I have always appreciated Bruce's wise counsel, his deep commitment to the Senate and his ability to make everyone laugh even during extremely tense legislative negotiations. He made a tremendous contribution to the Senate, and I know that he will do the same for his new employer, Eli Lilly and Company.

Mr. President, Bruce will be missed. He was not only a congressional staffer, he was a true friend. So as the 109th Congress draws to a close, I hope my colleagues will join me in expressing appreciation to Bruce Artim for his loyalty and his significant contributions he has made to the Senate over his record 11 years; a record Bruce would be pleased to note now exceeds that of Doug Guerdat.

I hope my colleagues will join me in saluting Bruce's 25 years as a public servant and wishing him all of the best in the future.●

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006

● Mr. HATCH. I rise today to congratulate my Senate colleagues on the passage of a tremendously important piece of legislation, the Office of National Drug Control Policy Reauthorization Act of 2006, H.R. 6344. This act contains numerous provisions whose implementations are vital, and would provide specific goals and measurement standards to evaluate the effectiveness of our national drug control policy.

I want to highlight a specific provision of this bill that, when enacted, will benefit thousands of Americans who are struggling with addiction to drugs. As our country seeks to develop better treatments for drug abuse, countless Americans continue to fall prey to illicit drugs. As their lives are torn apart by these addictions, many find the strength to call out to doctors for help. Unfortunately, some of these calls for help go unanswered due to limitations placed on physicians with regard to their treatment options.

In 2000, I worked with Senators LEVIN and BIDEN to pass the Drug Addiction and Treatment Act. This groundbreaking legislation allowed certified physicians to prescribe appropriate medication to patients suffering from drug addiction. Under this law, physicians are prescribing the drug buprenorphine to patients fighting their addiction to heroin and other opiates. The results have been tremendous, and countless lives have been saved by breaking the addiction cycle.

However, current law caps the number of patients a qualified physician can treat with this medication at 30. Unfortunately, many doctors are at their cap and are forced to turn patients away due to this artificial limitation.

I have spoken with numerous doctors who have relayed amazing stories of patients turning their lives around by using this medication and participating in treatment. These patients have gone on to return to the workforce and continue their lives as productive citizens, free of the scourge of drug abuse.

This bipartisan provision included in this bill would expand the number of patients whom qualified doctors are allowed to treat. Passage of this legislation will provide immediate assistance to countless Americans who are fighting for their lives.

It is clear this cap needs to be raised. To make an analogy, a doctor would not turn away a broken arm because he or she had already fixed 30 arms that month! The doctor would not stand for it, and neither would society. The same should be true for physicians treating drug addiction. Given that the destructive effects of drug addiction are so much greater than a broken arm, we should strive to ensure that the healing hands of doctors are not bound by unintended mandates. Doctors should be allowed and encouraged to help as many as possible, and this legislation allows them to treat many drug addicts that are otherwise being turned away. This provision will immediately help countless Americans get the treatment they seek and so desperately need.

I highlight this provision as a sample of the meaningful substance in this measure, and I applaud the efforts of lawmakers in both Chambers of Congress whose tireless efforts produced this bill.●

Mr. LEAHY. Mr. President, I support reauthorization ONDCP and passage of the Office of National Drug Control Policy Reauthorization Act of 2006. This bill recognizes and strengthens the Office of National Drug Control Policy as the lead agency in the fight against illegal drug use. It also includes important modifications and clarifications that will improve the lives of all Americans by reducing the presence of drugs in our society. I am very pleased that five of my recommendations to improve the bill are included in this legislation.

I commend Senator BIDEN, who has long been a leader in the fight against illegal drugs, and Chairman SPECTER, the lead sponsor of this legislation. The authorization for ONDCP expired 3 years ago, and it is long passed time for Congress to act. Illegal drug abuse, drug addiction, and drug-related violence continue to exact an enormous toll on our society. Nationwide, drug abuse kills 52,000 Americans each year, and more than 20,000 Americans will die as a direct consequence of illegal drug use this year alone. Drug abuse costs our society nearly $116 billion annually. It has strained the capacity of our criminal justice system and our medical facilities and brought violence and tragedy to families, schools, and communities throughout the country.

This bipartisan legislation will reauthorize ONDCP for 5 years and provide ONDCP with the necessary tools and resources to develop a national drug control policy and coordinate and oversee the implementation of that policy.

This legislation includes a number of reforms that provide clarification concerning the most significant objectives and duties of ONDCP. It allows Congress to be vigilant in our oversight by requiring the President to submit to Congress a yearly national drug control strategy, expanding ONDCP's reporting requirements to Congress on numerous areas of ONDCP responsibility; requiring ONDCP to give a full accounting of the budget; and requiring ONDCP to develop a new performance measurement system that includes 2-year and 5-year targets for each of the strategy's objectives.

In addition, this legislation improves essential information sharing by requiring that various Government agencies, including the Attorney General, the Department of Homeland Security, and the Departments of Agriculture and Defense, submit to ONDCP and Congress reports relating to their agencies' drug control efforts.

I want to take a moment and address several specific provisions. First, as a strong supporter of the National Guard, I am pleased that this legislation authorizes $30 million a year for the Chief of the National Guard to establish five National Guard Counterdrug Schools to train personnel from Federal agencies, State, and local law enforcement agencies, community-based organizations, and other groups in drug interdiction and demand reduction activities.

I am pleased that this legislation will require greater diligence on methamphetamine. The bill calls for the creation of a National Methamphetamine Information Clearinghouse, an idea which I have long supported, including cosponsoring legislation to set up the clearinghouse. This toll-free number and Web-based source of information will promote sharing of "best practices" regarding law enforcement, prevention, treatment, environmental, social services, and other programs related to combating the scourge of methamphetamine.

I am pleased that this legislation embraces a comprehensive policy that reduces the demand, as well as supply, of drugs. It reduces the demand for drugs by ensuring that programs to expand access to drug treatment are adequately supported in the Federal drug control budget and by providing greater uniformity and accountability in assessing ONDCP's effectiveness in drug treatment programs. On the supply side, the bill takes steps to disrupt markets at home and abroad. It requires ONDCP to develop comprehensive strategies to address the severe threats posed by South American heroine and drug smuggling across the southwest border.

This legislation also includes a good provision by Senators LEVIN and HATCH that amends the Controlled Substances Act to raise the number of opioid addicted patients a physician may accept from 30 to 100. In the last 5 years, the number of heroin-related arrests and the number of people seeking treatment for heroin use in Vermont has more than doubled. This provision will expand treatment options for thousands of patients who have been denied access to critical addiction treatments in Vermont and across the country.

I am also pleased that the bill includes several of my recommended improvements. I continue to support the National Youth Anti-Drug Media Campaign, but I want to make sure that the campaign is run in a way that uses funds efficiently and gets out its antidrug message effectively. I therefore recommended inclusion of comprehensive standards for evaluating what type of media campaigns and information are effective, as well as a prohibition on the expenditure of antidrug media campaign funds for political purposes.

The campaign will be better for these changes, as well as the legislation's additional step of creating an independent agency to conduct annual evaluations of effectiveness. The bill also adopted my recommendation to eliminate two unnecessary provisions which could also hinder international diplomacy and drug control efforts.

I continue to have concerns about the safety and predictability of mycoherbicides against drug crops. While this bill only calls for a scientific study on the use of mycoherbicides, I am pleased that the bill includes my recommendation to prohibit testing in any foreign countries. I believe this provision will prevent souring diplomatic relations between the United States and countries around the world.

I am disappointed that my recommendations to remedy a few weaknesses in the bill were not adopted. Among other issues, I am concerned by provisions that prohibit the expenditure of more than 5 percent of the Federal funds appropriated for High Intensity Drug Trafficking Area Programs for drug prevention programs and that prohibit the use of any Federal HIDTA funds to establish new or expand existing drug treatment programs. The State, local, and Federal law enforcement officials in the HIDTA Program should have the discretion to use the programs that work best in their areas.

I am also troubled that the Bush administration and the Republican Congress have not sufficiently addressed the international drug trade, particularly the rising instability in opium production in Afghanistan. Three months ago, the United Nations released a report concluding that opium cultivation is surging in the southern region of Afghanistan and warned that the southern region was verging on collapse. Just this past weekend, the Washington Post also reported that opium production in Afghanistan reached a historic high in 2006, despite ongoing eradication efforts. These reports are particularly troubling considering that this administration has increasingly described the drug trade as a problem that rivals the Taliban and threatens to derail the stability and reconstruction of Afghanistan.

While I applaud this bill's inclusion of a provision that requires the ONDCP to submit to Congress a comprehensive strategy that addresses the increased threat from Afghan heroin, I fear that this provision may not go far enough. Afghanistan provides more than 90 percent of the world's heroin. Without seeking accountability from the President, the State Department, and the Attorney General on the rise of Afghan heroin, we cannot sufficiently discharge our duty to address the international supply of heroin.

Nevertheless, I am confident that this legislation will strengthen ONDCP, its component programs, and our national comprehensive antidrug effort. This legislation balances the goals of drug enforcement and prevention, while providing Congress with additional oversight tools. I support its passage.

Mr. LEVIN. Mr. President, according to the Office of National Drug Control Policy, approximately 1 million people in the United States are addicted to heroin; more than 3 million individuals over the age of 12 have used heroin at least once; and an estimated 4.7 million people are dependent on or abusing other opiate drugs, including prescription painkillers according to a 2005 survey of the Substance Abuse and Mental Health Services Administration.

The Drug Addiction Treatment Act of 2000, DATA, which I authored along with Senators HATCH and BIDEN, makes a dramatic change in the way America fights heroin addiction. DATA permits, for the first time, FDA approved drug treatment medications to be prescribed and dispensed in an office-based setting under strict conditions by specially trained physicians. The medication in question is called buprenorphine—bup. It blocks the craving for heroin. This new law essentially brings the treatment of opiate dependence into the mainstream of medicine. It allows both primary care and addiction specialists to treat patients who want to get rid of their addiction, but are unable to because of distance or their unwillingness to seek medical treatment at centralized methadone clinics, where their appearance amounts to an announcement of their addiction.

This new law has brought tens of thousands of patients into treatment, who would never have sought treatment in methadone programs. Now in its fourth year, DATA has proved highly beneficial. The success of DATA in extending treatment has resulted in waiting lists for treatment with physicians who have signed up to treat addicts. Those physicians are currently limited to 30 patients.

The great success of buprenorphine has been borne out by firsthand accounts by physicians and addiction experts from across the country, as well as the director of the National Institute on Drug Abuse, Dr. Nora Volkow and the director of the Center for Substance Abuse Treatment, Dr. H. Westley Clark, who participated in an August 3, 2006 Senate Symposium on DATA, which I sponsored along with Senator ORRIN HATCH.

The legislation before us, S. 2560, which reauthorizes the Office of National Drug Control Policy, includes an important amendment to DATA that will more than triple the number of patients specially trained physicians may treat in their private offices. The across-the-board 30-patient limitation has resulted in denials of treatment and even deaths of patients who were not able to enter treatment because a physician had reached the 30-patient limit. For many such persons, their hope of treatment is dashed while they wait on a physician's waiting list.

In an effort to remedy this, the Senate Judiciary Committee's modification of DATA in section 1102 of S. 2560 addresses this problem by permitting physicians who have been certified to utilize buprenorphine in their office-based practice for at least one year, to notify the HHS Secretary of their intention to begin treating additional patients, in accordance with section 1102.

The bill with our amendment raises the number of patients who may be treated by an individual physician from 30 patients to 100 patients. This change—increasing the patient limit from 30 to 100 per physician—is supported by the medical community at large as well as the addiction speciality associations, including: The American Medical Association, the American Osteopathic Association, The American Psychiatric Association, The American Psychological Association, The American Academy of Addiction Medicine, The American Society of Addiction Medicine, The Association of American Medical Colleges, and several large health providers such as Kaiser Permanente.

In addition to establishing a process through which trained physicians can dispense or prescribe buprenorphine, the Drug Addiction Treatment Act of 2000 required the Secretary of HHS to evaluate the impact of office-based buprenorphine treatment. In compliance with this requirement, the Secretary directed the Substance Abuse and Mental Health Services Administration—SAMHSA—to conduct a survey to determine (1) the availability of the office-based treatment, (2) the effectiveness of the office-based treatment, and (3) the potential adverse public health consequences.

The preliminary findings of the HHS evaluation were presented and discussed during the August 3 Senate Symposium which I have previously mentioned. The HHS-SAMHSA evaluation showed that buprenorphine treatment is clinically effective and well-accepted by patients; the program has increased the availability of medication-assisted treatment; adverse effects have been minimal; and that the 30-patient limit established in DATA, as well as cost reimbursement issues decrease potential access to treatment under the program. The experiences articulated by the health care professionals who participated in the August 3rd Senate Symposium are reflective of the findings of the HHS-SAMHSA evaluation, which were presented by CSAT Director Dr. Westley Clark and that were echoed by NIDA Director Dr. Nora Volkow, based on her own expertise and observation of buprenorphine office-based treatment.

It is tragic if the personal and community benefits of this new anti-addiction medication, combined with treatment in the private office of certified physicians are limited because of artificial limits on its use. The legislation before us brings us close to full utilization. I am pleased that the Senate has adopted this life-changing, lifesaving legislation as part of the ONDCP reauthorization bill, as well as the free standing bill, S. 4115, which I introduced along with Senators HATCH, BIDEN and COLLINS.

In closing, I would like to share with my colleagues in the Senate the names of the distinguished physicians, addiction experts and agency officials who participated in the August 3, 2006, Symposium and Press Conference Senator HATCH and I hosted on the success of the Drug Addiction Treatment Act of 2000, and the subsequent FDA approval of buprenorphine for the treatment of heroin addiction in 2002. Of particular note are Dr. Charles Schuster of Wayne State University, a past Director of NIDA who has conducted clinical trials with buprenorphine and who has been a great resource and guide on this issue from the very beginning and his advice and expertise continues today; and Dr. Herbert Kleeber, Professor of Psychiatry at Columbia University and one of the Nation's foremost experts on drug addiction and treatment, who provided invaluable assistance to me and to Senators HATCH and BIDEN in putting together this new system of office-based treatment utilizing buprenorphine. Dr. Nora Volkow's expertise and tutoring have led us all to a better understanding of the science of addiction. Dr. Volkow is the Director of the National Institute on Drug Abuse—NIDA—where buprenorphine was developed under a Cooperative Research and Development Agreement between NIDA and a private pharmaceutical company; Dr. H. Westley Clark, Director of the Center for Substance Abuse Treatment under the Substance Abuse and Mental Health Services Administration. Dr. Clark has contributed great understanding of buprenorphine's therapeutic effects in the treatment of heroin abuse and dependence, and in understanding that drug addiction is a public health problem.

Mr. President, I ask unanimous consent that the following brief remarks of two participants who experienced treatment with buprenorphine, Ms. Tess Walker and Mr. Odis Rivers, and the list of the August 3, 2006 DATA Symposium and Press Conference participants, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SYMPOSIUM

Convened by Senator Orrin Hatch and Senator Carl Levin

PRESENTERS

Dr. Nora Volkow—Director, National Institute on Drug Abuse.

H. Westley Clark, M.D., J.D., MPH—Director, Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services Administration.

Charles R. Schuster, Ph.D.—Distinguished Professor of Psychiatry and Behavioral Neuroscience, Wayne State University School of Medicine.

Jim Finch, M.D.—Family Practice physician from Durham, North Carolina.

Thomas Kosten, M.D.—Baylor College of Medicine, Department of Psychiatry.

Dr. Herbert Kleeber—American Psychiatric Association's Council on Addiction Psychiatry, Professor of Psychiatry and Director, Division of Substance Abuse, Columbia University.

Elinore McCance-Katz, M.D., Ph.D.—Professor of Psychiatry and Medical Director, Virginia Health Practitioners' Intervention Program, Virginia Commonwealth University.

David Fiellin, M.D., ASAM—Yale University School of Medicine, Medical Director, SAMHSA/CSAT Physician Clinical Support System.

Michael Shore, M.D., F.A.P.A.—Psychiatry and Addiction Medicine, Cherry Hill, New Jersey.

Charles O'Brien, M.D., Ph.D.—University of Pennsylvania/VA Medical Center, Psychiatry.

Terry Horton, M.D.—Phoenix House Treatment Program, Medical Director Phoenix House Foundation.

Karen Sees, DO—Fellow, American Osteopathic Academy of Addiction Medicine, Codirector, first AOAAM sponsored training-of-the-trainers for Office Based Opioid Treatment trainers.

Margaret Kotz, DO—Case Western University, Addiction Psychiatry.

Michael Brooks, DO—President of the AOAAM and Director of Psychiatric Services, Brighton Hospital, Brighton, Michigan.

Tess Walker—College Student, Recovering from heroin addiction.

Odis Rivers—Korean Veteran, In Recovery.

MR. ODIS RIVERS, KOREAN VETERAN

Dr. Schuster: I would next like to introduce Mr. Odis Rivers. A while back at Wayne State University we were doing a trial of buprenorphine as a treatment medication for opiate addiction, and Mr. Rivers was one of the volunteer participants in that study.

He was successful in terms of stopping using drugs when he was on buprenorphine, and we were able to extend the period of time that he was on buprenorphine, and subsequently taper him off of it, and I'm proud to say that he still comes past my office regularly and he is still totally drug free. And he's going to briefly tell you about his life.

Mr. Rivers: Hi, how is everybody? You know, I'm going to get straight to the point. I am proud to be up here to talk about buprenorphine, because it has really made a change in my life. You know, being an addict is a terrible, terrible situation, but being clean from buprenorphine, it just changed my life like night and day. I can get along with people I couldn't get along with before, and it's just a miracle.

Like my sister, I had one sister, she's a Sheriff, I have another sister, she's a doctor in California, and due to my addiction, I could hardly get along with either one of them. But since my experience with buprenorphine I get along just fine with both of them, and all of my friends and everything, you know, as a matter of fact, I have a lot of new friends because I've changed so much. I don't take buprenorphine in any kind of way or anything and so life is just wonderful and grand, and I have to give that thanks to the medication buprenorphine. Because it just helped me so tremendously in my life. And so I would like to see everybody that needs an opportunity, get an opportunity to use this medication, because it does work, and I'm a living witness that it does.

I'd like to say thank you for listening to me. Thank you very much.

MS. TESS WALKER, COLLEGE STUDENT

My name is Tess Walker and I'm 24 years old, and I'm about to graduate from Berkeley School of Music. I grew up in Cambridge, Massachusetts and went to school there, and was sort of going to school and doing well and had an after-school job and graduated when I was 17, and when I was 18 I started using heroin. And it seems like a very big leap, but at the time, it didn't.

I was using heroin for three and a half years, and basically doing nothing but, it was pretty much a day in, day out thing. I was living with my mother. After awhile things were really bad.

I was trying to get clean, and going into detoxes, methadone detoxes for five days at a time and coming out and going out and going back in and coming out, and during this period of time, which was probably a year and a half, two years into my using, my mother got in touch with a physician named Dr. Daniel Alfred in Boston. He was involved in the research with buprenorphine, and he basically convinced her that she shouldn't throw me out of the house—so thanks, Dr. Alfred—and about a treatment that he was working on, but it wasn't available yet.

And I continued sort of on the path that I was on until I had expended methadone detoxes ten times. And I want to focus when I'm talking to you on that, the last experience that I had with methadone detox.

I went in and took my first dose, and five days later I took my last dose, and on that day left and I went to New York to my friend's farm, because I knew that it was going to get bad eventually and I was at the end of my rope and I wanted it to end. When I got to New York things got really bad, and I wound up being in a situation where it was like—drugs, death.

I think about myself now and who I am now, and thinking about being in a situation in which that's a viable option at all is really scary.

I drove back to Boston at probably about 100 miles per hour and got back to the city and got my drugs and went back home and I was just completely at the end of my rope, my mother was probably more at the end of hers, and she called up Dr. Alfred—this was years after all of the process and everything and the methadone and nothing working and trying and trying and trying—and he basically told her that, buprenorphine had been approved, and that I could come in on that Monday.

We had so much hope at that point, and we went in and he explained the process to us, and it kind of seemed really unbelievable to me at the time. I went home with buprenorphine and started taking my dose and there was a moment where, I'm sorry, where sitting at my kitchen table in Boston when I felt normal for the first time in three and a half years. And I've been clean for almost three and a half years now, and it changed my life. It was—after going through years of trying and failing and trying and failing, to have something—a drug that did not feel like a drug and make me feel like a human being again, and to have people around you who are treating you that way, was amazing.

I went back into college after I was six months clean, I've been on the Dean's List ever since. I'm graduating in the spring, I've been recording music and playing music and all of my family is back in my life and it's an amazing thing. And I've learned a lot standing back here today and I think that it's a massively important thing for buprenorphine to be in any community, especially in communities where you wouldn't expect that this is a huge issue, because it is. And for me to go from a nice high school in Cambridge with amazing love and a huge support system to the places that I went to, I mean, it can happen to anyone. And this is working, it's really working. So I hope that I've given you something to think about and thank you so much for letting me come and speak here. Because this is a really major thing, and I think that everyone needs to be aware that there's an alternative to five days in methadone detox out there, and that it works. Thank you so much.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING SENATORIAL SERVICE

• Mr. DODD. Mr. President, I rise today unable to find the words I need to express just what it has been like to go to work every day with a real, live Greek philosopher.

Of course, I mean PAUL SARBANES—who is the longest-serving Senator in the history of the State of Maryland; who has been among the wisest members to sit in this body; who is serving out his last week here with us. I have come to the floor today to say goodbye; and as I do, I remember one of my favorite Greek stories—which, in a bit of a roundabout way, reminds me of PAUL.

When the Athenians set up the first democracy and declared that every citizen could go and vote in the Assembly, they ran into just one problem—no one wanted to go. It turned out that the Athenians were also the first to discover voter apathy: It turned out that most of the citizens would much rather spend time buying and selling in the Marketplace than arguing politics in the Assembly.

So the leaders came up with a plan. They hired the two burliest men they could find and gave them a long rope clipped in fresh red paint. And then the two burly men would stand on opposite sides of the market square and shout "Everybody out." And after about a minute, they would each grab an end of the rope that was dripping with paint and walk down the square; and anybody who didn't get out of there in time had to go around for the rest of the day with his shirt ruined.

I said that story reminds me a bit of Senator SARBANES. Not because his clothing has been anything but impeccable and stain-free—but because it points out just how remarkable his 40-year career in public life has been. The truth is that people have been finding ways to avoid the responsibility of governing since governing was invented. So when we have the luck to find a man willing to give not just an afternoon's service to his country, but a whole life—and when he turns out to be a man of uncommon intelligence and humility—we know what a treasure we have stumbled on.

We can think back to those Athenians dawdling in the marketplace and ask ourselves: didn't they know? Didn't they know they were in "Ancient Greece," for crying out loud? Didn't they know they were supposed to be in the cradle of democracy? Didn't they know we'd be talking about them a couple of millennia later on the floor of the U.S. Senate?

But of course, they had no idea, and we can't blame them—they had lives to live. Compared to the getting and spending, the errands and talk that go on in the market square, the work of governing can seem like a book of the driest prose. The print is tiny and the lines are closely spaced.

It takes an uncommon mind to appreciate the value, the necessity, of what's in that book—but PAUL SARBANES has had one all his life. He showed it when he won a Rhodes Scholarship and went on to graduate first in his class at Oxford. He showed it when he was elected to the Maryland House of Delegates back in 1966, and then through 3 terms in the House and 5 in the Senate, through a career one newspaper called "electorally invincible." And he showed it as one of the most quietly influential members of this body, a listener in a town full of talkers, a living example of the maxim, "It's amazing what you can accomplish when you don't care who gets the credit."

But I can think of at least one accomplishment for which Senator SARBANES's credit is assured. In 2002, when he was chairman of the Banking Committee, a series of corporate scandals shocked the stock market, sapped trust in our economy, and cost shareholders and workers billions of dollars. But PAUL confronted the crisis of confidence and wrote legislation that helped restore accountability to accounting. Sarbanes-Oxley was greeted as the most fundamental reform of American business since the Great Depression; and I believe it will be PAUL's legacy. I was proud to help him; and I will be even prouder to sit in his chairman's seat on the Banking Committee. PAUL—your work will be mine, I promise.

Of course, Senator SARBANES will be leaving another legacy here in Washington—his son John, who was elected to represent his father's old House district in the 110th Congress. I've never met John Sarbanes, but if the son is anything like the father, 2006 will look a lot like 1970: We'll be sable to walk over to the House side and find a bright young man of immigrant heritage at the start of his Washington career, brought up in the tradition of service and full of the quiet virtues.

I don't think politics has changed so much since 1970 that those virtues aren't still in high demand. And come to think of it, politics hasn't changed so much since the days of the rope in the marketplace—with at least one notable exception. We have gotten rid of the rope. In our country, no one forces you to care. No one forces you to vote. No one forces you to serve. If you do those things anyway, it's not a measure of compulsion, but of conviction. And if, like PAUL SARBANES, you had the talent to make a career for yourself anywhere in the world but chose to spend it here, then we owe you our thanks—for your company, for your wisdom, for 40 years well spent in the Assembly.

Goodbye, Senator SARBANES,—and my best wishes for you and your wife Christine for many years to come.

Mr. President, today I pay tribute to my departing colleagues who have, for a time, lent their talents, their convictions, and their hard work to this distinguished body. I may have had my disagreements with them, but the end of a term is a time for seeing colleagues not simply as politicians, but as partners who have "toiled, and wrought, and thought with me." Each, in his own way, was distinctive; and each, in his own way, will be sorely missed.

RICK SANTORUM

I want to first recognize Senator RICK SANTORUM of Pennsylvania, who has been a colleague of mine in this body for 12 years. During that time he rose to No. 3 in the Republican leadership, as chairman of the Senate Republican Conference, and made a name for himself as a young and energetic conservative.

RICK SANTORUM is the son of an Italian immigrant who earned a law degree and an MBA and won election to the House of Representatives at the tender age of 32. After two terms in the House he won his first Senate election in 1994, as well as reelection in 2000. Senator SANTORUM quickly established himself as one of the faces of his party, a testament to his strong principles and his communications skill.

Throughout his legislative career, Senator SANTORUM has been especially strong on anti-poverty measures. He served as a floor manager for welfare reform in the mid-1990s. In the Senate, he worked for African debt relief and funding for the fight against AIDS, often collaborating closely with his colleagues across the aisle. His efforts moved Bono to declare him "a defender of the most vulnerable."

I was especially pleased to work with Senator SANTORUM on the Combating Autism Act. When nearly 1 in every 166 children born today will be diagnosed with this developmental disorder by the time they reach school age, government action is more necessary than ever. Senator SANTORUM recognized that, and he helped me work for a bill that, in the final version, would authorize $945 million for autism research, screening, education, and services—double the current level of funding. On poverty, AIDS, autism, and many similar issues, RICK SANTORUM has been a dependable ally.

Over his 12 years in the Senate, RICK SANTORUM dedicated himself to a philosophy he described as "healthy families, freedom of faith, a vibrant civil society, a proper understanding of the individual, and a focused government to achieve noble purposes."

Senator SANTORUM and I may not have always seen eye-to-eye, but no one ever questioned his commitment to principle. I wish him, his wife Karen, and their six children all the best.

MIKE DEWINE

I also want to say farewell to Senator MIKE DEWINE. Senator DEWINE, a former prosecutor, has had a distinguished career in Ohio politics. He represented his district for four terms in the House of Representatives, and he served as Ohio's Lieutenant Governor for 4 years, beginning in 1991. MIKE DEWINE was elected to the Senate as part of the famous Republican class of 1994 and served for a total of 12 years. I have had few more valuable partners on the other side of the aisle.

Senator DEWINE and I have been strong opponents of underage drinking, a social malady that, in the last year for which we have data, led directly to 3,500 deaths, 2 million injuries, and 1,200 babies born with fetal alcohol syndrome, not to mention $53 billion in social costs. The STOP Underage Drinking Act, which I cosponsored with Senator DEWINE, would fund a comprehensive Federal campaign of research, prevention grants, and a media messages aimed to keep children and young adults alcohol-free. I am proud to stand with Senator DEWINE on such a critically important issue.

And I am just as proud to have his support on a whole slew of health initiatives, especially for infants and children. Because States' variable screening standards leave many newborns at risk for treatable disorders, we have worked together to standardize screening across the Nation so that all newborns have an equal promise of health, no matter where they are born. Senator DEWINE and I have also worked together for safer pediatric medical devices. But above all, Senator DEWINE worked with me to secure passage of the Best Pharmaceuticals for Children Act. That legislation provides incentives for the drug industry that have dramatically increased the number of drugs tested and labeled for children; as a result, more than a hundred drug labels have been changed to incorporate new pediatric information.

It has been a pleasure to serve and work with Senator DEWINE. I have always admired his ability to put principle before party, and I am thankful for all of his help, and most importantly, for his friendship. I wish him and his wife Frances much happiness in the future.

JIM TALENT

I would also like to recognize Senator JIM TALENT. Senator TALENT has been a lifelong resident of St. Louis; and even when he was attending Washington University in his hometown, his outstanding intellect was on display as he was named the most outstanding undergraduate in political science. It was a sign of success to come. JIM TALENT was elected to the U.S. House in 1992 and served a total of 12 years in Congress, the last 4 representing Missouri in the Senate.

I was especially proud to work with Senator TALENT on legislation of the utmost moral importance: a bill that would establish new offices at the Department of Justice and FBI to investigate and prosecute Civil Rights-era murders. This legislation would help ensure that those who took the lives of civil rights workers, and have thus far escaped justice, never have another peaceful night of sleep. Senator TALENT said it eloquently: "We want the murderers and their accomplices who are still living to know there's an entire section of the Department of Justice that is going after them. We need to unearth the truth and do justice because there can not be healing without the truth."

Senator TALENT was also known for his work for renewable energy, his opposition to predatory lending, and his solid social conservatism. And though we didn't always agree, I am sure everyone who served with him has respected his intellect and his outspokenness. May he and his wife Brenda have many more years of happiness.

LINCOLN CHAFEE

Next, I would like to send my best wishes to Senator LINCOLN Chafee. Senator CHAFEE and I have a fair bit in common: we are both lifelong New Englanders, and we both had Senators for fathers. After completing his undergraduate studies at Brown University, and while many of his colleagues were busy studying law or political science, LINCOLN CHAFEE studied horseshoeing. I imagine he is the only modern Senator to have worked as a professional farrier for 7 years. And while Senator CHAFEE eventually took up the family business and went into politics, he has always retained the humility and good humor that so often come to those who spend time working with their hands.

Senator CHAFEE was a popular mayor of Warwick, RI, and on the death of his father, Senator John Chafee, was appointed to fill out the remainder of the term. He was elected in his own right in 2000, and has served a total of 7 years in the upper house, cementing a reputation as an independent thinker and one of his State's most popular politicians.

I especially enjoyed serving alongside Senator CHAFEE on the Foreign Relations Committee. He was a welcome travel partner. On trips to Latin America, it was always reassuring to have a familiar New England accent at my side. On a more serious note, I have come to respect Senator CHAFEE's courage and principle, especially on the matter of John Bolton's nomination as United Nations Ambassador. Senator CHAFEE spoke out in favor of competent diplomatic representation at the UN. Because of his efforts, we are closer to the day when our representative at the world body will work to win respect from the world, not alienation.

On that issue and many others, Senator CHAFEE was never afraid to put his beliefs ahead of party pressure. He has voted to support stem cell research and a responsible exit strategy in Iraq; and his strong environmental record, including opposition to oil drilling in the Alaska National Wildlife Reserve, has earned him the endorsement of prominent conservationist groups.

We will miss his independent mind and his true Yankee spirit. I wish all the best to Senator CHAFEE and his wife, Stephanie.

CONRAD BURNS

I would also like to bid farewell to outgoing Senator CONRAD BURNS of Montana. CONRAD BURNS is the longest serving Senator in the history of his State, and he has long been known for his plainspoken and blunt style. CONRAD BURNS served as a Marine in Japan and Korea, and back home he made a name for himself as a livestock specialist, auctioneer, and radio agricultural reporter. He proved himself a canny businessman, as one radio program grew into a network of 31 radio stations and six television stations.

A passion for local politics led him to win a seat on the Yellowstone County Commission. When he first ran for the Senate in 1988, Mr. BURNS was still a relative political novice; but he was known throughout the State of Montana for his successful business ventures, and he won election over an incumbent. Senator BURNS was reelected in 1994 and 2000.

Over 18 years in this body, Senator BURNS built up a record as an influential committee member, sitting on Appropriations and chairing a Subcommittee on Communications, as well as another on the Interior, with jurisdiction over the entire National Parks Service. Senator BURNS has taken pride in securing resources for his State, as well as in opening up the promise of advanced telecommunications for all. He worked with Senator RON WYDEN of Oregon to pass the CAN SPAM Act, which combats unsolicited e-mail. Senator BURNS has also worked for Internet deregulation and broadband access in rural and areas, earning him praise as "one of the fathers of the modern Internet." That is quite an achievement for a onetime cattle auctioneer.

Now Senator BURNS is returning to his home State of Montana, and I hope he and his wife Phyllis have many years of happiness there.

MARK DAYTON

I would also like to recognize Senator MARK DAYTON of Minnesota. Senator DAYTON's talents have long been apparent, whether graduating cum laude from Yale University, starting in goal for the college hockey team, or spending time as a teacher on the Lower East Side of New York City. Senator DAYTON has long been involved in public service and Minnesota politics, serving on Walter Mondale's Senate staff in the 1970s and working in the 1980s and 1990s for economic development in his home State. Senator DAYTON was elected state auditor in 1990, serving a 4-year term fighting the misuse and theft of public funds. In 2000, he once again entered State politics, defeating an incumbent to win a term in the Senate.

MARK DAYTON took many principled stands during his time in the Senate, from his opposition to the Iraq War resolution to his work to fully fund special education. Senator DAYTON was also known for his engagement with the needs of his Minnesota constituents. He won $3 million for a Minnesota National Guard program to provide soldiers with postcombat counseling and support, worked to hire 148 additional patrol agents to secure the United States-Canada border, and even donated his Senate salary to pay for bus trips to Canada so seniors could buy cheaper prescription drugs.

Senator DAYTON chose to retire after serving out his term, but he declared that "everything I've worked for, and everything I believe in, depends upon this Senate seat remaining in the Democratic caucus in 2007." Senator DAYTON's wish came true when Amy Klobuchar won an election to fill his seat; and I trust she will continue in MARK DAYTON's tradition of capable and hard-working representation for the people of Minnesota. Senator DAYTON is returning to private life in his home state, and I wish him all the best.

GEORGE ALLEN

Next, I would like to bid farewell to Virginia's GEORGE ALLEN. As we all know, Senator ALLEN is the son of the great football coach, George H. Allen. As a boy and young man, Senator ALLEN lived all over America, wherever his father's career took the family. But in the end, Senator ALLEN fell in love with the State of Virginia, especially its wealth of history. "I was going to go into a partnership with someone in Charlottesville in an old building built in 1814," he said, describing his first law practice. "Mr. Jefferson played the fiddle there, allegedly . . . I lived in it while renovating. I started my law practice and then bought a log house out in the country, in the woods. Charlottesville is where I wanted to take my stand."

In 1982, GEORGE ALLEN won election to the Virginia House of Delegates—and Thomas Jefferson's old seat. In

1991, he was elected to a term in the House of Representatives, and 2 years later, became Governor of Virginia, a post in which he distinguished himself as an energetic executive. As Governor, GEORGE ALLEN fought violent crime, reformed his State's welfare system, and signed the standards of learning education reform bill, which helped inspire No Child Left Behind. In 2000, he was elected to the Senate, where he served on committees including Commerce and Foreign Relations.

In the Senate, GEORGE ALLEN made a name for himself on technology issues, keeping the Internet free of taxation, securing nanotechnology funding, and providing high-tech grants to historically black colleges. It's also been a pleasure to work with Senator ALLEN for several years on our own legislation—to enhance America's competitiveness in the field of aviation by investing in aeronautics research and a new generation of aerospace scientists. In addition to his technology interests, Senator ALLEN was also a strong advocate of balanced budgets.

GEORGE ALLEN is leaving the Senate, but we will remember him for his affable demeanor and love of history. He was fond of quoting Thomas Jefferson's 1801 Inaugural Address: "The sum of good government is a wise and frugal government which shall restrain men from injuring one another but otherwise leave them free to regulate their own pursuits of industry." GEORGE ALLEN did his best to live and work by those principles, and as he returns to private life, I wish happiness to him, his wife Anne, and their three children.

BILL FRIST

Last but not least—the departing majority leader, BILL FRIST of Tennessee. His leadership position has only been the cap on a lifetime of accomplishment. BILL FRIST is a leading transplant surgeon, who has performed more than 150 heart or lung transplants, as well as a highly successful medical businessman. The same drive that fueled him in politics, medicine, and business also inspired him to earn his pilot's license and complete seven marathons. Senator FRIST will be remembered as a competent majority leader, not to mention as the first medical doctor elected to the Senate since 1928.

After pursuing his medical career for nearly two decades, BILL FRIST established himself in Tennessee politics and was elected to the Senate in 1994 and was reelected in 2000 with the highest vote total for any statewide election in his State's history. As the Senate's only medical doctor at the time, he attended to the victims of the 1998 Capitol shooting, and he also served as a respected spokesman on anthrax and bioterrorism following the terrorist attacks of 2001.

Besides leading the Senate since 2003, BILL FRIST found recognition for his outspoken positions on Medicare reform, judicial nominations, and social issues. He also worked to establish a nuanced position on stem cell research. Though we didn't always see eye-to-eye, we were able to work together on important legislation, including bills on obesity prevention and food allergies. And I think I can speak for all of my colleagues when I thank him for his hard work in running the Senate for the past 3 years—or, as a predecessor put it, "herding cats."

BILL FRIST is returning to his philanthropic work and his medical practice, where I am sure he will find his success undiminished and his skill undulled. I wish him, his wife Karyn, and their three sons many happy years.•

SENATORS SARBANES AND DAYTON

Mr. REID. Mr. President, the great Senator Daniel Webster once remarked that the Senate is a place:

> of equals of men of individual honor . . . and personal character.

He was right, and we can see what he was talking about in the fine men the Senate is losing to retirement at the end of this Congress: Senator FRIST, Senator SARBANES, Senator JEFFORDS, and Senator DAYTON.

On previous occasions, I have talked about how much I appreciated serving with Senators FRIST and JEFFORDS. Today, I would like to say a few more words about Senators SARBANES and DAYTON.

PAUL SARBANES is a man I have always admired. We share a similar background.

I grew up in a small Nevada town. My parents weren't well connected or highly educated. But as we see in my life—and Paul Sarbanes's life—in America your background does not matter.

PAUL is the son of Greek immigrants. His parents didn't have a formal education, but they worked hard. They owned a restaurant—the Mayflower Grill on Main Street in Salisbury, MD.

PAUL worked hard too, and as a result, he has lived the American dream. This son of Greek immigrants is the graduate of some of the world's leading educational institutions, and for the last 30 years, he has been a leading voice in the world's greatest deliberative body.

PAUL received an academic and athletic scholarship to Princeton University, from which he graduated in 1954. After graduation from Princeton, he received the Rhodes Scholarship, which sent him to Oxford, England, until 1957. When PAUL came back to the States, he went to Harvard to earn his Law Degree.

In 1970, PAUL won his first Federal election—to the U.S. House of Representatives. In 1976, he came to the Senate.

During the next 30 years, he made a tremendous mark on our country.

PAUL SARBANES has been an excellent Senator, but he has always excelled when the country needed him the most—during times of crisis.

During Watergate, he was a leading voice for reform in the House. During Iran-Contra, he led the fight for the truth in the Senate. And more recently, in the wake of the Enron accounting scandals, he was largely responsible for reforms which restored the people's confidence in corporate America.

During his 30 years in the Senate, PAUL SARBANES has cast over 11,000 votes. Not all of them were as monumental as his work on Watergate, Iran-Contra and Enron, but every one of them was cast with the people of Maryland, and the people of the United States in mind.

Mr. President, MARK DAYTON has served in the Senate just one-fifth of the time PAUL SARBANES served here. But he, too, has made his mark. He's been a fine public servant, and an even better friend.

Of course, Senator DAYTON's service has always been closely intertwined with that of our dear departed collegue Paul Wellstone. Paul was a legend in our country, but MARK has kept his legacy alive these last 4 years by fighting for the working people of Minnesota.

MARK was born in Minnesota in 1947. He graduated from Yale University in 1969, where he majored in psychology and played varsity hockey. MARK had many options coming out of college, but he chose to become a teacher at a public school on New York City's lower east side.

It was an unselfish choice, and it would not be the last time MARK chose a path in life that put the public's interest ahead of his own self-interest.

In 1957, after his years of teaching, MARK came to Washington, where he worked on the staff of then-Senator Walter Mondale. When Mondale was selected the running mate of Jimmy Carter in 1976, MARK was there to serve.

In 1990—following jobs in the Minnesota State government and the private sector—MARK ran for Minnesota State auditor and won. In 2000, he came to the Senate, where he has served ever since.

MARK is known here as a strong advocate for the people of Minnesota. He has used his Senate salary to send busloads of seniors to Canada for prescription drugs. He has used his power in the Senate to help low-income constituents get the oil they need to heat their homes. And he has created a "Healthcare Help Line," which is available to Minnesotans who have problems with their health insurers.

Mr. President, MARK Dayton, like PAUL SARBANES, like JIM JEFFORDS, like BILL FRIST, will be missed.

The Senate—and our country—are better off because of their service.

MIKE DEWINE

• Mr. HATCH. Mr. President, as this session draws to a close, I must take this opportunity to make a few comments on the outstanding record left behind by our colleague from Ohio, Senator MIKE DEWINE.

I have worked closely with Senator DEWINE ever since he came to the Senate. I sit with him on three committees: the Select Committee on Intelligence; the Judiciary Committee, where he chaired the Antitrust Subcommittee; and on the Health, Education, Labor, and Pensions Committee, where he chairs the Retirement Security and Aging Subcommittee.

I consider MIKE to be a Senator's Senator—he is a man who truly represents his constituents, who studies the issues, works hard, and does his very, very best to do what is right. His departure from the Senate is a great loss to this body and a great loss to Ohio.

The DeWine legacy is considerable.

One of the major focuses of his work, which I admire greatly, is the protection of children. Senator DEWINE has sponsored numerous pieces of legislation aimed at protecting children and enabling prosecution of those who perpetrate acts against children. These include the Protecting Children Against Crime Act of 2003, which became law as part of the PROTECT Act, the National Child Protection Amendments Act of 2000, the Child Abuse Prevention and Enforcement Act of 1999, and the Protection Against Sexual Predators Act of 1998. It is significant to note that Senator DEWINE is a founding member and cochair of the Senate Caucus on Missing, Exploited and Runaway Children.

The Senator's work to protect children extends beyond legal issues. He is the author and true leader in the Senate of legislation to protect children from the horrors of tobacco abuse by giving the Food and Drug Administration the authority to regulate it. He has also taken a leadership role in efforts to stop underage teen drinking by sponsoring the Sober Truth on Preventing Underage Drinking Act. The STOP Act has a good chance of becoming law this year.

But the centerpiece of MIKE DEWINE's prochild agenda is his work to incentivize pharmaceutical company testing of drugs used on children. MIKE DEWINE showed this whole body the safety risks children face when they take prescription medications never studied in the pediatric population. I can just hear MIKE saying now, "Children are not little adults." And he is right.

He worked across the aisle and across the Capitol to get the Pediatric Research Equity Act of 2003 enacted. This was no easy task. It took grit and determination. He fought big PhRMA. He did it for the kids. And he won. I am only sorry he will not be here next year as we work to reauthorize it.

In his years as a member of the Senate Judiciary Committee, Senator DEWINE emerged as a leader in the area of antitrust law and competition policy. Both as the chairman and the ranking Republican member of the Antitrust Subcommittee, MIKE has played an invaluable role in each significant legislative change to the antitrust laws enacted in the past decade.

In addition to his legislative achievements in antitrust law, Senator DEWINE has become known for the subcommittee's active oversight of the antitrust enforcement activities of the Department of Justice and Federal Trade Commission. During the subcommittee's consideration of numerous individual mergers, his thoughtful analysis and evenhanded approach earned him considerable respect in the antitrust community as a tough, but eminently fair, advocate of both consumer interests and strong competition.

Earlier this year at the American Antitrust Institute's annual conference, where he and Senator KOHL received an achievement award for their many contributions to antitrust law, Senator DEWINE commented that "[i]t's always difficult to find that fine line between aggressive, healthy competition and destructive or anticompetitive behavior, but it's our job on the Antitrust Subcommittee to keep trying, and to promote the type of competition that helps everyone."

From my perspective, Senator DEWINE not only tried but succeeded admirably in drawing this very difficult line in a careful and appropriately balanced way. His expertise, institutional knowledge, and thoughtful analysis will be sorely missed.

Also of note in discussing Senator DEWINE's work on the Judiciary Committee are his anticrime efforts. MIKE has been a real leader on issues such as the 1998 law, the Crime Identification Technology Act, which increased funding for State and local law enforcement by $1.25 billion. His work in anticrime technology continued in 2004, when the Senate adopted his amendment to the intelligence reform bill that would upgrade the Federal Bureau of Investigation's computer networks. That bill was signed into law on December 17, 2004.

MIKE has either sponsored or cosponsored a number of bills to help law enforcement protect Ohio communities, including the local law enforcement block grant program, the Law Enforcement Officers Safety Act, the Rape Kits and DNA Evidence Backlog Elimination Act of 2003, and the Video Voyeurism Prevention Act of 2004.

MIKE DEWINE's work to protect Ohioans extended into the compelling field of mental illness treatment as well. In fact, Senator DEWINE is known throughout the country for his work related to the treatment of mental health in the criminal justice system, including bills such as the Mentally Ill Offender Treatment and Crime Reduction Act and America's Law Enforcement and Mental Health Project.

Another DeWine contribution is the Poison Control Center Enhancement and Awareness Act, a significant contribution to public health which established a national toll-free poison control hotline and provided substantial assistance to local poison control centers.

Finally and more recently, Senator DEWINE authored a bill to protect children's eyes by restricting their access to potentially damaging cosmetic contact lenses.

Our new leader, Senator MCCONNELL, said this of Senator DEWINE, and I could not have said it better:

> I have never observed a more skillful legislator than he during my time in the Senate . . . You know he is a formidable force who, when he has made up his mind about an issue, never lets go. Many bills that have cleared the Senate in the ten years the Senator from Ohio has been here have the fingerprints of Mike DeWine. He is truly an extraordinary legislator.

I echo those sentiments.

MIKE DEWINE has been an outstanding Member of our body, a good friend to me, and a superb representative for his constituents. He and his staff work hard and their work has yielded incredible benefits for the American people. It is with great pride that I commend his achievements to this body, and I thank MIKE for all he has done to make the U.S. Senate a more effective and accomplished body. I will miss him, as a legislator, as a colleague, and as a friend.

LINCOLN CHAFEE

Mr. President, I am grateful for the opportunity to take a few moments to recognize the service and devotion to the U.S. Senate by my colleague and friend, Senator LINCOLN CHAFEE of Rhode Island.

A true Rhode Islander, LINCOLN CHAFEE was born in Providence, attended a Warwick public school, and earned a degree from Brown University, where he captained the wrestling team. As an avid horse enthusiast, he attended the horseshoeing school at Montana State University and worked as a blacksmith at harness racetracks in the United States and Canada, but only a handful of years slipped by before he returned to his home in Rhode Island.

LINCOLN then entered politics in 1985 as a delegate to the Rhode Island Constitutional Convention. A year later he was elected to the first of two successive terms on the Warwick City Council. In November 1992, LINCOLN became the first Republican elected mayor of Warwick in 32 years—and, with his positive vision, he so won over the hearts and minds of voters that he was reelected for another three terms in a reliably Democratic city. He held the mayoral post until appointed by Governor Lincoln Almond in November

1999 to fill the unexpired Senate term of his late father, John Chafee. In November 2000, he was overwhelmingly elected to the U.S. Senate.

As I, LINCOLN has a great interest in policy that affects the health of our Nation's people, and I am proud to have had the honor of working with him on a number of initiatives that made Americans healthier.

I admire LINCOLN for taking a stand on stem cell research. He has supported important legislation and joined a bipartisan group of colleagues in calling on President Bush to expand the Federal policy on embryonic stem cell research. Senator CHAFEE and I share similar views on this issue: he is opposed to any cloning with the intention of creating a human life but strongly supports legislation that would allow stem cell researchers to use excess embryos which were created for in vitro fertilization purposes and would otherwise be discarded. I respect and appreciate his courage to stand up for his convictions in the face of such a controversial issue.

LINCOLN has been a champion for breast cancer research since his arrival in the Senate in 1999. I am pleased to be an original cosponsor of his Breast Cancer and Environmental Research Act, which would make Federal grants available for the development and operation of eight national centers that would conduct research on how environmental factors may contribute to the causes of breast cancer. In recognition of his outstanding leadership in this arena, LINCOLN has been honored by the National Breast Cancer Coalition and also presented with the Avon Foundation Pink Ribbon Crusader Award.

Senator CHAFEE has been a leader in the fight to reauthorize and maintain adequate funding for the State Children's Health Insurance Program—also called CHIP. I worked very closely with his father to write that law in 1997. I recognize that LINCOLN is also dedicated to the goal of this program, which is to provide health insurance to low-income, uninsured children, and I thank him for his diligent efforts. We have worked tirelessly to ensure that funding continues to make the program available for these children.

Senator LINCOLN CHAFEE is a great man, a loyal Rhode Islander, and a great American. I thank and commend him for all his selfless work. His contributions have made his State and the whole country significantly better than before his arrival in Washington. We will all miss his presence here in the U.S. Senate, but I doubt we have seen the last of LINCOLN CHAFEE in the way of public service. I wish him and his family health, happiness, and the best of luck in all future endeavors.

RICK SANTORUM

Mr. President, I rise today to pay tribute to my colleague and friend from Pennsylvania, Senator RICK SANTORUM, who will soon be ending a very distinguished and impressive career in the U.S. Congress.

In my 30 years of service in the U.S. Senate, I have seen a lot of Senators come and go. However, it is hard to think of anyone who has had more energy, more enthusiasm, and who, in such a short period of time, has had a greater impact on many important issues affecting our families and our society, than has the junior Senator from Pennsylvania.

After receiving advanced degrees in business and law, RICK was elected to the House of Representatives in 1990 at the age of 32. He served two terms in that body before running for the Senate, he distinguished himself as part of the so-called Gang of 7 that helped uncover the House banking scandal and called for reforms of the House.

The same year he was first elected to Congress, RICK was married to his wife Karen, and they started their family that now includes six children. As the father of six myself, I know firsthand the challenges and joys that come from having a large family. RICK has done such a marvelous job balancing home life with public life with its demanding schedule and its never-ending conflicts.

After winning election to the Senate in 1994, RICK SANTORUM immediately began exerting leadership on issues in several different legislative areas but notably in the areas of health, agriculture, and welfare reform. Upon winning reelection to his second term in the Senate, his GOP colleagues validated his natural leadership by choosing RICK to chair the Senate Republican Conference.

Although Senator SANTORUM is well known for his strong defense of many conservative positions and his articulate voice on many issues affecting the sanctity of the family, it would be wrong to characterize him as a strict partisan. I have seen many examples where RICK has reached across the aisle to his Democratic colleagues and found common ground on issues of importance to all Americans.

One notable example of this is on an issue that is also very important to me—promoting charitable initiatives. Several years ago, Senator SANTORUM teamed up with another of our most distinguished and thoughtful colleagues, Senator JOE LIEBERMAN, to introduce the Charity, Aid, Recovery, and Empowerment, CARE, Act. The CARE Act was designed to address many problems faced by the charitable sector of our Nation and to help them to better achieve their goals of lifting up the impoverished among us and of helping all of us better assist our fellow man in times of need.

As an original cosponsor of the CARE Act, I saw up close the tireless dedication and unending efforts that RICK SANTORUM put into promoting this legislation, not just in the Senate but with the White House. While this very ambitious legislation has not entirely been enacted, RICK can take a great deal of justifiable pride in the fact that great strides have been made in achieving the goals of the CARE Act. Moreover, he can take great satisfaction in knowing that his colleagues in the Senate and the House, policymakers in the executive branch, those who serve so diligently in the charitable community, and indeed concerned Americans from all walks of life, are much more aware of the accomplishments and the needs of the charitable sector because of the efforts of Senator SANTORUM.

Mr. President, the junior Senator from Pennsylvania is going to be long remembered in this body, and he will be sorely missed. He will be remembered and missed for his intelligence, his articulate voice, his courage, his energy, and his leadership. I salute RICK as a fine public servant as he enters the next stage of his life, and I thank him for his dedication and for his hard work. I am sure I am joined by all of our colleagues as we wish RICK and his family the very best in the future.

JIM TALENT

Mr. President, I rise today to pay tribute to the accomplishments of Senator JIM TALENT from the great State of Missouri. I feel privileged to have worked with JIM on different pieces of legislation, and I greatly admire his dedication to his constituents and respect his many accomplishments during his time in public office.

JIM's official, political career started when he was only 28 years old, after he was elected to the Missouri House of Representatives. He went on to serve for 8 years in that position, and he worked diligently to pass meaningful legislation which benefited the people of Missouri.

In 1992, JIM was elected to the House of Representatives from Missouri's second district. JIM wasted no time in tackling important issues and introduced the Real Welfare Reform Act of 1994. Much of the ideas from this legislation were phased into the Personal Responsibility and Work Opportunity Act of 1996, which I joined JIM in voting for. This historic piece of bipartisan legislation has had a profound positive impact and dramatically changed the way that this country helps its neediest citizens. According to the Department of Health and Human Services, welfare caseloads in this country have declined 58 percent since the enactment of this legislation. These results show that, even as a new Senator, JIM had tremendous foresight in crafting meaningful ideas which addressed a serious problem in this country.

JIM also served on many important committees during his time in the House, including the Armed Services

Committee, the Small Business Committee, and the Education and Workforce Committee. During his time on these committees, JIM continued to utilize his tremendous work ethic in reviewing and drafting important initiatives which benefited American citizens. In addition, JIM worked endlessly as an advocate for small business, which he recognized as the financial backbone of our country.

In November of 2002, JIM began the next phase of his service after being elected to serve as Senator for his State of Missouri. Being born and raised in Missouri, JIM had a great knowledge base of the State and thus the background to recognize important issues which affected his constituents and the State as a whole.

I can truthfully say there has been no Senator in the history of this body who has worked harder to represent the history of his State than JIM TALENT.

JIM served on four diverse Senate committees: Agriculture, Nutrition, and Forestry; Energy and Natural Resources; Aging; and the Armed Services Committee.

During this Congress, JIM and I worked together on the joint resolution which proposed an amendment to the Constitution authorizing Congress to prohibit the physical desecration of the flag of the United States. JIM and I were in complete agreement on this subject, and I greatly respected his steadfast support of this proposed legislation. During debate of this topic, JIM continually provided insightful commentary that showed his heartfelt support of a very important topic. JIM summed up his feelings with the following sentiment: "The flag is the unifying symbol of our Republic. It represents that common history and heritage which holds America together notwithstanding religious, cultural, or political differences. Physical and public desecration of the flag degrades those values and coarsens America far more than any speech or political dissent possibly could." We were both sorry to see the amendment narrowly miss passage, but I will always admire and respect JIM's unwavering support on this important topic.

A final item I would like to draw attention to is the Combat Meth Act that JIM drafted along with Senator FEINSTEIN. Recognizing the disastrous effects that have been wrought on American neighborhoods and families due to this horrible drug, Senators TALENT and FEINSTEIN wrote this new law aimed at making the ingredients used to cook meth less available to law breakers. While we didn't always agree on the approach to this effort, we were united in efforts to stop the insidious damage inflicted by this drug. I applaud JIM's efforts in drafting an incredibly important law that we all hope will have a significant impact on decreasing the amount of toxic meth labs in our communities.

As JIM embarks on the next phase of his career, I wish him luck in all of his future endeavors. I also want to extend my congratulations and appreciation for JIM's legislative achievements during his time in Congress. I am confident that his character and attributes will continue to steer him toward a life of accomplishment and benefit to those around him.

JIM JEFFORDS

Mr. President, I would like to extend my best wishes to my good friend and colleague, Senator JIM JEFFORDS.

For the last 18 years, I have been privileged to serve with JIM here in the United States Senate. When he first came to the Senate in 1989, he was assigned to the Senate Labor and Human Resources Committee. At the time, I was the ranking minority member of that committee and worked closely with JIM. In fact, when JIM later became chairman of the committee, he changed the name to the Committee on Health, Education, Labor and Pensions, better known today as the Senate HELP Committee. He did that because he felt that the purpose of the committee was to help people. Later, he and I also served together as members of the Senate Finance Committee.

JIM has an undergraduate degree from Yale University and graduated from Harvard University Law School. He served in the United States Navy for 3 years and was in the Reserves until 1990 when he retired as a captain.

He started his career in politics in 1966 when he was elected to the Vermont State Senate. In 1968, he became the attorney general for the State of Vermont. In 1974, he was elected to the U.S. House of Representatives where he tells a very interesting story about the day that he was sworn in as a Member of the House. As JIM tells it, 1974 was not a good year to be a Republican candidate—for those who do not remember, it was the year that President Richard Nixon resigned due to the Watergate scandal. The 1974 freshman class had 92 new Members of which only 17 were Republicans—two of them were our Senate colleagues, CHUCK GRASSLEY and JIM JEFFORDS. At the time, CHUCK was on crutches and JIM was in a neck brace. As the two walked down the aisle, JIM heard one of the Democrat Members say, "There are two we almost got." Well, all I can say is, thank goodness the Democrats didn't get Chuck and JIM. The two of them have been an integral part of both the House and the Senate.

Senator JEFFORDS has always been known for his self deprecating sense of humor. I will never forget his story about being interviewed by a reporter with Congresswoman Millicent Fenwick, who, as many know, was a very elegant woman from New Jersey, on their first impressions of what it was like to live in Washington. Congresswoman Fenwick talked about her lovely view of the city from across the river. When asked what it was like for him to be in Washington, JIM replied that he lived in a Winnebago in the parking lot of a Holiday Inn and he had a view of the hotel dumpster. Quite honestly, JIM is probably one of the most humble and down to earth people I have met in the Senate.

JIM is someone who fought hard for increased education funding, especially for special needs children. He is also very passionate about environmental issues. But in my opinion, one of JIM's most significant achievements was the difference he made on health care issues. JIM was committed to providing a prescription drug benefit to Medicare beneficiaries and was actively involved in writing the Tripartisan Medicare prescription drug bill which was considered on the floor of the Senate in 2002. JIM, CHUCK GRASSLEY, former Senator John Breaux, Senator OLYMPIA SNOWE, and I all got together and wrote a bill that provided a drug benefit for Medicare beneficiaries. It was the foundation of the Medicare prescription drug benefit, Medicare Part D, which was included in the Medicare Modernization Act of 2003. JIM provided valuable input and did his best to look out for what was in the best interest of senior citizens and the disabled. So far, 38 million Medicare beneficiaries are enrolled in the Medicare Part D Program.

Before I close, I want to share an insightful story about JIM that is indicative of the way he has led his life. When JIM interviewed Paul Harrington to be the HELP Committee's Health Policy director, it was at his home in Shrewsbury, VT. Shrewsbury is a very rural town in a very rural State and that is best typified by the Brown Covered Bridge. JIM conducted the job interview in his garage where he had a large pile of bent nails on his work bench. While he discussed the possibility of Paul joining his staff, they each began straightening out the used nails. At the end of the conversation they had created quite a large pile of nails that were useful again. Paul shared this experience with many of his friends and colleagues when he left the Senate because he felt that the circumstances of the job interview were indicative of JIM's philosophy and his approach to problem solving. I couldn't agree more. There's a practical side to JIM's nature that seeks to adapt old solutions to solving new problems. Using the analogy of the nails, JIM has always been able to take up used ideas from the past and put them to good use in new circumstances by reshaping them to fit the new needs of today.

I want everyone to know that I consider JIM to be one of my dear friends in the Senate, and while I was disappointed when he decided to become an Independent, I respected his decision. And so did former Senate majority leader Bob Dole, who is a close friend of JIM's. In fact, on the first year anniversary of JIM's big decision, Bob sent JIM a pineapple upside down cake. He told JIM that he looked all over for a cake to send him and came to the conclusion that a pineapple upside down cake described JIM the best. While that may be true, let me say that JIM is a man who has the best of intentions and always does what he believes is in the best interest of his constituents.

While serving in the Senate, JIM has always been an independent force and that is one of the main reasons that I respect him so much. Policy always came before politics, something very rare in Washington these days. He has a great love for the institution. He is passionate about issues he cares about and it showed when he offered an amendment in committee or spoke on the Senate floor.

JIM has dedicated his life to public service and the great people of Vermont are very fortunate to have had him representing them in both the House of Representatives and the Senate. He is a great legislator and he will be missed by all of us. I wish JIM Jeffords all the best in the years ahead.

CONRAD BURNS

Mr. President, I want to pay special tribute to my good friend and colleague from Montana, Senator CONRAD Burns, known by his staff, Montanans, and myself as just CONRAD. It is hard for me to imagine a more down-to-earth Member of Congress than CONRAD. His straight-shooting analysis of the issues and his humorous outlook on life made life around the Senate more enjoyable.

Utahns in particular owe a debt of gratitude to Senator BURNS. As chairman of the Senate Appropriations Subcommittee on Interior and Related Agencies, Senator BURNS worked with our delegation to meet many of Utah's needs.

First and foremost, he oversaw a dramatic increase in funding for the Payments-in-Lieu-of-Taxes (PILT) Program, which provides funding for schools, roads, and public safety services in rural communities in Utah where the tax base is limited due to the predominance of tax-exempt Federal land.

Chairman BURNS also helped me to pass legislation which expedites research and development projects on Bureau of Land Management, BLM, land. Senator BURNS also helped provide funding for Sandy City, UT, to upgrade its drinking and storm water infrastructure. With this funding, Sandy City will now be able to prevent flooding which has threatened the homes of many citizens in the past.

Over the years, CONRAD has been extremely helpful to many Utah communities. He helped provide funding to protect the Range Creek/Rainbow Glass Ranch for conservation purposes, to improve drinking water for the citizens of Centerfield, Mayfield, Park City, and Eagle Mountain, UT, to provide for the Sand Hollow Recreation Area, and to increase the reach of the Bonneville Shoreline Trail.

CONRAD has also helped Utah and our country continue down the path of energy independence and accelerate Utah oil and gas production by helping to fund the Utah Oil and Gas Leasing Internet Pilot Program.

Allow me to share just one example of how Senator CONRAD Burns is, and always will be, a man of the people. The highway system around the Washington, DC area provides for express lanes for vehicles carrying passengers. A regular feature of the Washington commute is lines of passengers hoping to be picked up by drivers who are driving their way. Much of the population of the high occupancy vehicle express lanes is made up of single drivers who have picked up these passengers, thus allowing them to use the express lanes. For years, my friend Senator BURNS would pick up these riders in his less than glamorous van. They would have great conversations together along the way, and in most cases, the passengers would not have the slightest idea that they had been picked up and were now chatting with a U.S. Senator. And knowing the junior senator from Montana, I am sure that's just the way he wanted it.

Senator CONRAD BURNS has been a great friend to the people of Utah and a great friend to me. I will miss his presence here in the Senate, and I wish him the greatest of success in his future endeavors.

GEORGE ALLEN

Mr. President, I rise today to honor the Senate career of my distinguished colleague from the State of Virginia, the Honorable GEORGE ALLEN. The contributions he has made to Congress and this country are significant, and we owe him a debt of gratitude for all that he has given.

GEORGE has spent most of his career in public service. A few years after earning his law degree, he served as a delegate in the Virginia Assembly before becoming a Congressman in 1991. He made a successful run for Governor of Virginia and presided over 4 years of strong economic growth and steady job creation. In 2001, he joined the U.S. Senate, and I have been honored to call him my colleague for the past 6 years.

GEORGE has been a tireless advocate for a smaller, more efficient Government throughout his career. He helped lead the way to enactment of the President's tax cut package in 2001 and 2003 and has been an articulate defender of the progrowth tax policies that we have pursued over the past 6 years, including the reduction in capital gains and dividend taxes, the repeal of the death tax, and the reduction in the tax burden of our Nation's small businesses, where so many of our jobs are created. These were lessons he learned well from his days as a Governor.

He has done more than just pay lipservice to the importance of keeping taxes low: He has fought the good fight as well. He introduced and worked hard to ensure the passage of the Internet Tax Nondiscrimination Act, legislation that prohibited taxes on Internet access or taxation from multiple jurisdictions on goods bought over the Internet.

Over the last few years, GEORGE has achieved an almost legendary status with the technology community in this country. In 2001, GEORGE was appointed to serve as chairman of the Senate High Tech Task Force where he advocated for policies to make America a leader in innovation from nanotechnology to broadband to the education of future engineers and scientists. So much of the technology agenda being advanced in this country today spawned from the efforts of GEORGE as the High Tech Task Force chairman. If you were to meet with the top executives of any technology company with a significant presence in the United States, they would tell you what a wonderful advocate GEORGE ALLEN has been for their company and their industry. I have heard it time and again from hundreds of executives.

GEORGE also has served our party well. His success as head of the National Republican Senatorial Committee during the 2004 election cycle is a result of the Senator's bedrock faith in his beliefs and his ability to articulate that which he holds true.

So many times, politicians come to Washington with strongly held convictions and a desire to do good and instead take the more expedient path to reelection and power. When it comes to GEORGE ALLEN's career, no one can say he ever abandoned his belief in the virtues of a small government and lower taxes. These are the very beliefs I hold true as well, and I was glad to have him on my side.

At its heart, politics is a battle over ideas. Our distinguished Senator from Virginia earned the respect of us all for the pitched battles he fought to advance the cause of freedom and economic growth for the United States and the world.

Personally, I have admired GEORGE ALLEN for a long time. In my opinion, his demeanor, his knowledge, and his drive are all exemplary and worthy of emulation. Every interaction I have had with GEORGE over the years has done nothing but bolster my original opinion of him. He reminds me more of Ronald Reagan than any national politician I have met. That is a high compliment for a great statesman. I would like to take this time to thank my friend, GEORGE ALLEN, and to wish him, Susan, and the rest of the ALLEN family the very best as he leaves this great institution to take on new challenges.●

MARK DAYTON

Mr. LEVIN. Mr. President, as Senator MARK DAYTON prepares to leave this body, I would like to share with my colleagues a few thoughts about his service. In September, I had the pleasure of speaking on Senator DAYTON's behalf at a dinner paying tribute to the retiring Senators, and I ask that my remarks from that event be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

On the night six years ago when Minnesota voters chose him as their 33rd Senator, Mark Dayton told the cheering crowd: "No matter what your political party or personal philosophy, no matter who you voted for today or even whether you voted at all, I'll work for you. When, next January, I become Senator Dayton, please—call me Mark. Because I'm your public servant. I'll work for you."

For the past six years, Mark has kept that pledge, because those words were not the rhetoric of a campaign; they were a reflection of Mark's deeply-held beliefs. Mark Dayton treats everyone—from the wealthiest to the least fortunate—with the same sense of fairness and compassion, and he carries himself with a humility to which we can all aspire. Mark's lack of guile has characterized his service here, where political calculating is an accepted reality.

When Mark came to the Senate, he brought with him a broad range of experience. In the private sector he had worked as a public school teacher in a challenging New York City school; as a counselor to runaway youth; as a chief financial officer for a nonprofit group; and as head of an investment group. In public life, he had served as a Senate aide to Walter Mondale; as head of Minnesota's Department of Energy and Economic Development; and as State Auditor, among many other capacities.

That path of service to Minnesota led to his own election to the Senate. Mark and I serve together on both the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. As the ranking member on both committees, I have witnessed in Mark a Senator who is passionately dedicated to public service. Mark reads the long reports, he attends the dry meetings, he masters the difficult material, and he asks the tough questions with a disarming directness and quizzical curiosity.

"On the Permanent Subcommittee on Investigations, Mark has been a strong voice in our hearings examining abusive tax shelters and offshore tax havens. Mark has been a leader on prescription drug issues, and he even donates his Senate salary to help seniors buy prescription drugs they could not otherwise afford. And Mark has been a great battler on issues common to our two states, including fighting on behalf of our steel and mining industries and to strengthen our Northern Border.

As part of our work on the Armed Services Committee, Mark traveled with Chairman Warner and me and six other Senators to Iraq, where we saw firsthand Mark's deep dedication to the men and women of our Armed Forces. After allegations surfaced that our troops in Iraq had been given contaminated water by a contractor, it was Mark's insistence that led to an ongoing investigation into the contractor's actions. And Mark has been a true champion for our National Guard and Reserve forces, working forcefully to ease their difficult transition back to civilian life when their tours of duty finally end.

As Mark writes the next chapter in his own life, he can return home to the people of his beloved Minnesota knowing that he has served them honorably and well. Some of them will probably insist on calling him "Senator." But, for most, this idealist with a good heart never stopped simply being "Mark."

We shall miss MARK DAYTON and wish him well as he leaves us.

LINCOLN CHAFEE

Mr. President, as this session of Congress comes to a close, I want to take a moment to pay tribute to my friend LINCOLN CHAFEE.

Following in the footsteps of his late father, John, Senator CHAFEE has been a voice of moderation and civility in the Senate. In a time of increasing partisanship, Senator CHAFEE has been a bridge between the parties and to an earlier era of a less divisive politics. He votes his conviction and his conscience, not just a party line.

Senator CHAFEE's legacy will be defined by his leadership on environmental protection and fiscal responsibility. On both, he has had a forward-looking approach, grounded in common sense, for which our grandchildren will be grateful.

Senator CHAFEE has been a true champion for conservation, fighting for clean air, clean water, and a healthier environment. He has been willing to stand up to the administration when he believes it is wrong, including opposing the administration's Energy bill, its weak regulations on mercury, and drilling in the Arctic National Wildlife Refuge. For the past several years, Senator CHAFEE has led an effort with Senator JEFFORDS and me to fully fund the EPA Brownfields program, which would accelerate the cleanup and redevelopment of brownfield sites, protecting human health, and creating jobs. Senator CHAFEE is a member of the Senate's Smart Growth Task Force, which promotes growth and development that protects the environment and preserves critical habitats.

LINCOLN CHAFEE has also been a strong voice for fiscal discipline. He has repeatedly opposed reckless tax cuts and supported pay-as-you-go budget rules to bring the budget back into balance. The bipartisan Concord Coalition has twice recognized him for his fiscal responsibility.

LINCOLN CHAFEE has also been an important voice on foreign affairs. He took a courageous stand in 2002 as the lone Republican to vote against the Iraq war authorization, and he has served well as the chairman of the Near Eastern and South Asian Affairs Subcommittee of the Foreign Relations Committee.

I want to close by noting that LINCOLN CHAFEE remains widely respected and admired in Rhode Island, as well as among his colleagues on both sides of the aisle in the Senate. His father would have been very proud of how well LINCOLN CHAFEE has served the people of Rhode Island.

I thank him for his service to our country and wish him and his wife Stephanie all the best.

JIM JEFFORDS

Mr. President, when this session of Congress comes to an end, Senator JIM JEFFORDS will leave the Senate. He has been a thoughtful and independent voice here, and he will be greatly missed.

Senator JEFFORDS has been a true champion for the environment. He was instrumental in passing the 1990 Clean Air Act, and he chaired the Environment and Public Works Committee from 2001 to 2002. He has fought for policies that encourage renewable energy use and that reduce emissions of carbon and other pollutants.

Senator JEFFORDS is a strong believer in promoting economic development that also protects the environment and preserves the landscape. In the 1960s, when he served as a State senator and then attorney general of Vermont, JIM worked on the most comprehensive State-level growth management policy in the United States. JIM continued these efforts as a U.S. Senator, and I joined with JIM in 1999 to form the Senate's Smart Growth Task Force, a bipartisan, multiregional caucus.

With JIM's leadership, the task force's membership grew to more than 20 Senators who shared the goal of determining how the Federal Government can help States and localities address their own growth management issues. Out of this task force, a series of bipartisan legislative initiatives have emerged, including legislation to promote brownfields development, support urban and town centers, provide transportation funding and access, and conserve open space and historic structures.

Senator JEFFORDS has also been a strong leader on education, job training, and disability legislation and served as chairman of the Health, Education, Labor, and Pensions Committee from 1997 to June 2001. He has a particular passion for improving education for students with special needs and coauthored the Individuals with Disabilities Education Act. JIM JEFFORDS is also a strong advocate for fairness and has sponsored legislation to end discrimination based on sexual orientation and to strengthen penalties for hate crimes.

Senator JEFFORDS became a household name and earned a spot in Senate history in 2001 when he left the Republican Party, creating a Democratic majority in the Senate. That action stunned Washington. But for those of us who have been fortunate to know him over the years, we were not at all surprised that JIM JEFFORDS had followed his conscience and his deep commitment to the interests of the people of Vermont and did what he believed to be right.

I want to wish JIM and his wife Elizabeth well as they enter a new phase in their lives.

MIKE DEWINE

Mr. LEVIN. Mr. President, I would like to take a moment to pay tribute to our colleague from Ohio, Senator MIKE DEWINE. Senator DEWINE is a truly decent, thoughtful individual with a deep concern for children and a refreshing willingness to reach across the aisle. He has been a solid partner on several of the issues common to our two States and the region.

In particular, it has been a pleasure to work with Senator DEWINE on issues affecting the Great Lakes, which are critical for our States' economies and for our environment. Since 1999, he and I have served as cochairs of the Great Lakes Task Force and have shared a commitment to protecting and restoring these national treasures. We have fought to protect the lakes from invasive species, to improve water quality, to create a long-term restoration plan, and to expand public access to the lakes.

Senator DEWINE's service here has also been characterized by his commitment to children and children's health, and he has been willing to work in a bipartisan way to make progress. He has worked with Senators DODD and JACK REED to prevent teen suicides and with Senator CLINTON to ensure that drugs given to children are safe for them. He has sponsored a bill with Senator KENNEDY to allow the Food and Drug Administration to regulate tobacco. As the chair of the District of Columbia Appropriations Subcommittee, he has also worked to reform the child welfare system in DC.

In addition to his bipartisan approach, Senator DEWINE has also shown a willingness to take politically difficult positions when he believes they are the right thing to do. Last year, for example, he joined a bipartisan group of 14 senators who worked to forge a compromise on judicial nominations and to save the Senate from the so-called nuclear option. That step helped to diffuse a tense situation and to protect the Senate as an institution.

I have great respect for MIKE DEWINE's integrity, his commitment to his State, and his willingness to seek progress over partisanship. I wish him and his wife Fran well in their future endeavors.

BILL FRIST

Mr. MARTINEZ. Mr. President, today, I rise to acknowledge and honor the good work and service of my colleague from Tennessee, Senator BILL FRIST. As a Senator for the past dozen years, and majority leader for the past four, Senator FRIST has been a leader of strong resolve on behalf of his home State and our entire Nation. His work in the U.S. Senate will be remembered for a long time to come, and I personally owe Senator FRIST a debt of gratitude.

He has been an advocate of the offshore drilling agreement that would benefit not only the people of my home State of Florida, but millions of Americans living in the gulf coast region—this plan would reduce America's reliance on foreign sources of energy and is vital to our future. I applaud Senator FRIST for recognizing and acting so decisively on this important issue.

Senator FRIST has also been a dedicated leader on immigration reform and I thank him for taking on this divisive, yet necessary issue with such a keen understanding of what our Nation needs. I also know how passionate Senator FRIST is about national security and defense. We were able to travel to and around Iraq together, and while there, we had the opportunity to personally thank some of our troops for their courage and incredible sacrifice. I was appreciative to have that experience with someone who certainly knows the meaning of service.

On a personal note, Senator FRIST made sure that I would be able to pay my respects to Pope John Paul II—and I cannot say enough about how much that has meant to me and to my family. Thank you for that and for your relentless leadership. Thank you for your time and for your counsel. Thank you for your friendship.

Senator FRIST is a fine senator and a true gentleman. We will miss him a great deal here Washington. Yet, all of us know how well he will do as he returns to his long and distinguished career in medicine. The people of Tennessee are fortunate to have back their revered Dr. FRIST. I wish my best to Senator FRIST and his family always.

RICK SANTORUM

Mr. President, today, I commend Senator RICK SANTORUM for his dedication to public service and accomplishments as a legislator. Above all, I admire the Senator's commitment to the people of his home State, Pennsylvania, and to his family. Throughout his 12-year tenure in the U.S. Senate, he relentlessly fought to pass legislation benefiting the welfare of, not only his constituents, but Americans everywhere. In addition, Senator SANTORUM has been a great advocate in the effort to find a cure for the Global HIV/AIDS pandemic and a strong supporter of the war on terror. He has represented the American people well.

As a colleague, I would also like to thank Senator SANTORUM for his strong leadership as chairman of the Senate Republican Conference. During his time in Washington, RICK has always maintained the importance of family, a value that I admire and share. He has also provided valuable guidance to me in the past and will be missed. I wish my colleague from Pennsylvania, his wife, and children all the best in the future. Thank you for your service.

GEORGE ALLEN

Mr. President, today, I recognize the service of Senator GEORGE ALLEN. The citizens of Commonwealth of Virginia and the American people are losing a great patriot in the U.S. Senate. Senator ALLEN will be leaving the Senate after 6 years of service to his home State constituents and to this country.

He has been an important member of the Republican Party and the Senate, always striving to better America's defense and homeland security. He has worked to ensure good-paying jobs for the people of Virginia, and to guarantee that every person in Virginia receives a quality education. It is disappointing that a strong leader like Senator ALLEN is leaving the Senate; he will be missed. Senator ALLEN was one of the people who helped convince me to run for the United States Senate, and without his support and his guidance, I might not be here today.

I wish my colleague from Virginia and his family all the best, and thank them for the service that they have given to our country. Thank you. Senator ALLEN.

RICK SANTORUM

Mr. ENZI. Mr. President, when I look back on the years I was fortunate enough to have served in the Senate with RICK SANTORUM, I think I will most remember him for his strong and passionate belief in the principles he fought for on the floor, the unwavering support he always gave his friends, and the powerful way he expressed himself on the issues that came before the Senate.

Whenever there was a problem ahead, it was always good to know RICK was in your corner. In fact, RICK was one of my first supporters when I was running for the U.S. Senate. Everyone who runs for the Senate for the first time has a great need for funds. I was no exception. RICK gave me a check that I later noticed was not signed. I needed the help and I would gladly have walked halfway across the District of Columbia to get his signature to make the document official, but when he learned that I needed his endorsement on the check he had so generously helped me obtain, he dropped everything he was doing and came to where I was to sign the check for me.

In the years since my election, RICK has shown time and time again that he is a thoughtful, genuine person on whom I could rely. He has a great mind for politics and his heart is with the people of Pennsylvania whom he has represented so well. I have often relied on him for the way he would quietly offer me his good advice, support me when we took up issues that were big concerns of the people of my State.

mentor me on how to get things done around here, advise me on procedure, and help me to advance the causes that were common to the people of our States. The people of his home State could not have had a more active and effective advocate through the years, and he will be very hard to replace.

As any observer would note, RICK's career has been nothing short of amazing. At every step in his political life, critics would tell him his vision was an impossible dream. In response, RICK would take his case to the people, and time after time he would prove the naysayers wrong. That is because RICK knew the value of hard work and he also knew the first law of politics—it is not where you start, it is where you finish—and RICK made a habit of finishing first.

When RICK ran for a seat in the U.S. House of Representatives, he knew it was going to be a rough campaign because he was battling a seven-term incumbent who had a lot more money than he did. So, RICK knocked on 25,000 doors and put together a grassroots effort that included people from many different backgrounds who wanted to work with RICK on a wide range of issues. In the end, when the election was over and the votes were counted, RICK had won. It was clearly RICK's personal touch and his enthusiasm for the job that had been strong enough to overcome every obstacle—even a shortage of financial resources.

It wasn't long after that RICK was elected to the Senate after another difficult campaign battle. Again, the critics said it couldn't be done. Once again, RICK showed them he could do it.

As soon as he arrived in the Senate, he continued to fight for the principles he believed in, regardless of what others predicted the outcome would be. He fought for the tough causes without regard for the outcome because he couldn't be silent when the rights of the unborn were denied or a cherished principle was at stake. It was a commitment borne of his deep and abiding faith. In fact, I can't think of anyone who is a stronger man of faith than RICK is. His faith is a great part of who he is, and it forms the basis of his character.

I heard a story about the last campaign about RICK and a trip he and his wife were making so RICK could appear on "Meet the Press." It was near the end of what had been a long and difficult campaign and anyone else would have been exhausted. Not RICK. He was fighting for a cause that he believed in, and he was, once again, full of that remarkable energy he called upon for all of his political campaigns.

As they headed down the road toward Washington, RICK and his wife talked about how hard the campaign was and how it had affected them and their family. As they thought about the battle that was still before them, they began to talk about RICK's opponent and the toll the battle was undoubtedly taking on him and his family as well. Without hesitation, as they drove to Washington for the televised debate, they took the time to pray for his opponent and his family in the hope that God would bless them and give them all the strength they would need to complete the campaign. Then they would leave the matter to the voters to decide. That is how strong a part of his life RICK's faith is.

In the years to come, I think RICK will often come to mind, standing with us on the Senate floor, taking on a cause that has driven him to act. RICK is known as a scrapper, but he is much more than that. He is a warrior, the kind you want on your side when the going gets tough. He is also a brilliant tactician, and if there is anyone who can develop and implement a winning strategy on the floor or in the field, that individual is RICK SANTORUM.

RICK has been a winner over the years because he knows the value of a message—and how to effectively advocate and present it. He is a great persuader as well, and he has been a valuable part of many efforts to pass legislation. He is someone who likes to get things done, and that ability has been recognized here in Washington and back home in Pennsylvania by members of both parties. When it comes to a difficult bill, RICK has the conviction, courage, and persistence to work through our difficult process and get the job done. His defense of life on the floor has made a difference and it will continue to do so.

RICK knows that one person doing the right thing is a majority. He knows that has cost him in the past, but he will be the first to say that it has been worth it, and people will see that in the long run it is all about standing up for what you believe.

I have always believed that life is a great adventure and God has placed us where he needs us, when he needs us to be there. I know that God has special plans for RICK. We haven't heard the last from him. There is another battle, a greater cause for which he is needed, and I am looking forward to seeing where God will see fit to place him in the months to come.

RICK SANTORUM has been a great friend during the time I have had a chance to come to know him. His expression of his faith and all he has shared with us at our Prayer Breakfasts will stay with me because they were a powerful and memorable affirmation of his belief in God. I hope he continues to weigh in on the issues that come before the Senate. We can always benefit from the views and advice of someone who says what he means and means what he says.

JIM TALENT

Mr. President, soon the last remaining items of business on the legislative calendar for the current session of Congress will be completed and the current session will be brought to a close. When it does, several of our colleagues will be returning home and ending their service in the Senate. We will miss them, and we will especially miss the good ideas and creative energy they brought to their duties in the U.S. Senate.

JIM TALENT is one of those individuals we will miss because of his can-do spirit and his determination to make a difference. He cares a great deal about our country, and he came to the Congress determined to make this a better place for us all to live—especially our children and our children's children. That is why he has always been so focused on the future of our Nation and the need to solve the problems that face us before they overwhelm us.

I first met JIM when he was the chairman of the House of Representatives Small Business Committee. Coming from a small business background myself, I was determined to do everything I could to eliminate the redtape that too often serves to discourage instead of encourage the growth of our small businesses throughout the country.

At the time, JIM was working on a number of issues in his committee that I was working on with the Workplace Safety and Training Subcommittee of the Health, Education, Labor, and Pensions Committee. Together we began to focus on some OSHA issues and other matters affecting the workplace that needed our attention. We came up with a plan to work them incrementally, and by taking them up piece by piece, bit by bit, we were able to get some things done that might have otherwise been put off for another day. Over a couple of years, we were able to pass into law some of the first changes in the history of OSHA. Each step was a small victory for the workers of America. Taken together, the results gave us both hope that we would collaborate on bigger and bigger things in the future.

Back then, JIM had a decision to make. He was very popular back home and he probably could have stayed in the House for quite a long time, but he decided he wanted to run for statewide office. That call eventually led him to run for the Senate. It was a difficult battle, but JIM emerged with a wellearned victory.

I was delighted by his decision to run for the Senate and even more enthused by his victory. It proved what I had always thought about JIM, that he is a hard worker and he is always there to fight for what he believes in.

During his service in the Senate, JIM has been a champion for the people of his State and an expert on health plans for small businesses. When he was in the House he had served on the conference committee for the Patients Bill of Rights. He got the health plan legislation we wanted in the report, but the report, was never voted on. Now that he was in the Senate, he was working on a number of issues but none as hard or as focused as he was on passing the small business health plan into law that he had helped shape and draft.

In the end, we were able to get 56 votes in the Senate for our plan, but it takes 60 to force a matter to a vote. That meant we were just four votes short of the total we needed to pass this legislation and address the issue of health care for small businesses and people all across the country.

I know we will miss JIM's participation when we take up this issue next year, but I expect he will find a way to keep our feet to the fire and remind us that the people of this Nation are expecting us to get something done to help address their health care needs. I look forward to hearing from him with his suggestions and thoughtful comments about the bill that emerges from committee next year—how to improve it and, more importantly, how to pass it.

In the years to come, I know I will miss JIM and his creative ideas and enthusiasm for getting things done. JIM's greatest asset has always been his ability to listen to all sides of an argument and create ways around the obstacles that were preventing us from taking action. He is a leader, an innovator, and most of all, a friend to all who have come to know him.

Thanks, JIM, for your dedication, your persistence, your courage, and the many capabilities you brought to your work on the Senate. You will be missed around here. Good luck in whatever you choose to do in the days to come. You will always have our support and our appreciation for your determination to make this country's health care system work as it should.

MIKE DEWINE

As each congressional session draws to a close, we work as hard as we can to try to tie up all the loose ends and finish as much of the pending legislation as we possibly can. As we do, we also take a moment to say goodbye to some of our colleagues who won't be with us during the next Congress to share with us their insights, wisdom and creativity.

As the chairman of the Senate Committee on Health, Education, Labor and Pensions, I know I will miss MIKE DEWINE when the committee meets to begin its schedule of activities next year. MIKE has always been a particularly hard-working member of the committee and I know my colleagues on the committee and I will miss his perspective and his tireless commitment and his dedication to the issues affecting children and families.

Working with MIKE has been a pleasure. We have a great deal in common—beginning with our mutual enjoyment of the old-fashioned ice cream social back home. It is a tradition for both of our families and our political lives because it is a great way to get everyone together to talk about current events while enjoying everyone's favorite dessert.

No one ever said that politics was an easy career to follow and, true to form, MIKE has had a number of hurdles placed before him that took some doing for him to overcome.

He began his career of public service as a county prosecutor. He took a tough stand against crime and people noticed. Then, he was elected to the Ohio Senate. That led to a run for a seat in the Congress. He faced a tough primary fight, but wound up at the top of a field of six candidates. Then, when the general election was held, he was elected to serve the people of his district in the House of Representatives.

In the years to follow, MIKE had some more tough battles. He didn't always win, but he never quit. That spirit of dedication and commitment of his helped him to win a seat in the Senate, representing the people of Ohio he had been fighting for over the years. His election gave MIKE a new forum from which to promote his principles, and he soon proved himself to be a champion for children and family values. As bill after bill came to the Senate floor for our consideration, MIKE always gave it a close look to see if there was something that needed to be added to increase the protections available to our Nation's children.

MIKE understands full well that our children are our most important resource. If we don't help our Nation's families do a good job of raising their children, nothing else we do, no matter how well we do it, will matter much in the long run.

Some people might be surprised to learn how well MIKE has used his time to work with members on both sides of the aisle. To MIKE, it was just common sense. You never know how long you will be a member of the Senate, he would say, so it makes sense to use your time wisely.

As the chairman of the Senate HELP Committee I can attest to the fact that he has used his time wisely. He has been a great addition to the committee because he is an expert on children's issues and issues affecting older Americans. I have watched him carefully work on a number of bills dealing with a wide variety of topics. He always comes to our meetings, well prepared, fully focused, and committed to making a difference for the people of Ohio and the rest of the Nation.

MIKE is very much a people person, and he and his wife Fran have made regular trips to Haiti to work with the poorest of the poor. I have often heard it said that God must love the poor because he made so many of them. Fortunately, God also made people like MIKE DEWINE to plead their case for them in Washington and work with them around the world in an effort to make their lives better.

The ice cream social I mentioned earlier has become an annual tradition and Fran and the friends she recruits are now famous for their hospitality as they put on what must be the world's biggest pie and ice cream social.

That is just part of the full schedule MIKE and his family maintain every year here, in Ohio and around the world taking on the causes he and Fran hold dear. If you want to know what kind of a year MIKE has had, take a look at his Christmas card. If you do, you will see an amazing collage of pictures of his family and all that has taken place in their lives over the past 12 months. It serves to emphasize his great belief in the importance of family and family activities. It is a value Diana and I and so many of our colleagues share.

In the years to come, whenever I think of MIKE DEWINE, I know I will think of those Christmas cards, which I hope to be still receiving, and of the smiles and happiness reflected on each face in the pictures on that card. They tell me that MIKE and Fran DEWINE have learned one of life's most important lessons. Fame and fortune are all too often fleeting and evasive things in life. In the end, and every day, the most important part of our lives has to do with the strength of our faith, the bonds that tie our families together, and the friendships we develop along the way that help us to fully appreciate and enjoy all that life has to offer.

MIKE DEWINE is truly blessed to have a family which has shown themselves to be role models on all three of those special values. I know I will miss him, but, I also know I won't forget him and Fran.

CONRAD BURNS

Mr. President, the 109th Congress will soon be drawing to a close. As it does, we will be casting our final votes on the issues we will take up this year, and saying goodbye to several of our colleagues who will not be with us for the start of the 110th session of Congress. I know I will miss them all for the creativity, imagination and firm resolve they have brought to the consideration of the issues we have worked so hard to address for the past 2 years.

One of our colleagues I know I will miss in particular is CONRAD BURNS. Throughout my service in the Senate he has been a remarkable friend, and the kind of person you would want on your side if a battle on the Senate floor was about to take place. For 18 years he has been a remarkable Senator and a strong and effective representative of the people of Montana. It just won't be the same around here without him.

CONRAD BURNS is a true westerner—through and through—and very proud of his western roots. He has always been strongly committed and absolutely loyal to the United States and to his home State of Montana. He showed his commitment to each at an early age. First, his love of his country showed itself when he decided to leave home and join the Marines. Then, when his tour of service was completed, he returned to Montana and began a career that was going so well his employer wanted to transfer him to another State where he thought CONRAD would be more effective. That is when CONRAD's love for his home State of Montana showed itself and he quit a promising career rather than leave the State he loved so well.

Instead, CONRAD set up the Northern Ag Network, which grew from 4 radio stations to 29 radio stations and 6 television stations. Then, as things were going so well with that project, he began looking for a new challenge. He found it when he ran for Yellowstone County commissioner and won. It was the start of a great political career for him and the more the people of Montana got to know CONRAD BURNS, the more they liked him.

CONRAD then decided to run for the Senate and ever since he came to Washington, CONRAD has compiled quite a remarkable record of service. He has made great decisions for our country as he has watched out for the best interests of the people of Montana. He has made a difference on the local, State and national level. Here in Washington, he has championed some amazing projects and issues and there is a lot of legislation that bears his mark for his having worked on it or supported it through the years.

As we have watched CONRAD roll up his sleeves and get to work on any of a number of issues, he has always impressed us with his understanding of complex issues and their short-term and long-term implications for our society such as the Internet and the development of modern technologies. In fact, I don't think anyone knows more about broadband and communication issues than he does. He is probably the greatest expert in the Senate on those matters and I know I will continue to seek his advice and counsel about them when these or related issues come to the floor in the months to come.

That is an impressive start, but it is not all you will find when you examine CONRAD's record of service. CONRAD has also been a hero to small businesses across the country. He understands their importance and he is fully aware that our Nation's small businesses are the backbone of every State's economy and our national economy as well.

People around the country have come to know CONRAD as he exercised his strong and effective leadership on the Appropriations Committee. He was always very careful with the people's money to ensure it was effectively spent.

For my part, I will always remember CONRAD as one of my greatest mentors in the Senate. Thanks to him, I learned a great deal about the hearings process and how it works. I learned the importance of putting a hearing together that would generate good ideas to solve difficult problems. That enabled us to address the concerns of the ranchers of Wyoming, Montana and the West and take a closer look at the destruction caused by the fires in our States. As we examined those issues during our hearings in Montana, I got a chance to see how he handled the gavel and exercised his leadership as chairman. That experience helped me to plan and hold my own hearings and ensure a maximum amount of participation and discussion.

CONRAD has also been a good friend over the years we have served together in the Senate. We have fished and golfed together. We have worked together on issues of concern to Wyoming, Montana and the West and we have voted together. We have gone to quite a few sporting events together usually to watch the Wyoming and Montana teams play each other. I seem to recall that Wyoming usually got the better of those encounters. I think CONRAD may recall those games differently, but I am pretty sure the Wyoming teams always finished ahead of the others.

Our families have enjoyed each other as well. Our wives are best friends in the western sense—not the Washington, DC sense. Our kids grew up together and they have remained close—even through those times when they were miles apart.

Most important to me, CONRAD has been my friend through thick and thin—the good and bad—the wins and losses—and the highs and lows of political life. Time changes so many things in our lives, but one thing it never changes is a friendship. Thankfully, those only grow deeper and stronger with time.

As we say goodbye to CONRAD BURNS, I know I will still be seeing him, hearing from him and spending time with him now and again. Change is temporary, friendships are permanent, and I know my family and I are looking forward to continuing to share our lives with CONRAD and his family. We can't ever let change "change" that.

BILL FRIST

Ms. SNOWE. Mr. President, I rise today to honor Senator BILL FRIST, whose sense of public service harkens back to ancient Athens when every citizen, in order to be called an Athenian, served in a public capacity for the good of the state. And it is more than fitting that this Senator, this son of Tennessee, comes from the only place in the United States with a full-scale replica of the Parthenon, for BILL FIRST—like the Athenians of old—sees himself first as a citizen above all else.

Senator BILL FRIST and I arrived in the U.S. Senate in the same class in 1994. And only 9 years later, he was chosen Senate majority leader—a rapid ascent by anyone's count. In the time that Senator FRIST has served his country in the position of leader, he has worked ceaselessly to translate ideals and principles into tangible improvements in the daily lives of the American people. For me, it has been a tremendous privilege over the years to work closely with him on many issues and serve with him on the Senate Budget Committee and the Senate Committees on Commerce, Small Business, and Finance.

Senator FRIST's allegiance to serving others has been nothing short of exemplary. He went into medicine because he cared about people. His profound dedication to public service—to the American people and the people of Tennessee—grew out of an earlier devotion to thousands of men and women whose dilemmas and struggles Dr. FRIST came to understand firsthand. No wonder he takes such great pride in being known as a "citizen legislator"—and with good reason.

As he prepares to leave this Chamber, we recall that when the leader spoke about America's uninsured or the rising cost of health care or about the dangers posed to our communities by the threat of bioterrorism, his insights are rooted, not in theory, but in years of up-close and personal contact with the people who sent him to Washington in the first place. We also remember that Senator FRIST was the first practicing physician to occupy a U.S. Senate seat since 1928—in fact the sign on his office door didn't say "majority leader"—it fittingly read, "Dr. BILL FRIST, M.D."

He has held his oath of office with distinction, just as he has kept to the 2000-year-old Hippocratic precept "to do no harm," and in fact, he has gone well beyond that tenet, as he has done and will continue to do a world of good. We will miss his perspective and leadership and wish him and Karyn all the best as they pursue this next phase of their life and service together.

LINCOLN CHAFEE

Mr. President, I rise today to pay tribute to my great friend, Senator LINCOLN CHAFEE, a public servant who exemplifies the idea that superior governance depends on people of good will working for the common good—together. He epitomizes the New England pragmatism in government that sees not weakness but strength in reaching across the aisle to build consensus and make the system work for those it was formed to serve.

When I consider Senator CHAFEE's tenure, I cannot help but think how he has so successfully forged his own pathway and legacy of exceptional service in the U.S. Senate, while honoring the formidable contributions of his extraordinary father, John Chafee. Senator CHAFEE has brought level-headed leadership on myriad issues critical to our progress as a people, always with vigilant and careful attention to his beloved Ocean State of Rhode Island.

He has been a stalwart colleague and friend in our mutual cause to revitalize and advance the political center, in our concerted effort to answer the challenges facing our Nation by producing not rancor but results, not acrimony but accord. His loss not only diminishes the Senate but is also a loss for the country because we need more voices seeking to craft compromise and consensus to forge solutions, not fewer.

LINC CHAFEE was not only a political neighbor of mine in the center of the political spectrum—where most Americans consider themselves—but he has been a next-door neighbor in my hallway in the Russell Senate Building, a corridor also appropriately occupied by my good friend Senator MIKE DEWINE, who also epitomized the finest ideals of public service. So I will profoundly miss seeing them not only in the Senate but also simply walking down the hall outside my office. They were a constant reminder of what is best and most noble about public office.

LINC and I worked hand-in-glove on issues of fiscal restraint and accountability by calling for and advocating the implementation of the pay-as-you-go approach to the Federal budget. And I believe it is instructive that he is rightly considered a champion of the environment, even as he championed economic growth. But that is LINC—for him, issues that may seem mutually exclusive to those with intractable dogmas could coexist naturally in his vision of a world not so easily or appropriately cast in hews of black and white. Indeed, Senator CHAFEE's fight to strengthen air and water quality standards continues to resonate, a battle he has waged with innovation and resolve by combining business development with environmental advocacy.

Unflagging in his dedication to the precepts of personal responsibility and freedom, fiscal accountability, and serving the public interest, LINCOLN CHAFEE has, with honor and distinction, brought intelligence, vigor, and courage to the U.S. Senate from debates about foreign policy and homeland security to marshaling health care efforts to confront breast cancer and long-term care.

Whether serving as captain of his university wrestling team, working as a blacksmith at harness race tracks, or serving the highest ideals of public service, LINCOLN CHAFEE has demonstrated an independence, resiliency, and strength of purpose that has made him a credit to this institution and an example for his country.

I wish Senator CHAFEE, his wife Stephanie, and their children all the best for the future.

JIM JEFFORDS

Mr. President, I rise to express my enormous gratitude and deep appreciation for my good friend and colleague, Senator JIM JEFFORDS. President John Adams, who served as the first President of this body, once exclaimed, "If we do not lay out ourselves in the service of mankind whom should we serve?" The answer given through the years by Senator JIM JEFFORDS has been one marked by the eloquence of his actions.

True Yankee independence and integrity are two of the hallmarks distinguishing Senator JIM JEFFORDS. Our legislative service together dates back to the 97th Congress and our participation together on the house Aging Committee, ironically at much younger ages than we are today. We have also served together on the Senate Finance Committee. And I will forever fondly remember the monthly moderates lunches we attended together, just as I will cherish the lunch we shared in the final days of his distinguished tenure in the Senate.

Indeed, so many achievements distinguish this public servant and usher him into a prestigious pantheon of officeholders, whose common denominator is uncommon commitment to addressing tough issues that truly affect the daily life of the people whom they represent.

Educated at Yale University and Harvard Law School, this son of a former chief justice of the Vermont Supreme Court could have pursued any number of pathways in his life, but it testifies to his strength of character and abundance of integrity that he chose to use his depth of learning, prodigious skill, and expertise on behalf of others with the goal of service—a journey that began with his active duty in the U.S. Navy in 1956 and that continued throughout his 32 years in the Congress. From his days in the U.S. House in the mid-1970s—where he also served with my husband Jock McKernan—to the present, Senator JEFFORDS made a priority to champion education and the environment and by doing so became one of the best advocates these issues have ever had.

In 1975, Senator JEFFORDS, as the ranking member on the subcommittee on select education, coauthored what would later be known as the Individuals with Disabilities Education Act, which has provided equal access to education for millions of students with disabilities. Since its enactment, Senator JEFFORDS has continued to fight for full Federal funding for the law. He has fought to reduce industrial pollution and acid rain, and as a member of the Senate Environment and Public Works Committee he ensured the passage of the 1990 Clean Air Act. More recently, Senator JEFFORDS has introduced legislation that would clean up polluting powerplants and create incentives for investments in clean, renewable power.

In 2001, during the tax-cut debate, as we were working to ensure a fair but a fiscally-responsible compromise, Senator JEFFORDS and I combined to advocate for significant relief for the working poor. In 2003, during intense negotiations, we joined forces to ensure prescription drug benefits for Medicare. And I could not have been more pleased to work with him in authoring the so-called Snowe-Jeffords provision to the historic Bipartisan Campaign Reform Act. I couldn't be more proud that our arguments were not only persuasive in the Senate but ultimately before the U.S. Supreme Court after more than 3 hours of oral arguments, as the act—including our provision—was upheld.

In the true spirit of statecraft, JIM JEFFORDS has ennobled not only the art of public affairs but the public affairs component of art. Then-Congressman Jeffords cofounded the Congressional Arts Caucus and has consistently fought for financial support of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum and Library Services. Like my State's own Margaret Chase Smith, Senator JEFFORDS has been a public servant of deep and abiding conscience, buttressed by a profound courage and unwavering love for his State and his country. I wish him all the best.

JIM TALENT

Mr. President, I rise to pay tribute to Senator JIM TALENT, my colleague and friend whose capacity for being a catalyst on issues that he holds dear is truly remarkable—and will be missed in the U.S. Congress.

In his first term in the U.S. Senate from Missouri, otherwise known as the Show-Me State, Senator JIM TALENT has shown—not just me—but his colleagues and his constituents that he is a person who cares about health care, small business, economic growth, and defense. Whether during his 8 years in the U.S. House or his 4 years in the U.S. Senate, JIM TALENT has demonstrated the fortitude and will necessary to meet challenging issues with national implications.

In the U.S. House, as a freshman congressman, he introduced the Real Welfare Reform Act of 1994, which became the basis for landmark, bipartisan welfare reform legislation. Never one to turn from a challenge, then-Congressman Talent also managed to get association health plans legislation passed out of the U.S. House, not once but twice. And he built on that success by working on that same issue in the U.S. Senate—indeed, Senator TALENT was an essential proponent of this important effort to allow small businesses to pool their resources to lower skyrocketing health insurance costs.

I saw firsthand how the same indefatigable energy that was indicative of his commitment in the House was very much on display in the Senate as he worked tirelessly with our leadership, Labor Secretary Chao, the National Federation of Independent Business, and so many others on this critical issue. As we go forward to identify a path forward on this vital matter, Senator TALENT's acumen and will to move this issue will be missed in our chamber.

I wish JIM TALENT and his entire family all the best for what I am certain will be a successful next chapter in his life.

FAREWELL TO SENATOR MIKE DEWINE

Mr. President, I rise today to express my gratitude to Senator MIKE DEWINE, whose desire to do good has remained his abiding purpose and lifelong contribution to the people of Ohio, the U.S. Senate, and his country. The moniker of "bodyguard of the poor"—which he has been dubbed by many in his State—speaks volumes about Senator DEWINE's tireless dedication to enriching and helping others and about his earnest efforts to defend the defenseless and protect those in need.

With a career in public service spanning more than 30 years, Senator MIKE DEWINE has more than earned his reputation as hard-working, honest, compassionate, and results-oriented. I first got to know MIKE when he entered the House of Representatives the same year as my husband Jock. I am proud to say we served together in both the U.S. House and Senate. In the 99th and 101st Congresses, we both served on the House Committee on Foreign Affairs. And in the U.S. Senate, we were colleagues on the Select Committee on Intelligence, where issues of national security and safety have been more paramount then ever. America is most fortunate to have had his thoughtful, considered approach on that committee and on so many other issues. Jock and I have treasured our longstanding friendship with MIKE and Fran DEWINE, and we have enormous respect for MIKE's passion and depth of commitment.

Indeed, he is a serious and deliberative legislative craftsman who sought to effectively represent his State and reach across the aisle in the true spirit of the institution. At no point in time was this more evident than during last year's debate over judicial nominations when MIKE—a dedicated member of the Senate Judiciary Committee—joined with me and a dozen of our colleagues to form the Gang of 14. His courage and leadership helped broker a compromise that preserved the principles and traditions of this great institution. His loss diminishes the Senate at a time when we need more like MIKE DEWINE—leaders committed to solutions over soundbites. I will deeply miss seeing MIKE in the Senate—for he was always a reminder of the finest ideals of public service.

Indeed, MIKE DEWINE has represented well the principles and pride of America's heartland. As the son of parents who ran a small agricultural business, he learned the value of diligence and perseverance working in the fields and in the mill.

He has exemplified that unwavering commitment throughout his career in public service, whether as a prosecutor, U.S. Representative, Governor, or U.S. Senator and whether advocating for children, promoting humanitarian relief, aiding law enforcement, protecting our natural resources, spurring job growth, increasing national security through intelligence improvements, or working to secure balanced budgets. And he has led many of these efforts through his active and thorough committee work on Appropriations, Judiciary—Health, Education, Labor and Pensions—and Intelligence.

Above all else, I believe MIKE DEWINE's essential sense of humanity, and the personal compass that guided him in all he did in the Senate, was exemplified by his final minutes on the Senate floor—which he devoted to speaking of the soldiers of Ohio who had fallen in service to our Nation in Iraq. That Senator DEWINE sought assurance he would have this opportunity to honor the troops before the end of the session is a testament to the compassionate heart of an exceptional man.

For all of his dedicated service to the people of Ohio and to this country, undoubtedly, MIKE DEWINE's most cherished achievement is his marriage of 39 years to his wife Fran, their eight children, and nine grandchildren. I wish them—and MIKE DEWINE—all the best.

RICK SANTORUM

Mr. President, today I honor a principled legislator, a passionate advocate, and stalwart son of Pennsylvania, Senator RICK SANTORUM, whose vitality as a leader in both the House and Senate was exceeded only by his exceptional dedication and extraordinary civic contribution.

During his 16 years in both the House and the Senate, RICK SANTORUM marshaled his experience and skills in business and law to answer effectively and historically a clarion call to public service. And the bedrock hallmarks that have been the constant catalysts driving him are his remarkable passion and enormous resolve.

In the Senate, an institution known rightfully and constitutionally for deliberation, RICK's energy has been refreshing and welcomed. Whether on the Senate Armed Services or Finance Committees on which we both served, Senator SANTORUM invariably infused policy debates with a fresh, informed, and vibrant voice on a range of critical issues, including national security, health care, economic development, and combating AIDS. Indeed, RICK has been passionate in aggressively fighting the global pandemic of HIV/AIDS—a scourge that brings tragedy to millions of men, women, and children across the globe. Throughout his tenure in the Senate, RICK worked without regard to political ideology or philosophy on this matter that truly rises above partisanship because he recognizes that compassion and humanism are ideals too large and important to be constrained by political labels.

Finally, I well recall our legislative service together in the House where RICK was a vital champion for change and an indispensable force behind an agenda for reform. He unquestionably engendered a transformative sensibility that helped catapult Republicans into the majority.

Senator SANTORUM has dedicated his life to service to others, and I have no doubt that he will continue to do so in the future. Characterizing those achievements is his steadfast integrity and allegiance to deeply held beliefs. But for all of his accomplishments and the titles that accompany them, those that bring him the greatest satisfaction, that he treasures above all, are that of husband and father. RICK SANTORUM has served his country and the people of Pennsylvania well, and I wish him, his wife Karen, and their children all the best.

Mr. BUNNING. Mr. President, I would like to pay tribute to the Republican Members of the Senate who will not be returning in the 110th Congress. Senators GEORGE ALLEN; CONRAD BURNS; LINCOLN CHAFEE; MIKE DEWINE; Dr. BILL FRIST; RICK SANTORUM; and JIM TALENT have served their constituents with honor and distinction during their tenure here in the U.S. Senate. All care very deeply for this great Nation and I hope they will have continued success in their future endeavors.

Senator CONRAD BURNS and I have had a great working and personal relationship over the last 8 years. He and his wife Phyllis have become dear friends of my wife Mary and me. I have enjoyed our time spent together both personally and professionally. CONRAD and I watched a baseball game with our grandsons a couple of years ago in Montana. CONRAD and Phyllis also joined Mary and me at the Kentucky Derby. I wish CONRAD and his family all the best as they start a new chapter in their lives.

Senator RICK SANTORUM is a principled conservative who is not shy to tell you where he stands. He has served the Commonwealth of Pennsylvania tirelessly for the last 16 years. RICK has always been honest and upfront, and his passion will be missed. RICK and his wife Karen have six wonderful children who all should be proud of how their dad represented Pennsylvania in the U.S. Congress.

Majority leader BILL FRIST has run the Senate through difficult and trying times and he has done it well. Senator MIKE DEWINE, my neighbor to the north, has represented the Buckeye

State with great distinction and has committed over 30 years of his life to public service. Senator GEORGE ALLEN represented the Commonwealth of Virginia in the U.S. Senate for 6 years, and he worked closely with me to make America safer by helping usher through important legislation to arm cargo pilots. Senator JIM TALENT has had a great career in Congress and wrote the blueprint to the welfare reform bill of 1996. And Senator LINCOLN CHAFEE has continued the proud legacy set forth by his father and my friend, Senator John Chafee.

Mr. President, I would like to again commend all of our departing Republican Senators. I am proud of what they accomplished here in the U.S. Senate. They will all be missed, and I wish all of them the very best.

GEORGE ALLEN

Mrs. HUTCHINSON. Mr. President, Senator ALLEN has spent many years working for Virginia.

He came to the Senate in 2000 after a strong record of accomplishments as his State's Governor.

As Virginia's Senator, he has worked diligently to protect our freedoms, preserve conservative values, and help America remain the land of opportunity.

He was a strong supporter of the tax reforms of 2001 and 2003 that have resulted in the economic upswing our economy is currently enjoying.

His work on the Internet Tax Nondiscrimination Act has helped keep access to the Internet tax free.

He also worked to increase military benefits, including legislation to increase the death benefits for families of fallen troops from $12,000 to $100,000.

I have also worked with Senator ALLEN on the PACE Act. Senator ALLEN understands that we must provide our children with the education necessary for the jobs of tomorrow. His work with the National Nanotechnology Initiative will also help our country compete globally as other countries continue to emerge. Senator ALLEN understands that America must remain home to the best and brightest.

I will miss working with him in this Chamber, and I will miss his friendship and support on the issues that matter most to America.

JIM TALENT

Mr. President, JIM TALENT has a long and honorable history of service to the people of Missouri.

In the House of Representatives, he introduced the bill that laid the foundation for historic welfare reforms.

In 1997, he became the youngest chairman in the House when he was named Chairman of the House Small Business Committee. Under his leadership, the committee passed many crucial reforms for small business owners, including tax relief and health insurance provisions.

When JIM joined the Senate in 2000, he continued serving his State while emerging as a powerful force for the good of his State and the Nation.

His work on the Energy Committee has shown great foresight and has galvanized our fight for energy independence.

I am proud to have served with JIM these past 6 years.

I expect great things from his continued efforts on behalf of the Midwest.

MARK DAYTON

Mr. President, I wish Senator DAYTON well as he departs from the Senate.

During his 6 years serving the citizens of Minnesota as their Senator, I got to know Senator DAYTON by working together with him on the Committee on Rules and Administration. I have seen first hand Senator DAYTON's tireless efforts to protect the interests of his State.

During his political career, Senator DAYTON has held many leadership roles for Minnesota, including commissioner of the Minnesota Department of Energy and Economic Development, State auditor, and, most recently, U.S. Senator.

As the eldest of 4 children, he grew up knowing what it meant to set a good example. I have no doubt that Senator DAYTON will continue to serve as a shining example for his two sons.

I know that Senator DAYTON's love for public service—and for Minnesota—will remain strong in the future, and I wish him well.

MIKE DEWINE

Mr. President, MIKE DEWINE has spent more than three decades in service to his State and the Nation.

Senator DEWINE has maintained a reputation of integrity throughout his service as a State senator, Lieutenant Governor, four-term Congressman, and U.S. Senator. He has built a record of service on making our Nation and the world a better place for future generations.

A father of eight and grandfather of nine, Senator DEWINE is a devoted family man.

He is a champion of children's causes, always focusing on protecting their welfare and safety.

Senator DEWINE has often reached across party lines to vote with his heart for issues in which he believes.

His hard work and devotion will be missed by the people of Ohio, whom I know are grateful for his years of service.

LINCOLN CHAFEE

Mr. President, it is no coincidence that Senator LINCOLN CHAFEE's home State has an 11-foot-tall statue called the Independent Man standing atop the State House in Providence, RI. In fact, Senator CHAFEE has referred to this statue as his inspiration, as it represents Rhode Island's founding principles of political and religious freedom.

Senator CHAFEE has done an admirable job following in the footsteps of his father, Senator JOHN CHAFEE.

During his time in the Senate, Senator CHAFEE has been committed to environmental issues as a champion for improved air and water quality.

Senator CHAFEE has remained steadfast in his beliefs and a powerful voice for Rhode Island.

RICK SANTORUM

Mr. President, Senator RICK SANTORUM has a distinguished career serving the people of Pennsylvania.

Everyone knows he is a hard worker who is defined by his determination, commitment to a core set of values, and unyielding optimism.

His strong leadership in the Senate led Senator SANTORUM to be elected chairman of the Senate Republican Conference in 2001.

I have had the opportunity to work on a number of projects with Senator SANTORUM as the vice chairman of the Senate Republican Conference. He joined with me in supporting and organizing numerous leadership summits, which gave us opportunities to reach new constituencies. These summits have been outstanding, and their success was due in large part to our cooperation and Senator SANTORUM's leadership.

Throughout his tenure in the Senate, he has committed himself to helping American families.

He believes profoundly in the dignity of all human life and has consistently fought for measures that protect the most vulnerable among us. He has supported initiatives to strengthen and protect Social Security, provide access to affordable health care, and stop the HIV/AIDS epidemic.

Senator SANTORUM's passion and commitment to his work is an admirable quality that will be missed. It has been an honor to serve with him in the Senate.

JIM JEFFORDS

Mr. President, today we say goodbye to Senator JIM JEFFORDS after 18 years in the Senate, serving the State of Vermont.

Throughout his years in the Senate, Senator JEFFORDS has remained steadfast in his convictions and beliefs.

As a proud citizen of the State of Vermont, Senator JEFFORDS has made enormous efforts to ensure the interests of his State were represented in the U.S. Congress.

This is the legacy Senator JEFFORDS has earned.

As a staunch proponent of environmental issues, Senator JEFFORDS rose to leadership as chairman of the Environment and Public Works Committee in 2001, and he currently serves as the committee's ranking member.

Senator JEFFORDS leaves the Senate with my respect.

CONRAD BURNS

Mr. President, Senator CONRAD BURNS has had a long and distinguished career in the Senate as Montana's longest serving Republican Senator.

Since 1988, Senator BURNS has represented his constituents with honor in the Senate. He has made sure that Montana's unique, rural economy is sustained through his support of balanced trade, high-tech investments, and small business.

Since serving as chairman of the Communications Subcommittee in 1997, he has continually fought for the rollout of broadband in rural areas and pushed for new Internet and mobile phone technologies to help Montanans participate in our global economy.

Senator BURNS' love for the outdoors has made him a steward of our country's natural resources. As chairman of the Senate's Interior Appropriations Subcommittee, I have watched him work tirelessly to protect and provide for our National parks and forests. Our natural resources are being protected thanks to the work of Senator BURNS. I know he is looking forward to returning to Montana and the great outdoors.

He has been an ardent supporter of making Government more fiscally responsible and lowering our taxes, and he was often an ally on issues.

His leadership and strong conviction to do what is right will be sorely missed.

PAUL SARBANES

Mr. President, Senator SARBANES, the son of Greek immigrants, embodies the very heart of the American dream.

Senator SARBANES' parents, who never received a college education, instilled in him the belief that no matter where you go and what you see, you should always stand by your principles and never forget your roots.

He became a Rhodes Scholar.

Senator SARBANES served the people of Baltimore with distinction and honor in the Maryland Legislature before coming to Washington to represent them on a national level.

After a period of service in the House of Representatives, he was elected to the Senate in 1976. Since then, he has held numerous positions within the Senate.

Most recently, he served as the ranking member of the Senate Banking, Housing and Urban Affairs Committee and as a senior member of the Foreign Relations, Budget, and Joint Economic Committees.

Today we bid him farewell after five terms in the U.S. Senate, which makes him the longest tenured Senator in Maryland's storied history.

PAUL is a good friend, and I will miss him.

BILL FRIST

Mr. President, I would like to conclude with Dr. BILL FRIST, who has dedicated his life to helping people.

Though many of us have come to know Dr. FRIST best in his current role as our leader, his contributions to America exceed elected office.

Dr. FRIST first came to Washington in 1972 as an intern for Tennessee Congressman Joe Evins. Congressman Evins told the young intern that should he ever want to serve in Congress, he should first excel in a profession other than politics and then bring that experience back to Washington.

Dr. FRIST did just that.

During a stellar 20-year career in medicine, Dr. FRIST performed over 150 heart and lung transplant procedures, including the first lung transplant and the first pediatric heart transplant in Tennessee and the first successful combined heart-lung transplant in the Southeast.

He always hoped to one day serve America at a broad policy level, where he could advance medicine and improve the quality of life of the Nation.

Dr. FRIST returned to Washington in 1994, becoming the first practicing physician elected to the Senate since 1928. As a U.S. Senator, BILL FRIST has been one of the leading voices on health issues in America today.

He moved quickly up the leadership ranks, becoming deputy whip in 1999, chairman of the NRSC in 2000, and finally majority leader in 2002.

In the Senate, Dr. FRIST has worked tirelessly to strengthen Medicare, provide seniors with better access to prescription drugs, reduce health care disparities among races, and make health care more affordable and accessible.

He has also been one of America's strongest advocates for increasing funding for global HIV/AIDS. He sponsored landmark legislation to provide $15 billion to combat global HIV/AIDS in African and Caribbean nations hardest hit by the disease. This law will literally save millions of lives and stands as one of the greatest public health accomplishments in modern history.

Many of us also remember DR. FRIST utilizing his medical skills in 1998, when a gunman shot and killed two U.S. Capitol Police officers in the capitol. The gunman was also shot and seriously wounded during the incident. Dr. FRIST came to the aid of Officer Jacob Chestnut, who later died of his wounds, as well as the gunman, who survived because of Dr. FRIST's actions.

After the event, Dr. FRIST told Capitol reporters:

> At the time, I did not know he was the alleged gunman, and in truth, as a physician, you try to focus on resuscitation.
>
> People have said "If you knew that, would things have changed?" And the answer is, "No."
>
> "As a physician, you're trained to focus, and that's what you do year after year. You're not a judge; you're not a jury. You're a physician."

Dr. FRIST never stopped being a physician. Throughout his 12 years in the Senate, he always had the Nation's health in mind. He was always a champion of medicine, and his class and integrity is unquestioned.

The Senate will truly miss his leadership, and we will miss all of our departing friends.

APPAREL IMPORTS

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the assurances my friend and colleague from Oregon and I have received from U.S. Trade Representative, USTR, Susan Schwab and Assistant Secretary of Commerce David Spooner about the import monitoring program on Vietnamese textiles and apparel. In response to concerns raised by Senator DOLE and Senator GRAHAM about the impact of Permanent Normal Trade Relations, PNTR, for Vietnam, Ambassador Schwab and Secretary of Commerce Carlos Gutierrez wrote a letter stating their intention to monitor U.S. textile and apparel imports from Vietnam and self-initiate antidumping investigations if the normal elements of an antidumping case can be demonstrated. The Commerce Department will conduct a review every 6 months, and the program will last until the end of this administration. I ask the Senator from Oregon if he is aware of the concerns that have been raised about this program.

Mr. SMITH. I am aware of the concerns, and I want to thank the senior Senator from California for her leadership on this issue. The apparel industry is a very important segment of Oregon's economy, and my constituents back home are watching this issue very closely. There is a great deal at stake here for Oregon companies such as Nike, Inc., and Columbia Sportswear that source apparel from Vietnam. These companies provide thousands of well-paying jobs to workers in my State and infuse billions of dollars into Oregon's economy. I have heard from them and other U.S. retailers about the impact the proposed monitoring program will have on their businesses as unilateral actions such as this can have a significant chilling effect on companies' sourcing strategies.

Unfortunately, the administration did not give the apparel and retail industry due consideration in its decision to monitor textile and apparel products from Vietnam. I am disappointed that the administration chose to use our trade remedy laws as a tool in the legislative process and not consult with other Members of Congress or the retail industry before agreeing to create a new monitoring process. I share the concerns of my constituents that this program will burden and discriminate against trade in textiles and apparel from Vietnam.

I was pleased that the senior Senator from California agreed to send a letter with me to USTR and Commerce asking for assurances that the program would be implemented in a manner fully consistent with U.S. law and our obligations in the World Trade Organization, WTO, and that no new precedent would be set; the program would not establish any additional burdens for importers and exporters of Vietnamese textiles and apparel; and U.S.

textile and apparel importers and retailers will have the opportunity to review and comment on how the program is developed.

Mrs. FEINSTEIN. I agree with the Senator from Oregon's description of our concerns and the assurances we are seeking from the administration. This matter was first brought to my attention by key retail constituents in my State including companies like Gap, Inc., Liz Claiborne, and Limited Brands. Retailers have expressed their concern that the import monitoring program would create too much unpredictability and force companies to modify their sourcing strategies and accept the risk of and potential additional cost of antidumping investigations and antidumping duties. They share the concern expressed by the Senator from Oregon that the retail industry was not consulted before the administration committed to setting up the program. I was happy to join the Senator from Oregon on the letter to USTR and Commerce, and I had hoped that we would receive a response before a vote on PNTR on the Senate floor. Is it the Senator's understanding that we will not receive a response to our concerns before the vote?

Mr. SMITH. It is my understanding that lawyers from USTR and Commerce have advised Ambassador Schwab and Secretary Gutierrez that because a notice has been placed in the Federal Register announcing the creation of the import monitoring program and soliciting public comment, they cannot provide a substantive written response to our letter. Nevertheless, Ambassador Schwab and Assistant Secretary of Commerce Spooner graciously agreed to meet with the Senator from California and me to provide us with more information about the import monitoring program and how it will be implemented.

Mrs. FEINSTEIN. The Senator from Oregon is correct. We had a robust and substantive discussion. Ambassador Schwab and Assistant Secretary Spooner assured us that the import monitoring process will be fully consistent with U.S. law and applicable WTO rules. No new precedent would be set. In addition, they also agreed that the import monitoring process should not harm U.S.-Vietnam textile and apparel trade, and they assured us that no additional reporting requirements or other burdens would be placed on importers of textiles and apparel from Vietnam. This means that it is their intention that monitoring will be based upon information already collected in the normal customs entry process or otherwise available to the Government. Finally, they assured us that the views of our constituents and all Members of Congress would be taken into account as the process is developed. Is that the Senator's understanding?

Mr. SMITH. Mr. President, the Senator from California is correct. Specifically, USTR and Commerce told us that it is their intention that any investigation would only cover those textile and apparel products imported from Vietnam which are like or identical to a product also produced in the United States. This also means that, consistent with U.S. law, the domestic producer will have to request monitoring and supply information about their employment levels and production. This makes sense to me because why would the U.S. Government monitor a product from Vietnam that is not produced in the United States or that the U.S. domestic industry is not interested in being monitored in the first place? It is also my understanding that according to U.S. law, any finding of critical circumstance, which would trigger preliminary antidumping duties, would only be made during the course of an investigation and not in advance of an investigation.

Mrs. FEINSTEIN. Mr. President, I appreciate the Senator's commitment and hard work on this issue. With the assurances from Ambassador Schwab and Assistant Secretary Spooner, I will support legislation granting permanent normal trade relations status to Vietnam. Would the Senator from Oregon agree that we will continue to follow this process closely to ensure that USTR and Commerce live up to their commitments and implement this program in a manner that is fully consistent with U.S. law and our WTO obligations?

Mr. SMITH. Mr. President, I agree with the senior Senator from California, and I would like to thank her for standing with me on this important matter. I too will support PNTR for Vietnam. Both of us are committed to a strong and mutually beneficial United States-Vietnam trade relationship. Both of us understand how important the vibrant and growing Vietnam market is to our constituents. I look forward to working with the senior Senator from California to provide effective oversight of the monitoring program and ensure that the voice of retailers across the country are heard in the discussion of U.S. trade policy. I trust Ambassador Schwab when she told us that she intends to have this monitoring process work in the way we discussed in our meeting. As the senior Senator from California knows, we have many difficult trade initiatives that we will consider next year. I, for one, will measure my willingness to work with the administration on these upcoming initiatives, in part, based on the good faith of the administration in implementing this monitoring process in a fair and normal way.

THE DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. ENZI. Mr. President, today Congress acted in the interest of the public health by passing the Dietary Supplement and Nonprescription Drug Consumer Protection Act. I am extremely pleased that the House has now passed this bill and sent it to the White House for the President's signature. This legislation would require manufacturers of dietary supplements and all manufacturers of over-the-counter drugs to report serious adverse events to FDA.

The Dietary Supplement Health and Education Act of 1994, DSHEA ensures that a broad array of dietary supplements are available to American consumers. DSHEA protects consumer choice and access to dietary supplements that are safe and properly labeled.

This bill will preserve the safety and availability of dietary supplements that benefit so many Americans. Although many dietary supplement manufacturers already give FDA reports they may receive regarding adverse events associated with their products, they are not required to do so. This legislation would add that requirement, while keeping safe supplements available to consumers.

This proposal adds a new reporting requirement for dietary supplements and all manufacturers of over-the-counter, OTC, drugs to report serious adverse events to FDA. This is an entirely new requirement for supplements. Some OTC drug manufacturers are already required to report serious adverse events.

The reporting would be limited to serious adverse events. We are talking about the kind of information FDA really needs—reports of death, a life-threatening experience, hospitalization, a persistent or significant disability or incapacity, or a congenital anomaly or birth defect.

To ensure that unscrupulous competitors cannot damage legitimate businesses, the bill makes it a prohibited act to make a deliberately false adverse event report to a manufacturer or to the FDA.

The bill also sets a 15-day time limit for manufacturers to turn over reports of serious adverse events they receive. They must keep the reports for 6 years, and FDA is allowed to inspect the manufacturer's records of adverse event reports.

This new Federal requirement would replace any potential state requirements. However, States would still work with FDA on safety issues.

And safety is what this bill is all about. You need good data to make good decisions. Most dietary supplements are safe and should be available to consumers. But just in case one isn't, FDA needs to have accurate, current information to decide when to act and what to do. This bill will help the agency get that information.

This bill is the result of a tremendous amount of work across party lines. I want to thank my colleagues

Senators HATCH and HARKIN here on the committee, and Senator DURBIN, for getting this bill started. I would also like to express my deep appreciation and thanks to the ranking member, Senator KENNEDY, for his hard work during this process. We have produced a fair bill, and I am so pleased my colleagues on both sides of the Capitol have lent it their support.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD).

THE RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

• Mr. DODD. Mr. President, I rise today to recognize the Senate's unanimous passage of the Ryan White HIV/AIDS Treatment Modernization Act earlier this week. It has been 25 years since the first AIDS diagnosis in the United States. At present, approximately 40,000 Americans are newly infected with this disease each year, and more than half of those diagnoses are in people under age 25. This is a disease that has taken its toll on millions of individuals and families, but as a result of combined Federal, State and local efforts to support individuals living with this disease as well as advances in treatment options, many Americans living with HIV/AIDS continue to have thriving, productive lives.

Since 1990, when the Ryan White CARE Act was first authorized, we have made incredible strides in treating and caring for individuals in the United States affected by HIV/AIDS. The number of new infections each year has dropped from more than 100,000 in 1990 to approximately 40,000 today. Mother-to-child transmission has dropped from 2,000 to fewer than 200 cases annually. Life expectancy for those with the disease has increased by almost 20 years. In fact, more people are now living with AIDS in the United States than at any other time in the epidemic.

The Ryan White CARE Act is at least partially responsible for these successes. But there is much more work to be done. It is estimated that more than a quarter of those infected with HIV do not know it, and many who do know it still do not have access to needed care and services. And HIV/AIDS disproportionately affects the poor and minorities. African Americans account for up to 54 percent of new HIV infections and Latinos account for 19 percent of new infections, though they account for only approximately 12 percent and 13 percent of the U.S. population, respectively. Hispanic and African-American women account for 82 percent of new infections among females in the United States.

For many years I have been particularly concerned about the impact this disease has on children and families. Last year, Senator BOND and I introduced legislation to reauthorize and strengthen title IV of the Ryan White CARE Act. For those who are unfamiliar with title IV, it provides grants for coordinated care, services, and research for women, infants, children, and youth. The programs and services funded by title IV have kept families alive and together. For example, title IV projects have led the way toward reducing mother-to-child transmission from more than 2,000 babies born HIV-positive each year to fewer than 200. In my home State of Connecticut, a total of 213 babies have been born to HIV-positive mothers since 2002. Of that total, only one baby has been confirmed as HIV-positive.

The bill passed earlier this week by the Senate contains many significant improvements to title IV that were part of the legislation Senator BOND and I introduced. I believe those changes will improve the treatment and services for women, families, and youth provided under the Ryan White CARE Act. However, I am deeply disappointed in the authorization level for title IV contained in the bill. All other titles of this bill authorize increases in funding except title IV, which is flat funded. I pushed hard to secure a comparable increase for title IV, and although I am disappointed with the final outcome, I realize this is an authorization bill, not an appropriations bill, and I will work to secure increased funding for this critical title.

Unfortunately, it appears that the 109th Congress will come to a close without the House and Senate having passed a Labor-HHS-Education appropriations bill for fiscal year 2007. It is a failure on the part of the leaders in the House and Senate that we did not debate this bill and have an opportunity to increase funding for the Ryan White CARE Act. As we look to the next Congress, I urge my colleagues and the whole advocacy community to join me in fighting for providing adequate funding for this program.

I believe that the bill passed unanimously in the Senate is a fair compromise which stabilizes funding for cities and States and urban and rural areas for the next 3 years. Without this legislation, 17 States—including Connecticut—and the District of Columbia stand to lose millions of dollars next year. This legislation is now before the House of Representatives. It is my hope that the house will act quickly to pass this legislation so that these States and the District do not experience a disruption in critical care and treatment services for people living with HIV/AIDS.

In closing, I want to commend the hard work of the members and their staff in both Chambers who developed this bipartisan, bicameral compromise bill over the past 2 years. In particular, I would like to recognize Connie Garner with Senator KENNEDY and Shana Christrup with Senator ENZI who worked tirelessly to incorporate the priorities of many offices. I would also like to thank the many public health advocacy organizations who contributed to the development of this legislation.•

TRADE RELATIONS TO VIETNAM

Mr. CHAMBLISS. Mr. President, in relation to the extension of permanent trade relations to Vietnam that the Senate is in the process of considering this evening, there is a finding in the bill that I want to call to the Senate's attention. The finding notes that, "Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command, formerly the Joint Task Force-Full Accounting, established in 1992 by President George H. W. Bush to provide the fullest possible accounting of MIA and POW cases."

I serve as the cochairman of the U.S./Russia Joint Commission on POW/MIAs, and also have several close friends who have family members who are POW/MIAs and continue to search for their family members and for information that will bring them closure regarding their fate.

I think we can all agree that Vietnam has in fact taken cooperative steps along the lines of POW/MIA accounting with the United States. However, I think we can also all agree that Vietnam needs to take additional steps in this area. Specifically, I believe there are additional steps that Vietnam can take in providing the United States access to archives regarding POW/MIA cases in Laos and Cambodia. Cases of US service members lost in Laos and Cambodia are particularly difficult to resolve due to the difficulty of access to both archival information and the actual locations where service members are presumably missing. This is a specific area in which I hope that Vietnam can provide additional information and assistance to help the United States obtain the fullest possible accounting of POW/MIAs from the Vietnam war.

I want it to be clear that there is more work to be done on this issue and that we need to continue to conduct research, site visits and work closely with Vietnam, as well as their neighbors on this issue until we have accounted for every one of our POW/MIAs in Vietnam as well as other countries.

COMBATING AUTISM ACT, S. 843

Mr. ENZI. Mr. President, yesterday, Congress confirmed its obligation to the thousands of individuals living with and families affected by autism by passing the Combating Autism Act of 2006, S. 843. I am extremely pleased that the Senate passed this bill and sent it to the White House for the President's signature.

This anticipated law has a long history. Senators SANTORUM and DODD worked diligently with me, Senator KENNEDY, and our staffs for the past 2 years to develop this crucial piece of legislation to assist individuals living with autism and other developmental disabilities and their families. This legislation focuses on expanding autism research and coordination of that research at the National Institutes of Health, NIH, and increasing awareness of autism and its manifestation through the Centers of Disease Control and Prevention, CDC. In addition, the bill integrates the country's various health, education, and disability programs serving children and families affected by autism. Finally, the bill provides a greater voice to the community of people affected by this disorder.

No one knows the cause of autism or exactly how many children are affected by autism and autism spectrum disorders; however, some studies suggest the numbers could be as high as 1 out of every 166 American children. But there are many things we do know about autism.

We know that early intervention is critical to helping children with autism reach their full potential. The earlier the intervention, the greater the chance a child has to grow and learn how to live with the disorder. Given the importance of early intervention, this bill will expand the necessary research to study the possible causes of autism especially at the critical early childhood development stages.

Also, we need greater understanding about the various forms of autism so that we can improve our ability to provide the right kinds of intervention and support. Finally, we need to provide better integration of the health, education, and disability programs already available to meet the anticipated and increasing demand for these interventions, supports, and services in the future.

The Combating Autism Act is an important step to address these needs and to find solutions that will improve the lives of children and families whose daily lives have been disrupted by autism.

I would like to close by adding my congratulations to the people who have had a key role in drafting and passing this key piece of health care legislation. First, I would like to thank my colleagues and their staff both in the Senate and in the House for their hard work in passing this critical legislation. I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member, Senator KENNEDY, for his hard work and determination to seeing this bill become law. In addition, I would like thank and our colleagues in the House, Chairman BARTON and Representatives BONO and DEGETTE.

This bill is the result of a tremendous amount of work across party lines. I want to thank the original bill cosponsors, Senators SANTORUM and DODD, for introducing this legislation and for working with me to fine-tune it. They are to be commended for taking the lead on this issue and for the tremendous effort they put into making sure that some day we have a solution to autism.

Of course, in providing thanks to the Members, I would be remiss if I did not mention the staff. I would like to specifically acknowledge Randy Pate and Ryan Long, with Chairman BARTON's office; Caya Lewis with Senator KENNEDY's office; Jen Vesey with Senator SANTORUM; Jim Fenton, Ben Berwick, Tamar Magarik, and Elizabeth Hoffman with Senator DODD; and Elizabeth Hall with Majority Leader FRIST.

Finally, I would like to give thanks to my staff, both past and present—Shana Christrup, Steve Northrup, Aaron Bishop, Brittany Moore, Tec Chapman, and Martina Bebin, all on my health and disability outreach teams, for their diligence and determination as we worked together to craft this important and essential bill. I also would like to thank Katherine McGuire, who as my staff director has provided the leadership and guidance to ensure that this bill made it into law.

This process involved many dedicated staffers and many late nights. Staff were crucial in helping us reach the final compromise.

I also want to thank the various groups and individuals who work on behalf of children and families affected by autism and other developmental disabilities. There are so many people, primarily parents of children who have autism or an autism spectrum disorder, who have worked for years to see this day come to fruition that I cannot thank each one of them individually, but they should know that I greatly appreciate their tireless efforts, determination, unlimited patience, and commitment to seeing this bill was passed on behalf of their children and all people living with autism, autism spectrum disorder, or other developmental disabilities.

This is a comprehensive piece of legislation that will take the next steps toward providing greater research so that we can provide children with autism early intervention to enable them to grow and reach their full potential. I am proud that we are taking this step to pass the Combating Autism Act.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I am extremely grateful that my Senate colleagues considered and passed the Combating Autism Act yesterday, following the House's passage yesterday afternoon. The Combating Autism Act promotes early detection, early evidence-based interventions, research, and services for individuals with autism. It also reauthorizes the epidemiologic surveillance programs at the Centers for Disease Control and Prevention. This legislation is absolutely vital for the hundreds of thousands of families across America who struggle each and every day with autism, and I commend my Senate colleagues for passing it today so that the President can sign it into law before the end of the year.

Autism has a profound effect on children and their families. It affects a child's ability to communicate and to form relationships with others. Some children with autism are relatively high functioning, while others suffer from serious language delays, motor problems, and rigid behaviors. Because autism is a spectrum disorder, symptoms range from mild to extremely severe. Many children with autism will require lifelong care.

Mr. President, health care for individuals with autism over their lifetimes costs approximately $35 billion per year. By 2015, the annual cost of care could reach an estimated $300 billion, but this figure can be cut in half with early diagnosis, services, and intervention. I believe strongly that to reduce the economic burden for individuals with autism and to ensure that children have a chance to achieve their highest potential and live productive and independent lives as adults, we must support aggressive efforts to understand what causes autism and to improve early screening, diagnosis, and services for individuals and their families who live with autism every day.

As my colleagues are well aware, the prevalence of autism in the United States is 10 times greater now than a decade ago. It is estimated that about 1 in 166 children born today will be diagnosed with autism by the time they reach school age, up from one in 10,000 in 1987. In my own State of Connecticut, autism diagnoses have increased eleven-fold since 1993. We simply must provide answers to all those affected by this devastating condition, and the Combating Autism Act is a critical first step.

There are many theories as to why autism diagnoses have increased. Some have suggested that it is simply a reflection of better diagnostic tools and measures. Other theories focus on genetic or environmental factors. But the fact is that when it comes to autism, we do not know what causes it, we do not know exactly how to diagnose it, and we still do not know how best to intervene.

What we do know is that growing numbers of children and their families suffer from and cope with this disorder, and we simply must do more to bring hope to all who are in its grip. This is why the Combating Autism Act is so important. By expanding the Federal response to autism and other developmental disabilities through the Combating Autism Act, we will see improved research on autism, including its causes, and families across America will get the services they so urgently need.

Mr. President, I commend my colleagues in the Senate and the House for acting on this important legislation. Although the Combating Autism Act has undergone some modification since the Senate first passed it in August of this year, and it is by no means a perfect bill, it provides an essential starting point in what I hope will be an ongoing legislative effort to provide hope and answers to the families across America who live and cope with autism every day. I am hopeful that the President will sign it into law before the end of the year. In my view, we must not lose the momentum that has brought us here today. Those children and their families living with autism deserve our support now, and they deserve answers.

I'd like to conclude by thanking my colleagues, Senator SANTORUM, Chairman ENZI, ranking member Senator KENNEDY, and their staffs, as well as Chairman BARTON and ranking member Representative DINGELL and their staffs, for their extraordinary hard work on this bill. I also wish to offer my sincere thanks and appreciation to all of the individuals who are personally affected by autism and the many advocacy groups who represent them for their continued dedication and passionate commitment to this legislation.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONCENTRATED ANIMAL FEEDING OPERATIONS

• Mr. JEFFORDS. There are many issues on which we have made progress during my tenure as both chair and ranking member of the EPW Committee, and many issues on which we need to take steps forward. I want to thank Senator BOXER for her consistent leadership on environmental issues over the years, and I know she will do a phenomenal job leading the EPW Committee. There is an issue of great importance to many small Vermont farmers that we have not addressed this year, and that is the issue of concentrated animal feeding operations and CERCLA. I have written to Senator BOXER and provided her with some language reflecting the ideas I described in my statement, asking her to consider this approach as she holds hearings and moves forward on this issue in the 110th Congress.

Mrs. BOXER. I have received the Senator's letter, and he has my assurances that these ideas will be considered as the EPW Committee looks at this issue during the next Congress.

Mr. JEFFORDS. I thank the Senator.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

SMALL FARM SUSTAINABILITY: ANIMAL FEEDING OPERATIONS AND CERCLA

• Mr. JEFFORDS. Mr. President, I rise today to speak about two issues that are of great importance to Vermonters—sustainable agriculture and environmental protections. Over the years, I have fought for education dollars when it seemed none were available. I have fought to protect the environment when its champions were few. But my greatest priority has been to find ways to ensure that Vermont agriculture, the lifeblood of our economy and our culture, remains sustainable and competitive into the future.

I have worked successfully in both the House and the Senate to help assure dairy farmers of a fair and stable price for their milk, through the dairy compact and MILC Program. I have worked hard to provide strong Federal support for conservation programs, helping farmers to be good stewards of the land, while never comprising my commitment to environmental protection. I have supported the cider and cheese industries in the face of increasing Federal regulation and have promoted tax policy that allows for the intergenerational transfer of farms.

Today, I stand before you somewhat perplexed. For several months now, two of the issues where I have dedicated the majority of my time in public service—the environment and agriculture—have been seemingly at odds with one another.

In some States, lawsuits have been brought against large agricultural operations under the Comprehensive Environmental Response, Compensation and Liability Act, CERCLA. I have been contacted by a number of Vermont farmers very concerned about whether CERCLA applies to them and about what it would mean to be sued under this law.

In response to this concern, proposals have been made that would unnecessarily adopt expansive exemptions from the Superfund statute for major pollution streams stemming from very large agricultural operations. I cannot support these proposals that would eliminate one of the tools of last resort for communities with waters contaminated by large-scale animal feeding operations.

I have watched with regret as the face of American agriculture in some regions has changed from one of the individual family, working hard to extract their living from their land, to one of the corporate executive, leading massive agribusiness operations. With this type of consolidation, we have lost in many places, though not in Vermont, the reality of the hard-working family farming using sustainable practices. In many parts of the Nation, we see massive animal feeding operations, often controlled by corporate interests located outside the State, contributing significantly to local water quality problems. Allowing these large operations to simply walk away from the damage that they can cause to our local communities allows them to cut costs, tipping the economic scales in their favor when compared with smaller farms that have less environmental impacts. I wish to do everything in my power to ensure that this scenario never becomes the norm in Vermont.

Vermonters have a long tradition of strong feelings about water quality. In 1972, when the Clean Water Act was adopted by Congress, our Nation was faced with a water pollution crisis. Toxic materials were routinely dumped into pristine water bodies by industrial polluters. It was standard practice in municipalities to have underground pipes deliver raw sewage from homes directly into rivers and streams without any intervening treatment. Citizens demanded action to solve our environmental problems. In 1970, I was the state attorney general of Vermont. My office worked to create Vermont Act 252, which enacted the toughest water pollution laws in the country at the time. I had the honor of testifying before this Committee during Senator Muskie's chairmanship during the first phases of the debate on the 1972 Clean Water Act. Some of the concepts in Act 252 are today part of Federal water pollution laws. One of my fondest memories from this period is of the slogan, "Jeffords Won't Let Them Do it in the Lake," which came about as we successfully fought off efforts by International Paper to dump untreated waste into Lake Champlain.

Despite progress on wastewater treatment and point sources of pollution like International Paper, by the mid-1980s, it was clear that without action on other water quality issues such as toxics like mercury and nonpoint source pollution from urban and agricultural sources, we would not be able to meet our clean water goals. In 1987, our own Senator Stafford of Vermont worked with champions like Senator John Chafee, Senator Mitchell, and Senator Bentsen to write the 1987 Clean Water Act amendments, overcoming the third Presidential veto in the act's history. Many of the key pieces of the 1987 amendments, in particular, nonpoint source pollution, continue to resonate in our clean water debate today.

Despite our progress on these issues, there is much to be done. According to the EPA, the overwhelming majority of the population of the United States—218 million people—live within 10 miles of a polluted river, lake or coastal water. Almost 40 percent of these waters are not safe for fishing, swimming, boating, drinking water or other needs. The EPA estimates that nonpoint sources of pollution are responsible for 50 percent of our water quality problems.

I discuss this history because it is relevant. I understand the impacts of nonpoint sources of pollution on water quality. I also understand the importance of small-scale farming to my home State of Vermont, and I do not believe that CERCLA is well suited, or was ever intended, to apply to the normal operations on Vermont-scale farms.

I am here today with my colleague from California, Senator Barbara Boxer, who will be taking over the helm of the Senate Environment and Public Works Committee. I know that the committee will be in good hands.

I have written to Senator BOXER and asked her to consider an alternative approach that I have put together on this issue of animal manure and CERCLA during the Committee's deliberations on this issue in the 110th Congress. This proposal takes steps to equalize the playing field between smaller, Vermont-scale farms and large-scale agriculture. It would clarify that the normal application of fertilizer as described in the CERCLA statute includes the use of animal manure as fertilizer. I wrote to the EPA earlier this year asking them to take regulatory action for that purpose and they refused.

The proposal does not change the existing provision in CERCLA, which provides that Federal permitholders, when they are in compliance with their permit, are not subject to CERCLA litigation. Existing law ensures that larger animal feeding operations that will be required to hold Clean Water Act permits and are more likely to have significant waste streams should be protected from CERCLA litigation as long as they are in compliance with the terms of their permit. My legislation takes steps to provide similar assurances to smaller, Vermont-scale farms that are generally not required to hold Clean Water Act permits. It provides that an independent, third-party certification that a farm has applied fertilizer to land in a manner that is in compliance with its nutrient management plan would serve as evidence for an affirmative defense in the unlikely event that a CERCLA lawsuit would be filed against a small, Vermont-scale farm. I offer this extra assurance, even though there is no record of farms of this scale having been sued under CERCLA, and even though such a lawsuit is an unlikely event given the amount of material being handled at these small facilities and the structure of CERCLA, which is designed to address major waste streams. Federal Officials and Environmental advocates understand, I think, that resorting to a Superfund lawsuit to gain compliance from a small farm would be like using a sledge hammer to open a walnut.

Some have asked me: What does that actually get you? The independent third-party certification offered as evidence during the course of any civil or administrative proceeding would support the fact that the facility properly used or applied animal manure to land in compliance with its nutrient management plan. This presumption of fact could only be overcome by contradictory evidence. I believe that the establishment of this affirmative defense will protect Vermont small-scale farmers from CERCLA litigation.

Mr. President, I will not be here in the next Congress to help my colleagues find a way forward on this issue. I offer this idea as a starting point in the debate after much discussion with Vermonters, farmers, environmentalists, and legal and policy experts. We are all seeking the silver bullet that will help to maintain the American tradition of the small, family farm and allow us to make forward progress on the persistent problem of nonpoint source pollution. This idea is my vision of how we can overcome this latest hurdle in our efforts to effectively deal with nonpoint source pollution and hopefully bridge the gap between two of my passions—sustainable, Vermont-scale agriculture, and environmental progress.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IRAN CONFERENCE RESOLUTION

● Mr. LAUTENBERG. Mr. President, next week the Iranian Government and its President, Mahmud Ahmadi-Nejad, will convene a 2-day conference in Tehran on the Holocaust.

The Iranians say their conference will bring together the vast array of "opinions" on the Holocaust. Allegedly more than 60 so-called scholars from 30 countries will participate.

I can only imagine the hatred that will be on display.

It is no secret that President Ahmadi-Nejad has a long history of distortion of the truth and hatred for the Jewish people. It is also shocking that he has called for the destruction of the sovereign, democratic State of Israel.

But what is so revolting is how casually he tries to alter history and the memory of those who perished at the hands of the Nazis.

To make matters worse, Iran is holding this conference on International Human Rights Day

Last year at an Islamic conference in Saudi Arabia, the Iranian President told reporters that the Holocaust had been used as a tool of propaganda, stating that the scale of the Holocaust had been exaggerated. He also sent a 3,000-word letter to German Chancellor, Angela Merkel, outlining his arguments.

Now, the Iranians are trying to assure the world that this conference will be free of anti-Semitism and that it will explore views of "both sides." Both sides? It is clear that denial is one of the sides.

The Holocaust is an undeniable fact of history, and the upcoming conference will serve only to perpetuate intolerance. Eleven million people in total, including six million Jews, were viciously murdered in Nazi death camps. No one living in the rational world denies this fact.

The Iranian President has a clear track record of poisonous hatred. He has stated that "Israel must be wiped off the map." He also said "Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

Mr. President, I am pleased that the Senate is poised to take up and adopt a resolution that I have drafted—along with Senators BIDEN and CLINTON—that condemns the Iranians and this sham conference. It is important that the Senate go on record condemning this hate and intolerance.●

HOLD ON THE NOMINATION OF LEON R. SEQUEIRA

Mr. SALAZAR. Mr. President, I rise to share my serious concern about the implementation of the Energy Employees Occupational Illness Compensation Program Act, EEOICPA. Because of the gravity of my concerns, I have placed a hold on a nomination currently pending before this body—the nomination of Leon R. Sequeira to be Assistant Secretary for Policy at the Department of Labor.

I harbor no ill will toward Mr. Sequeira. But I am furious with the foot-dragging, the obstruction, and the neglect that have characterized the administration's approach toward American citizens who took real risks for our country during the cold war, who are suffering now, and who need and deserve help.

It is my understanding that Mr. Sequeira's role will be to advise the Department of Labor Secretary Elaine Chao on policy development and program implementation. It is my hope that I can work through my numerous concerns with the Department of Labor and the Department of Health and Human Services.

The EEOICPA Program is supposed to compensate the thousands of cold war veterans who worked for our country's nuclear weapons programs. Together, these Federal agencies are responsible for administering the EEOICPA Program. Both agencies also play significant roles in the special exposure cohort SEC petition process.

As Congressman JOHN HOSTETTLER pointed out earlier this week, the SEC petition process was designed to provide a mechanism for workers to be given relief from government that "frequently misled them about the hazards they were facing and failed to properly monitor their exposure." Among the workers who face just such a situation were the Americans who worked at Rocky Flats in my State of Colorado.

Many of these individuals, who knowingly risked their own safety to protect our democracy, have suffered from painful and debilitating diseases, including cancer, and many have died as a result of their brave service. Like Department of Labor Secretary Elaine Chao, I would hope that their Government could provide some measure of justice to these patriots. She has stated that, "My concern is that we take care of men and women who were harmed as a result of loyal service to their country. It is my hope that this program will repay them in some small way for all they've lost."

Unfortunately, this program is repaying them with bureaucratic delays and a deck stacked against them. I believe our Government is failing to fulfill the promise and intent of the EEOICPA Program.

In Colorado, many people who worked at Rocky Flats were exposed to beryllium, radiation, and other hazards that have led to cancer and death. They filed a special exposure cohort petition over 17 months ago to receive compensation. Their petition has been delayed and obstructed at various levels and by several agencies. We have been waiting for the administration to take action to ensure that the composition of the Advisory Board on Radiation and Worker Health is adjusted so that it will more fairly examine workers' claims, but the administration has failed to act. Sadly, I fear that, to a great extent, these actions are the result of conscious decisions by certain agency officials.

Since the Department of Labor's mission is to foster and promote the welfare of American workers, I hoped to work with the Department to ensure that the quiet heroes of the Rocky Flats petition were compensated. However, I have struggled to find common ground, and for some of these workers, time is running out. Moreover, hearings held by the House Judiciary Committee have left me with serious questions regarding their efforts to undermine the Rocky Flats and other SEC petitions in the name of cost containment and other shameful actions.

I hope to discuss these questions with Mr. Sequeira and other administration officials and to get some firm commitments about cleaning up this process, moving forward fairly, and getting the Rocky Flats petition approved. Until then, I cannot in good faith allow this nomination to proceed.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2006

Mr. DORGAN. Mr. President, earlier today I spoke on the Senate floor about the need to pass the Indian Health Care Improvement Reauthorization bill. My colleagues, Senator McCAIN and Senator ENZI, have worked long and hard over the past several weeks to address the many objections that have been raised by the Department of Justice and the Department of Health and Human Services.

Those negotiations have brought clarity to the positions of the administration and have helped to define how legislation can best address the health crisis in Indian country. In an effort to memorialize those discussions, I am joining Senators McCAIN and ENZI in cosponsoring the Indian Health Care Improvement Act Amendments of 2006. The bill being introduced tonight reflects, to a significant extent, the bill that the Senate Committee on Indian Affairs approved in October 2005. It also reflects the many hours of negotiations and meetings with the administration, the Indian Affairs Committee, the Finance Committee, and the Health, Education, Labor and Pensions Committee. In spite of the dedication of all those involved, however, the bill reflects progress but not perfection.

I have talked to the tribal leaders who are advocates for Indian health care improvements about this bill. They, too, are pleased that we have made some progress. But they, too, feel there have been too many compromises and we must begin with a fresh view of how to improve the health care of American Indians and Alaska Natives.

When the 110th Congress convenes in January, I intend to work with Indian Country and my colleagues in the Senate and in the House to produce a bill that will put solutions for Indian people front and center. We have spent far too much time these past 8 years focusing on legalistic issues rather than on human needs. I thank Senator McCAIN and Senator ENZI for their leadership in bringing us to this important juncture and I look forward to working with them over the next 2 years to reauthorize the Indian Health Care Improvement Act.

INTERNAL REVENUE SERVICE PRIVATE DEBT COLLECTION PROGRAM

Mr. BAUCUS. The American Jobs Creation Act of 2004 authorized the IRS to hire private debt collection agencies to collect delinquent taxes. An IRS pilot program was initiated this year, and the IRS expects to expand the program in early 2007.

It is important that the program be administered by the IRS in a fair and responsible manner. Senator NELSON has proposed legislation, already unanimously passed by the Senate, which would ensure 10 percent of the employees assigned to the IRS contract by the private agencies are persons with disabilities. This will not affect the ability of the private contractors to collect delinquent taxes, but it will greatly affect the ability of persons with disabilities to find gainful employment that will promote their independence and well-being.

I commend Senator NELSON for his commitment to improve the quality of life for persons with disabilities. I pledge to work with both of my good friends, Senator NELSON and Senator GRASSLEY, in the next session of Congress to support his efforts.

Mr. NELSON of Nebraska. I thank my good friend, Senator BAUCUS.

As my colleague knows, this legislation passed the Senate unanimously in November 2005 but unfortunately failed to be included in a conference report. It will create meaningful employment for persons with disabilities and disabled veterans in the field of third-party debt collection.

Especially with the large numbers of returning disabled veterans, employment opportunities are urgently needed. Generally, the employment opportunities for persons with disabilities are not great—1 in 10 Americans has a disability and the rate of unemployment is 70 to 80 percent. These private debt collection jobs are essentially highly paid call center jobs with annual incomes averaging $40,000 and often come with good health benefits and 401(k) plans.

This legislation is necessary since in letters and conversations with the Department of Treasury and Internal Revenue Service they have stated that under existing GSA rules, they cannot set a specific number of awards aside for contractors employing significant numbers of persons with disabilities. My understanding is the GSA currently allows a preference for a business that is owned by a disabled veteran, but it does not also allow a preference for a business that employs several persons with disabilities. This is an oversight which needs to be corrected.

This legislation is supported by the Disabled American Veterans, the American Legion, the American Legion Auxiliary, the American Association of People With Disabilities, the Veterans of Foreign Wars, and the Paralyzed Veterans of America.

Mr. BAUCUS. I support Senator NELSON's efforts to create opportunities that will employ persons with disabilities and am hopeful that these efforts can be in place before the IRS issues the next Request for Quotes in March 2007. I look forward to working with my colleagues and with the relevant agencies on this important matter.

Mr. NELSON of Nebraska. I thank my colleague and good friend from Montana for his commitment to such an important effort.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 62, 63, 407, 670, 783, 900, 901, 904. 1000, 1001, 1002, 1003, 1004, 1005 through 1008, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and all nominations on the Secretary's desk.

I further ask consent that the following committees be discharged from further consideration of listed nominations and the Senate proceed to their consideration en bloc:

Judiciary Committee, Rachel Paulose PN1905; Homeland Security and Governmental Affairs, Paul Schneider PN2127; Foreign Relations, Dianne Moss PN1846, foreign service promotion lists PN 2097, PN 2130, and PN 2085.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask continued unanimous consent for the Commerce Committee, Steven Chealander PN2062; Charles Dorkey III, PN2112; Rear Admiral Coogan PN 2086; Raymond Slagle PN 2093; NOAA promotion list, PN2094, Gregg Versaw, PN2131; Coast Guard promotion list 2154; Coast Guard officer list, PN2185; Agriculture Committee, Mark Keenum, PN2110 and PN 2109; Leland Strom, PN1864; the following nominations from the HELP Committee with PN numbers as designated: PN2126, PN2095, PN2096, PN2084, PN2165, PN2166, PN1762, PN1921, PN1732, PN2119, PN2120, PN2121, PN2122, PN2123, PN 2124, PN1904, which is then to be referred to the Homeland Security and Governmental Affairs Committee; further, that the Homeland Security Committee then immediately be discharged from further consideration of PN1904. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

MORRIS K. UDALL SCHOLORSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008. (Reappointment)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Michael Butler, of Tennessee, to be a Member of the board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Kimberly Terese Nelson.

NATIONAL MEDIATION BOARD

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008. (Reappointment)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Stephen M. Prescott, of Oklahoma, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation four a term expiring October 6, 2010. (Reappointment)

DEPARTMENT OF COMMERCE

John M. R. Kneuer, of New Jersey, to be Assistant Secretary of Commerce for Communications and Information.

UNITED STATES POSTAL SERVICE

James H. Bilbray, of Nevada, to be a Governor of the United States Postal Service for a term expiring December 8, 2015. (Reappointment)

Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011.

POSTAL RATE COMMISSION

Dan Gregory Blair, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2012.

THE JUDICIARY

Margaret A. Ryan, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Scott Wallace Stucky, of Maryland, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12, 12203:

To be brigadier general

Col. Thomas G. Sellars, 7334

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Donald C. Leins, 4652

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

To be major general

BRIGADIER GENERAL ROBERT T. BRAY, 7857
BRIGADIER GENERAL RAYMOND W. CARPENTER,
BRIGADIER GENERAL HUNTINGTON B. DOWNER, JR.,
BRIGADIER GENERAL JAMES W. NUTTALL, 3643
BRIGADIER GENERAL DARREN G. OWENS, 5600
BRIGADIER GENERAL JAMES I. PYLANT, 3241
BRIGADIER GENERAL STEVEN D. SAUNDERS, 3328
BRIGADIER GENERAL RANDAL E. THOMAS, 9772
BRIGADIER GENERAL PATRICK D. WILSON, 7162

To be brigadier general

COLONEL ROMA J. AMUNDSON, 8996
COLONEL VIRGINIA G. BARHAM, 8962
COLONEL ROLAND L. CANDEE, 1266
COLONEL ALLEN M. HARRELL, 4270
COLONEL JAMES A. HOYER, 3413
COLONEL STEVEN P. HUBER, 6817
COLONEL RONALD W. HUFF, 0594
COLONEL DAVID F. IRWIN, 3872
COLONEL SCOTT W. JOHNSON, 1707
COLONEL THEODORE D. JOHNSON, 0232
COLONEL JEFFERY D. KINARD, 7057
COLONEL SCOTT D. LEGWOLD, 0857
COLONEL WALTER E. LIPPINCOTT, 1188
COLONEL WILLIAM M. MALOAN, 7701
COLONEL RANDALL R. MARCHI, 4272
COLONEL CRUZ M. MEDINA, 7127
COLONEL RICHARD S. MILLER, 8966
COLONEL STUART C. PIKE, 0954
COLONEL DANNY K. SPEIGNER, 8891
COLONEL STANLEY M. STRICKLEN, 0565
COLONEL MARGARET S. WASHBURN, 9021
COLONEL TONY N. WINGO, 6298

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD, 1564

SMALL BUSINESS ADMINISTRATION

Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Diane Humetewa, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2012.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2012.

DEPARTMENT OF THE TREASURY

Paul Cherecwich, Jr., of Utah, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

Deorah L. Wince-Smith, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

SOCIAL SECURITY ADMINISTRATION

Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board for a term expiring September 30, 2008.

Mark J. Warshawshy, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

DEPARTMENT OF THE TREASURY

Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury.

Robert F. Hoyt, of Maryland, to be General Counsel for the Department of the Treasury.

Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2133 AIR FORCE nomination of Jeffrey C. Carstens, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2134 AIR FORCE nomination of Stephen R. Geringer, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2135 AIR FORCE nomination of Paul M. Roberts, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2155 AIR FORCE nominations (21) beginning NEVANNA I. KOICHEFF, and ending PERLITA K. TAM, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2186 AIR FORCE nominations (4) beginning JERZY J. CHACHAJ, and ending GREG GORDON, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

PN2187 AIR FORCE nominations (2) beginning NORMAN B. DIMOND, and ending MARK A. DEATON, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

IN THE ARMY

PN2136 ARMY nomination of Willie G. Barnes, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2138 ARMY nomination of Daniel P. McLemore, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2139 ARMY nominations (2) beginning JOSEF R. SMITH, and ending MICHAEL D. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2140 ARMY nominations (2) beginning ROBERT M. BLACKMON, and ending BRADLEY M. VOORHEES, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2141 ARMY nominations (2) beginning NICHOLAS C. BAKRIS, and ending ANDREW D. MAGNET, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2142 ARMY nominations (3) beginning DAVID E. GREEN, and ending MARTIN L. LADWIG, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2143 ARMY nominations (3) beginning Moon H. Lee, and ending PHILLIP C. ZINNI, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2144 ARMY nominations (7) beginning TERRELL W. BLANCHARD, and ending ROBERT L. VOGELSANG III, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2145 ARMY nomination of Victoria L. Smith, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2146 ARMY nomination of Ira S. Derrick, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2147 ARMY nomination of Joseph W. Brown, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2148 ARMY nomination of Rebecca L. Blankenship, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2149 ARMY nomination of Mark M. Kuba, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2150 ARMY nomination of Craig H. Rhyne Jr., which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2151 ARMY nominations (5) beginning LORRAINE T. BREEN, and ending THOMAS G. SUTLIVE, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2156 ARMY nominations (125) beginning DEBRA L. COHEN, and ending KYLE J. ZABLOCKI, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2157 ARMY nominations (17) beginning NORMAN F. ALLEN, and ending DARIA P. WOLLSCHLAEGER, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2158-1 ARMY nominations (632) beginning MICHAEL R. ABERLE, and ending MARC L. ZUFFA, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2159 ARMY nominations (31) beginning ROBIN B. ALLEN, and ending ARTHUR D. WELLMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2160 ARMY nominations (37) beginning JOHN G. ALVAREZ, and ending TRACY O. WYATT, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2161 ARMY nominations (18) beginning JEFFREY S. ASHLEY, and ending THOMAS G. WINTHROP, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2188 ARMY nomination of Shelly M. Taylor, which was received by the Senate and appeared in the Congressional Record of November 15, 2006.

PN2189 ARMY nominations (2) beginning OMAR L. HAMADA, and ending SETH W. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

IN THE NAVY

PN2152 NAVY nominations (6) beginning KIMBERLY S. EVANS, and ending JOHN E. LEE III, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2153 NAVY nomination of David J. Allen, which was received by the Senate and appeared in the Congressional Record of November 13, 2006.

PN2162 NAVY nominations (6) beginning HARRY T. WHELAN, and ending WILLIAM G. RHEA III, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2006.

PN2190 NAVY nominations (54) beginning KEITH T. ADKINS, and ending DORSEY WISOTSKI, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2006.

NOMINATION REFERENCE AND REPORT

Rachel K. Paulose, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Paul A. Schneider, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

Dianne I. Moss, of Colorado, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2007.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated. For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

James A. Jimenez, of Florida
Nathaniel Sekou Turner, of Maryland

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated: Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Thomas J. Brennan, of Missouri
Laura A. Gimenez, of California
Jane Kitson, of Maryland
Eric P. Olson, of Colorado

DEPARTMENT OF STATE

Jeffrey D. Adler, of Massachusetts
Katherine Arcieri, of New Jersey
Mark Ernest Azua, of Illinois
Kristin Helene Bahnsen, of the District of Columbia
Sherri Baker, of Virginia
Brian T. Bedell, of Wisconsin
Shannon D. Behaj, of Delaware
Lynette M. Behnke, of the District of Columbia
Daniel M. Bell III, of Virginia
Stephen Black, of New York
Caren A. Brown, of Arizona
Joel Todd Bullock, of Alabama
Daniel N. Callister, of Virginia
Angela Caulfield, of Virginia
Andrew Hun Choi, of Virginia
John Michael Coyle, of Virginia
Jonathan Joel Crawford, of Virginia
Patrick Everett Crunkleton, of Virginia
Jonathan M. Cullen, of Virginia
Valeri A Davies, of Virginia
Kimberly J. Deichert, of Ohio
Ainsley Yohann deSilva, of Virginia
Pradnya Pradhan Deshpande, of Virginia
Hester Kerksiek Dredge, of Texas
Eric Eilskov, of Texas
Aaron Feit, of Michigan
Emily S. Fertik, of Massachusetts
Patrick J. Fischer, of Pennsylvania
Ann Clementi Flynn, of California
Jillian Frumkin, of Virginia
Jane K. Gamble, of Washington
Leah George, of New York
Peter H. Gillette, of Virginia
Steven F. Grabowski, of Virginia
Kristi L. Gruizenga, of Michigan
Carrie A. Gryskiewicz, of Minnesota
Michael D. Guinan, of Virginia
Reva Gupta, of Maryland
Caroline Adair Hamilton, of Texas
Kenneth C. Han, of Virginia
Elizabeth E. Hanny, of Virginia
Alexander Hawkes, of California
Lynda J. Hinds, of California
Elizabeth M. Hoffman, of New York
John Thomas Ice, of Kentucky
Kenneth Wayne Jackman II, of the District of Columbia
Jennifer Marie Jaskel, of Virginia
Jennifer A. Jones, of California
Blaine Kaltman, of Florida
Daniel Seth Katz, of Washington
Julie L. Kelly, of Virginia
Brian E. Kennedy, of the District of Columbia

William E. Kirby, of Virginia
Karen E. Kirchgasser, of the District of Columbia
Shawn A. Kobb, of Virginia
Elizabeth A. Kolojek, of Ohio
Steven W. Koop, of Virginia
Diana L. Kramer, of the District of Columbia
Simon Kim Lee, of Virginia
Marion D. Leveskas, of Ohio
King San Lien, of Massachusetts
Alma London, of Virginia
Edward V. Marshall, of Virginia
Amir Masliyah, of California
Kimberly L. McClain, of Texas
Susan N. McFee, of New Jersey
McKenzie A. Milanowski, of Pennsylvania
Carolyn A. Mills, of Virginia
Vincent R. Moore, of South Carolina
Matthew J. Morrill, of Virginia
Adam D. Murray, of Michigan
Menaka M. Nayyar, of New York
Jaimee Macanas Neel, of Nevada
Mariana L. Neisuler, of Virginia
Richard C. Nicholson, of Florida
Aaron Adrian Nuutinen, of Texas
Angela Jane Palazzolo, of Virginia
Katrisa Bohne Peffley, of Minnesota
Kimberly G. Phelan, of California
Anthony V. Pirnot, of Pennsylvania
Jennifer L. Proulx, of Virginia
Steven M. Riches, of Tennessee
Dale M. Richter, of Virginia
Rene A. Rivera-Santiago, of Virginia
Silvana Del Valle Rodriguez, of the District of Columbia
Michael James Scharding, of the District of Columbia
Sarah Goldfeder Schmidt, of Maine
Erik J. Schnotala, of Illinois
Susan T. Serna, of Texas
Amit S. Sheth, of Virginia
Craig C. Shipley, of Virginia
Spencer Carryn Shipman, of Maryland
Scott M. Simpson, of Texas
Katherine Parks Skarsten, of Colorado
Virginia Lee Stern, of Illinois
Rachel M. Strein, of Virginia
Jennifer Skousen Sudweeks, of Virginia
Barbara R. Szczepaniak, of Florida
Marc Taranto, of Virginia
Jaime L. Teahen, of Virginia
Hamish B. Teasdale, of Virginia
James Tira, of New York
Danielle Marie Traylor, of the District of Columbia
Matthew E. Wall, of Alabama
Daniel Karl Walter, of Virginia
Mary Walz, of Washington
David Earl Williams, of North Carolina
Susan A. Wilson, of Virginia
Howell J. Winters, of Virginia
Mireille L. Zieseniss, of the District of Columbia

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated. For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Laurie Jeanne Meininger, of California

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Marshall C. Derks, of Virginia

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated: Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Heather Byrnes, of Alaska

DEPARTMENT OF STATE

Patrick M. Agents, of Virginia
James D. Applegate, of Michigan
Maha Angelina Armush, of Texas
Chuka Nnonso Asike, of Maryland
Jayshree Balasubramanian, of North Carolina
Jason J. Beck, of Utah
Richard Cleveland Blackwood, of Virginia
Patrick A. Bogue, of Virginia
Stephanie Elizabeth Boscaino, of Virginia
Jeffrey D. Bowan, of Washington
Thomas Scott Brown, of Washington
Christienne Carroll, of California
Jeffrey John Cary, of the District of Columbia
Michael G. Cathey, of California
James A. Catto, of South Carolina
Perry Yang Chen, of Virginia
Gabrielle Ann Collins, of the District of Columbia
William Evan Couch, of Alabama
Cornelius C. Cremin, of California
Chris Curran, of North Carolina
Roberto Custodio, of Florida
T.A. Dadisman III, of Virginia
Amy Elizabeth Dahm, of Texas
Gregory D'Alesandro, of Maryland
Mark S. Davies, of New Mexico
Joye L. Davis-Kirchner, of Missouri
Anne B. Debevoise, of California
Jaffar A. Diab, of Massachusetts
Christopher R. Dilworth, of Virginia
Diana P. Dragon, of Virginia
Theresa L. Dunn, of Virginia
Jason D. Evans, of Hawaii
David Fabrycky, of Virginia
Richard P. Feldman, of the District of Columbia
Richard A. Fisher, of Virginia
Kathleen Fox, of California
Elaine C. Glasenapp, of Virginia
Corey M. Gonzalez, of the District of Columbia
Veronika Grayless, of Virginia
George H. Green, of Virginia
Paula Greenlee, of Virginia
Grant S. Guthrie, of California
Andrew S. Hamrick, of Georgia
Carolyn F. Handy, of Virginia
Alison C. Hannah, of Massachusetts
Adam J. Hantman, of Maryland
Sara Ruth Harriger, of Alaska
Natalie A. Henry, of Virginia
Ralan Lucas Hill, of California
Alice Ladene Holder, of California
Barbara A. Holston, of Virginia
James W. Holtsnider, of Colorado
Aaron D. Honn, of Texas
Ludovic Hood, of the District of Columbia
Erika Lorel Hosking, of Virginia
Elizabeth J. Howard, of Maryland
William P. Humnicky, of California
Brett T. Hunt, of Arizona
Stephanie J. Hutchison, of Massachusetts
Samuel Hyon, of Maryland
Larry M. Jackson, of Virginia
John Clark Jacobs, of Texas
Amanda Schrader Jacobsen, of Washington
Charles L. Jarrett III, of Tennessee
Kim H. Jordan, of California
Hormazd J. Kanga, of Kentucky
Audra A. Keagle, of Virginia
Tammy Crittenden Kenyatta, of Virginia
Amy D. Kuehl, of Virginia
D. Kristian Kvols, of Florida
Denise D. Lamoureux, of Virginia
Lawrence Paul Lane, of California
Lola A. Lecerf, of Virginia
Irma M. Lopez, of Virginia
Diana Lynch, of Maryland
Felicia D. Lynch, of Florida
Darrin William Stuart MacKinnon, of Virginia
Brent Aaron Maier, of Texas
Meredith Maneri, of New Jersey
Mika McBride, of Texas
Margaret M. McLaughlin, of the District of Columbia
Matthew C. McNeil, of Ohio
Joel Mendez, of Alabama
Joshua J. Miller, of Virginia
Karen N. Mims, of Pennsylvania
Judith H. Monson, of New York
Kelly E. Murnane, of Virginia
Roshni Mona Nirody, of New Jersey
Leslie Silvia Nunez, of Florida
Daniel Onstad, of the District of Columbia
Juan Carlos Ospina, of Florida
Ronald D. Owles, of Florida
Nick Parikh, of Washington
Rebecca Suzanne Phelps, of Michigan
Laura Eloise Pyeatt, of Tennessee
Neveen N. Ramirez, of New Jersey
Benjamin Nelson Reames, of Texas
Justin Elbert Reynolds, of Iowa
David J. Roehn, of Virginia
George G. Sarmiento, of Texas
Julia Reid Schiff, of Ohio
Ashley M. Scholl, of Ohio
Melissa Schubert, of Missouri
Vera B. Searles, of Maryland
Annie M. Simpkins, of Florida
Adam L. Smith, of Utah
Heidi E. Smith, of Michigan
Marc Alan Snider, of Illinois
Peter Ricardo Solano, of Minnesota
Adrienne Beck Taylor, of Virginia
Eric L. Thornton, of the District of Columbia
Hunter Treseder, of California
William Fay von Zagorski, of Virginia
Lillian Catherine Wahl-Tuco, of New Hampshire
Chanin T. Webb, of Virginia
William Stephen Wells, of the District of Columbia
Gary W. Westfall, of Florida
Matthew Wright, of Texas
Chadwick Jackson Wykle, of West Virginia
Hansang Yi, of California
Sovandara Yin, of Oregon
Madelina M. Young, of New York
Melissa S. Zadnik, of Pennsylvania

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister.

William R. Brownfield, of Texas
Katherine H. Canavan, of California
Christopher Robert Hill, of Rhode Island
Cameron R. Hume, of Connecticut
George McDade Staples, of Kentucky

Career Members of the Senior Foreign Service of the United States of America, Class of Minister Counselor:

Elizabeth Jamieson Agnew, of Virginia
Edward M. Alford, of Virginia
Peter K. Augustine, of Texas
Clyde Bishop, of Pennsylvania
Michele Thoren Bond, of New Jersey
Gayleatha Beatrice Brown, of the District of Columbia
David M. Buss, of Texas
Martha Larzelere Campbell, of New Hampshire
Judith Ann Chammas, of Virginia
Thomas More Countryman, of Washington
Barbara Cecelia Cummings, of Illinois
Elizabeth Link Dibble, of Virginia

Rosemary Anne DiCarlo, of the District of Columbia
Larry Miles Dinger, of Virginia
Janice J. Fedak, of Pennsylvania
Gerald Michael Feierstein, of Virginia
Jeffrey David Feltman, of California
Alberto M. Fernandez, of Virginia
Judith G. Garber, of California
Robert F. Godec, Jr., of Virginia
Llewellyn H. Hedgbeth, of California
James Thomas Heg, of Washington
Paul Wayne Jones, of New York
Sandra Lynn Kaiser, of Washington
Hans George Klemm, of Indiana
Thomas Charles Krajeski, of Virginia
Charlene Rae Lamb, of Florida
An Thanh Le, of the District of Columbia
Jeffrey David Levine, of California
Patrick Joseph Linehan, of Connecticut
Mary Bland Marshall, of Virginia
Terence Patrick McCulley, of Oregon
Kevin Cort Milas, of California
Patrick S. Moon, of Maryland
James Robert Moore, of Florida
Dan W. Mozena, of Maryland
Adrienne S. O'Neal, of Maryland
Phyllis Marie Powers, of Texas
Christopher R. Riche, of Virginia
Thomas Bolling Robertson, of Virginia
Josie Shumake, of Mississippi
Madelyn Elizabeth Spirnak, of the District of Columbia
Steven C. Taylor, of Alaska
Linda Thomas-Greenfield, of Louisiana
Thomas Joseph Tiernan, of Illinois
Mark A. Tokola, of Washington
Paul A. Trivelli, of Connecticut

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Cynthia Helen Akuetteh, of Maryland
Raymond R. Baca, of Florida
Christopher J. Beede, of Virginia
Jennifer V. Bonner, of Virginia
Michael J. Boyle, of Wyoming
Roberto Gonzales Brady, of California
Ann Kathleen Breiter, of California
Peter Meier Brennan, of Oregon
Fletcher Martin Burton, of Tennessee
Duane Clemens Butcher, Jr., of California
Lawrence N. Corwin, of Texas
Christopher Richard Davis, of Virginia
Kimberly J. DeBlauw, of Missouri
D. Purnell Deily, of Virginia
Marc Langley Desjardins, of Virginia
Evelyn Aleene Early, of Texas
Joseph Adam Ereli, of the District of Columbia
John D. Feeley, of New York
Zandra I. Flemister, of Maryland
Paul A. Folmsbee, of Texas
Alfred F. Fonteneau, of Texas
Thomas R. Genton, of New Jersey
Tatiana Catherine GfoellerVolkoff, of the District of Columbia
David R. Gilmour, of Texas
Brian L. Goldbeck, of Nevada
Douglas C. Greene, of Virginia
Douglas M. Griffiths, of Texas
Kenneth E. Gross, Jr., of Virginia
Sheila S. Gwaltney, of California
Richard Dale Haynes, of Virginia
Christopher J. Hoh, of Pennsylvania
Martin P. Hohe, of Florida
Mary Virginia Jeffers, of Maryland
Sylvia Dolores Johnson, of South Carolina
Mark Raymond Kennon, of Virginia
James Alcorn Knight, of New York
Leonard James Korycki, of Washington
Barbara Anne Leaf, of Virginia
Michelle Rabayda Logsdon, of Florida
Sharon E. Ludan, of Virginia
Robert Sanford Luke, of Florida
Deborah Ruth Malac, of Virginia
Theodore Albert Mann, of New York
Dundas C. McCullough, of Virginia
Raymond Gerard McGrath, of Virginia
Kenneth Alan Messner, of Oregon
Anthony C. Newton, of Virginia
Harry John O'Hara, of Texas
John Olson, of California
Andrew W. Oltyan, of Texas
Andrew A. Passen, of Pennsylvania
Mark A. Pekala, of the District of Columbia
Michael P. Pelletier, of Maine
Marjorie R. Phillips, of Virginia
Geoffrey R. Pyatt, of California
Pamela G. Quanrud, of Virginia
Eric Seth Rubin, of New York
Daniel H. Rubinstein, of California
Robert Joel Silverman, of California
Robin Angela Smith, of the District of Columbia
Michael A. Spangler, of Maryland
Andrew Walter Steinfeld, of New Jersey
Karl Stoltz, of Virginia
Mark Charles Storella, of New Hampshire
Paul Randall Sutphin, of Virginia
Mary Thompson-Jones, of Virginia
Michael Embach Thurston, of Washington
William Weinstein, of California
Robert Earl Whitehead, of California
Rebecca Ruth Winchester, of Virginia
Dean B. Wooden, of the District of Columbia
Steven Edward Zate, of Florida

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Wayne B. Ashberry, of Virginia
Cynthia Anne Borys, of Maryland
Dan Blane Christenson, of Washington
Eduardo R. Gaarder, of Virginia
Jerry Duane Helmick, of Florida
Kenneth J. Hoeft, of Michigan
Raymond W. Horning, of Missouri
Todd M. Keil, of Wisconsin
Stephen J. Klein, of Virginia
Brian R. Majewski, of Virginia
Georges F. McCormick, of California
Earl R. Miller, of Virginia
Peter J. Molberg, of Missouri
Edgar P. Moreno, of Florida
James C. Norton, of Michigan
Thomas J. Quinzio, of Virginia
Douglas P. Quiram, of California
Nancy C. Rolph-O'Donnell, of Virginia
Larry Dean Salmon, of Missouri
Anne M. Saloom, of Virginia
Gentry O. Smith, of Virginia
Stephen F. Smith, of Virginia
William J. Swift, of Wisconsin
John L. Whitney, of Tennessee
David M. Yeutter, of California

Steven R. Chealander, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2007.

Charles E. Dorkey III, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

The following named officer for appointment as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

Rear Adm. (select) Cynthia A. Coogan, 3505

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be captain

Raymond C. Slagle

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration:

To be ensign

Caryn M. Arnold
Matthew T. Burton
James T. Falkner
Mark K. Frydrych
Justin T. Keesee
Jennifer L. King
Benjamin M. Lacour
Chad M. Meckley
Megan A. Nadeau
Carl G. Rhodes
Christopher S. Skapin
Joshua J. Slater
Timothy M. Smith
Ryan C. Wattam
Marc E. Weekley
Phoebe A. Woodworth

The following named individual for appointment as a permanent commissioned regular officer in the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 211:

To be lieutenant

Greg E. Versaw, 4675

The following named officers for appointment to the grade indicated in the United States Coast Guard under Title 14, U.S.C., Section 271:

To be lieutenant commander

Ricardo M. Alonso, 7495
Dirk N. Ames, 0671
Thomas B. Bailey, 3975
Agustus J. Bannan, 7942
Matthew P. Barker, 7721
Che J. Barnes, 9478
Ian A. Bastek, 6432
Michael W. Batchelder, 1032
Michael E. Bennett, 7473
Adam G. Bentley, 4815
Kenneth E. Blair, 5281
Amy L. Bloyd, 0925
Jed R. Boba, 0390
Kenneth J. Boda, 7374
Scott G. Borgerson, 6887
Camilla B. Bosanquet, 4089
Donald C. Boyer, 3303
David L. Bradley, 0876
Randy L. Bradley, 3577
Nelson J. Brandt, 0536
Matthew T. Brown, 0010
James W. Bunn, 1575
Joann F. Burdian, 0419
Karen S. Cagle, 1410
Richard F. Calvert, 3568
Andrew T. Campen, 9378
Michael J. Capelli, 6935
Willie L. Carmichael, 5750
Scott S. Casad, 6112
Rene X. Casarez, 3287
Christopher R. Cederholm, 1642
John R. Cole, 8648
Teali G. Coley, 9705
Robert C. Compher, 4186
Daniel A. Connolly, 0615
Chad W. Cooper, 0820
Nathan E. Coulter, 9371
Gregory L. Crettol, 9985
Cornelius E. Cummings, 7200
Shawn E. Decker, 9987
Michael E. Delury, 1786
John T. Dewey, 9865
Steven J. Dohman, 8130
Jeffrey T. Dolan, 6021
Keith M. Donohue, 2298
Eric D. Drey, 0934
Jerome E. Dubay, 9236

Brent N. Durbin, 5071
Reino G. Ecklord, 3471
Arthur J. Edwards, 1325
Damon C. Edwards, 6153
Jeffrey Eldridge, 6504
Rahshaan Engrum, 2215
Janet D. Espinoyoung, 3395
Matthew R. Farnen, 8256
Francesann B. Fazio, 6858
Sarah K. Felger, 8522
Christine Fern, 6850
Kevin B. Ferrie, 4970
Jason B. Flennoy, 2558
Ted R. Fowles, 1609
Joseph Franklin, 7744
Michael E. Frawley, 1743
Christopher R. Friese, 5544
Glenn J. Galman, 2580
Pamela P. Garcia, 0163
Robert G. Gardali, 3939
Christofer L. German, 0014
Tanya L. Giles, 9961
Petre S. Gilliam, 1007
Errol M. Glenn, 1447
Michael J. Goldschmidt, 6712
David V. Gomez, 2386
Richard Gonzalez, 7415
Michael D. Good, 7990
Hans C. Govertsen, 7831
Robert T. Griffin, 0681
Charles M. Guerrero, 0103
Fay J. Guerrero, 7332
Tim A. Gunter, 1157
Robert E. Hart, 3789
Heath A. Hartley, 9814
James F. Hedrick, 6416
Jonathan N. Hellberg, 6376
John Hennigan, 6500
Scott C. Herman, 5180
Michael L. Herring, 9601
Anna W. Hickey, 9731
Darren A. Hopper, 5218
Christy L. Howard, 8757
Christopher M. Huberty, 0465
Joel A. Huggins, 2805
Christopher J. Hulser, 9071
Tangela F. Hummons, 5914
Austin R. Ives, 9201
David M. Johnston, 6464
Daniel C. Jones, 1524
Peter B. Jones, 6349
Jonathan P. Jorgensen, 8564
Warren D. Judge, 3435
Kerry G. Karwan, 3708
Sean R. Katz, 2683
Jared E. King, 0917
Lonnie T. Kishiyama, 8941
Bradley J. Klimek, 8194
Brian G. Knapp, 4393
Michael S. Krause, 0052
Charles F. Kuebler, 7051
Kurt R. Kupersmith, 1711
Ken Kusano, 4759
Paul E. Lafond, 5506
Andrew A. Lawrence, 0120
Erin M. Ledford, 1159
Christian A. Lee, 9075
Brian J. Lefebvre, 5145
Jacqueline M. Leverich, 3736
Andrew H. Light, 4575
Lexia M. Littlejohn, 1594
Chad A. Long, 3832
Kevin P. Lynn, 9919
Simon A. Maple, 5364
Eric D. Masson, 3319
Joseph S. Masterson, 6036
Heather A. McCafferty, 7064
John F. McCarthy, 9783
Rudy S. McGwin, 6195
Emily S. Mcintyre, 8011
Christopher A. McMunn, 6249
Elizabeth A. McNamara, 1291
Michael J. Mcneil, 1363
Randy F. Meador, 1890
Jose E. Medina, 7528
Dwayne L. Meekins, 0000
Matthew W. Merriman, 8767
Andrew D. Meverden, 4039
Timothy G. Meyers, 3912
Todd S. Mikolop, 1485
Kenneth V. Mills, 1238
Richard W. Minnich, 0824
Marcus A. Mitchell, 1514
Kirk W. Montgomery, 0002
Donald P. Montoro, 5297
Alan H. Moore, 1084
Ellis H. Moose, 6371
Anne M. Morrissey, 8186
Kenneth T. Nagie, 8610
John A. Natale, 6981
David R. Neel, 0838
Kenneth E. Nelson, 4761
Craig D. Neubecker, 8881
Douglas D. Norstrom, 5552
David J. Obermeier, 5889
Sean J. Obrien, 0493
Timothy K. Obrien, 1845
Rebecca E. Ore, 7818
Anthony K. Palmer, 3287
Luis C. Parrales, 9955
Timothy A. Pasek, 8674
Scott W. Peabody, 8498
Luke A. Perciak, 6793
Patrick F. Peschka, 6973
Justin D. Peters, 0202
Sandra J. Peterson, 4268
Douglas C. Petrusa, 1790
Harper L. Phillips, 1563
Tracy O. Phillips, 2146
Scott S. Phy, 3813
Frank A. Pierce, 2682
Keith J. Pierre, 9860
Shannon M. Pitts, 7723
Edward H. Pomer, 4396
Jeffrey M. Potensky, 8304
Alisa L. Praskovich, 0498
Paul T. Priebe, 7096
Steven E. Ramassini, 8865
Joshua T. Ramey, 6342
Jacob J. Ramos, 7432
Jason H. Ramsdell, 3851
Travis J. Rasmussen, 3924
Eric A. Reeter, 9930
James P. Reid, 5148
Sean P. Roche, 6922
Rodrigo G. Rojas, 8468
Christopher A. Rose, 5768
Constance F. Ruckstuhl, 1123
Matthew A. Rudick, 2156
Belinda C. Savage, 3322
David J. Schell, 7756
Clint B. Schlegel, 8948
Gregory J. Schultz, 5967
Anita M. Scott, 0941
Holly L. Shaffner, 8076
David M. Sherry, 1674
Daniel J. Silvestro, 1854
Jennifer L. Sinclair, 1980
Loring A. Small, 0927
Derek L. Smith, 7909
Eric A. Smith, 9060
Shad S. Soldano, 6909
James W. Spitler, 2704
Douglas K. Stark, 6325
John M. Stone, 6486
Benjamin F. Strickland, 5020
Dennis R. Svatos, 5495
Vasilios Tasikas, 7207
Romualdus M. TenBerge Jr, 0399
Bradley K. Terrill, 2760
James P. Thompson, 5087
Solomon C. Thompson, 6952
Russell R. Torgerson, 5388
Andre P. Towner, 8486
Terry A. Trexler, 9120
Christopher A. Tribolet, 8398
Clinton A. Trocchio, 7016
Michael A. Turdo, 2791
Bryan J. Ullmer, 4745
Tina J. Urban, 8545
James A. Valentine, 9573
Daniel W. Vanbuskirk, 7914
Eva J. Vancamp, 7031
Steven P. Walsh, 6128
Wilborne E. Watson, 5625
Tyson S. Weinert, 6953
Brenda M. White, 0347
Diana J. Wickman, 3451
Molly A. Wike, 4555
Nathaniel R. Williams, 9508
Solomon J. Williams, 9148
Tarik L. Williams, 0466
Kevin M. Wilson, 2487
John W. Winter, 3321
Andrew J. Wright, 0502

The following named officers for appointment to the grade indicated in the United States Coast Guard Reserve under title 10, U.S.C., section 12203(a):

To be captain

Andrea L. Contratto, 2593
Stephen B. Nye, 0203

Mark Everett Keenum, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice J. B. Penn.

Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring October 13, 2012.

Terry L. Cline, of Oklahoma, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

The following candidates for personnel action in the regular component of the Public Health Service subject to qualifications therefore as provided by law and regulations:

To be assistant surgeon

Christopher J. Bengson
Samuel A. McArthur
Chayanin Musikasinthorn

The following candidate for personnel action in the regular component of the Public Health Service subject to qualifications therefore as provided by law and regulations: 1. For appointment:

To be assistant surgeon

Leah Hill

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years. (Reappointment)

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2007, vice Edward J. Fitzmaurice, Jr., term expired.

Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2010. (Reappointment)

Blanca E. Enriquez, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009. (Reappointment)

Sara Alicia Tucker, of California, to be Under Secretary of Education, vice Edward R. McPherson, resigned.

John Peyton, of Florida, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011, vice Patrick Lloyd McCrory, term expired.

William Francis Price, Jr., of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

Robert Bretley Lott, of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Teresa Lozano Long, term expired.

Charlotte P. Kessler, of Ohio, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Katharine DeWitt, term expired.

Joan Israelite, of Missouri, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Don v. Cogman, term expired.

Benjamin Donenberg, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Maribeth McGinely, term expired.

Foreststorn Hamilton, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2012, vice Mary Costa, term expired.

Gerald Walpin, of New York, to be Inspector General, Corporation for National and Community Service, vice J. Russell George.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORGANZA TO THE GULF

Ms. LANDRIEU. Mr. President, I know it is very late and everybody is working hard to finish up. We have accomplished a great deal today. But I wanted to come to the floor while the majority leader was here to explain that there is one small but important project called Morganza to the Gulf that the House of Representatives sent over to us about 2 hours ago. It is a scaled-back version, but the reason I am going to stay here until we are able to work this out is because this has been approved by the subcommittee chair on the Republican side, the chair on the Republican side, the subcommittee chair on the Democratic side, and the chair on the Democratic side. This project, Mr. Majority leader, is the only project in the entire WRDA bill—in the entire bill that I am aware of—that was authorized in the last WRDA bill, but because of a technical error, it was left out. It was authorized, not in this WRDA bill—well it is, but in two, the last and this one. So it is because WRDA, of course, collapsed—and it is a very important bill; I have literally billions of dollars of other projects in the WRDA bill—that I am not asking to move forward because it would not be fair for me to ask to move mine forward because no one else is getting theirs. But this project has been signed off by Chairman INHOFE, by Senator BOND, and Senator BOXER because they recognize it is unique among projects.

I now understand it is being held up. I just wanted to speak publicly. I wish to stay for a little while to see what we can work out and see if we can get this to the House, the Morganza to the Gulf has already been scaled back, and try to get it done before we leave.

I yield the floor.

Mr. FRIST. Mr. President, in response to my colleague, through the Chair, there are a number of pieces of legislation we are continuing to look at tonight. I know this is one about which discussions are ongoing. We will actually be looking at that with many others.

I have to say we do have scores and scores of pieces of legislation that are similar that have come forward—not exactly, they have not gone through two authorization projects—that have to be considered as well.

ADDITIONAL STATEMENTS

WINNETT SCHOOL BLUE RIBBON AWARD

● Mr. BAUCUS. Mr. President, I am honored to speak to you today about a school in my home State of Montana—the Winnett School. The Department of Education recently selected the Winnett School as 1 of only 200 schools across the country to receive a Blue Ribbon. Winnett School, with just 95 students, is a wonderful example of how dedication and effort can lead to success in education.

To the students, teachers, parents, and administrators at Winnett, I congratulate you on receiving this award. Being named a Blue Ribbon School is one of the highest recognitions in our country. With 120,000 schools nationwide, less than one-tenth of 1 percent of all the schools are honored. Your school is a model of success.

America today faces a world more intensely competitive than ever in our history. The coming decades will be a race for economic leadership. If we are to succeed in a global economy, we must make education our focus. Nothing is more important than providing every Montanan with a solid education and the tools needed to succeed in life.

Winnett School should be an example to schools all over the country of what we can do if we make a real commitment to education. The students at Winnett have set the standard for excellence that we must encourage and expect at all schools.

I have always said that our Montana schools are the best in the country. And this week, the Department of Education has formally recognized you as such.

Winnett School has succeeded because of the investment that teachers, students, parents and administrators make in the importance of a high-quality education. I applaud the teachers for their dedication to making sure that every student can succeed. Your energy is impressive and should be an example of what we can do with the support and commitment from the entire community.

Your teachers go above and beyond their curriculum requirements. Each Monday the teachers meet at 8 a.m. to talk about whether any student in the whole school is at risk of falling behind. If a student is struggling, the staff together prepares a plan for the student and enlists the parents' help and cooperation. This dedication to the entire student community is evident in your students' commitment to education and achievement in school. The school dropout rate is zero and has been for some time. The last student who dropped out of school was over 10 years ago. That is way below the national dropout rate.

Not only do Winnett School students stay in school, but they excel in a rigorous curriculum. All students take 4 years of math, science, English, history, and government. Their test scores demonstrate a commitment to achievement—92 percent of sophomores scored advanced or proficient in reading and 90 percent rated advanced or proficient in math.

Students at Winnett School—you deserve this award. With your excellent education, you have no boundaries to what you can accomplish. You are the leaders of tomorrow.

Once again, congratulations on your Blue Ribbon Award.●

CONGRATULATING MR. BRANDON WEBB

● Mr. BUNNING. Mr. President, I wish to congratulate Mr. Brandon Webb of Ashland, KY. Mr. Webb was recently awarded the 2006 National League Cy Young Award.

Mr. Webb graduated from Paul G. Blazer High School in Ashland, KY, and went on to play baseball for the University of Kentucky. He began his Major League career with the Arizona Diamondbacks in 2003 and has since become known for his devastating sinker. This season, Mr. Webb went 16–8 with a 3.10 ERA and pitched in the 2006 Major League All-Star Game.

Introduced in 1956 to honor the late Hall of Fame pitcher Cy Young, the Cy Young Award honors annually the best pitcher in each league in Major League Baseball. The prestigious award is voted on by members of the Baseball Writers Association of America.

As a former Major League pitcher, I understand the strength and commitment it takes to reach such a high level of accomplishment. To be singled out among so many great pitchers is truly an honor.

I congratulate Mr. Webb on this achievement. He is an inspiration to the citizens of Kentucky and to aspiring athletes everywhere. I look forward to seeing all that he will accomplish in the future. ●

125TH ANNIVERSARY OF MANDAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in

North Dakota that celebrated its 125th anniversary earlier this year. On February 25, 2006, the residents of Mandan kicked off a yearlong celebration of their community's history and founding.

Mandan is a vibrant community in west-central North Dakota, located along the bank of the great Missouri River in Morton County. With historic roots dating back to 1100 A.D., when the first Native American settlers arrived, Mandan is rich with history. The city of Mandan was incorporated on February 25, 1881, and named for the Mantani Indians, or "people of the bank." With the development of the railroads and the close proximity to the Missouri river, Mandan flourished and became known as "Where the West begins."

Today, with a population of more than 16,000, Mandan remains tied to the railroad, housing a major rail equipment maintenance facility. It is also home to the Hebron Brick factory, which is not only the sole surviving brick factory in the State, but is also the oldest manufacturing company of any kind in the entire State of North Dakota. Mandan is known not only for its historical roots, but also for its beautiful scenery. Mandan has become a magnet for hunters, fishermen, and outdoor enthusiasts of all kinds. Mandan is also home to Fort Lincoln which once served as an important infantry and cavalry post. It is from Fort Lincoln that Lt. Col. George Armstrong Custer rode out on his ill-fated expedition against the Sioux at the Little Big Horn. Fort Lincoln is also home to the On-A-Slant Mandan village which has been located there for more than 400 years.

To celebrate the 125th anniversary of its founding, Mandan residents have planned a full year's worth of events, which included a kick off party that featured local artists, a kids' carnival and a music performance that represented all 125 years worth of local music.

Mr. President, I ask the U.S. Senate to join me in congratulating Mandan, ND, and its residents on the first 125 years and in wishing them well through the next century. By honoring Mandan and all the other historic towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Mandan that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Mandan has a proud past and bright future.●

125TH ANNIVERSARY OF THOMPSON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that celebrated its 125th anniversary. On July 7–9, the residents of Thompson gathered to celebrate their community's history and founding.

Thompson is a growing community in eastern North Dakota, just 10 miles south of Grand Forks. Settlers came to the area as early as 1874. With the arrival of the railroad 5 years later, more pioneers came to settle in the region. Founded in 1881 with the establishment of a post office, the community name was changed from Norton to Thompson by residents to avoid potential confusion with Norton, MN.

Thompson attracts people who like small town living but hold jobs in the nearby city. Thompson residents also celebrate the values they instill upon their children, because those are the same values taught to them years ago. The people of Thompson have worked for a sense of community and, in doing so, have established "Thompson Days," a time to meet neighbors and celebrate the heritage of an entire area. Thompson Days features a parade, garden tour, dances, craft shows, classic car show, horseshoe tournament, and lots of other activities.

Mr. President, I ask the U.S. Senate to join me in congratulating Thompson, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Thompson and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Thompson that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Thompson has a proud past and a bright future.●

RECOGNIZING THE HAWTHORNE MIDDLE SCHOOL

● Mr. CRAPO. Mr. President, Idahoans have a strong reputation for being staunchly patriotic and supporting our military men and women. I am proud to say that this patriotism has its roots even in our children, as evidenced by the recent penny drive held at Hawthorne Middle School in Pocatello, ID.

More than 500 seventh and eighth graders, with the help of teachers and administrators, raised $1,000 over the course of 3 weeks to purchase special gifts for our troops in Iraq and Afghanistan. That $1,000, mostly in change, required daily counting by the students and, from what I understand, taking it to the bank required multiple bags and boxes! In fact, 100,000 pennies weigh close to 700 lbs, so I am certain that it was a heavy deposit despite the fact that it wasn't all collected in pennies. This remarkable achievement and dedication to supporting our military overseas deserves recognition and congratulations. Hawthorne Middle school's success reflects a sense of civic duty and national pride, refreshing in middle school students in today's world. This is indicative of the influence of strong families and strong educators at this Idaho school. I commend them on their generosity and commitment to our troops, and present Hawthorne Middle School students, parents, and teachers as models of patriotism, civic duty, and selfless giving.●

TRIBUTE TO JEFF SINCLAIR

● Mr. DEMINT. Mr. President, today I pay tribute to Jeff Sinclair, an outstanding Scoutmaster in the State of Wisconsin who passed away October 25, 2006, after a brave battle with cancer.

Jeff's involvement with the Boy Scouts began in 1998, when he became a leader of St. Dominic's Cub Scout Pack 119. Beginning in 2001, he served as Scoutmaster for St. John Vianney's Boy Scout Troop 71, and despite his illness, he continued leading the group until his death.

During his tenure as Scoutmaster, Jeff mentored over 14 percent of his Scouts—including both of his sons—to receive the Eagle Award, the highest rank attainable within the Boy Scouts. This is a stark contrast to the national average of 4 percent of Scouts who receive the award. Jeff's remarkable dedication and leadership to the group has earned him numerous awards and commendations, and I believe he deserves our recognition as well.

Jeff was also accepted as a member of the Boy Scout prestigious Order of the Arrow Honor Society, and his sons followed in his footsteps to attain the distinction. Clearly, not only did Jeff commit himself to serving others, but he inspired those around him to do the same.

Born on March 9, 1960, in Milwaukee to Dr. Eugene and Jean Sinclair, Jeff was an accomplished individual who dedicated himself to helping others. In 1983 he earned a business degree from Marquette University, and for the next several years, he used his skills and expertise to serve the State of Wisconsin through the Department of Revenue.

While Jeff was successful and well regarded in his career and throughout Boy Scouts, his greatest priorities were his family and his faith. A loving husband to wife Kathy and a dedicated father to four children—Matt, Andy, Maggie and Emma—Jeff found great joy in encouraging and supporting their endeavors. In addition to his devoted involvement with his sons' Boy Scout troop, Jeff often assisted with his daughters' soccer teams. He was also very active in his home parish, St. Dominic's.

On behalf of my colleagues and myself, I want to remember Jeff Sinclair for his dedication to his family, church, and community. Undoubtedly, he was a great friend, mentor, and source of joy to countless individuals throughout the years, and he will be missed.

Mr. President, please join me in offering deepest sympathy to his wife, children, and parents. May they find peace and comfort knowing that Jeff's legacy of serving, teaching, and empowering others will last far into the future that this world is a better place because of him.●

TRIBUTE TO DR. JOHN R. GANTZ

● Mr. LEVIN. Mr. President, I recognize Dr. John R. Gantz for his 43 years of distinguished service to the United States of America. Dr. Gantz has provided faithful service to his Nation as a soldier, educator and as chief of the Troops to Teachers Program. A native of Pennsylvania, Dr. Gantz earned a Bachelor of Science degree from East Stroudsberg University, a Master's Degree in Adult Education from George Washington University, and a Doctor of Education degree from the University of Southern California.

After serving in the infantry with the U.S. Army at Fort Dix, he taught mathematics and science for the Job Corps in New Jersey. He then began his civil service career as an education adviser in Virginia, followed by two similar assignments in Korea. During this time, he has served as an education specialist, Headquarters Department of the Army; Director of Education, U.S. Army Southern European Task Force, Vicenza, Italy; Deputy Director of Education, U.S. Army Forces Command, Atlanta Georgia; and Deputy Director of the Defense Activity for Non-Traditional Education Support, DANTES.

In 1984, Dr. Gantz was selected as the DANTES European adviser. In this position, he provided guidance and training to education professionals supporting military personnel throughout the United States-European military commands. He has served on numerous advisory boards and been selected to participate in many national conferences as an expert in education programming. This year he was inducted into the International Adult and Continuing Education Hall of Fame in Dallas, TX.

Since 1994, Dr. Gantz has been the first and only chief of the federally authorized Troops to Teachers Program. Under his dynamic and innovative leadership, over 9,000 servicemembers from the Army, Air Force, Coast Guard, Marine Corps and Navy have made the transition from military careers to become K–12 public education classroom teachers and school administrators. His superb dedication to develop a unique program that recruits special education, mathematics and science teachers for high-needs, low-income schools has provided countless students the benefit of learning with "real world" mentors and role models. His dedication to academic excellence, complete selflessness and visionary professionalism has brought great credit not only upon himself, but also upon the Troops to Teachers Program and public education everywhere.

I know my colleagues in the Senate join me in congratulating Dr. Gantz for his dedicated service to our country. He has made a significant difference in both the U.S. Army and as chief of the Troops to Teachers Program. Once again, I thank Dr. Gantz for his many years of devoted service. ●

EBENEZER AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. LEVIN. Mr. President, it is my pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Ebenezer African Methodist Episcopal Church of Detroit, celebrates 135 years of service, learning and faith. This milestone provides the perfect opportunity to reflect on the rich history of this institution and to remember the many individuals who played an integral part in its success.

The name "Ebenezer" means "stone of help," and for 135 years, Ebenezer African Methodist Episcopal Church has truly exemplified this meaning. Ebenezer was established by a small congregation from Detroit's Colored Society under the leadership of Rev. Gee C. Booth on November 2, 1871, to serve as a safe harbor for newly freed slaves in Detroit. Rev C.H. Ward served as the first pastor for 25 years. Three pastors from Ebenezer were elected to the office of Bishop of the African Methodist Episcopal Church—Bishop George W. Baber served as pastor from 1933 until he was elected in 1944; Bishop Hubert Robison served as pastor from 1955 until he was elected in 1964; and Bishop Robert Thomas, Jr. served as pastor from 1972 until 1988. More recently, Rev. Robert L. Phillips, who served as pastor from 1991 until 1997, became presiding elder of the north district of the Michigan Annual Conference in 1997.

Throughout its history, Ebenezer served as an institution fully engaged in the fight for civil and human rights. Ebenezer has also worked with the community to make Detroit a better city through outreach ministries, community involvement and financial investments. In 1901, the church provided financial assistance to Henry Ford when he approached Ebenezer for support of endeavors to develop his automobile company. During the Depression, the church established an employment bureau and relief agency for families in need, and during WWII the congregation housed soldiers in the dorms of the former church building. Because of this rich history, in 2003, Ebenezer African Methodist Episcopal Church was designated a historical site by the Detroit Historical Commission.

Today, Ebenezer strives to continue this rich history through a variety of ministries, including programs for young adults and the homeless, as well as substance abuse and prison ministries. Ebenezer African Methodist Episcopal Church continues to stand as a "stone of help" under the leadership of Rev. Dr. H. Michael Lemmons. As the sixth oldest Black congregation in Detroit with members from four or more generations, Ebenezer is full of memories of great historical moments and faith that there are many more to come.

I know my Senate colleagues will join me in congratulating Ebenezer African Methodist Episcopal Church and wish its members, volunteers and ministerial staff continued success as they celebrate their 135th anniversary.●

RECOGNIZING THE THUNDERCHICKENS

● Mr. LEVIN. Mr. President, I would like to congratulate the ThunderChickens on winning the 2006 FIRST Robotics Competition. This is a tremendous accomplishment, and I am delighted to recognize the impressive result of their hard work, dedication, and commitment.

The For Inspiration and Recognition in Science and Technology, FIRST, program provides aspiring engineers with an opportunity to develop and showcase their talents by designing and implementing original robotic designs. Teams work together to build individual robots and compete against high school participants across the country. In total, 1,130 teams competed in the 2006 FIRST National Championship in Atlanta, GA.

I am proud to have this opportunity to honor the ThunderChickens, a metro-Detroit based engineering team made up of 38 high school students. Great skill, creativity, and originality went into their highly competitive robotic design. I would like to individually honor each member of the ThunderChickens and their mentors at the Utica Center for Mathematics, Science, and Technology. The members of the 2006 ThunderChickens include Michael DelBene, Jessica Zavadil, Shannon Willaert, Gregory Petty, Annette Palazzolo, Jacob Miller, Joseph Guzzardo, Sara Craun, Nina Fabian, Kyle Yaxley, Stephanie Hasty, Sala Sadaps, Steven Perry, Joshua Bails, Brian Turoski, Irene Zhu, James Courtois, Tony Kraus, Michael Harrison, Ryan Boyle, Brett Ankawi, Michael Lee, Salvatore Mattera, Joseph Scharnitzke, Anthony Schuller, Michael Ross, Ashley VanMaldeghem, Shayna Kunz, David Orban, Paul Szymanski, Andrew Fonk, Gregory Lau, Aaron Vedolich, Brian Lademan, Mihai Bulic, Heather Hampton, Ed Lionte, and Chad Thornbro. Their teacher mentors include Ron

Arscheene, Anita Stafford, Mike Attan, and Janet Kent. Their engineering mentors include Paul Copioli, Ed Debler, Bob Korson, Mike Copioli, Mike Beem, Jim Yaxley, Rick Thornbro, Omar Zrien and Bill Baedke.

This championship is a testament to and the result of many, many hours of hard work and perseverance. While the immediate result of their work is impressive, I look forward to the bright futures that are ahead of these students. They have established a solid foundation on which to develop their interest in the field of engineering. They have also gained invaluable, hands-on experience.

Once again, I would like to congratulate the ThunderChickens on their remarkable 2006 First Robotics Competition National Championship.•

TRIBUTE TO VIRGINIA SCOTT THOMAS

• Mr. MARTINEZ. Mr. President, today, I honor an important Floridian and a proud American. Virginia Scott Thomas was a loving wife and mother, a passionate volunteer, and a trailblazer for women in Republican politics—I am very thankful that she was a constituent of mine. Sadly, she died this past month—but her legacy of hard work and dedication to good lives on.

Virginia Thomas should be commended for the work she put into creating the Bay County Republican Women's Club. As part of her volunteer work for the Republican Party, Virginia Thomas opened her home to numerous GOP candidates—many of them to kick off their campaigns. Her energy and hospitality were well known, and Republicans from Ronald Reagan to Charlie Crist had the pleasure of being welcomed into her home. Candidates always spoke about their ideas and vision in front of her now-famous raised fireplace hearth and her warm hospitality made her many friends.

Before calling Florida home, Virginia Thomas, a Birmingham, AL, native, made history in her State. In 1943, she joined and became part of the first group of women Marines in the State of Alabama. She completed basic training in both South Carolina and Georgia and was then sent to the U.S. Marine Corps base in El Centro, CA, to serve as a supply officer. There in California, she met her future husband, Marine L.E. "Tommy" Thomas, and after the war ended, they headed for Birmingham. Eventually, she and her family moved to Florida, where Virginia Thomas became very active in their community.

Virginia Thomas will not be forgotten by the generations of Floridians that came to know her and her lively spirit. And because of her volunteerism and good work throughout more than 40 years in the Bay County area, she will be remembered long into the future. We will miss this good Floridian. Yet we know that her legacy will be carried on by her family and friends. The good works of Virginia Scott Thomas will live on.•

RECOGNIZING LINKS, INC.

• Mr. MENENDEZ. Mr. President, today I recognize the North Jersey Chapter of the Links, Inc.'s Linkages to Life Program, and honor the program participants for their hard work and dedication to raising awareness about the importance of blood, tissue, marrow, and organ donation among minority communities.

Each year, for the past 5 years, Links, Inc., in collaboration with Roche Pharmaceutical Company, conducted the Linkages to Life Program to help save lives by educating individuals of African descent about blood, tissue, marrow, and organ donation. With the help of a publication called Can We Talk? they were able to reach a large number of individuals, and educate them about how they can help save lives by being a volunteer donor. More specifically, the North Jersey Chapter provided important education services to individuals and families in Essex, Hudson, Bergen, and Passaic Counties.

Today, approximately 93,000 people are awaiting transplant surgery, and 25 percent of the people awaiting transplants are of African descent. In New Jersey, there are close to 3,000 individuals awaiting an organ transplant. Since organs are matched by a number of factors, including blood and tissue typing, which can vary by race, patients are more likely to find matches among donors of their same race or ethnicity. Given the large number of individuals of African descent awaiting transplants, it is critical to increase the knowledge about donating blood, tissue, marrow, and organs among all races and ethnicities.

Since 1996, our country reserves the second weekend in November to emphasize the need for life-saving and life-altering blood, organ, marrow, and tissue donation in houses of worship throughout the United States. This program is known as the National Organ Donor Sabbath, and November 10–12, 2006, marked the 10th anniversary celebration.

Links, Inc., is built on a foundation of friendship and service. Today, it contains a network or more than 10,000 African-American women. This year the motto for Links, Inc., is "Seizing the Opportunity to Provide World Class Leadership, Friendship and Service." The members of the North Jersey Chapter of Links, Inc., exemplify that motto.

Mr. President, I am pleased to recognize the dedication and commitment of the North Jersey Chapter of Link's, Inc., members to help others. I urge my colleagues to join me in thanking these individuals for helping fellow New Jerseyans live longer and healthier lives.•

TRIBUTE TO JOYCE WOODBURN

• Mr. ROBERTS. Mr. President, today I honor Ms. Joyce Woodburn's 35 years of dedicated service at the Central Intelligence Agency. Ms. Woodburn has had a long and distinguished Government career, and on January 2, 2007, she will bring to a close a career as a CIA staff officer that includes over 27 years in the CIA's Office of Congressional Affairs.

Joyce began her extensive career as a secretary and rose to the rank of senior executive within the Agency. During her career, she has worked for 7 Presidents, 13 Directors of Central Intelligence, 2 Directors of the CIA, and the first Director of National Intelligence.

Joyce's excellent work and professionalism is well known to us on the Senate Select Committee on Intelligence, and she has been a linchpin in coordinating and supporting the CIA's relations with Congress over the last 27 years. Her calm and friendly diplomacy has certainly smoothed over many a bump in the CIA's relations with Congress.

She has represented the CIA in Congress through some historic crises, including the ordeal of the American hostages in Iran, the Soviet occupation of Afghanistan, the bombings of the Embassy and Marine compounds in Beirut, the Iran-Contra scandal, the fall of the Soviet Union, Operation Desert Storm, Somalia, the bombings of our embassies in Africa, 9/11 and the hunt for Osama bin Laden, the invasions of Afghanistan and Iraq, as well as the current tensions with Iran and North Korea. Joyce has been a tremendous help over the past 27 years in getting the members and staff of the Senate Select Committee on Intelligence the information and briefings we need to do our work.

Thank you for your service, Joyce, and we wish you a healthy and prosperous retirement.•

TRIBUTE TO JOHN MACHACEK

• Mr. SCHUMER. Mr. President, it is with great honor that I recognize John Machacek for nearly 40 years of service as a reporter for Gannett News Service. He has dedicated his career to breaking down policy and politics in a way that underscores how these important issues affect the daily lives of the people of New York. John began his Gannett career in 1967 as a reporter for the Times Union in Rochester. In 1972 John won a Pulitzer Prize for using his instinctive investigative reporting skills to produce unparalleled coverage of the Attica prison riot. He began covering the entire State of New York, from Rochester to Westchester, in 1983 and has kept readers informed on news and politics by serving as a watchdog for the American people ever since. John has accomplished what reporters all over the Nation set out to do by immersing himself in the art of journalism and becoming one of the greatest reporters in his field. He has spent his career with his finger on the pulse of the Nation's politics, government, and the American people. John's unbridled search for the truth has raised the standards in journalism and reporting among his peers, coworkers and competitors and he will always be remember for his unbiased and colorful accounts of our Nation's most important and transformative landmark events. As John concludes his renowned and distinguished 40 year career, he will be placed among the most influential reporters to have ever worked for Gannett News Service.●

MESSAGES FROM THE HOUSE

At 11:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5697. An act to provide for the appropriate designation of certain Federal positions involved in wildland fire suppression activities.

H.R. 6206. An act to revise the calculation of interest on investment of the Harry S. Truman Memorial Scholarship Fund.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 343. Concurrent resolution recognizing the 50th anniversary of the Commission on Independent Colleges and Universities.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

ENROLLED BILLS SIGNED

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building".

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building".

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office".

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

At 4:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the Speaker has signed the following enrolled bills:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantages Areas Act of 1999.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

The message also announced that the House has passed the bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader reappoints the following individual to the United States-China Economic and Security Review Commission for a term expiring December 31, 2008. His current term expires December 31, 2006: Mr. Michael Wessel of Falls Church, Virginia.

Ordered further, that the Minority Leader appoints Mr. Jeffrey L. Fiedler of Great Falls, Virginia, to fill the remainder of the term of Mr. George Becker, who is resigning effective December 31, 2006. The current term on which Mr. Fiedler succeeds Mr. Becker expires December 31, 2007.

The message also announced that pursuant to Public Law 109-236, the Minority Leaders of the House of Representatives and the Senate appoint the following individual to the MINER Act Technical Study Panel: Dr. James L. Weeks of Maryland.

At 9:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5948. An act to reauthorize the Belarus Democracy Act of 2004.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, with amendments, in which it requests the concurrence of the Senate.

At 10:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The message also stated that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 503. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Ninth Congress.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 10:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6407. An act to reform the postal laws of the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 502. Concurrent resolution to correct the enrollment of the bill H.R. 5682.

At 11:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6060. An act to authorize certain activities by the Department of State, and for other purposes.

At 1:02 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6427. An act to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes.

H.R. 6428. An act to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana.

The message also announced that the House passed the following bills, without amendment:

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

ENROLLED BILLS SIGNED

At 12:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warming, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED JOINT RESOLUTION SIGNED

At 1:20 a.m., a message from the House of Representatives, delivered by on of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS SIGNED

At 3:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4050. An act to designate the facility of the United States Postal Service located at

103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

The enrolled bills were subsequently signed by the Majority Leader (Mr. FRIST).

At 4:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The message also announced that the House has passed the bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, without amendment:

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1554. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

H.R. 3885. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 5304. An act to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes.

H.R. 5472. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

H.R. 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 123. Concurrent resolution providing for correction to the enrollment of the bill H.R. 5946.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 488. Concurrent resolution congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 8, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9282. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting, pursuant to law, the annual report on the Regional Defense Combating Terrorism Fellowship Program for fiscal year 2006; to the Committee on Armed Services.

EC-9283. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation E (Electronic Fund Transfers)" (Docket No. R-1265) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-9284. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a strategic plan relative to the Establishment of Visa and Passport Security Program; to the Committee on Foreign Relations.

EC-9285. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and for the export of defense articles or defense services in the amount of $50,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC-9286. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of firearms sold commercially under contract in the amount of $1,000,000 or more to Belgium; to the Committee on Foreign Relations .

EC-9287. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC-9288. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9289. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC-9290. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially in the amount of $50,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–9291. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9292. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9293. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to France; to the Committee on Foreign Relations.

EC–9294. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of the proposed transfer of major defense equipment to Canada; to the Committee on Foreign Relations.

EC–9295. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad; to the Committee on Foreign Relations.

EC–9296. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from Spain to Navantia, Indra, and Sainsel; to the Committee on Foreign Relations.

EC–9297. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9298. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–9299. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada and Australia; to the Committee on Foreign Relations.

EC–9300. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services sold commercially under contract in the amount of $100,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–9301. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Norway; to the Committee on Foreign Relations.

EC–9302. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for Japan; to the Committee on Foreign Relations.

EC–9303. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC–9304. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Programs of All-Inclusive Care for the Elderly (PACE); Program Revisions" (RIN0938–AN83) received on December 8, 2006; to the Committee on Finance.

EC–9305. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Hospital Conditions of Participation: Patients' Rights" (RIN0938–AN30) received on December 8, 2006; to the Committee on Finance.

EC–9306. A communication from the Director, Institute of Museum and Library Services, transmitting, pursuant to law, the Institute's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services United States Senate 105th Congress First and Second Sessions" (Rept. No. 109–367).

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1129. A bill to provide authorizations of appropriations for certain development banks, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself, Mr. Kyl, Mrs. Dole, Mr. Hagel, Mr. Enzi, Mr. Allard, and Mr. Allen):

S. 1. A bill to award a Congressional Gold Medal to Margaret Thatcher, in recognition of her dedication to the values of free markets and free minds; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 2. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States trade rights, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. Collins):

S. 26. A bill to establish the Northern Appalachian Economic Development Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 28. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER:

S. 30. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4111. A bill to provide for certain water resources projects in the State of Louisiana; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. Boxer, and Mr. Craig):

S. 4112. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Bingaman, Mr. Smith, Mr. Baucus, Mr. Feingold, Mr. Johnson, Mr. Salazar, Mr. Wyden, Mrs. Boxer, Mr. Grassley, Mr. Reid, Mrs. Feinstein, and Mr. Dorgan):

S. 4113. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; considered and passed.

By Mr. KOHL:

S. 4114. A bill to amend title XVIII of the Social Security Act to require the use of generic drugs under the Medicare part D prescription drug program when available unless the brand name drug is determined to be medically necessary; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Levin, Ms. Collins, and Mr. Biden):

S. 4115. A bill to amend the Controlled Substances Act to increase the effectiveness of physician assistance for drug treatment; considered and passed.

By Mrs. LINCOLN (for herself and Mr. Pryor):

S. 4116. A bill to amend the Federal Deposit Insurance Act, to clarify the scope of provisions relating to applicable rates of interest and other charge limitations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. Sununu):

S. 4117. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute the section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. MENENDEZ):

S. 4118. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 4119. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

By Ms. SNOWE:

S. 4120. A bill to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 4121. A bill to provide optional funding rules for employers in applicable multiple employer pension plans; considered and passed.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. ENZI, and Ms. MURKOWSKI):

S. 4122. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. Res. 630. A resolution allowing the senior Senator from Kentucky to reassign the Henry Clay desk when serving as party leader; considered and agreed to.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mr. BIDEN, Mr. REID, Mr. FEINGOLD, Mr. FRIST, Mrs. DOLE, Mr. COLEMAN, Mr. SMITH, Mr. CORNYN, Mr. MENENDEZ, Mr. LEVIN, Mr. HAGEL, Mr. MARTINEZ, Mrs. CLINTON, and Ms. SNOWE):

S. Res. 631. A resolution urging the Government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur; considered and agreed to.

By Mr. BENNETT:

S. Res. 632. A resolution urging the United States and the European Union to work together to strengthen the transatlantic market; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mrs. CLINTON, and Mr. NELSON of Florida):

S. Res. 633. A resolution condemning the conference denying that the Holocaust occurred to be held by the Government of Iran and its President, Mahmoud Ahmadinejad; considered and agreed to.

By Mr. STEVENS:

S. Res. 634. A resolution honoring the life and achievements of Tom Carr, Congressional Research Service Analyst, and extending the condolences of the Senate on the occasion of his death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 676

At the request of Mr. STEVENS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1120, an act to reduce hunger in the United States, and for other purposes.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1608

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1608, a bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 3582

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3582, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 3980

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 4067

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4097

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 4097, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. CON. RES. 97

At the request of Mr. SALAZAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 628

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 628, a resolution supporting the 200th anniversary of the nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration.

AMENDMENT NO. 5230

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was withdrawn as a cosponsor of amendment No. 5230 intended to be proposed to H.R. 6111, a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2. A bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States trade rights, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, among the most consequential tasks Congress will undertake in the coming months is a potentially epoch-defining review of U.S. trade policy occasioned by the looming expiry of numerous trade preference programs, "fast-track". Trade Promotion Authority and the Doha Round of World Trade Organization negotiations. The fate of recent trade legislation, mirroring growing acrimony in the public debate over trade policy, portends that Congress will not simply be considering whether to reauthorize certain programs and processes affecting international trade—it will be setting forth a doctrine declaring America's position and powers in an irreversibly interdependent global economy.

The complexity of the market forces that can bring both hope and hardship under the modern trade regime mean that few other issues cut across traditionally drawn party, geographic and ideological lines so dramatically. Where the usual political dichotomies don't apply, new ones have been framed to polarize the issue: free-trade versus fair-trade, globalization versus protectionism, growth versus sustainability.

Yet above this fray of competing economic theories and realities, a solid consensus has grown around the principle that whatever our trade laws may be, they should be consistently and vigorously enforced.

The distressing reality is that U.S. industry and labor groups are often rebuffed in attempts to petition the United States Trade Representative to initiate a formal investigation or bring a dispute resolution action under the relevant multilateral or bilateral trade agreement, as there is considerable institutional momentum among senior officials at USTR and elsewhere in the administration against bringing formal enforcement action against certain trade partners, and China in particular.

USTR's handling of the trade effects of China's currency manipulation practices is representative of the problem. In September 2004, a U.S. industry coalition filed a petition under section 301 of the Trade Act of 1974—the statute setting forth general procedures for the enforcement of U.S. trade rights—alleging that Chinese currency manipulation practices constituted a violation of China's obligations to the United States under World Trade Organization rules, and calling for USTR to conduct an investigation of such practices. USTR rejected the petition on the day it was filed, contending that "an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an investigation under—the section 301 process—would hamper, rather than advance, administration efforts to address Chinese currency valuation policies." Shortly thereafter, in November of 2004, a congressional coalition of 12 Senators and 23 Representatives filed a similar section 301 petition, which was rejected by USTR on the same grounds.

As noted in USTR's rejection of these petitions, current law allows the Executive to decline to initiate an industry-requested investigation where it determines that action under section 301 would be ineffective in addressing the offending act, policy or practice. The merits of USTR's determination are unreviewable under current law. USTR used this loophole to avoid having to even investigate industry's claim, let alone take formal action against China. And as we now know, the administration's "soft" approach to Chinese currency manipulation has itself proven ineffective in addressing the problem in the 2 years since these filings.

It is to prevent further disregard for U.S. businesses and workers seeking a fair and consequential hearing of their concerns with foreign trade practices that I today introduce the Trade Complaint and Litigation Accountability Improvement Measures Act, or the "Trade CLAIM Act".

The Trade CLAIM Act would amend the section 301 process to require the U.S. Trade Representative to act upon an interested party's petition to take formal action in cases where a U.S. trade right has been violated, except in instances where: the matter has already been addressed by the relevant trade dispute settlement body; the foreign country is taking imminent steps to end to ameliorate the effects of the practice; taking action would do more harm than good to the U.S. economy; or taking action would cause serious harm to the national security of the United States.

The bill would also grant the Court of International Trade jurisdiction to review de novo USTR's denials of section 301 industry petitions to investigate and take enforcement action against unfair foreign trade laws or practices. Such jurisdiction would include the ability to review USTR determinations that U.S. trade rights have not been violated as alleged in industry petitions, and the sufficiency of formal actions taken by USTR in response to foreign trade laws or practices determined to violate U.S. trade rights.

The Trade CLAIM Act would give U.S. businesses and workers a greater say in whether, when and how U.S. trade rights should be enforced. The bill would be particularly beneficial to small businesses, which—like other petitioners in section 301 cases—currently have no avenue to formally challenge the merits of USTR's decisions, and are often drowned out by large business interests in industry-wide section 301 actions initiated by USTR.

By providing for judicial review of USTR decisions not to enforce U.S. trade rights, the bill provides for impartial third party oversight by a specialty court not subject to political and diplomatic pressures. In delinking discreet trade disputes from the mercurial machinations of international relations, this act would end the sacrifice of individual industries on the negotiating table, and leave it to the free market—uniformly operating under the trade rules to which our trading partners have already agreed—to decide their fate.

America's prosperity is due in no small part to its excellence in assuring the rule of law. It is fundamental to the success of worthy enterprises in a functioning market that the government—rather than choosing winners and losers—consistently and dispassionately enforce the rules that bind all actors. It is the extensions of this foundational principle of the American economic tradition to the international trade regime that the Trade CLAIM Act seeks to accomplish—and which America's businesses and workers have long been promised.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 26. A bill to establish the Northern Appalachian Economic Development Commission, and for other purposes; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, today I am introducing the Northern Appalachian Economic Development Commission Act of 2006 with Senator COLLINS because the people of the Northern Forest region have not shared in the economic prosperity of many parts of the rest of the United States. The bill establishes a Federal-State partnership commission for the purpose of promoting economic development in the communities in the northern forest area of Maine, New Hampshire, New York and Vermont through the development of public policy tools and grants designed to build local capacity.

The legislation calls for a collaborative regional effort to achieve real progress to enhance not only the forest products industry to preserve the traditional industries of the region, but to catalyze new rural economic and small development and job growth, and slow out-migration.

Today, small businesses are fueling the economic growth of the Nation, producing over 50 percent of the gross domestic product and creating three-fourths of all new jobs. Entrepreneurship is a critical element in the establishment of self-sustaining communities that create jobs and contribute broadly to economic and community development. The bill authorizes appropriations of $40 million for economic development grants for fiscal years 2008–2012 that will support existing entrepreneur and small business development programs and projects and support projects for small business innovation research. Funding will also assist the region in obtaining job training, employment-related education and business development and assist in community development. Assistance will be provided to severely distressed and underdeveloped while maintaining the integrity of the region's resources.

Many residents of the Northeast region live below the poverty level, in areas of significantly higher than average unemployment rates, with limited access to capital, and with low per capita personal income. Maine's economy has long been based on the bounty of its natural resources—fishing, farming, forestry, and tourism. The very nature of these industries has meant that a significant portion of employment opportunities are seasonal and overall earnings lag behind national averages. Currently, Maine leads the country with the fastest growing poverty rate, tied with Arkansas and Mississippi. As a matter of fact, in 2005, according to the Federal Reserve Bank of Boston, Maine was the only State other than Louisiana that experienced a decline in economic activity. The entire northern forest region shares many of these common challenges, and as a result, local and State economic development leaders have been receptive to considering other means to create jobs.

Currently, there are several independent entities focused on regional economic development, such as the Appalachian Regional Commission, the Denali Commission, the Delta Regional Authority, and the Northern Great Plains Regional Authority. However, there is currently no single regional economic development entity focused on the needs of the far Northeast region. Our Northern Appalachian Economic Development Commission is expected to complement existing efforts, and I plan to pursue these efforts in the 2007 Farm bill.

The Appalachian Regional Commission—ARC—developed in 1965 has proven to be a success and has help transform a region once solely dependent on mining, agriculture and heavy industry to one more reliant on the service and retail industries. Since its creation, the ARC has reduced the number of distressed counties from 219 to 100. It has cut the poverty rate from 31 percent to 15 percent and has helped 1,400 businesses create 26,000 new jobs since 1977. This is the type of assistance that could also be very effective in Northern Appalachian area.

I look forward to fostering the rich potential of the northern forest States of Maine, New Hampshire, Vermont and New York, with its abundance of natural resources and entrepreneurship, and hard working people through the Northern Appalachian Economic Development Commission to obtain vigorous self-sustaining growth throughout the region.

By Mr. COLEMAN:

S. 28. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today—the Northern Border Travel Facilitation Act—be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border Travel Facilitation Act".

SEC. 2. STATE DRIVER'S LICENSE AND IDENTIFICATION ENROLLMENT PROGRAM.

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsection:

"(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security shall establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

"(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada without providing any other documentation or evidence of citizenship.

"(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this subparagraph if—

"(A) the license or card—

"(i) was issued by a State that is participating in the Program;

"(ii) meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note); and

"(iii) includes the United States citizenship status of the individual to whom the license or card was issued; and

"(B) the State that issued the license or card—

"(i) has a mechanism that is approved by the Secretary of State to verify the United States citizenship status of an applicant for such a license or card;

"(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

"(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

"(4) ADMISSION OF CITIZENS OF CANADA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

"(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

"(5) ADMISSION OF CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if—

"(A) the individual—

"(i) is less than 16 years old;

"(ii) is accompanied by the individual's legal guardian; and

"(iii) is entering the United States from Canada or another country if the Secretary permits an individual to enter the United States from that country under the Program pursuant to paragraph (6)(A); and

"(B) such legal guardian provides a driver's license or identity card described in paragraph (3), a document described in paragraph (4), or other evidence of citizenship if the Secretary permits an individual to enter the United States using such evidence under the Program pursuant to paragraph (6)(B).

"(6) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

"(A) from a country other than Canada; or

"(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

"(7) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

"(8) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

"(9) SCHEDULE FOR IMPLEMENTATION.—

"(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall implement the Program not later than December 31, 2009.

"(B) ADMISSION PRIOR TO IMPLEMENTATION.—During the time period beginning on the date of the enactment of the Northern Border Travel Facilitation Act and ending on the date that the Program is implemented, the Secretary of Homeland Security shall permit an individual who is a citizen of the United States or Canada to enter the United States from Canada if that individual can demonstrate United States or Canadian citizenship to the satisfaction of the Secretary. Birth certificates issued by a State, or by the Government of Canada or by the Government of a Province or Territory of Canada, or a citizenship certificate or card issued by the Government of Canada shall be deemed to be a satisfactory demonstration of citizenship under this subparagraph.".

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. CRAIG):

S. 4112. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will give tangible relief to the families of the five federal firefighters killed in the devastating Esperanza fire in southern California this October.

The Esperanza fire tragically claimed lives, homes and other buildings, while burning more than 40,000 acres. No one has felt the pain of this heartbreaking disaster more than the families of Mark "Lotzie" Loutzenhiser, Jess McLean, Jason McKay, Daniel Hoover-Najera, and Pablo Cerda.

These five men served honorably while exhibiting the utmost bravery in the name of helping others. They gave the ultimate sacrifice, and so have their families, who must now go on without a father or a son, a brother or a husband.

Now, in an outpouring of generosity and compassion, a United Way chapter in Riverside County, together with the surrounding community has raised more than $1 million to help the families of our fallen heroes as they move forward from this tragedy.

This serves as a testament to what these men meant to the community, the State of California and the Nation.

Unfortunately, in what seems to be a cruel twist, IRS rules do not allow this generosity to be passed on to the families of these brave firefighters.

Tax-exempt charitable organizations are prohibited from raising money for small, targeted, groups, such as the families of the fallen firefighters. In fact, if this memorial fund is passed on to the families, it could endanger the tax-exempt status of the Central County United Way and other charitable organizations trying to help these families in their hour of need.

In the wake of this disaster, our Government should be providing assistance to these families, not increasing their burden.

This much-needed legislation provides exemptions to allow this moving gesture to be realized. The United Way will preserve their tax exempt status, those who made these donations will receive the tax deductions they expected, and most importantly the families of the five fallen firefighters can receive individual donations, penalty free.

This legislation encourages the kind of generosity and kindness that we should all commend, not discourage.

We came together to pass similar legislation in the wake of the 9/11 tragedy and we should do so again today.

While this simple measure only makes a minor tax code clarification, the impact of this legislation will be profound for the families of these fallen heroes.

Let us not forget the heroism of these men and the sacrifice of their families. The time to act is now, so that these funds raised will not be withheld during the upcoming holiday season, when this relief is most needed.

I urge my colleagues to join me in doing what is right to help the families of those who have made the ultimate sacrifice to protect their communities.

Mr. President, I ask unanimous consent that the text of the Bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Firefighters Assistance Tax Clarification Act of 2006".

SEC. 2. PAYMENTS BY CHARITABLE ORGANIZATIONS WITH RESPECT TO CERTAIN FIREFIGHTERS TREATED AS EXEMPT PAYMENTS AND EXCLUDED FROM GROSS INCOME OF THE RECIPIENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, wounding, or illness of any firefighter incurred as the result of the October 2006 Esperanza Incident fire in southern California, and before June 1, 2007, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied;

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code; and

(3) the receipt of any payment described in paragraphs (1) or (2), or any payment from any Federal, State, or local government, or agency or instrumentality thereof, by reason of the death, injury, wounding, or illness of any firefighter incurred as the result of the October 2006 Esperanza Incident fire in southern California, shall not be treated as gross income under such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after October 26, 2006.

By Mr. MCCAIN (for himself, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, Mr. FEINGOLD, Mr. JOHNSON, Mr. SALAZAR, Mr. WYDEN, Mrs. BOXER, Mr. GRASSLEY, Mr. REID, Mrs. FEINSTEIN, and Mr. DORGAN):

S. 4113. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; considered and passed.

Mr. MCCAIN. Mr. President, I am joined today by Senators BINGAMAN, GRASSLEY, SMITH, BAUCUS, FEINGOLD, JOHNSON, SALAZAR, WYDEN, BOXER, REID, FEINSTEIN, and CANTWELL in introducing and passing a bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes and U.S. territories are eligible to receive grants for confronting the use of methamphetamine.

The amendments that this bill makes to section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 would make U.S. territories and Indian tribes eligible to receive grants from the Department of Justice to address the scourge of methamphetamine use, sale, and manufacture. The terrible business of methamphetamine use, distribution, and manufacture has impacted communities all over the country, in urban and nonurban areas alike, and our territories and Indian reservations have not been spared. This bill will make much needed resources available to territorial and tribal governments to help bring the methamphetamine epidemic under control. However, I understand there are some questions about the intent of this bill in respect to a provision in this bill.

Mr. BINGAMAN. Mr. President, I rise for the purpose of engaging Senator MCCAIN in a colloquy over a certain provision, to be sure that its purpose is clear. In section 1(a)(4) of the bill, there is a provision which states, "Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—(A) allows grants authorized under paragraph 3(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or (B) has any effect other than to authorize, award, or deny a grant of funds to a state, territory, or Indian tribe for the purposes described in this subsection."

It is my understanding that the intent behind the amendment made by section 1(a)(4) of the bill is simply to make it clear that by authorizing the Department of Justice's Bureau of Justice Assistance to award grant funds to a State, territory, or Indian tribe to "investigate, arrest and prosecute individuals" involved in illegal methamphetamine activities, section 2996(a) does not somehow authorize a State, territory, or Indian tribe to pursue law enforcement activities that it otherwise has no jurisdiction to pursue. And similarly, this provision also clarifies that an award or denial of a grant by the Bureau of Justice Assistance does not somehow allow a State, territory, or Indian tribe to pursue law enforcement activities that it otherwise lacks jurisdiction to pursue. For example, a law enforcement agency in one State, territory, or Indian reservation is not somehow enabled by this section, or by an award made pursuant to this section, to prosecute a methamphetamine crime arising in some other jurisdiction unless that agency already has the jurisdiction to do that.

I would like to ask Senator MCCAIN if my understanding of this provision is correct.

Mr. MCCAIN. The Senator from New Mexico is correct in his understanding of this provision.

Mr. BINGAMAN. It is also my understanding that the language, "Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection . . . (B) has any effect other than to authorize, award, or deny a grant of funds to a state, territory, or Indian tribe for the purposes described in this subsection" is intended to make it clear that the provisions of section 2996(a) and grant awards or denials pursuant to section 2996(a) have no effect beyond simply authorizing, awarding, or denying a grant of funds to a State, territory, or Indian tribe for the purposes described in section 2996(a). So, for example, if a State, territory, or Indian tribe is awarded or denied a grant of funds under this section, that award or denial has no relevance to or effect on the eligibility of the State, territory, or Indian tribe to participate in any other program or activity unrelated to the award or denial of grants under section 2996(a). The award or denial of a grant under this subsection, in other words, is relevant only to the award or denial of the grant under this subsection and nothing else.

I would like to ask Senator MCCAIN whether my understanding of this provision of the bill is correct in this particular regard as well.

Mr. MCCAIN. The Senator from New Mexico is correct in his understanding of this provision as well.

Mr. President, I urge my colleagues to support this critically needed legislation.

Mr. MCCAIN. Mr. President, I am joined today by Senators BINGAMAN, GRASSLEY, SMITH, BAUCUS, FEINGOLD, JOHNSON, SALAZAR, WYDEN, BOXER, REID, FEINSTEIN, and CANTWELL in introducing this bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes and U.S. territories are eligible to receive grants for confronting the use of methamphetamine.

The amendments that this bill makes to section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 would make U.S. territories and Indian tribes eligible to receive grants from the Department of Justice to address the scourge of methamphetamine use, sale, and manufacture. The terrible business of methamphetamine use, distribution, and manufacture has impacted communities all over the country, in urban and nonurban areas alike, and our territories and Indian reservations have not been spared. This bill will make much-needed resources available to territorial and tribal governments to help bring the methamphetamine epidemic under control.

Mr. President, the impacts of methamphetamine use on communities across the Nation are well known and cannot be underestimated. We have worked hard with Senator BINGAMAN and his staff to craft legislation that makes these critical resources for fighting methamphetamine use, distribution, and manufacture available to sectors on which this drug is having a devastating impact. I would also like to thank Senator SESSIONS for the long hours he and his staff have devoted to working with my staff and other offices interested in this bill to make this a good bill that this body can and should support.

I urge my colleagues to support passage of this critically needed legislation.

By Mr. AKAKA (for himself and Mr. SUNUNU):

S. 4117. A bill to repeal title II of the REAL ID Act of 2005, to reinstitute the section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to discuss the REAL ID Act of 2005.

The REAL ID Act became law over a year and a half ago, but opposition remains strong and vocal. I hold in my hand a list of hundreds of organizations—ranging from the National Governor's Association—NGA—to the American Civil Liberties Union—ACLU—to the National Rifle Association—that believe the REAL ID Act was a grave mistake. None of these groups were heard by Congress before the bill was passed in May 2005. There were no hearings to understand the repercussions of such sweeping legislation; and no debate on the floor of the Senate.

Rather, the REAL ID Act was attached to a must-pass piece of legislation, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act—Public Law 109-13, in conference and therefore received virtually no scrutiny before passage. Every Member of Congress who supported providing much needed funding to our troops and relief to the Indonesia tsunami victims was forced to vote in favor of the REAL ID Act, an unrelated bill.

That is why I come to the floor today to spark a real debate on REAL ID. I say to my colleagues there are serious problems with REAL ID and it's time Congress took a closer look.

My two primary concerns with REAL ID are that the law: places an unrealistic and unfunded burden on state governments; and erodes Americans' civil liberties and privacy rights.

There is nothing realistic about REAL ID. This law mandates that State-issued IDs, such as driver's licenses, comply with certain security standards and procedures, as determined by the Department of Homeland Security—DHS—in order to be accepted by the Federal Government for such purposes as boarding an airplane or entering a Federal building. These procedures include electronically verifying the authenticity of each identifying document, such as birth certificates, passports, and social security cards, presented to a local Department of Motor Vehicles—DMV—office. Such a requirement likely will involve developing an extremely costly and complex set of electronic systems that connect the thousands of DMVs to one another and to a host of Federal agencies. This would cost $1.42 billion according to a September 2006 report issued by the NGA, the National Conference of State Legislatures—NCSL—and the American Association of Motor Vehicle Administrators—AAMVA.

In addition, every current driver's license holder must be reenrolled under the new screening process which will more than double the workload at local DMVs across the country and far exceed their current capacity. REAL ID will put an end, at least temporarily, to online and mail license renewals and will cause huge lines and back-up at the DMV. Although security should never be sacrificed for convenience, it is important that states have the time and flexibility to implement the additional security standards in an effective manner. Moreover, reenrollment will be the mostly costly piece of REAL ID, estimated at approximately $8 billion over 5 years by NGA, NCSL, and AAMVA.

There are a number of other requirements imposed on states by REAL ID, such as new design requirements for the ID cards and on-site security. In total, REAL ID will cost over $11 billion according to the NGA study. Congress has appropriated only $40 million for REAL ID implementation to date, and no funds were included for fiscal year 2007. That leaves a hefty pricetag for the States, especially for legislation that was passed with no review.

In addition to the cost imposed on States, REAL ID imposes an unrealistic timeframe. Under the law, states must have REAL ID compliant systems in place by May 2008. Yet implementing regulations have not been issued. DHS is expected to issue the regulations early next year. However, as of today, the Office of Management and Budget, OMB, has not received the draft regulations, and OMB is allowed 90 days by Executive order for review of all proposed regulations. That would give states a little over a year to develop electronic verification systems, redesign driver's license cards, establish protocols on how to handle and secure personal information, increase DMV personnel, and find a way to fund it all. It has taken DHS over a year and a half just to issue the regulations. Expecting the States to execute the new system in even less time is unrealistic.

In addition to the unrealistic burden REAL ID places on States, REAL ID is a serious threat to our privacy rights and civil liberties.

The REAL ID Act will require each State's driver's licensing agency to collect and store substantial numbers of records containing licensees' most sensitive personally identifiable information, including one's social security number, proof of residence, and biometric identifiers such as a digital photograph and signature. If the new State databases are compromised, they will provide one-stop access to virtually all information necessary to commit identity theft. Moreover, the sharing of the aggregated personally identifiable information of licensees between and amongst various government agencies and employees at the Federal, State, and local level, as contemplated by the REAL ID Act, potentially allows millions of individuals access to that information without protections or safeguards. The potential for the private sector to scan and share the information contained on a REAL ID compliant license exponentially increases the risk of identity theft as well. Despite these obvious threats to Americans' privacy, the REAL ID Act fails to mandate privacy protections for individuals' information nor does it provide States with the means to implement data security and antihacking protections that will be required to safeguard the new databases mandated by the act.

REAL ID exacerbates the threat of identity theft which threatens our security. As the Honolulu Star Bulletin noted in a October 1, 2006, editorial, the REAL ID Act gives us "a false sense of security."

I come to the floor today to inject some reality into REAL ID. Unfunded mandates, privacy, and security are real problems that deserve real consideration and real solutions. It is my hope that when DHS issues the REAL ID regulations, the following issues are addressed: (1) limiting access to the REAL ID networks; (2) securing data that is electronically stored on driver's licenses and ID cards; (3) allowing flexibility in the technological solutions employed by the States; (4) defining the role Federal agencies will play in developing and connecting with the electronic verification systems; (5) ensuring that individuals' privacy rights provided by the Federal Government and State governments are protected; (6) providing a means to correct inaccurate information held in the REAL ID networks; and (7) ensuring that the information contained in the license cannot be scanned or shared by private entities.

I hope that the regulations will be well thought out and reflect the stakeholder input provided to DHS over the past year and a half which included the issues I just raised.

However, given what I have heard from participants about the rule-making process thus far, I am concerned that the regulations are being developed by too few people without enough stakeholder engagement.

When DHS began this process, the State Working Group was developed to gather input from stakeholders. However, the engagement process was not as robust as it could have been. Participants in the working group never received feedback from DHS on their proposals and DHS never reconvened the group to evaluate a draft of the regulations.

I also am concerned that given the shortsightedness of the law DHS was given by Congress, it may be the case that a complete replacement of the REAL ID Act is necessary. I am looking to DHS to issue workable regulations. However, if our personal privacy is not protected and the burden placed on states is too great, a legislative change to REAL ID may prove necessary.

Congress established a negotiated rulemaking process to improve the security of drivers licenses and ID cards in the Intelligence Reform and Terrorism Prevention Act of 2004. According to participants, that process was making headway when the REAL ID Act passed repealing the negotiated rulemaking language and imposing much stricter guidelines.

Today Senator SUNUNU and I introduce the Identification Security Enhancement Act, which will repeal the REAL ID Act and reinstitute the shared rulemaking and more reasonable guidelines established in the Intelligence Reform Act. It is my intention to review the forthcoming DHS regulations before pursuing any action on our bill. I am hopeful that new legislation will not be necessary, and I look forward to working with DHS to produce workable guidelines. However, I believe that introducing the Identification Security Enhancement Act now is important because it will send a message that the intent of the entirety of Congress is not reflected in the REAL ID Act.

Congress has a responsibility to ensure that driver's licenses and ID cards issued in the United States are secure—both from would-be terrorists and identity thieves—affordable, and practical. I ask my colleagues to join us in injecting reality into the REAL ID Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Identification Security Enhancement Act of 2006".

SEC. 2. REPEAL.

Title II of the REAL ID Act of 2005 (Division B of Public Law 109–13; 49 U.S.C. 30301 note) is repealed.

SEC. 3. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

(a) DEFINITIONS.—In this section:

(1) DRIVER'S LICENSE.—The term "driver's license" means a motor vehicle operator's license (as defined in section 30301(5) of title 49, United States Code).

(2) PERSONAL IDENTIFICATION CARD.—The term "personal identification card" means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card newly issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

(B) DATE FOR FULL CONFORMANCE.—

(i) IN GENERAL.—Except as provided under clause (ii), beginning on the date that is 5 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State unless such driver's license or personal identification card conforms to such minimum standards.

(ii) ALTERNATIVE DATE FOR FULL CONFORMANCE.—If the Secretary of Homeland Security determines that it is impracticable for States to replace all State-issued driver's licenses and personal identification cards before the deadline set forth in clause (i), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, may set a later, alternative deadline to the extent necessary for States to complete such replacement with reasonable efforts.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary of Homeland Security that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and in such a manner as the Secretary of Homeland Security, with the concurrence of the Secretary of Transportation, may prescribe by regulation.

(iii) AUDITS.—The Secretary of Homeland Security may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall by regulation, establish by minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

(A) standards for documentation required as proof of identity of an applicant for a driver's license or personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a photograph or other unique identifier; and

(G) a requirement that a State confiscate a driver's license or personal identification card if any component or security feature of the license or identification card is compromised.

(c) NEGOTIATED RULEMAKING.—

(1) IN GENERAL.—Before publishing the proposed regulations required by subsection (b)(2) to carry out this title, the Secretary of Homeland Security shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 561 et seq.).

(2) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

(A) any recommendation for a proposed rule or report—

(i) is provided to the Secretary of Homeland Security not later than 9 months after the date of enactment of this Act; and

(ii) includes an assessment of the benefits and costs of the recommendation; and

(B) a final rule is promulgated not later than 12 months after the date of enactment of this Act.

(3) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary of Homeland Security pursuant to paragraph (1) shall include equal numbers of representatives from—

(A) among State offices that issue driver's licenses or personal identification cards;

(B) among State elected officials;

(C) the Department of Transportation; and

(D) among interested parties, including experts in privacy protection, experts in civil liberties and protection of constitutional rights, and experts in immigration law.

(4) CONTENT OF REGULATIONS.—The regulations required by subsection (b)(2)—

(A) shall facilitate communication between the chief driver licensing official of a State, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy rights of individuals who apply for and hold driver's licenses and personal identification cards.

(F) shall include procedures and requirements to protect the federal and state constitutional rights and civil liberties of individuals who apply for and hold driver's licenses and personal identification oards;

(G) shall not permit the transmission of any personally identifiable information except for in encrypted format;

(H) shall provide individuals with procedural and substantive due process, including promulgating rules and rights of appeal, to challenge errors in data records contained within the databases created to implement this Act;

(I) shall not permit private entities to scan the information contained on the face of a license, or in the machine readable component of the license, and resell, share or trade that information with any other third parties, nor shall private entities be permitted to store the information collected for any other than fraud prevention purposes;

(J) shall not preempt state privacy laws that are more protective of personal privacy than the standards, or regulations promulgated to implement this Act; and

(K) shall neither permit nor require verification of birth certificates until a nation wide system is designed to facilitate such verification.

(d) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary of Homeland Security shall award grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

(2) ALLOCATION OF GRANTS.—The Secretary of Homeland Security shall award grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(4) SEPARATE FUNDING.—Funds appropriated for grants under this section may not be commingled with other grant funds administered by the Department of Homeland Security and may not be used for any purpose other than the purpose set forth in paragraph (1).

(e) EXTENSION OF EFFECTIVE DATE.—The Secretary of Homeland Security may extend the date specified under subsection (b)(1)(A) for up to 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security $300,000,000 for each of the fiscal years 2007 through 2013 to carry out this Act.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. MENENDEZ):

S. 4118. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would preserve the public's right to know exactly what types and amounts of chemicals are being stored and released into their neighborhoods and communities.

The legislation would stop the Environmental Protection Agency's dangerous attempts to undermine the Toxic Release Inventory—TRI—program—which I authored in 1986—by allowing facilities that release up to 5,000 pounds of a toxic chemical to simply provide notice of a chemical's presence at the facility, rather than disclose the actual amounts released to the land, air, and water. The 5,000 pounds standard represents a ten-fold increase of the current reporting threshold; this change would eliminate detailed reporting for thousands of facilities in communities around the country, including 92 facilities in New Jersey, and could eliminate entirely the disclosure of the releases of more than a dozen potentially dangerous chemicals. The EPA also has proposed to require reports on chemical emissions only every other year, instead of the current annual requirement. Under this wildly irresponsible proposed rule change, corporations would only be required to disclose their chemical emissions every other year. This means that communities would have no knowledge of what chemicals have been released in the 50 percent of years where emissions are not disclosed; additionally, companies would have a perverse incentive to concentrate their most egregious releases of toxic chemicals into the environment in years which are not reported. Furthermore, the EPA has published a proposal to reduce the information available to the public regarding the management of some of the most toxic chemicals that accumulate in the environment, including lead and mercury. Needless to say, I strongly oppose all three of these rule changes; the legislation I am introducing will stop them from taking place.

I firmly believe that it is simply unacceptable for the EPA to reduce the amount of information available to the public about chemicals—including mercury, lead and other carcinogens—stored nearby or released into their community. When Congress passed the original Emergency Planning and Community Right-to-Know Act in 1986, as a response to the 1984 Union Carbide chemical disaster in Bhopal, India, some accountability was finally established in the chemical industry. And now, the EPA is attempting to weaken these rules and reduce the amount of information available to the public on these critical issues. For instance, in my home State of New Jersey, a chemical facility that released 2,000 pounds of arsenic via air emissions in 2003 would no longer be required to disclose this pollution to the general public. Fourteen facilities that released a combined 8,600 pounds of carcinogenic styrene would no longer have to report these emissions in detail. I find these proposals absolutely outrageous. It truly begs the question: who is the EPA really "protecting"? The general public and the environment, or corporate interests that pollute our communities?

While the EPA touts the benefits of its proposal as "burden reduction" for industry, I strongly believe that the benefit of annual, detailed reporting vastly outweighs the marginal reduction in burden that will be provided to industry. In fact, according to the EPA's own estimates, the average cost saved for facilities no longer required to report the release of toxic chemicals in amounts less than 5,000 pounds would be approximately $2.32 per day. It is simply stunning that the EPA is willing to jeopardize public health and safety for a daily cost savings roughly equivalent to a couple cups of coffee.

There are constructive ways to improve the TRI program, and lessen the burdens on industry, without reducing the amount of information available to the public. These include improving the system for electronic reporting, and offering technical assistance to help businesses comply with the requirements.

The bill I am introducing is simple. First, it would codify the requirement that companies which release emissions of more than 500 pounds of any standard TRI chemical must disclose the details of their releases. Releases in amounts less than 500 pounds would continue to be allowed to use the less detailed reporting form. Second, it would codify the current prohibition on using the less detailed form for the most persistent chemicals, including lead, mercury, and dioxin. Finally, it would prevent EPA from making the frequency of reporting less than every year.

I would be remiss not to thank my congressional colleagues in the House of Representatives, FRANK PALLONE of New Jersey, and HILDA SOLIS of California, with whom I have been pleased to work on this issue. Representatives PALLONE and SOLIS have introduced the companion of this bill in the House; I now look forward to continuing to work with them to ensure its passage. I would also like to thank my colleagues Senator MENENDEZ and Senator BOXER, for being original cosponsors of this important legislation.

As a result of the EPA's dereliction of its duty to protect the public and the environment, Congress must act to do so. I strongly encourage my colleagues to do just that by enacting this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Right-to-Know Protection Act".

SEC. 2. MODIFICATIONS IN REPORTING FREQUENCY.

(a) IN GENERAL.—Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(b) CONFORMING AMENDMENTS.—Sections 322(h)(2) and 326(a)(1)(B)(iv) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11042(h)(2), 11046(a)(1)(B)(iv)) are amended by striking "313(j)" each place it appears and inserting "313(i)".

SEC. 3. REQUIREMENTS RELATING TO TOXICS RELEASE INVENTORY.

(a) FORM A CERTIFICATION STATEMENT.—Notwithstanding any other provision of law—

(1) the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish the eligibility threshold regarding the use of a form A certification statement under the Toxics Release Inventory Program established under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.) at not greater than 500 pounds for nonpersistent bioaccumulative and toxic chemicals; and

(2) the use of a form A certification statement described in paragraph (1), or any equivalent successor to the statement, shall be prohibited with respect to any chemical identified by the Administrator as a chemical of special concern under section 372.28 of title 40, Code of Federal Regulations (or a successor regulation).

(b) REVISION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Administrator shall not implement the proposed rule of the Administrator dated October 4, 2005 (70 Fed. Reg. 57822), to revise requirements under the Toxics Release Inventory Program described in subsection (a)(1).

By Ms. LANDRIEU:

S. 4119. A bill to clarify the tax treatment of certain payments made to homeowners by the Louisiana Recovery Authority and the Mississippi Development Authority; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, the Internal Revenue Service had another big surprise for citizens in my State of Louisiana and in Mississippi who are trying to rebuild after Katrina: a tax surprise.

The problem is simple. Louisiana and Mississippi have both established programs to help families rebuild their homes and their lives after Katrina and Rita. Congress appropriated the money for these initiatives—more than $10 billion in all and we are very grateful for the assistance. The Louisiana program, which we call the Road Home, is administered by the Louisiana Recovery Authority, LRA. The program is now starting to get going. Under the Road Home, up to $150,000 in grants are available to people to rebuild or repair their homes. There is also funding available for rental properties. Grants can also be used to buy out homes. The Louisianians who were displaced by the storms want to go home and the Road Home program will get them there.

But the IRS is putting a pothole in the middle of the Road Home by making some of these payments taxable. The way this tax surprise works is by requiring that any hurricane victim who claimed a casualty loss deduction for damage to their home on their tax return for 2005 will have to reduce that loss by the amount of any payment from the LRA. So if they had their taxes reduced in one year and received a Road Home grant the next year, they have to essentially eliminate any benefit of the earlier casualty loss deduction. Their taxes will go up.

Now I realize that under normal circumstances, when a person's home bums down, the roof caves in, or they are a victim of theft, they can take a casualty loss deduction, provided it meets certain requirements. The loss must exceed ten percent of the taxpayers adjusted gross income, and a per loss floor of $100. In some circumstances, taxpayers are permitted to include a current-year casualty loss on an amended prior year return.

Immediately after Katrina, we enacted the Katrina Emergency Tax Relief Act, KETRA, that suspended the ten percent floor for casualty losses incurred in the Hurricane Katrina disaster area, including those claimed on amended returns. The purpose of the change in KETRA was simple: we wanted to put money in the hands of Katrina victims as quickly as possible.

We essentially encouraged taxpayers to take this loss, even by amending a past return. The IRS would then provide them with a refund.

Hurricane victims needed that money. They had to find a place to live, often at higher rents. Many of them had lost their jobs and needed this money to see them through until they started working again. They used the money to begin the rebuilding of their lives. These people didn't take this money and invest it in the stock market or put it in a trust fund somewhere. They spent it because they had to. Congress encouraged people to take the deduction by changing the law. Now the IRS wants to take it back.

I fully understand the policy behind all of this. Casualty loss deductions are reduced by the amount of any insurance or other recovery they make on the loss. In fact, at the time the taxpayer makes the deduction he or she is supposed to reduce the amount of the loss by any insurance recovery they reasonably expect to receive. If you receive a larger payment than you expected at a future time, you must claim it on your income tax return when you receive it.

The problem is that this policy will seriously hamper our recovery by discouraging people from staying in Louisiana. If you took a casualty loss and you receive a $150,000 Road Home payment to rebuild your house, you will have a tax consequence. But if you took the casualty loss and sold your house to the LRA for the $150,000 payment, it is treated like a home sale and there is no tax. This policy creates a disincentive to recovery. This tax policy will encourage people to take the road out of town and not to return to the gulf coast. On top of this, if a person did not claim the casualty loss, but receives a grant, the grant is tax free.

Mr. President, Congress has done a tremendous job passing legislation to encourage investment and the rebuilding of the gulf coast. We should not put road blocks in the way of the Road Home. Today, I am introducing legislation to eliminate this road block to our recovery. I realize that we are at the end of the session and that there will not be enough time to pass this legislation before we adjourn. I will pursue this in the next Congress when we return in January. I encourage my colleagues to support this bill.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. ENZI, and Ms. MURKOWSKI):

S. 4122. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I introduce the Indian Health Care Improvement Act Amendments of 2006. I am proud to be joined in introducing this bill by Senators ENZI and MURKOWSKI. This bill reflects the work of three committees of jurisdiction and countless meetings with the administration over the past four Congresses. Nevertheless, I must express my profound disappointment in seeing yet another Congress go by without passage of this critical reauthorization.

Thirty years ago, Congress first enacted the Indian Health Care Improvement Act to meet the moral commitment and trust obligation of the United States to provide comprehensive health care to Indian people. The act was last reauthorized in 1992, and efforts on the latest reauthorization have been ongoing since the 106th Congress. Over the course of nearly 7 years and four Congresses, the Committee on Indian Affairs, along with the Committees on Finance and Health, Education, Labor and Pensions and the Indian tribes, has labored to reauthorize the Indian Health Care Improvement Act. I have been encouraged by the recent discussions with the administration on the reauthorization, however, we were simply left without sufficient time to achieve final passage.

The Indian Health Care Improvement Act is the fundamental statutory framework for the Indian health care system and governs nearly every aspect of Indian health care. The Vice-Chairman of the Committee on Indian Affairs, Senator DORGAN, and I introduced the predecessor bill, S.1057, over 1 year ago to build upon that framework by updating the delivery of health services to be consistent with currently accepted health policy and practices everywhere in our great nation except Indian Country. This new iteration of the reauthorization of the Indian Health Care Improvement Act contained critically needed improvements including increased access to care, alternative financing for health care facilities and services, integrated programs for behavioral health, and progressive recruitment and retention programs for health professionals serving Indian communities.

Extensive work went into crafting these bills. Six years ago, a steering committee of Indian tribal leaders, after extensive consultation with the Indian Health Service, developed a broad consensus about the needed improvements to the Indian health care system. Bills based on this steering committee's recommendations have been introduced in the Senate since the 106th Congress, but none have been enacted.

In October, 2005, the Committee on Indian Affairs favorably reported out S. 1057. As with many bills, aspects of S. 1057 fell under the jurisdiction of other committees, and in years past, this appears to have complicated and delayed consideration. However, in the 109th Congress S.1057 was reviewed and debated by the Senate Committees on Indian Affairs, Finance and Health, Education, Labor and Pensions. We worked closely with those committees to advance and improve upon the reauthorization legislation.

In July, 2005, the HELP Committee reached out to us and we held a joint hearing on S.1057. The HELP Committee worked diligently with us to improve upon and advance that bill. In addition, despite last minute delays by the Department of Health and Human Services, on June 8, 2006, the Finance Committee unanimously reported the amendments to the Social Security Act that were needed to effectively implement S. 1057.

However, when we sought consideration of the bill on the floor, additional concerns were raised about the bill, even after it had been considered by the committees of jurisdiction and after years of discussion with the administration. These concerns prevented the Senate from considering S.1057 prior to its recess on September 29, 2006.

I have not been averse to a constructive dialogue aimed at improving the measure introduced, but I am deeply concerned about the repeated delays in passing this legislation and the seemingly unending series of obstacles thrown in the way of getting this business done. The committee has held at least nine hearings on the reauthorization since the 106th Congress, conducted extensive negotiations with the administration, and provided ample opportunity to engage in constructive dialogue from all interested parties. We have demonstrated our willingness to accommodate any reasonable concerns, even when raised belatedly as they so often have been, without compromising congressional oversight, and the quality, accessibility and flexibility for the Indian health programs deserved by Indian people. Nevertheless, we could not reach a final resolution to some provisions which would in our view have regressed from current law and good health policy.

Therefore, Senator ENZI and I decided to introduce this bill, which reflects the reasonable compromises we have agreed to with the administration. Specifically, to address concerns raised by the Department of Justice, this bill protects the United States from unnecessary lawsuits, while at the same time insuring that Indian patients receiving health care in IHS or tribal facilities, or in home- or community-based settings, will have the quality of care they deserve.

I believe that it is extremely important to remember, when looking at this bill, that improving, rather than regressing from, current law and policy is particularly important in light of studies which drive home the desperate need for improving the Indian health care system. For example, a Government Accountability Office report issued in August, 2005 documented the lower life expectancies and substantially higher disease rates among Indians, and found that health care services were not always available for Indian people. The GAO further reported that the treatment delays or service gaps could exacerbate the severity of Indian patients' conditions and create a need for more intensive treatment.

These findings should concern Congress. We retain the ultimate authority and responsibility to deal with Indian tribes and provide oversight of the Federal agencies which discharge the responsibilities outlined in our laws. It is Congress's responsibility to ensure that the Indian health care system is updated to accommodate practices that have become a part of the mainstream health care industry.

This concern and commitment was evident in the work of many Members of the Senate. We are very pleased that Senator MURKOWSKI has joined us in the introduction of this bill. I want to thank Senators ENZI, GRASSLEY, BAUCUS, and KENNEDY, for their efforts and that of their staff on this legislation. I was proud to advance a bill which reflected the bipartisan work of the multiple committees of jurisdiction. During this Congress, we were joined in pushing toward passage by other Senators and I want to thank, in particular, Senators BURNS, CRAPO, BINGAMAN, and Senator DOMENICI, who has long supported Indian health and has been instrumental in advancing the bill. Finally, I express special thanks to Senator DORGAN and his staff for their unwavering support and unstinted efforts on the reauthorization of the Indian Health Care Improvement Act.

At the end of this Congress I relinquish the chair of the committee knowing that there is much work to do for Indian health. However, I am confident that Senator DORGAN will continue these efforts, and I look forward to working with him on these and other Indian issues. I ask consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Health Care Improvement Act Amendments of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO INDIAN LAWS

Sec. 101. Indian Health Care Improvement Act amended.
Sec. 102. Soboba sanitation facilities.
Sec. 103. Native American Health and Wellness Foundation.

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

Sec. 201. Expansion of payments under Medicare, Medicaid, and SCHIP for all covered services furnished by Indian Health Programs.
Sec. 202. Increased outreach to Indians under Medicaid and SCHIP and improved cooperation in the provision of items and services to Indians under Social Security Act health benefit programs.
Sec. 203. Additional provisions to increase outreach to, and enrollment of, Indians in SCHIP and Medicaid.
Sec. 204. Premiums and cost sharing protections under Medicaid, eligibility determinations under Medicaid and SCHIP, and protection of certain Indian property from Medicaid estate recovery.
Sec. 205. Nondiscrimination in qualifications for payment for services under Federal health care programs.
Sec. 206. Consultation on Medicaid, SCHIP, and other health care programs funded under the Social Security Act involving Indian Health Programs and Urban Indian Organizations.
Sec. 207. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
Sec. 208. Rules applicable under Medicaid and SCHIP to managed care entities with respect to Indian enrollees and Indian health care providers and Indian managed care entities.
Sec. 209. Annual report on Indians served by Social Security Act health benefit programs.

TITLE I—AMENDMENTS TO INDIAN LAWS

SEC. 101. INDIAN HEALTH CARE IMPROVEMENT ACT AMENDED.

The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Declaration of national Indian health policy.
"Sec. 4. Definitions.

"TITLE I–INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"Sec. 101. Purpose.
"Sec. 102. Health professions recruitment program for Indians.
"Sec. 103. Health professions preparatory scholarship program for Indians.
"Sec. 104. Indian health professions scholarships.
"Sec. 105. American Indians Into Psychology Program.
"Sec. 106. Scholarship programs for Indian Tribes.
"Sec. 107. Indian Health Service extern programs.
"Sec. 108. Continuing education allowances.
"Sec. 109. Community Health Representative Program.
"Sec. 110. Indian Health Service Loan Repayment Program.
"Sec. 111. Scholarship and Loan Repayment Recovery Fund.
"Sec. 112. Recruitment activities.
"Sec. 113. Indian recruitment and retention program.
"Sec. 114. Advanced training and research.
"Sec. 115. Quentin N. Burdick American Indians Into Nursing Program.
"Sec. 116. Tribal cultural orientation.
"Sec. 117. INMED Program.
"Sec. 118. Health training programs of community colleges.
"Sec. 119. Retention bonus.
"Sec. 120. Nursing residency program.
"Sec. 121. Community Health Aide Program.
"Sec. 122. Tribal Health Program administration.
"Sec. 123. Health professional chronic shortage demonstration programs.
"Sec. 124. National Health Service Corps.
"Sec. 125. Substance abuse counselor educational curricula demonstration programs.
"Sec. 126. Behavioral health training and community education programs.
"Sec. 127. Authorization of appropriations.

"TITLE II–HEALTH SERVICES

"Sec. 201. Indian Health Care Improvement Fund.
"Sec. 202. Catastrophic Health Emergency Fund.
"Sec. 203. Health promotion and disease prevention services.
"Sec. 204. Diabetes prevention, treatment, and control.
"Sec. 205. Shared services for long-term care.
"Sec. 206. Health services research.
"Sec. 207. Mammography and other cancer screening.
"Sec. 208. Patient travel costs.
"Sec. 209. Epidemiology centers.
"Sec. 210. Comprehensive school health education programs.
"Sec. 211. Indian youth program.
"Sec. 212. Prevention, control, and elimination of communicable and infectious diseases.
"Sec. 213. Authority for provision of other services.
"Sec. 214. Indian women's health care.
"Sec. 215. Environmental and nuclear health hazards.
"Sec. 216. Arizona as a contract health service delivery area.
"Sec. 216A. North Dakota and South Dakota as contract health service delivery area.
"Sec. 217. California contract health services program.
"Sec. 218. California as a contract health service delivery area.
"Sec. 219. Contract health services for the Trenton service area.
"Sec. 220. Programs operated by Indian Tribes and Tribal Organizations.
"Sec. 221. Licensing.
"Sec. 222. Notification of provision of emergency contract health services.
"Sec. 223. Prompt action on payment of claims.
"Sec. 224. Liability for payment.
"Sec. 225. Office of Indian Men's Health.
"Sec. 226. Authorization of appropriations.

"TITLE III–FACILITIES

"Sec. 301. Consultation; construction and renovation of facilities; reports.
"Sec. 302. Sanitation facilities.
"Sec. 303. Preference to Indians and Indian firms.

"Sec. 304. Expenditure of non-Service funds for renovation.
"Sec. 305. Funding for the construction, expansion, and modernization of small ambulatory care facilities.
"Sec. 306. Indian health care delivery demonstration project.
"Sec. 307. Land transfer.
"Sec. 308. Leases, contracts, and other agreements.
"Sec. 309. Study on loans, loan guarantees, and loan repayment.
"Sec. 310. Tribal leasing.
"Sec. 311. Indian Health Service/tribal facilities joint venture program.
"Sec. 312. Location of facilities.
"Sec. 313. Maintenance and improvement of health care facilities.
"Sec. 314. Tribal management of Federally-owned quarters.
"Sec. 315. Applicability of Buy American Act requirement.
"Sec. 316. Other funding for facilities.
"Sec. 317. Authorization of appropriations.

"TITLE IV–ACCESS TO HEALTH SERVICES

"Sec. 401. Treatment of payments under Social Security Act health benefits programs.
"Sec. 402. Grants to and contracts with the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to facilitate outreach, enrollment, and coverage of Indians under Social Security Act health benefit programs and other health benefits programs.
"Sec. 403. Reimbursement from certain third parties of costs of health services.
"Sec. 404. Crediting of reimbursements.
"Sec. 405. Purchasing health care coverage.
"Sec. 406. Sharing arrangements with Federal agencies.
"Sec. 407. Payor of last resort.
"Sec. 408. Nondiscrimination under Federal health care programs in qualifications for reimbursement for services.
"Sec. 409. Consultation.
"Sec. 410. State Children's Health Insurance Program (SCHIP).
"Sec. 411. Exclusion waiver authority for affected Indian Health Programs and safe harbor transactions under the Social Security Act.
"Sec. 412. Premium and cost sharing protections and eligibility determinations under Medicaid and SCHIP and protection of certain Indian property from Medicaid estate recovery.
"Sec. 413. Treatment under Medicaid and SCHIP managed care.
"Sec. 414. Navajo Nation Medicaid Agency feasibility study.
"Sec. 415. Authorization of appropriations.

"TITLE V–HEALTH SERVICES FOR URBAN INDIANS

"Sec. 501. Purpose.
"Sec. 502. Contracts with, and grants to, Urban Indian Organizations.
"Sec. 503. Contracts and grants for the provision of health care and referral services.
"Sec. 504. Contracts and grants for the determination of unmet health care needs.
"Sec. 505. Evaluations; renewals.
"Sec. 506. Other contract and grant requirements.
"Sec. 507. Reports and records.
"Sec. 508. Limitation on contract authority.
"Sec. 509. Facilities.
"Sec. 510. Division of Urban Indian Health.
"Sec. 511. Grants for alcohol and substance abuse-related services.
"Sec. 512. Treatment of certain demonstration projects.
"Sec. 513. Urban NIAAA transferred programs.
"Sec. 514. Consultation with Urban Indian Organizations.
"Sec. 515. Urban youth treatment center demonstration.
"Sec. 516. Grants for diabetes prevention, treatment, and control.
"Sec. 517. Community Health Representatives.
"Sec. 518. Effective date.
"Sec. 519. Eligibility for services.
"Sec. 520. Authorization of appropriations.

"TITLE VI–ORGANIZATIONAL IMPROVEMENTS

"Sec. 601. Establishment of the Indian Health Service as an agency of the Public Health Service.
"Sec. 602. Automated management information system.
"Sec. 603. Authorization of appropriations.

"TITLE VII–BEHAVIORAL HEALTH PROGRAMS

"Sec. 701. Behavioral health prevention and treatment services.
"Sec. 702. Memoranda of agreement with the Department of the Interior.
"Sec. 703. Comprehensive behavioral health prevention and treatment program.
"Sec. 704. Mental health technician program.
"Sec. 705. Licensing requirement for mental health care workers.
"Sec. 706. Indian women treatment programs.
"Sec. 707. Indian youth program.
"Sec. 708. Indian youth telemental health demonstration project.
"Sec. 709. Inpatient and community-based mental health facilities design, construction, and staffing.
"Sec. 710. Training and community education.
"Sec. 711. Behavioral health program.
"Sec. 712. Fetal alcohol disorder programs.
"Sec. 713. Child sexual abuse and prevention treatment programs.
"Sec. 714. Behavioral health research.
"Sec. 715. Definitions.
"Sec. 716. Authorization of appropriations.

"TITLE VIII–MISCELLANEOUS

"Sec. 801. Reports.
"Sec. 802. Regulations.
"Sec. 803. Plan of implementation.
"Sec. 804. Availability of funds.
"Sec. 805. Limitations.
"Sec. 806. Eligibility of California Indians.
"Sec. 807. Health services for ineligible persons.
"Sec. 808. Reallocation of base resources.
"Sec. 809. Results of demonstration projects.
"Sec. 810. Provision of services in Montana.
"Sec. 811. Moratorium.
"Sec. 812. Tribal employment.
"Sec. 813. Severability provisions.
"Sec. 814. Establishment of National Bipartisan Commission on Indian Health Care.
"Sec. 815. Appropriations; availability.
"Sec. 816. Authorization of appropriations.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government's historical and unique legal relationship with, and resulting responsibility to, the American Indian people.

"(2) A major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services.

"(3) Federal health services to Indians have resulted in a reduction in the prevalence and incidence of preventable illnesses among, and unnecessary and premature deaths of, Indians.

"(4) Despite such services, the unmet health needs of the American Indian people are severe and the health status of the Indians is far below that of the general population of the United States.

"SEC. 3. DECLARATION OF NATIONAL INDIAN HEALTH POLICY.

"Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians—

"(1) to assure the highest possible health status for Indians and to provide all resources necessary to effect that policy;

"(2) to raise the health status of Indians by the year 2010 to at least the levels set forth in the goals contained within the Healthy People 2010 or successor objectives;

"(3) to the greatest extent possible, to allow Indians to set their own health care priorities and establish goals that reflect their unmet needs;

"(4) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Service Area is raised to at least the level of that of the general population;

"(5) to require meaningful consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to implement this Act and the national policy of Indian self-determination; and

"(6) to provide funding for programs and facilities operated by Indian Tribes and Tribal Organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Service.

"SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'accredited and accessible' means on or near a reservation and accredited by a national or regional organization with accrediting authority.

"(2) The term 'Area Office' means an administrative entity, including a program office, within the Service through which services and funds are provided to the Service Units within a defined geographic area.

"(3)(A) The term 'behavioral health' means the blending of substance (alcohol, drugs, inhalants, and tobacco) abuse and mental health prevention and treatment, for the purpose of providing comprehensive services.

"(B) The term 'behavioral health' includes the joint development of substance abuse and mental health treatment planning and coordinated case management using a multidisciplinary approach.

"(4) The term 'California Indians' means those Indians who are eligible for health services of the Service pursuant to section 806.

"(5) The term 'community college' means—

"(A) a tribal college or university, or

"(B) a junior or community college.

"(6) The term 'contract health service' means health services provided at the expense of the Service or a Tribal Health Program by public or private medical providers or hospitals, other than the Service Unit or the Tribal Health Program at whose expense the services are provided.

"(7) The term 'Department' means, unless otherwise designated, the Department of Health and Human Services.

"(8) The term 'Director' means the Director of the Service.

"(9) The term 'disease prevention' means the reduction, limitation, and prevention of disease and its complications and reduction in the consequences of disease, including—

"(A) controlling—

"(i) the development of diabetes;

"(ii) high blood pressure;

"(iii) infectious agents;

"(iv) injuries;

"(v) occupational hazards and disabilities;

"(vi) sexually transmittable diseases; and

"(vii) toxic agents; and

"(B) providing—

"(i) fluoridation of water; and

"(ii) immunizations.

"(10) The term 'health profession' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, allied health professions, and any other health profession.

"(11) The term 'health promotion' means—

"(A) fostering social, economic, environmental, and personal factors conducive to health, including raising public awareness about health matters and enabling the people to cope with health problems by increasing their knowledge and providing them with valid information;

"(B) encouraging adequate and appropriate diet, exercise, and sleep;

"(C) promoting education and work in conformity with physical and mental capacity;

"(D) making available safe water and sanitary facilities;

"(E) improving the physical, economic, cultural, psychological, and social environment;

"(F) promoting culturally competent care; and

"(G) providing adequate and appropriate programs, which may include—

"(i) abuse prevention (mental and physical);

"(ii) community health;

"(iii) community safety;

"(iv) consumer health education;

"(v) diet and nutrition;

"(vi) immunization and other prevention of communicable diseases, including HIV/AIDS;

"(vii) environmental health;

"(viii) exercise and physical fitness;

"(ix) avoidance of fetal alcohol disorders;

"(x) first aid and CPR education;

"(xi) human growth and development;

"(xii) injury prevention and personal safety;

"(xiii) behavioral health;

"(xiv) monitoring of disease indicators between health care provider visits, through appropriate means, including Internet-based health care management systems;

"(xv) personal health and wellness practices;

"(xvi) personal capacity building;

"(xvii) prenatal, pregnancy, and infant care;

"(xviii) psychological well-being;

"(xix) safe and adequate water;

"(xx) healthy work environments;

"(xxi) elimination, reduction, and prevention of contaminants that create unhealthy household conditions (including mold and other allergens);

"(xxii) stress control;

"(xxiii) substance abuse;

"(xxiv) sanitary facilities;

"(xxv) sudden infant death syndrome prevention;

"(xxvi) tobacco use cessation and reduction;

"(xxvii) violence prevention; and

"(xxviii) such other activities identified by the Service, a Tribal Health Program, or an Urban Indian Organization, to promote achievement of any of the objectives described in section 3(2).

"(12) The term 'Indian', unless otherwise designated, means any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 and 103, the term also means any individual who—

"(A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or

"(ii) is a descendant, in the first or second degree, of any such member;

"(B) is an Eskimo or Aleut or other Alaska Native;

"(C) is considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) is determined to be an Indian under regulations promulgated by the Secretary.

"(13) The term 'Indian Health Program' means—

"(A) any health program administered directly by the Service;

"(B) any Tribal Health Program; or

"(C) any Indian Tribe or Tribal Organization to which the Secretary provides funding pursuant to section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the 'Buy Indian Act').

"(14) The term 'Indian Tribe' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(15) The term 'junior or community college' has the meaning given the term by section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

"(16) The term 'reservation' means any federally recognized Indian Tribe's reservation, Pueblo, or colony, including former reservations in Oklahoma, Indian allotments, and Alaska Native Regions established pursuant to the Alaska Native Claims Settlement Act (25 U.S.C. 1601 et seq.).

"(17) The term 'Secretary', unless otherwise designated, means the Secretary of Health and Human Services.

"(18) The term 'Service' means the Indian Health Service.

"(19) The term 'Service Area' means the geographical area served by each Area Office.

"(20) The term 'Service Unit' means an administrative entity of the Service, or a Tribal Health Program through which services are provided, directly or by contract, to eligible Indians within a defined geographic area.

"(21) The term 'telehealth' has the meaning given the term in section 330K(a) of the Public Health Service Act (42 U.S.C. 254c-16(a)).

"(22) The term 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care services.

"(23) The term 'tribal college or university' has the meaning given the term in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(24) The term 'Tribal Health Program' means an Indian Tribe or Tribal Organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(25) The term 'Tribal Organization' has the meaning given the term in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(26) The term 'Urban Center' means any community which has a sufficient Urban Indian population with unmet health needs to warrant assistance under title V of this Act, as determined by the Secretary.

"(27) The term 'Urban Indian' means any individual who resides in an Urban Center and who meets 1 or more of the following criteria:

"(A) Irrespective of whether the individual lives on or near a reservation, the individual is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those tribes, bands, or groups that are recognized by the States in which they reside, or who is a descendant in the first or second degree of any such member.

"(B) The individual is an Eskimo, Aleut, or other Alaska Native.

"(C) The individual is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) The individual is determined to be an Indian under regulations promulgated by the Secretary.

"(28) The term 'Urban Indian Organization' means a nonprofit corporate body that (A) is situated in an Urban Center; (B) is governed by an Urban Indian-controlled board of directors; (C) provides for the participation of all interested Indian groups and individuals; and (D) is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).

"TITLE I—INDIAN HEALTH, HUMAN RESOURCES, AND DEVELOPMENT

"SEC. 101. PURPOSE.

"The purpose of this title is to increase, to the maximum extent feasible, the number of Indians entering the health professions and providing health services, and to assure an optimum supply of health professionals to the Indian Health Programs and Urban Indian Organizations involved in the provision of health services to Indians.

"SEC. 102. HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make grants to public or nonprofit private health or educational entities, Tribal Health Programs, or Urban Indian Organizations to assist such entities in meeting the costs of—

“(1) identifying Indians with a potential for education or training in the health professions and encouraging and assisting them—

“(A) to enroll in courses of study in such health professions; or

“(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;

“(2) publicizing existing sources of financial aid available to Indians enrolled in any course of study referred to in paragraph (1) or who are undertaking training necessary to qualify them to enroll in any such course of study; or

“(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1).

“(b) GRANTS.—

“(1) APPLICATION.—The Secretary shall not make a grant under this section unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe pursuant to this Act. The Secretary shall give a preference to applications submitted by Tribal Health Programs or Urban Indian Organizations.

“(2) AMOUNT OF GRANTS; PAYMENT.—The amount of a grant under this section shall be determined by the Secretary. Payments pursuant to this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as provided for in regulations issued pursuant to this Act. To the extent not otherwise prohibited by law, grants shall be for 3 years, as provided in regulations issued pursuant to this Act.

“SEC. 103. HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM FOR INDIANS.

“(a) SCHOLARSHIPS AUTHORIZED.—The Secretary, acting through the Service, shall provide scholarship grants to Indians who—

“(1) have successfully completed their high school education or high school equivalency; and

“(2) have demonstrated the potential to successfully complete courses of study in the health professions.

“(b) PURPOSES.—Scholarship grants provided pursuant to this section shall be for the following purposes:

“(1) Compensatory preprofessional education of any recipient, such scholarship not to exceed 2 years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued under this Act).

“(2) Pregraduate education of any recipient leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years. An extension of up to 2 years (or the part-time equivalent thereof, as determined by the Secretary pursuant to regulations issued pursuant to this Act) may be approved.

“(c) OTHER CONDITIONS.—Scholarships under this section—

“(1) may cover costs of tuition, books, transportation, board, and other necessary related expenses of a recipient while attending school;

“(2) shall not be denied solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution; and

“(3) shall not be denied solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

“SEC. 104. INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.

“(a) IN GENERAL.—

“(1) AUTHORITY.—The Secretary, acting through the Service, shall make scholarship grants to Indians who are enrolled full or part time in accredited schools pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Services Act (42 U.S.C. 254*l*), except as provided in subsection (b) of this section.

“(2) DETERMINATIONS BY SECRETARY.—The Secretary, acting through the Service, shall determine—

“(A) who shall receive scholarship grants under subsection (a); and

“(B) the distribution of the scholarships among health professions on the basis of the relative needs of Indians for additional service in the health professions.

“(3) CERTAIN DELEGATION NOT ALLOWED.—The administration of this section shall be a responsibility of the Director and shall not be delegated in a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(b) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) OBLIGATION MET.—The active duty service obligation under a written contract with the Secretary under this section that an Indian has entered into shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice equal to 1 year for each school year for which the participant receives a scholarship award under this part, or 2 years, whichever is greater, by service in 1 or more of the following:

“(A) In an Indian Health Program.

“(B) In a program assisted under title V of this Act.

“(C) In the private practice of the applicable profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(D) In a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, the health service provided to Indians would not decrease.

“(2) OBLIGATION DEFERRED.—At the request of any individual who has entered into a contract referred to in paragraph (1) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

“(A) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service under this subsection.

“(B) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

“(C) The active duty service obligation will be served in the health profession of that individual in a manner consistent with paragraph (1).

“(D) A recipient of a scholarship under this section may, at the election of the recipient, meet the active duty service obligation described in paragraph (1) by service in a program specified under that paragraph that—

“(i) is located on the reservation of the Indian Tribe in which the recipient is enrolled; or

“(ii) serves the Indian Tribe in which the recipient is enrolled.

“(3) PRIORITY WHEN MAKING ASSIGNMENTS.—Subject to paragraph (2), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in paragraph (1), shall give priority to assigning individuals to service in those programs specified in paragraph (1) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

“(c) PART-TIME STUDENTS.—In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

“(1) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

“(2) the period of obligated service described in subsection (b)(1) shall be equal to the greater of—

“(A) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

“(B) 2 years; and

“(3) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254*l*(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.

“(d) BREACH OF CONTRACT.—

“(1) SPECIFIED BREACHES.—An individual shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under a contract entered into with the Secretary under this section on or after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 if that individual—

“(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

“(B) is dismissed from such educational institution for disciplinary reasons;

“(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

“(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

“(2) OTHER BREACHES.—If for any reason not specified in paragraph (1) an individual breaches a written contract by failing either to begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

“(4) WAIVERS AND SUSPENSIONS.—

“(A) IN GENERAL.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

“(i) it is not possible for the recipient to meet that obligation or make that payment;

“(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(B) FACTORS FOR CONSIDERATION.—Before waiving or suspending an obligation of service or payment under subparagraph (A), the Secretary shall consult with the affected Area Office, Indian Tribes, Tribal Organizations, or Urban Indian Organizations, and may take into consideration whether the obligation may be satisfied in a teaching capacity at a tribal college or university nursing program under subsection (b)(1)(D).

“(5) EXTREME HARDSHIP.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(6) BANKRUPTCY.—Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

“SEC. 105. AMERICAN INDIANS INTO PSYCHOLOGY PROGRAM.

“(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants of not more than $300,000 to each of 9 colleges and universities for the purpose of developing and maintaining Indian psychology career recruitment programs as a means of encouraging Indians to enter the behavioral health field. These programs shall be located at various locations throughout the country to maximize their availability to Indian students and new programs shall be established in different locations from time to time.

“(b) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide a grant authorized under subsection (a) to develop and maintain a program at the University of North Dakota to be known as the ‘Quentin N. Burdick American Indians Into Psychology Program’. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs authorized under section 117(b), the Quentin N. Burdick American Indians Into Nursing Program authorized under section 115(e), and existing university research and communications networks.

“(c) REGULATIONS.—The Secretary shall issue regulations pursuant to this Act for the competitive awarding of grants provided under this section.

“(d) CONDITIONS OF GRANT.—Applicants under this section shall agree to provide a program which, at a minimum—

“(1) provides outreach and recruitment for health professions to Indian communities including elementary, secondary, and accredited and accessible community colleges that will be served by the program;

“(2) incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program;

“(3) provides summer enrichment programs to expose Indian students to the various fields of psychology through research, clinical, and experimental activities;

“(4) provides stipends to undergraduate and graduate students to pursue a career in psychology;

“(5) develops affiliation agreements with tribal colleges and universities, the Service, university affiliated programs, and other appropriate accredited and accessible entities to enhance the education of Indian students;

“(6) to the maximum extent feasible, uses existing university tutoring, counseling, and student support services; and

“(7) to the maximum extent feasible, employs qualified Indians in the program.

“(e) ACTIVE DUTY SERVICE REQUIREMENT.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each graduate who receives a stipend described in subsection (d)(4) that is funded under this section. Such obligation shall be met by service—

“(1) in an Indian Health Program;

“(2) in a program assisted under title V of this Act; or

“(3) in the private practice of psychology if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,700,000 for each of fiscal years 2007 through 2016.

“SEC. 106. SCHOLARSHIP PROGRAMS FOR INDIAN TRIBES.

“(a) IN GENERAL.—

“(1) GRANTS AUTHORIZED.—The Secretary, acting through the Service, shall make grants to Tribal Health Programs for the purpose of providing scholarships for Indians to serve as health professionals in Indian communities.

“(2) AMOUNT.—Amounts available under paragraph (1) for any fiscal year shall not exceed 5 percent of the amounts available for each fiscal year for Indian Health Scholarships under section 104.

“(3) APPLICATION.—An application for a grant under paragraph (1) shall be in such form and contain such agreements, assurances, and information as consistent with this section.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—A Tribal Health Program receiving a grant under subsection (a) shall provide scholarships to Indians in accordance with the requirements of this section.

“(2) COSTS.—With respect to costs of providing any scholarship pursuant to subsection (a)—

“(A) 80 percent of the costs of the scholarship shall be paid from the funds made available pursuant to subsection (a)(1) provided to the Tribal Health Program; and

“(B) 20 percent of such costs may be paid from any other source of funds.

“(c) COURSE OF STUDY.—A Tribal Health Program shall provide scholarships under this section only to Indians enrolled or accepted for enrollment in a course of study (approved by the Secretary) in 1 of the health professions contemplated by this Act.

“(d) CONTRACT.—

“(1) IN GENERAL.—In providing scholarships under subsection (b), the Secretary and the Tribal Health Program shall enter into a written contract with each recipient of such scholarship.

“(2) REQUIREMENTS.—Such contract shall—

“(A) obligate such recipient to provide service in an Indian Health Program or Urban Indian Organization, in the same Service Area where the Tribal Health Program providing the scholarship is located, for—

“(i) a number of years for which the scholarship is provided (or the part-time equivalent thereof, as determined by the Secretary), or for a period of 2 years, whichever period is greater; or

“(ii) such greater period of time as the recipient and the Tribal Health Program may agree;

“(B) provide that the amount of the scholarship—

“(i) may only be expended for—

“(I) tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attendance at the educational institution; and

“(II) payment to the recipient of a monthly stipend of not more than the amount authorized by section 338(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)), with such amount to be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled, and not to exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in this clause; and

“(ii) may not exceed, for any year of attendance for which the scholarship is provided, the total amount required for the year for the purposes authorized in clause (i);

“(C) require the recipient of such scholarship to maintain an acceptable level of academic standing as determined by the educational institution in accordance with regulations issued pursuant to this Act; and

“(D) require the recipient of such scholarship to meet the educational and licensure requirements appropriate to each health profession.

“(3) SERVICE IN OTHER SERVICE AREAS.—The contract may allow the recipient to serve in another Service Area, provided the Tribal Health Program and Secretary approve and services are not diminished to Indians in the Service Area where the Tribal Health Program providing the scholarship is located.

“(e) BREACH OF CONTRACT.—

“(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary and a Tribal Health Program under subsection (d) shall be liable to the United States for the Federal share of the amount which has been paid to him or her, or on his or her behalf, under the contract if that individual—

“(A) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level as determined by the educational institution under regulations of the Secretary);

“(B) is dismissed from such educational institution for disciplinary reasons;

“(C) voluntarily terminates the training in such an educational institution for which he or she is provided a scholarship under such contract before the completion of such training; or

“(D) fails to accept payment, or instructs the educational institution in which he or she is enrolled not to accept payment, in whole or in part, of a scholarship under such contract, in lieu of any service obligation arising under such contract.

“(2) OTHER BREACHES.—If for any reason not specified in paragraph (1), an individual breaches a written contract by failing to either begin such individual's service obligation required under such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

“(3) CANCELLATION UPON DEATH OF RECIPIENT.—Upon the death of an individual who receives an Indian Health Scholarship, any outstanding obligation of that individual for service or payment that relates to that scholarship shall be canceled.

“(4) INFORMATION.—The Secretary may carry out this subsection on the basis of information received from Tribal Health Programs involved or on the basis of information collected through such other means as the Secretary deems appropriate.

“(f) RELATION TO SOCIAL SECURITY ACT.—The recipient of a scholarship under this section shall agree, in providing health care pursuant to the requirements herein—

“(1) not to discriminate against an individual seeking care on the basis of the ability of the individual to pay for such care or on the basis that payment for such care will be made pursuant to a program established in title XVIII of the Social Security Act or pursuant to the programs established in title XIX or title XXI of such Act; and

“(2) to accept assignment under section 1842(b)(3)(B)(ii) of the Social Security Act for all services for which payment may be made under part B of title XVIII of such Act, and to enter into an appropriate agreement with the State agency that administers the State plan for medical assistance under title XIX, or the State child health plan under title XXI, of such Act to provide service to individuals entitled to medical assistance or child health assistance, respectively, under the plan.

“(g) CONTINUANCE OF FUNDING.—The Secretary shall make payments under this section to a Tribal Health Program for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the Tribal Health Program has not complied with the requirements of this section.

“SEC. 107. INDIAN HEALTH SERVICE EXTERN PROGRAMS.

“(a) EMPLOYMENT PREFERENCE.—Any individual who receives a scholarship pursuant to section 104 or 106 shall be given preference for employment in the Service, or may be employed by a Tribal Health Program or an Urban Indian Organization, or other agencies of the Department as available, during any nonacademic period of the year.

“(b) NOT COUNTED TOWARD ACTIVE DUTY SERVICE OBLIGATION.—Periods of employment pursuant to this subsection shall not be counted in determining fulfillment of the service obligation incurred as a condition of the scholarship.

“(c) TIMING; LENGTH OF EMPLOYMENT.—Any individual enrolled in a program, including a high school program, authorized under section 102(a) may be employed by the Service or by a Tribal Health Program or an Urban Indian Organization during any nonacademic period of the year. Any such employment shall not exceed 120 days during any calendar year.

“(d) NONAPPLICABILITY OF COMPETITIVE PERSONNEL SYSTEM.—Any employment pursuant to this section shall be made without regard to any competitive personnel system or agency personnel limitation and to a position which will enable the individual so employed to receive practical experience in the health profession in which he or she is engaged in study. Any individual so employed shall receive payment for his or her services comparable to the salary he or she would receive if he or she were employed in the competitive system. Any individual so employed shall not be counted against any employment ceiling affecting the Service or the Department.

“SEC. 108. CONTINUING EDUCATION ALLOWANCES.

“In order to encourage scholarship and stipend recipients under sections 104, 105, 106, and 115 and health professionals, including community health representatives and emergency medical technicians, to join or continue in an Indian Health Program and to provide their services in the rural and remote areas where a significant portion of Indians reside, the Secretary, acting through the Service, may—

“(1) provide programs or allowances to transition into an Indian Health Program, including licensing, board or certification examination assistance, and technical assistance in fulfilling service obligations under sections 104, 105, 106, and 115; and

“(2) provide programs or allowances to health professionals employed in an Indian Health Program to enable them for a period of time each year prescribed by regulation of the Secretary to take leave of their duty stations for professional consultation, management, leadership, and refresher training courses.

“SEC. 109. COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

“(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the ‘Snyder Act’), the Secretary, acting through the Service, shall maintain a Community Health Representative Program under which Indian Health Programs—

“(1) provide for the training of Indians as community health representatives; and

“(2) use such community health representatives in the provision of health care, health promotion, and disease prevention services to Indian communities.

“(b) DUTIES.—The Community Health Representative Program of the Service, shall—

“(1) provide a high standard of training for community health representatives to ensure that the community health representatives provide quality health care, health promotion, and disease prevention services to the Indian communities served by the Program;

“(2) in order to provide such training, develop and maintain a curriculum that—

“(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

“(B) provides instruction and practical experience in health promotion and disease prevention activities, with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty;

“(3) maintain a system which identifies the needs of community health representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for continuing education;

“(4) maintain a system that provides close supervision of Community Health Representatives;

“(5) maintain a system under which the work of Community Health Representatives is reviewed and evaluated; and

“(6) promote traditional health care practices of the Indian Tribes served consistent with the Service standards for the provision of health care, health promotion, and disease prevention.

“SEC. 110. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish and administer a program to be known as the Service Loan Repayment Program (hereinafter referred to as the ‘Loan Repayment Program’) in order to ensure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian Health Programs and Urban Indian Organizations.

“(b) ELIGIBLE INDIVIDUALS.—To be eligible to participate in the Loan Repayment Program, an individual must—

“(1)(A) be enrolled—

“(i) in a course of study or program in an accredited educational institution (as determined by the Secretary under section 338B(b)(1)(c)(i) of the Public Health Service Act (42 U.S.C. 254*l*–1(b)(1)(c)(i))) and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

“(ii) in an approved graduate training program in a health profession; or

“(B) have—

“(i) a degree in a health profession; and

“(ii) a license to practice a health profession;

“(2)(A) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service;

“(B) be eligible for selection for civilian service in the Regular or Reserve Corps of the Public Health Service;

“(C) meet the professional standards for civil service employment in the Service; or

“(D) be employed in an Indian Health Program or Urban Indian Organization without a service obligation; and

“(3) submit to the Secretary an application for a contract described in subsection (e).

“(c) APPLICATION.—

“(1) INFORMATION TO BE INCLUDED WITH FORMS.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under subsection (l) in the case of the individual's breach of contract. The Secretary shall provide such individuals with sufficient information regarding the advantages and disadvantages of service as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or a civilian employee of the Service to enable the individual to make a decision on an informed basis.

“(2) CLEAR LANGUAGE.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) TIMELY AVAILABILITY OF FORMS.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITIES.—

"(1) LIST.—Consistent with subsection (k), the Secretary shall annually—

"(A) identify the positions in each Indian Health Program or Urban Indian Organization for which there is a need or a vacancy; and

"(B) rank those positions in order of priority.

"(2) APPROVALS.—Notwithstanding the priority determined under paragraph (1), the Secretary, in determining which applications under the Loan Repayment Program to approve (and which contracts to accept), shall—

"(A) give first priority to applications made by individual Indians; and

"(B) after making determinations on all applications submitted by individual Indians as required under subparagraph (A), give priority to—

"(i) individuals recruited through the efforts of an Indian Health Program or Urban Indian Organization; and

"(ii) other individuals based on the priority rankings under paragraph (1).

"(e) RECIPIENT CONTRACTS.—

"(1) CONTRACT REQUIRED.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in paragraph (2).

"(2) CONTENTS OF CONTRACT.—The written contract referred to in this section between the Secretary and an individual shall contain—

"(A) an agreement under which—

"(i) subject to subparagraph (C), the Secretary agrees—

"(I) to pay loans on behalf of the individual in accordance with the provisions of this section; and

"(II) to accept (subject to the availability of appropriated funds for carrying out this section) the individual into the Service or place the individual with a Tribal Health Program or Urban Indian Organization as provided in clause (ii)(III); and

"(ii) subject to subparagraph (C), the individual agrees—

"(I) to accept loan payments on behalf of the individual;

"(II) in the case of an individual described in subsection (b)(1)—

"(aa) to maintain enrollment in a course of study or training described in subsection (b)(1)(A) until the individual completes the course of study or training; and

"(bb) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(III) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to serve in the full-time clinical practice of such individual's profession in an Indian Health Program or Urban Indian Organization to which the individual may be assigned by the Secretary;

"(B) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under subparagraph (A)(ii)(III);

"(C) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon is contingent upon funds being appropriated for loan repayments under this section;

"(D) a statement of the damages to which the United States is entitled under subsection (l) for the individual's breach of the contract; and

"(E) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

"(f) DEADLINE FOR DECISION ON APPLICATION.—The Secretary shall provide written notice to an individual within 21 days on—

"(1) the Secretary's approving, under subsection (e)(1), of the individual's participation in the Loan Repayment Program, including extensions resulting in an aggregate period of obligated service in excess of 4 years; or

"(2) the Secretary's disapproving an individual's participation in such Program.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and

"(C) reasonable living expenses as determined by the Secretary.

"(2) AMOUNT.—For each year of obligated service that an individual contracts to serve under subsection (e), the Secretary may pay up to $35,000 or an amount equal to the amount specified in section 338B(g)(2)(A) of the Public Health Service Act, whichever is more, on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(A) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(B) provides an incentive to serve in Indian Health Programs and Urban Indian Organizations with the greatest shortages of health professionals; and

"(C) provides an incentive with respect to the health professional involved remaining in an Indian Health Program or Urban Indian Organization with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.

"(3) TIMING.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(4) REIMBURSEMENTS FOR TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from a payment under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount equal to not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(5) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section shall not be counted against any employment ceiling affecting the Department while those individuals are undergoing academic training.

"(i) RECRUITMENT.—The Secretary shall conduct recruiting programs for the Loan Repayment Program and other manpower programs of the Service at educational institutions training health professionals or specialists identified in subsection (a).

"(j) APPLICABILITY OF LAW.—Section 214 of the Public Health Service Act (42 U.S.C. 215) shall not apply to individuals during their period of obligated service under the Loan Repayment Program.

"(k) ASSIGNMENT OF INDIVIDUALS.—The Secretary, in assigning individuals to serve in Indian Health Programs or Urban Indian Organizations pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Tribal Health Programs and Urban Indian Organizations receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian Health Programs and Urban Indian Organizations that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

"(l) BREACH OF CONTRACT.—

"(1) SPECIFIC BREACHES.—An individual who has entered into a written contract with the Secretary under this section and has not received a waiver under subsection (m) shall be liable, in lieu of any service obligation arising under such contract, to the United States for the amount which has been paid on such individual's behalf under the contract if that individual—

"(A) is enrolled in the final year of a course of study and—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he or she is enrolled (such level determined by the educational institution under regulations of the Secretary);

"(ii) voluntarily terminates such enrollment; or

"(iii) is dismissed from such educational institution before completion of such course of study; or

"(B) is enrolled in a graduate training program and fails to complete such training program.

"(2) OTHER BREACHES; FORMULA FOR AMOUNT OWED.—If, for any reason not specified in paragraph (1), an individual breaches his or her written contract under this section by failing either to begin, or complete, such individual's period of obligated service in accordance with subsection (e)(2), the United States shall be entitled to recover from such individual an amount to be determined in accordance with the following formula: $A=3Z(t-s/t)$ in which—

"(A) 'A' is the amount the United States is entitled to recover;

"(B) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury;

"(C) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (f); and

"(D) 's' is the number of months of such period served by such individual in accordance with this section.

"(3) DEDUCTIONS IN MEDICARE PAYMENTS.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1892 of the Social Security Act.

"(4) TIME PERIOD FOR REPAYMENT.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

"(5) RECOVERY OF DELINQUENCY.—

"(A) IN GENERAL.—If damages described in paragraph (4) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(i) use collection agencies contracted with by the Administrator of General Services; or

"(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

"(B) REPORT.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(m) WAIVER OR SUSPENSION OF OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the Loan Repayment Program whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(2) CANCELED UPON DEATH.—Any obligation of an individual under the Loan Repayment Program for service or payment of damages shall be canceled upon the death of the individual.

"(3) HARDSHIP WAIVER.—The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) BANKRUPTCY.—Any obligation of an individual under the Loan Repayment Program for payment of damages may be released by a discharge in bankruptcy under title 11 of the United States Code only if such discharge is granted after the expiration of the 5-year period beginning on the first date that payment of such damages is required, and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable.

"(n) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be submitted to Congress under section 801, a report concerning the previous fiscal year which sets forth by Service Area the following:

"(1) A list of the health professional positions maintained by Indian Health Programs and Urban Indian Organizations for which recruitment or retention is difficult.

"(2) The number of Loan Repayment Program applications filed with respect to each type of health profession.

"(3) The number of contracts described in subsection (e) that are entered into with respect to each health profession.

"(4) The amount of loan payments made under this section, in total and by health profession.

"(5) The number of scholarships that are provided under sections 104 and 106 with respect to each health profession.

"(6) The amount of scholarship grants provided under section 104 and 106, in total and by health profession.

"(7) The number of providers of health care that will be needed by Indian Health Programs and Urban Indian Organizations, by location and profession, during the 3 fiscal years beginning after the date the report is filed.

"(8) The measures the Secretary plans to take to fill the health professional positions maintained by Indian Health Programs or Urban Indian Organizations for which recruitment or retention is difficult.

"SEC. 111. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'LRRF'). The LRRF shall consist of such amounts as may be collected from individuals under section 104(d), section 106(e), and section 110(l) for breach of contract, such funds as may be appropriated to the LRRF, and interest earned on amounts in the LRRF. All amounts collected, appropriated, or earned relative to the LRRF shall remain available until expended.

"(b) USE OF FUNDS.—

"(1) BY SECRETARY.—Amounts in the LRRF may be expended by the Secretary, acting through the Service, to make payments to an Indian Health Program—

"(A) to which a scholarship recipient under section 104 and 106 or a loan repayment program participant under section 110 has been assigned to meet the obligated service requirements pursuant to such sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104, 106, or section 110.

"(2) BY TRIBAL HEALTH PROGRAMS.—A Tribal Health Program receiving payments pursuant to paragraph (1) may expend the payments to provide scholarships or recruit and employ, directly or by contract, health professionals to provide health care services.

"(c) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest such amounts of the LRRF as the Secretary of Health and Human Services determines are not required to meet current withdrawals from the LRRF. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(d) SALE OF OBLIGATIONS.—Any obligation acquired by the LRRF may be sold by the Secretary of the Treasury at the market price.

"SEC. 112. RECRUITMENT ACTIVITIES.

"(a) REIMBURSEMENT FOR TRAVEL.—The Secretary, acting through the Service, may reimburse health professionals seeking positions with Indian Health Programs or Urban Indian Organizations, including individuals considering entering into a contract under section 110 and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

"(b) RECRUITMENT PERSONNEL.—The Secretary, acting through the Service, shall assign 1 individual in each Area Office to be responsible on a full-time basis for recruitment activities.

"SEC. 113. INDIAN RECRUITMENT AND RETENTION PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall fund, on a competitive basis, innovative demonstration projects for a period not to exceed 3 years to enable Tribal Health Programs and Urban Indian Organizations to recruit, place, and retain health professionals to meet their staffing needs.

"(b) ELIGIBLE ENTITIES; APPLICATION.—Any Tribal Health Program or Urban Indian Organization may submit an application for funding of a project pursuant to this section.

"SEC. 114. ADVANCED TRAINING AND RESEARCH.

"(a) DEMONSTRATION PROGRAM.—The Secretary, acting through the Service, shall establish a demonstration project to enable health professionals who have worked in an Indian Health Program or Urban Ihdian Organization for a substantial period of time to pursue advanced training or research areas of study for which the Secretary determines a need exists.

"(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"(c) EQUAL OPPORTUNITY FOR PARTICIPATION.—Health professionals from Tribal Health Programs and Urban Indian Organizations shall be given an equal opportunity to participate in the program under subsection (a).

"SEC. 115. QUENTIN N. BURDICK AMERICAN INDIANS INTO NURSING PROGRAM.

"(a) GRANTS AUTHORIZED.—For the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians, the Secretary, acting through the Service, shall provide grants to the following:

"(1) Public or private schools of nursing.

"(2) Tribal colleges or universities.

"(3) Nurse midwife programs and advanced practice nurse programs that are provided by any tribal college or university accredited nursing program, or in the absence of such, any other public or private institutions.

"(b) USE OF GRANTS.—Grants provided under subsection (a) may be used for 1 or more of the following:

"(1) To recruit individuals for programs which train individuals to be nurses, nurse midwives, or advanced practice nurses.

"(2) To provide scholarships to Indians enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses.

"(3) To provide a program that encourages nurses, nurse midwives, and advanced practice nurses to provide, or continue to provide, health care services to Indians.

"(4) To provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and advanced practice nurses.

"(5) To provide any program that is designed to achieve the purpose described in subsection (a).

"(c) APPLICATIONS.—Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

"(d) PREFERENCES FOR GRANT RECIPIENTS.—In providing grants under subsection (a), the Secretary shall extend a preference to the following:

"(1) Programs that provide a preference to Indians.

"(2) Programs that train nurse midwives or advanced practice nurses.

"(3) Programs that are interdisciplinary.

"(4) Programs that are conducted in cooperation with a program for gifted and talented Indian students.

"(5) Programs conducted by tribal colleges and universities.

"(e) QUENTIN N. BURDICK PROGRAM GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the 'Quentin N. Burdick American Indians Into Nursing Program'. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 117(b) and the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b).

"(f) ACTIVE DUTY SERVICE OBLIGATION.—The active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

"(1) in the Service;

"(2) in a program of an Indian Tribe or Tribal Organization conducted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (including programs under agreements with the Bureau of Indian Affairs);

"(3) in a program assisted under title V of this Act;

"(4) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health shortage area and addresses the health care needs of a substantial number of Indians; or

"(5) in a teaching capacity in a tribal college or university nursing program (or a related health profession program) if, as determined by the Secretary, health services provided to Indians would not decrease.

"SEC. 116. TRIBAL CULTURAL ORIENTATION.

"(a) CULTURAL EDUCATION OF EMPLOYEES.—The Secretary, acting through the Service, shall require that appropriate employees of the Service who serve Indian Tribes in each Service Area receive educational instruction in the history and culture of such Indian Tribes and their relationship to the Service.

"(b) PROGRAM.—In carrying out subsection (a), the Secretary shall establish a program which shall, to the extent feasible—

"(1) be developed in consultation with the affected Indian Tribes, Tribal Organizations, and Urban Indian Organizations;

"(2) be carried out through tribal colleges or universities;

"(3) include instruction in American Indian studies; and

"(4) describe the use and place of traditional health care practices of the Indian Tribes in the Service Area.

"SEC. 117. INMED PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, is authorized to provide grants to colleges and universities for the purpose of maintaining and expanding the Indian health careers recruitment program known as the 'Indians Into Medicine Program' (hereinafter in this section referred to as 'INMED') as a means of encouraging Indians to enter the health professions.

"(b) QUENTIN N. BURDICK GRANT.—The Secretary shall provide 1 of the grants authorized under subsection (a) to maintain the INMED program at the University of North Dakota, to be known as the 'Quentin N. Burdick Indian Health Programs', unless the Secretary makes a determination, based upon program reviews, that the program is not meeting the purposes of this section. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 105(b) and the Quentin N. Burdick American Indians Into Nursing Program established under section 115.

"(c) REGULATIONS.—The Secretary, pursuant to this Act, shall develop regulations to govern grants pursuant to this section.

"(d) REQUIREMENTS.—Applicants for grants provided under this section shall agree to provide a program which—

"(1) provides outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on reservations which will be served by the program;

"(2) incorporates a program advisory board comprised of representatives from the Indian Tribes and Indian communities which will be served by the program;

"(3) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions;

"(4) provides tutoring, counseling, and support to students who are enrolled in a health career program of study at the respective college or university; and

"(5) to the maximum extent feasible, employs qualified Indians in the program.

"SEC. 118. HEALTH TRAINING PROGRAMS OF COMMUNITY COLLEGES.

"(a) GRANTS TO ESTABLISH PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges for the purpose of assisting such community colleges in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on or near a reservation or in an Indian Health Program.

"(2) AMOUNT OF GRANTS.—The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed $250,000.

"(b) GRANTS FOR MAINTENANCE AND RECRUITING.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall award grants to accredited and accessible community colleges that have established a program described in subsection (a)(1) for the purpose of maintaining the program and recruiting students for the program.

"(2) REQUIREMENTS.—Grants may only be made under this section to a community college which—

"(A) is accredited;

"(B) has a relationship with a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals;

"(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

"(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs that train health professionals; and

"(ii) stipulate certifications necessary to approve internship and field placement opportunities at Indian Health Programs;

"(D) has a qualified staff which has the appropriate certifications;

"(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1); and

"(F) agrees to provide for Indian preference for applicants for programs under this section.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall encourage community colleges described in subsection (b)(2) to establish and maintain programs described in subsection (a)(1) by—

"(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs; and

"(2) providing technical assistance and support to such colleges.

"(d) ADVANCED TRAINING.—

"(1) REQUIRED.—Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

"(A) has already received a degree or diploma in such health profession; and

"(B) provides clinical services on or near a reservation or for an Indian Health Program.

"(2) MAY BE OFFERED AT ALTERNATE SITE.—Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C).

"(e) PRIORITY.—Where the requirements of subsection (b) are met, grant award priority shall be provided to tribal colleges and universities in Service Areas where they exist.

"SEC. 119. RETENTION BONUS.

"(a) BONUS AUTHORIZED.—The Secretary may pay a retention bonus to any health professional employed by, or assigned to, and serving in, an Indian Health Program or Urban Indian Organization either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

"(1) is assigned to, and serving in, a position for which recruitment or retention of personnel is difficult;

"(2) the Secretary determines is needed by Indian Health Programs and Urban Indian Organizations;

"(3) has—

"(A) completed 2 years of employment with an Indian Health Program or Urban Indian Organization; or

"(B) completed any service obligations incurred as a requirement of—

"(i) any Federal scholarship program; or

"(ii) any Federal education loan repayment program; and

"(4) enters into an agreement with an Indian Health Program or Urban Indian Organization for continued employment for a period of not less than 1 year.

"(b) RATES.—The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4), but in no event shall the annual rate be more than $25,000 per annum.

"(c) DEFAULT OF RETENTION AGREEMENT.—Any health professional failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 110(l)(2)(B).

"(d) OTHER RETENTION BONUS.—The Secretary may pay a retention bonus to any health professional employed by a Tribal Health Program if such health professional is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.

"SEC. 120. NURSING RESIDENCY PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Service, shall establish a program to enable Indians who are licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian Health Program or Urban Indian Organization, and have done so for a period of not less than 1 year, to pursue advanced training. Such program shall include a combination of education and work study in an Indian Health Program or Urban Indian Organization leading to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse), a bachelor's degree (in the case of a registered nurse), or advanced degrees or certifications in nursing and public health.

"(b) SERVICE OBLIGATION.—An individual who participates in a program under subsection (a), where the educational costs are paid by the Service, shall incur an obligation to serve in an Indian Health Program or Urban Indian Organization for a period of obligated service equal to 1 year for every year that nonprofessional employee (licensed practical nurses, licensed vocational nurses, nursing assistants, and various health care technicals), or 2 years for every year that professional nurse (associate degree and bachelor-prepared registered nurses), participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 110 in the manner provided for in such subsection.

"SEC. 121. COMMUNITY HEALTH AIDE PROGRAM.

"(a) GENERAL PURPOSES OF PROGRAM.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall develop and operate a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides or community health practitioners;

"(2) uses such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides or community health practitioners.

"(b) SPECIFIC PROGRAM REQUIREMENTS.—The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(2);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides and community health practitioners;

"(6) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services; and

"(7) ensure that pulpal therapy (not including pulpotomies on deciduous teeth) or extraction of adult teeth can be performed by a dental health aide therapist only after consultation with a licensed dentist who determines that the procedure is a medical emergency that cannot be resolved with palliative treatment, and further that dental health aide therapists are strictly prohibited from performing all other oral or jaw surgeries, provided that uncomplicated extractions shall not be considered oral surgery under this section.

"(c) PROGRAM REVIEW.—

"(1) NEUTRAL PANEL.—

"(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall establish a neutral panel to carry out the study under paragraph (2).

"(B) MEMBERSHIP.—Members of the neutral panel shall be appointed by the Secretary from among clinicians, economists, community practitioners, oral epidemiologists, and Alaska Natives.

"(2) STUDY.—

"(A) IN GENERAL.—The neutral panel established under paragraph (1) shall conduct a study of the dental health aide therapist services provided by the Community Health Aide Program under this section to ensure that the quality of care provided through those services is adequate and appropriate.

"(B) PARAMETERS OF STUDY.—The Secretary, in consultation with interested parties, including professional dental organizations, shall develop the parameters of the study.

"(C) INCLUSIONS.—The study shall include a determination by the neutral panel with respect to—

"(i) the ability of the dental health aide therapist services under this section to address the dental care needs of Alaska Natives;

"(ii) the quality of care provided through those services, including any training, improvement, or additional oversight required to improve the quality of care; and

"(iii) whether safer and less costly alternatives to the dental health aide therapist services exist.

"(D) CONSULTATION.—In carrying out the study under this paragraph, the neutral panel shall consult with Alaska Tribal Organizations with respect to the adequacy and accuracy of the study.

"(3) REPORT.—The neutral panel shall submit to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Resources of the House of Representatives a report describing the results of the study under paragraph (2), including a description of—

"(A) any determination of the neutral panel under paragraph (2)(C); and

"(B) any comments received from an Alaska Tribal Organization under paragraph (2)(D).

"(d) NATIONALIZATION OF PROGRAM.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Service, may establish a national Community Health Aide Program in accordance with the program under this section, as the Secretary determines to be appropriate.

"(2) EXCEPTION.—The national Community Health Aide Program under paragraph (1) shall not include dental health aide therapist services.

"(3) REQUIREMENT.—In establishing a national program under paragraph (1), the Secretary shall not reduce the amount of funds provided for the Community Health Aide Program described in subsections (a) and (b).

"SEC. 122. TRIBAL HEALTH PROGRAM ADMINISTRATION.

"The Secretary, acting through the Service, shall, by contract or otherwise, provide training for Indians in the administration and planning of Tribal Health Programs.

"SEC. 123. HEALTH PROFESSIONAL CHRONIC SHORTAGE DEMONSTRATION PROGRAMS.

"(a) DEMONSTRATION PROGRAMS AUTHORIZED.—The Secretary, acting through the Service, may fund demonstration programs for Tribal Health Programs to address the chronic shortages of health professionals.

"(b) PURPOSES OF PROGRAMS.—The purposes of demonstration programs funded under subsection (a) shall be—

"(1) to provide direct clinical and practical experience at a Service Unit to health profession students and residents from medical schools;

"(2) to improve the quality of health care for Indians by assuring access to qualified health care professionals; and

"(3) to provide academic and scholarly opportunities for health professionals serving Indians by identifying all academic and scholarly resources of the region.

"(c) ADVISORY BOARD.—The demonstration programs established pursuant to subsection (a) shall incorporate a program advisory board composed of representatives from the Indian Tribes and Indian communities in the area which will be served by the program.

"SEC. 124. NATIONAL HEALTH SERVICE CORPS.

"The Secretary shall not—

"(1) remove a member of the National Health Service Corps from an Indian Health Program or Urban Indian Organization; or

"(2) withdraw funding used to support such member, unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.

"SEC. 125. SUBSTANCE ABUSE COUNSELOR EDUCATIONAL CURRICULA DEMONSTRATION PROGRAMS.

"(a) CONTRACTS AND GRANTS.—The Secretary, acting through the Service, may enter into contracts with, or make grants to, accredited tribal colleges and universities and eligible accredited and accessible community colleges to establish demonstration programs to develop educational curricula for substance abuse counseling.

"(b) USE OF FUNDS.—Funds provided under this section shall be used only for developing and providing educational curriculum for substance abuse counseling (including paying salaries for instructors). Such curricula may be provided through satellite campus programs.

"(c) TIME PERIOD OF ASSISTANCE; RENEWAL.—A contract entered into or a grant provided under this section shall be for a period of 3 years. Such contract or grant may be renewed for an additional 2-year period upon the approval of the Secretary.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, after consultation with Indian Tribes and administrators of tribal colleges and universities and eligible accredited and accessible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration programs established under this section promote the development of the capacity of such entities to educate substance abuse counselors.

"(e) ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) REPORT.—Each fiscal year, the Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for that fiscal year, a report on the findings and conclusions derived from the demonstration programs conducted under this section during that fiscal year.

"(g) DEFINITION.—For the purposes of this section, the term 'educational curriculum' means 1 or more of the following:

"(1) Classroom education.

"(2) Clinical work experience.

"(3) Continuing education workshops.

"SEC. 126. BEHAVIORAL HEALTH TRAINING AND COMMUNITY EDUCATION PROGRAMS.

"(a) STUDY; LIST.—The Secretary, acting through the Service, and the Secretary of the Interior, in consultation with Indian Tribes and Tribal Organizations, shall conduct a study and compile a list of the types of staff positions specified in subsection (b) whose qualifications include, or should include, training in the identification, prevention, education, referral, or treatment of mental illness, or dysfunctional and self destructive behavior.

"(b) POSITIONS.—The positions referred to in subsection (a) are—

"(1) staff positions within the Bureau of Indian Affairs, including existing positions, in the fields of—

"(A) elementary and secondary education;

"(B) social services and family and child welfare;

"(C) law enforcement and judicial services; and

"(D) alcohol and substance abuse;

"(2) staff positions within the Service; and

"(3) staff positions similar to those identified in paragraphs (1) and (2) established and maintained by Indian Tribes, Tribal Organizations (without regard to the funding source), and Urban Indian Organizations.

"(c) TRAINING CRITERIA.—

"(1) IN GENERAL.—The appropriate Secretary shall provide training criteria appropriate to each type of position identified in subsection (b)(1) and (b)(2) and ensure that appropriate training has been, or shall be provided to any individual in any such position. With respect to any such individual in a position identified pursuant to subsection (b)(3), the respective Secretaries shall provide appropriate training to, or provide funds to, an Indian Tribe, Tribal Organization, or Urban Indian Organization for training of appropriate individuals. In the case of positions funded under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the appropriate Secretary shall ensure that such training costs are included in the contract or compact, as the Secretary determines necessary.

"(2) POSITION SPECIFIC TRAINING CRITERIA.—Position specific training criteria shall be culturally relevant to Indians and Indian Tribes and shall ensure that appropriate information regarding traditional health care practices is provided.

"(d) COMMUNITY EDUCATION ON MENTAL ILLNESS.—The Service shall develop and implement, on request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, or assist the Indian Tribe, Tribal Organization, or Urban Indian Organization to develop and implement, a program of community education on mental illness. In carrying out this subsection, the Service shall, upon request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization to obtain and develop community educational materials on the identification, prevention, referral, and treatment of mental illness and dysfunctional and self-destructive behavior.

"(e) PLAN.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall develop a plan under which the Service will increase the health care staff providing behavioral health services by at least 500 positions within 5 years after the date of enactment of this section, with at least 200 of such positions devoted to child, adolescent, and family services. The plan developed under this subsection shall be implemented under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act').

"SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE II—HEALTH SERVICES

"SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

"(a) USE OF FUNDS.—The Secretary, acting through the Service, is authorized to expend funds, directly or under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), which are appropriated under the authority of this section, for the purposes of—

"(1) eliminating the deficiencies in health status and health resources of all Indian Tribes;

"(2) eliminating backlogs in the provision of health care services to Indians;

"(3) meeting the health needs of Indians in an efficient and equitable manner, including the use of telehealth and telemedicine when appropriate;

"(4) eliminating inequities in funding for both direct care and contract health service programs; and

"(5) augmenting the ability of the Service to meet the following health service responsibilities with respect to those Indian Tribes with the highest levels of health status deficiencies and resource deficiencies:

"(A) Clinical care, including inpatient care, outpatient care (including audiology, clinical eye, and vision care), primary care, secondary and tertiary care, and long-term care.

"(B) Preventive health, including mammography and other cancer screening in accordance with section 207.

"(C) Dental care.

"(D) Mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional health care practitioners.

"(E) Emergency medical services.

"(F) Treatment and control of, and rehabilitative care related to, alcoholism and drug abuse (including fetal alcohol syndrome) among Indians.

"(G) Injury prevention programs.

"(H) Home health care.

"(I) Community health representatives.

"(J) Maintenance and improvement.

"(b) NO OFFSET OR LIMITATION.—Any funds appropriated under the authority of this section shall not be used to offset or limit any other appropriations made to the Service under this Act or the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other provision of law.

"(c) ALLOCATION; USE.—

"(1) IN GENERAL.—Funds appropriated under the authority of this section shall be allocated to Service Units, Indian Tribes, or Tribal Organizations. The funds allocated to each Indian Tribe, Tribal Organization, or Service Unit under this paragraph shall be used by the Indian Tribe, Tribal Organization, or Service Unit under this paragraph to improve the health status and reduce the resource deficiency of each Indian Tribe served by such Service Unit, Indian Tribe, or Tribal Organization.

"(2) APPORTIONMENT OF ALLOCATED FUNDS.—The apportionment of funds allocated to a Service Unit, Indian Tribe, or Tribal Organization under paragraph (1) among the health service responsibilities described in subsection (a)(5) shall be determined by the Service in consultation with, and with the active participation of, the affected Indian Tribes and Tribal Organizations.

"(d) PROVISIONS RELATING TO HEALTH STATUS AND RESOURCE DEFICIENCIES.—For the purposes of this section, the following definitions apply:

"(1) DEFINITION.—The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objectives set forth in section 3(2) are not being achieved; and

"(B) the Indian Tribe or Tribal Organization does not have available to it the health resources it needs, taking into account the actual cost of providing health care services given local geographic, climatic, rural, or other circumstances.

"(2) AVAILABLE RESOURCES.—The health resources available to an Indian Tribe or Tribal Organization include health resources provided by the Service as well as health resources used by the Indian Tribe or Tribal Organization, including services and financing systems provided by any Federal programs, private insurance, and programs of State or local governments.

"(3) PROCESS FOR REVIEW OF DETERMINATIONS.—The Secretary shall establish procedures which allow any Indian Tribe or Tribal Organization to petition the Secretary for a review of any determination of the extent of the health status and resource deficiency of such Indian Tribe or Tribal Organization.

"(e) ELIGIBILITY FOR FUNDS.—Tribal Health Programs shall be eligible for funds appropriated under the authority of this section on an equal basis with programs that are administered directly by the Service.

"(f) REPORT.—By no later than the date that is 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to Congress the current health status and resource deficiency report of the Service for each Service Unit, including newly recognized or acknowledged Indian Tribes. Such report shall set out—

"(1) the methodology then in use by the Service for determining Tribal health status and resource deficiencies, as well as the most recent application of that methodology;

"(2) the extent of the health status and resource deficiency of each Indian Tribe served by the Service or a Tribal Health Program;

"(3) the amount of funds necessary to eliminate the health status and resource deficiencies of all Indian Tribes served by the Service or a Tribal Health Program; and

"(4) an estimate of—

"(A) the amount of health service funds appropriated under the authority of this Act, or any other Act, including the amount of any funds transferred to the Service for the preceding fiscal year which is allocated to each Service Unit, Indian Tribe, or Tribal Organization;

"(B) the number of Indians eligible for health services in each Service Unit or Indian Tribe or Tribal Organization; and

"(C) the number of Indians using the Service resources made available to each Service Unit, Indian Tribe or Tribal Organization, and, to the extent available, information on the waiting lists and number of Indians turned away for services due to lack of resources.

"(g) INCLUSION IN BASE BUDGET.—Funds appropriated under this section for any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(h) CLARIFICATION.—Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs, nor are the provisions of this section intended to discourage the Service from undertaking additional efforts to achieve equity among Indian Tribes and Tribal Organizations.

"(i) FUNDING DESIGNATION.—Any funds appropriated under the authority of this section shall be designated as the 'Indian Health Care Improvement Fund'.

"SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

"(a) ESTABLISHMENT.—There is established an Indian Catastrophic Health Emergency Fund (hereafter in this section referred to as the 'CHEF') consisting of—

"(1) the amounts deposited under subsection (f); and

"(2) the amounts appropriated to CHEF under this section.

"(b) ADMINISTRATION.—CHEF shall be administered by the Secretary, acting through the central office of the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of the Service.

"(c) CONDITIONS ON USE OF FUND.—No part of CHEF or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), nor shall CHEF funds be allocated, apportioned, or delegated on an Area Office, Service Unit, or other similar basis.

"(d) REGULATIONS.—The Secretary shall promulgate regulations consistent with the provisions of this section to—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of the treatment provided under contract would qualify for payment from CHEF;

"(2) provide that a Service Unit shall not be eligible for reimbursement for the cost of treatment from CHEF until its cost of treating any victim of such catastrophic illness or disaster has reached a certain threshold cost which the Secretary shall establish at—

"(A) the 2000 level of $19,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;

"(3) establish a procedure for the reimbursement of the portion of the costs that exceeds such threshold cost incurred by—

"(A) Service Units; or

"(B) whenever otherwise authorized by the Service, non-Service facilities or providers;

"(4) establish a procedure for payment from CHEF in cases in which the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(5) establish a procedure that will ensure that no payment shall be made from CHEF to any provider of treatment to the extent that such provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible.

"(e) NO OFFSET OR LIMITATION.—Amounts appropriated to CHEF under this section shall not be used to offset or limit appropriations made to the Service under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), or any other law.

"(f) DEPOSIT OF REIMBURSEMENT FUNDS.—There shall be deposited into CHEF all reimbursements to which the Service is entitled from any Federal, State, local, or private source (including third party insurance) by reason of treatment rendered to any victim of a disaster or catastrophic illness the cost of which was paid from CHEF.

"SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION SERVICES.

"(a) FINDINGS.—Congress finds that health promotion and disease prevention activities—

"(1) improve the health and well-being of Indians; and

"(2) reduce the expenses for health care of Indians.

"(b) PROVISION OF SERVICES.—The Secretary, acting through the Service and Tribal Health Programs, shall provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in section 3(2).

"(c) EVALUATION.—The Secretary, after obtaining input from the affected Tribal Health Programs, shall submit to the President for inclusion in the report which is required to be submitted to Congress under section 801 an evaluation of—

"(1) the health promotion and disease prevention needs of Indians;

"(2) the health promotion and disease prevention activities which would best meet such needs;

"(3) the internal capacity of the Service and Tribal Health Programs to meet such needs; and

"(4) the resources which would be required to enable the Service and Tribal Health Programs to undertake the health promotion and disease prevention activities necessary to meet such needs.

"SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) DETERMINATIONS REGARDING DIABETES.—The Secretary, acting through the Service, and in consultation with Indian Tribes and Tribal Organizations, shall determine—

"(1) by Indian Tribe and by Service Unit, the incidence of, and the types of complications resulting from, diabetes among Indians; and

"(2) based on the determinations made pursuant to paragraph (1), the measures (including patient education and effective ongoing monitoring of disease indicators) each Service Unit should take to reduce the incidence of, and prevent, treat, and control the complications resulting from, diabetes among Indian Tribes within that Service Unit.

"(b) DIABETES SCREENING.—To the extent medically indicated and with informed consent, the Secretary shall screen each Indian who receives services from the Service for diabetes and for conditions which indicate a high risk that the individual will become diabetic and establish a cost-effective approach to ensure ongoing monitoring of disease indicators. Such screening and monitoring may be conducted by a Tribal Health Program and may be conducted through appropriate Internet-based health care management programs.

"(c) DIABETES PROJECTS.—The Secretary shall continue to maintain each model diabetes project in existence on the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, any such other diabetes programs operated by the Service or Tribal Health Programs, and any additional diabetes projects, such as the Medical Vanguard program provided for in title IV of Public Law 108-87, as implemented to serve Indian Tribes. Tribal Health Programs shall receive recurring funding for the diabetes projects that they operate pursuant to this section, both at the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 and for projects which are added and funded thereafter.

"(d) DIALYSIS PROGRAMS.—The Secretary is authorized to provide, through the Service, Indian Tribes, and Tribal Organizations, dialysis programs, including the purchase of dialysis equipment and the provision of necessary staffing.

"(e) OTHER DUTIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, to the extent funding is available—

"(A) in each Area Office, consult with Indian Tribes and Tribal Organizations regarding programs for the prevention, treatment, and control of diabetes;

"(B) establish in each Area Office a registry of patients with diabetes to track the incidence of diabetes and the complications from diabetes in that area; and

"(C) ensure that data collected in each Area Office regarding diabetes and related complications among Indians are disseminated to all other Area Offices, subject to applicable patient privacy laws.

"(2) DIABETES CONTROL OFFICERS.—

"(A) IN GENERAL.—The Secretary may establish and maintain in each Area Office a position of diabetes control officer to coordinate and manage any activity of that Area Office relating to the prevention, treatment, or control of diabetes to assist the Secretary in carrying out a program under this section or section 330C of the Public Health Service Act (42 U.S.C. 254c-3).

"(B) CERTAIN ACTIVITIES.—Any activity carried out by a diabetes control officer under subparagraph (A) that is the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and any funds made available to carry out such an activity, shall not be divisible for purposes of that Act.

"SEC. 205. SHARED SERVICES FOR LONG-TERM CARE.

"(a) LONG-TERM CARE.—Notwithstanding any other provision of law, the Secretary, acting through the Service, is authorized to provide directly, or enter into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for, the delivery of long-term care (including health care services associated with long-term care) provided in a facility to Indians. Such agreements shall provide for the sharing of staff or other services between the Service or a Tribal Health Program and a long-term care or related facility owned and operated (directly or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) by such Indian Tribe or Tribal Organization.

"(b) CONTENTS OF AGREEMENTS.—An agreement entered into pursuant to subsection (a)—

"(1) may, at the request of the Indian Tribe or Tribal Organization, delegate to such Indian Tribe or Tribal Organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

"(2) shall provide that expenses (including salaries) relating to services that are shared between the Service and the Tribal Health Program be allocated proportionately between the Service and the Indian Tribe or Tribal Organization; and

"(3) may authorize such Indian Tribe or Tribal Organization to construct, renovate, or expand a long-term care or other similar facility (including the construction of a facility attached to a Service facility).

"(c) MINIMUM REQUIREMENT.—Any nursing facility provided for under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

"(d) OTHER ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) USE OF EXISTING OR UNDERUSED FACILITIES.—The Secretary shall encourage the use of existing facilities that are underused or allow the use of swing beds for long-term or similar care.

"SEC. 206. HEALTH SERVICES RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make funding available for research to further the performance of the health service responsibilities of Indian Health Programs.

"(b) COORDINATION OF RESOURCES AND ACTIVITIES.—The Secretary shall also, to the maximum extent practicable, coordinate departmental research resources and activities to address relevant Indian Health Program research needs.

"(c) AVAILABILITY.—Tribal Health Programs shall be given an equal opportunity to compete for, and receive, research funds under this section.

"(d) USE OF FUNDS.—This funding may be used for both clinical and nonclinical research.

"(e) EVALUATION AND DISSEMINATION.—The Secretary shall periodically—

"(1) evaluate the impact of research conducted under this section; and

"(2) disseminate to Tribal Health Programs information regarding that research as the Secretary determines to be appropriate.

"SEC. 207. MAMMOGRAPHY AND OTHER CANCER SCREENING.

"The Secretary, acting through the Service or Tribal Health Programs, shall provide for screening as follows:

"(1) Screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian women at a frequency appropriate to such women under accepted and appropriate national standards, and under such terms and conditions as are consistent with standards established by the Secretary to ensure the safety and accuracy of screening mammography under part B of title XVIII of such Act.

"(2) Other cancer screening that receives an A or B rating as recommended by the United States Preventive Services Task Force established under section 915(a)(1) of the Public Health Service Act (42 U.S.C. 299b-4(a)(1)). The Secretary shall ensure that screening provided for under this paragraph complies with the recommendations of the Task Force with respect to—

"(A) frequency;

"(B) the population to be served;

"(C) the procedure or technology to be used;

"(D) evidence of effectiveness; and

"(E) other matters that the Secretary determines appropriate.

"SEC. 208. PATIENT TRAVEL COSTS.

"(a) DEFINITION OF QUALIFIED ESCORT.—In this section, the term 'qualified escort' means—

"(1) an adult escort (including a parent, guardian, or other family member) who is required because of the physical or mental condition, or age, of the applicable patient;

"(2) a health professional for the purpose of providing necessary medical care during travel by the applicable patient; or

"(3) other escorts, as the Secretary or applicable Indian Health Program determines to be appropriate.

"(b) PROVISION OF FUNDS.—The Secretary, acting through the Service and Tribal Health Programs, is authorized to provide funds for the following patient travel costs, including qualified escorts, associated with receiving health care services provided (either through direct or contract care or through a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) under this Act—

"(1) emergency air transportation and non-emergency air transportation where ground transportation is infeasible;

"(2) transportation by private vehicle (where no other means of transportation is available), specially equipped vehicle, and ambulance; and

"(3) transportation by such other means as may be available and required when air or motor vehicle transportation is not available.

"SEC. 209. EPIDEMIOLOGY CENTERS.

"(a) ADDITIONAL CENTERS.—In addition to those epidemiology centers already established as of the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and without reducing the funding levels for such centers, not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall establish an epidemiology center in each Service Area which does not yet have one to carry out the functions described in subsection (b). Any new centers so established may be operated by Tribal Health Programs, but such funding shall not be divisible.

"(b) FUNCTIONS OF CENTERS.—In consultation with and upon the request of Indian Tribes, Tribal Organizations, and Urban Indian Organizations, each Service Area epidemiology center established under this subsection shall, with respect to such Service Area—

"(1) collect data relating to, and monitor progress made toward meeting, each of the health status objectives of the Service, the Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the Service Area;

"(2) evaluate existing delivery systems, data systems, and other systems that impact the improvement of Indian health;

"(3) assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

"(4) make recommendations for the targeting of services needed by the populations served;

"(5) make recommendations to improve health care delivery systems for Indians and Urban Indians;

"(6) provide requested technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community; and

"(7) provide disease surveillance and assist Indian Tribes, Tribal Organizations, and Urban Indian Organizations to promote public health.

"(c) TECHNICAL ASSISTANCE.—The Director of the Centers for Disease Control and Prevention shall provide technical assistance to the centers in carrying out the requirements of this subsection.

"(d) GRANTS FOR STUDIES.—The Secretary may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to conduct epidemiological studies of Indian communities.

"SEC. 210. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) FUNDING FOR DEVELOPMENT OF PROGRAMS.—In addition to carrying out any other program for health promotion or disease prevention, the Secretary, acting through the Service, is authorized to award grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop comprehensive school health education programs for children from pre-school through grade 12 in schools for the benefit of Indian and Urban Indian children.

"(b) USE OF GRANT FUNDS.—A grant awarded under this section may be used for purposes which may include, but are not limited to, the following:

"(1) Developing health education materials both for regular school programs and after-school programs.

"(2) Training teachers in comprehensive school health education materials.

"(3) Integrating school-based, community-based, and other public and private health promotion efforts.

"(4) Encouraging healthy, tobacco-free school environments.

"(5) Coordinating school-based health programs with existing services and programs available in the community.

"(6) Developing school programs on nutrition education, personal health, oral health, and fitness.

"(7) Developing behavioral health wellness programs.

"(8) Developing chronic disease prevention programs.

"(9) Developing substance abuse prevention programs.

"(10) Developing injury prevention and safety education programs.

"(11) Developing activities for the prevention and control of communicable diseases.

"(12) Developing community and environmental health education programs that include traditional health care practitioners.

"(13) Violence prevention.

"(14) Such other health issues as are appropriate.

"(c) TECHNICAL ASSISTANCE.—Upon request, the Secretary, acting through the Service, shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in the development of comprehensive health education plans and the dissemination of comprehensive health education materials and information on existing health programs and resources.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, acting through the Service, and in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications for grants awarded under this section.

"(e) DEVELOPMENT OF PROGRAM FOR BIA-FUNDED SCHOOLS.—

"(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, acting through the Service, and affected Indian Tribes and Tribal Organizations, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools for which support is provided by the Bureau of Indian Affairs.

"(2) REQUIREMENTS FOR PROGRAMS.—Such programs shall include—

"(A) school programs on nutrition education, personal health, oral health, and fitness;

"(B) behavioral health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) injury prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) DUTIES OF THE SECRETARY.—The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education materials;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"SEC. 211. INDIAN YOUTH PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Service, is authorized to establish and administer a program to provide grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian and Urban Indian preadolescent and adolescent youths.

"(b) USE OF FUNDS.—

"(1) ALLOWABLE USES.—Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional health care practitioners; and

"(B) develop and provide community training and education.

"(2) PROHIBITED USE.—Funds made available under this section may not be used to provide services described in section 707(c).

"(c) DUTIES OF THE SECRETARY.—The Secretary shall—

"(1) disseminate to Indian Tribes, Tribal Organizations, and Urban Indian Organizations information regarding models for the delivery of comprehensive health care services to Indian and Urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance in the implementation of such models.

"(d) CRITERIA FOR REVIEW AND APPROVAL OF APPLICATIONS.—The Secretary, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall establish criteria for the review and approval of applications or proposals under this section.

"SEC. 212. PREVENTION, CONTROL, AND ELIMINATION OF COMMUNICABLE AND INFECTIOUS DISEASES.

"(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, and after consultation with the Centers for Disease Control and Prevention, may make funding available to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for the following:

"(1) Projects for the prevention, control, and elimination of communicable and infectious diseases, including tuberculosis, hepatitis, HIV, respiratory syncytial virus, hanta virus, sexually transmitted diseases, and H. Pylori.

"(2) Public information and education programs for the prevention, control, and elimination of communicable and infectious diseases.

"(3) Education, training, and clinical skills improvement activities in the prevention, control, and elimination of communicable and infectious diseases for health professionals, including allied health professionals.

"(4) Demonstration projects for the screening, treatment, and prevention of hepatitis C virus (HCV).

"(b) APPLICATION REQUIRED.—The Secretary may provide funding under subsection (a) only if an application or proposal for funding is submitted to the Secretary.

"(c) COORDINATION WITH HEALTH AGENCIES.—Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving funding under this section are encouraged to coordinate their activities with the Centers for Disease Control and Prevention and State and local health agencies.

"(d) TECHNICAL ASSISTANCE; REPORT.—In carrying out this section, the Secretary—

"(1) may, at the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, provide technical assistance; and

"(2) shall prepare and submit a report to Congress biennially on the use of funds under this section and on the progress made toward the prevention, control, and elimination of communicable and infectious diseases among Indians and Urban Indians.

"SEC. 213. AUTHORITY FOR PROVISION OF OTHER SERVICES.

"(a) FUNDING AUTHORIZED.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide funding under this Act to meet the objectives set forth in section 3 through health care-related services and programs not otherwise described in this Act, including—

"(1) hospice care;

"(2) assisted living;

"(3) long-term care; and

"(4) home- and community-based services, in accordance with subsection (c).

"(b) TERMS AND CONDITIONS.—

"(1) IN GENERAL.—The Secretary shall require that any service provided under this section shall be in accordance with such terms and conditions as the Secretary determines to be consistent with accepted and appropriate standards relating to the service, including any licensing term or condition under this Act.

‘‘(2) STANDARDS.—

‘‘(A) IN GENERAL.—In accordance with this Act and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary may use the standards for a service provided under this section required by the State in which the service is provided.

‘‘(B) INDIAN TRIBES.—If a service under this section is provided by an Indian Tribe or Tribal Organization pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the verification by the Secretary that the service meets any standards required by the State in which the service is or will be provided shall be considered to meet the terms and conditions required under this subsection.

‘‘(3) ELIGIBILITY.—The following individuals shall be eligible to receive long-term care under this section:

‘‘(A) Individuals who are unable to perform a certain number of activities of daily living without assistance.

‘‘(B) Individuals with a mental impairment, such as dementia, Alzheimer's disease, or another disabling mental illness, who may be able to perform activities of daily living under supervision.

‘‘(C) Such other individuals as an applicable Indian Health Program determines to be appropriate.

‘‘(c) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

‘‘(1) The term ‘home- and community-based services’ means 1 or more of the following services (whether provided by the Service or by an Indian Tribe or Tribal Organization under a contract, grant agreement, or cooperative agreement pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) for which the Secretary has established standards pursuant to subsection (b):

‘‘(A) Home health aide services.

‘‘(B) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

‘‘(C) Respite care.

‘‘(D) Adult day care.

‘‘(E) Such other services identified by an Indian Tribe or Tribal Organization for which the Secretary has established standards pursuant to subsection (b).

‘‘(2) The term ‘hospice care’ means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and such other services which an Indian Tribe or Tribal Organization determines are necessary and appropriate to provide in furtherance of this care.

‘‘SEC. 214. INDIAN WOMEN'S HEALTH CARE.

‘‘The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall monitor and improve the quality of health care for Indian women of all ages through the planning and delivery of programs administered by the Service, in order to improve and enhance the treatment models of care for Indian women.

‘‘SEC. 215. ENVIRONMENTAL AND NUCLEAR HEALTH HAZARDS.

‘‘(a) STUDIES AND MONITORING.—The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian Tribes and Tribal Organizations, studies and ongoing monitoring programs to determine trends in the health hazards to Indian miners and to Indians on or near reservations and Indian communities as a result of environmental hazards which may result in chronic or life threatening health problems, such as nuclear resource development, petroleum contamination, and contamination of water source and of the food chain. Such studies shall include—

‘‘(1) an evaluation of the nature and extent of health problems caused by environmental hazards currently exhibited among Indians and the causes of such health problems;

‘‘(2) an analysis of the potential effect of ongoing and future environmental resource development on or near reservations and Indian communities, including the cumulative effect over time on health;

‘‘(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear power plant operation and construction, and nuclear waste disposal; oil and gas production or transportation on or near reservations or Indian communities; and other development that could affect the health of Indians and their water supply and food chain;

‘‘(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 5 years prior to the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

‘‘(5) the efforts that have been made by Federal and State agencies and resource and economic development companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such development.

‘‘(b) HEALTH CARE PLANS.—Upon completion of such studies, the Secretary and the Service shall take into account the results of such studies and develop health care plans to address the health problems studied under subsection (a). The plans shall include—

‘‘(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

‘‘(2) preventive care and testing for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation or affected by other activities that have had or could have a serious impact upon the health of such individuals; and

‘‘(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear or other development activities, may experience health problems.

‘‘(c) SUBMISSION OF REPORT AND PLAN TO CONGRESS.—The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006. The health care plan prepared under subsection (b) shall be submitted in a report no later than 1 year after the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

‘‘(d) INTERGOVERNMENTAL TASK FORCE.—

‘‘(1) ESTABLISHMENT; MEMBERS.—There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees):

‘‘(A) The Secretary of Energy.

‘‘(B) The Secretary of the Environmental Protection Agency.

‘‘(C) The Director of the Bureau of Mines.

‘‘(D) The Assistant Secretary for Occupational Safety and Health.

‘‘(E) The Secretary of the Interior.

‘‘(F) The Secretary of Health and Human Services.

‘‘(G) The Director of the Indian Health Service.

‘‘(2) DUTIES.—The Task Force shall—

‘‘(A) identify existing and potential operations related to nuclear resource development or other environmental hazards that affect or may affect the health of Indians on or near a reservation or in an Indian community; and

‘‘(B) enter into activities to correct existing health hazards and ensure that current and future health problems resulting from nuclear resource or other development activities are minimized or reduced.

‘‘(3) CHAIRMAN; MEETINGS.—The Secretary of Health and Human Services shall be the Chairman of the Task Force. The Task Force shall meet at least twice each year.

‘‘(e) HEALTH SERVICES TO CERTAIN EMPLOYEES.—In the case of any Indian who—

‘‘(1) as a result of employment in or near a uranium mine or mill or near any other environmental hazard, suffers from a work-related illness or condition;

‘‘(2) is eligible to receive diagnosis and treatment services from an Indian Health Program; and

‘‘(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator or entity responsible for the environmental hazard, the Indian Health Program shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may be reimbursed for any medical care so rendered to which such Indian is entitled at the expense of such operator or entity from such operator or entity. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such amounts paid to the Indian Health Program from the employer for providing medical care for such illness or condition.

‘‘SEC. 216. ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

‘‘(a) IN GENERAL.—For fiscal years beginning with the fiscal year ending September 30, 1983, and ending with the fiscal year ending September 30, 2016, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of Arizona.

‘‘(b) MAINTENANCE OF SERVICES.—The Service shall not curtail any health care services provided to Indians residing on reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

‘‘SEC. 216A. NORTH DAKOTA AND SOUTH DAKOTA AS CONTRACT HEALTH SERVICE DELIVERY AREA.

‘‘(a) IN GENERAL.—Beginning in fiscal year 2003, the States of North Dakota and South Dakota shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to members of federally recognized Indian Tribes of North Dakota and South Dakota.

‘‘(b) LIMITATION.—The Service shall not curtail any health care services provided to

Indians residing on any reservation, or in any county that has a common boundary with any reservation, in the State of North Dakota or South Dakota if such curtailment is due to the provision of contract services in such States pursuant to the designation of such States as a contract health service delivery area pursuant to subsection (a).

"SEC. 217. CALIFORNIA CONTRACT HEALTH SERVICES PROGRAM.

"(a) FUNDING AUTHORIZED.—The Secretary is authorized to fund a program using the California Rural Indian Health Board (hereafter in this section referred to as the 'CRIHB') as a contract care intermediary to improve the accessibility of health services to California Indians.

"(b) REIMBURSEMENT CONTRACT.—The Secretary shall enter into an agreement with the CRIHB to reimburse the CRIHB for costs (including reasonable administrative costs) incurred pursuant to this section, in providing medical treatment under contract to California Indians described in section 806(a) throughout the California contract health services delivery area described in section 218 with respect to high cost contract care cases.

"(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts provided to the CRIHB under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the CRIHB during such fiscal year.

"(d) LIMITATION ON PAYMENT.—No payment may be made for treatment provided hereunder to the extent payment may be made for such treatment under the Indian Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(e) ADVISORY BOARD.—There is established an advisory board which shall advise the CRIHB in carrying out this section. The advisory board shall be composed of representatives, selected by the CRIHB, from not less than 8 Tribal Health Programs serving California Indians covered under this section at least ½ of whom of whom are not affiliated with the CRIHB.

"SEC. 218. CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

"The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to California Indians. However, any of the counties listed herein may only be included in the contract health services delivery area if funding is specifically provided by the Service for such services in those counties.

"SEC. 219. CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA.

"(a) AUTHORIZATION FOR SERVICES.—The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties in the State of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana.

"(b) NO EXPANSION OF ELIGIBILITY.—Nothing in this section may be construed as expanding the eligibility of members of the Turtle Mountain Band of Chippewa Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 220. PROGRAMS OPERATED BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"The Service shall provide funds for health care programs and facilities operated by Tribal Health Programs on the same basis as such funds are provided to programs and facilities operated directly by the Service.

"SEC. 221. LICENSING.

"Health care professionals employed by a Tribal Health Program shall, if licensed in any State, be exempt from the licensing requirements of the State in which the Tribal Health Program performs the services described in its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"SEC. 222. NOTIFICATION OF PROVISION OF EMERGENCY CONTRACT HEALTH SERVICES.

"With respect to an elderly Indian or an Indian with a disability receiving emergency medical care or services from a non-Service provider or in a non-Service facility under the authority of this Act, the time limitation (as a condition of payment) for notifying the Service of such treatment or admission shall be 30 days.

"SEC. 223. PROMPT ACTION ON PAYMENT OF CLAIMS.

"(a) DEADLINE FOR RESPONSE.—The Service shall respond to a notification of a claim by a provider of a contract care service with either an individual purchase order or a denial of the claim within 5 working days after the receipt of such notification.

"(b) EFFECT OF UNTIMELY RESPONSE.—If the Service fails to respond to a notification of a claim in accordance with subsection (a), the Service shall accept as valid the claim submitted by the provider of a contract care service.

"(c) DEADLINE FOR PAYMENT OF VALID CLAIM.—The Service shall pay a valid contract care service claim within 30 days after the completion of the claim.

"SEC. 224. LIABILITY FOR PAYMENT.

"(a) NO PATIENT LIABILITY.—A patient who receives contract health care services that are authorized by the Service shall not be liable for the payment of any charges or costs associated with the provision of such services.

"(b) NOTIFICATION.—The Secretary shall notify a contract care provider and any patient who receives contract health care services authorized by the Service that such patient is not liable for the payment of any charges or costs associated with the provision of such services not later than 5 business days after receipt of a notification of a claim by a provider of contract care services.

"(c) NO RECOURSE.—Following receipt of the notice provided under subsection (b), or, if a claim has been deemed accepted under section 223(b), the provider shall have no further recourse against the patient who received the services.

"SEC. 225. OFFICE OF INDIAN MEN'S HEALTH.

"(a) ESTABLISHMENT.—The Secretary may establish within the Service an office to be known as the 'Office of Indian Men's Health' (referred to in this section as the 'Office').

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by a director, to be appointed by the Secretary.

"(2) DUTIES.—The director shall coordinate and promote the status of the health of Indian men in the United States.

"(c) REPORT.—Not later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the director of the Office, shall submit to Congress a report describing—

"(1) any activity carried out by the director as of the date on which the report is prepared; and

"(2) any finding of the director with respect to the health of Indian men.

"SEC. 226. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE III—FACILITIES

"SEC. 301. CONSULTATION; CONSTRUCTION AND RENOVATION OF FACILITIES; REPORTS.

"(a) PREREQUISITES FOR EXPENDITURE OF FUNDS.—Prior to the expenditure of, or the making of any binding commitment to expend, any funds appropriated for the planning, design, construction, or renovation of facilities pursuant to the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall—

"(1) consult with any Indian Tribe that would be significantly affected by such expenditure for the purpose of determining and, whenever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made; and

"(2) ensure, whenever practicable and applicable, that such facility meets the construction standards of any accrediting body recognized by the Secretary for the purposes of the Medicare, Medicaid, and SCHIP programs under titles XVIII, XIX, and XXI of the Social Security Act by not later than 1 year after the date on which the construction or renovation of such facility is completed.

"(b) CLOSURES.—

"(1) EVALUATION REQUIRED.—Notwithstanding any other provision of law, no facility operated by the Service may be closed if the Secretary has not submitted to Congress at least 1 year prior to the date of the proposed closure an evaluation of the impact of the proposed closure which specifies, in addition to other considerations—

"(A) the accessibility of alternative health care resources for the population served by such facility;

"(B) the cost-effectiveness of such closure;

"(C) the quality of health care to be provided to the population served by such facility after such closure;

"(D) the availability of contract health care funds to maintain existing levels of service;

"(E) the views of the Indian Tribes served by such facility concerning such closure;

"(F) the level of use of such facility by all eligible Indians; and

"(G) the distance between such facility and the nearest operating Service hospital.

"(2) EXCEPTION FOR CERTAIN TEMPORARY CLOSURES.—Paragraph (1) shall not apply to any temporary closure of a facility or any portion of a facility if such closure is necessary for medical, environmental, or construction safety reasons.

"(c) HEALTH CARE FACILITY PRIORITY SYSTEM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—The Secretary, acting through the Service, shall maintain a health care facility priority system, which—

"(i) shall be developed in consultation with Indian Tribes and Tribal Organizations;

"(ii) shall give Indian Tribes' needs the highest priority;

"(iii)(I) may include the lists required in paragraph (2)(B)(ii); and

"(II) shall include the methodology required in paragraph (2)(B)(v); and

"(III) may include such other facilities, and such renovation or expansion needs of any health care facility, as the Service, Indian Tribes, and Tribal Organizations may identify; and

"(iv) shall provide an opportunity for the nomination of planning, design, and construction projects by the Service, Indian Tribes, and Tribal Organizations for consideration under the priority system at least once every 3 years, or more frequently as the Secretary determines to be appropriate.

"(B) NEEDS OF FACILITIES UNDER ISDEAA AGREEMENTS.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities operated under contracts or compacts in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are fully and equitably integrated into the health care facility priority system.

"(C) CRITERIA FOR EVALUATING NEEDS.—For purposes of this subsection, the Secretary, in evaluating the needs of facilities operated under a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), shall use the criteria used by the Secretary in evaluating the needs of facilities operated directly by the Service.

"(D) PRIORITY OF CERTAIN PROJECTS PROTECTED.—The priority of any project established under the construction priority system in effect on the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 shall not be affected by any change in the construction priority system taking place after that date if the project—

"(i) was identified in the fiscal year 2007 Service budget justification as—

"(I) 1 of the 10 top-priority inpatient projects;

"(II) 1 of the 10 top-priority outpatient projects;

"(III) 1 of the 10 top-priority staff quarters developments; or

"(IV) 1 of the 10 top-priority Youth Regional Treatment Centers;

"(ii) had completed both Phase I and Phase II of the construction priority system in effect on the date of enactment of such Act; or

"(iii) is not included in clause (i) or (ii) and is selected, as determined by the Secretary—

"(I) on the initiative of the Secretary; or

"(II) pursuant to a request of an Indian Tribe or Tribal Organization.

"(2) REPORT; CONTENTS.—

"(A) INITIAL COMPREHENSIVE REPORT.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) FACILITIES APPROPRIATION ADVISORY BOARD.—The term 'Facilities Appropriation Advisory Board' means the advisory board, comprised of 12 members representing Indian tribes and 2 members representing the Service, established at the discretion of the Director—

"(aa) to provide advice and recommendations for policies and procedures of the programs funded pursuant to facilities appropriations; and

"(bb) to address other facilities issues.

"(II) FACILITIES NEEDS ASSESSMENT WORKGROUP.—The term 'Facilities Needs Assessment Workgroup' means the workgroup established at the discretion of the Director—

"(aa) to review the health care facilities construction priority system; and

"(bb) to make recommendations to the Facilities Appropriation Advisory Board for revising the priority system.

"(ii) INITIAL REPORT.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report that describes the comprehensive, national, ranked list of all health care facilities needs for the Service, Indian Tribes, and Tribal Organizations (including inpatient health care facilities, outpatient health care facilities, specialized health care facilities (such as for long-term care and alcohol and drug abuse treatment), wellness centers, staff quarters and hostels associated with health care facilities, and the renovation and expansion needs, if any, of such facilities) developed by the Service, Indian Tribes, and Tribal Organizations for the Facilities Needs Assessment Workgroup and the Facilities Appropriation Advisory Board.

"(II) INCLUSIONS.—The initial report shall include—

"(aa) the methodology and criteria used by the Service in determining the needs and establishing the ranking of the facilities needs; and

"(bb) such other information as the Secretary determines to be appropriate.

"(iii) UPDATES OF REPORT.—Beginning in calendar year 2010, the Secretary shall—

"(I) update the report under clause (ii) not less frequently that once every 5 years; and

"(II) include the updated report in the appropriate annual report under subparagraph (B) for submission to Congress under section 801.

"(B) ANNUAL REPORTS.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth the following:

"(i) A description of the health care facility priority system of the Service established under paragraph (1).

"(ii) Health care facilities lists, which may include—

"(I) the 10 top-priority inpatient health care facilities;

"(II) the 10 top-priority outpatient health care facilities;

"(III) the 10 top-priority specialized health care facilities (such as long-term care and alcohol and drug abuse treatment);

"(IV) the 10 top-priority staff quarters developments associated with health care facilities; and

"(V) the 10 top-priority hostels associated with health care facilities.

"(iii) The justification for such order of priority.

"(iv) The projected cost of such projects.

"(v) The methodology adopted by the Service in establishing priorities under its health care facility priority system.

"(3) REQUIREMENTS FOR PREPARATION OF REPORTS.—In preparing the report required under paragraph (2), the Secretary shall—

"(A) consult with and obtain information on all health care facilities needs from Indian Tribes, Tribal Organizations, and Urban Indian Organizations; and

"(B) review the total unmet needs of all Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health care facilities (including hostels and staff quarters), including needs for renovation and expansion of existing facilities.

"(d) REVIEW OF METHODOLOGY USED FOR HEALTH FACILITIES CONSTRUCTION PRIORITY SYSTEM.—

"(1) IN GENERAL.—Not later than 1 year after the establishment of the priority system under subsection (c)(1)(A), the Comptroller General of the United States shall prepare and finalize a report reviewing the methodologies applied, and the processes followed, by the Service in making each assessment of needs for the list under subsection (c)(2)(A)(ii) and developing the priority system under subsection (c)(1), including a review of—

"(A) the recommendations of the Facilities Appropriation Advisory Board and the Facilities Needs Assessment Workgroup (as those terms are defined in subsection (c)(2)(A)(i)); and

"(B) the relevant criteria used in ranking or prioritizing facilities other than hospitals or clinics.

"(2) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the report under paragraph (1) to—

"(A) the Committees on Indian Affairs and Appropriations of the Senate;

"(B) the Committees on Resources and Appropriations of the House of Representatives; and

"(C) the Secretary.

"(e) FUNDING CONDITION.—All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), for the planning, design, construction, or renovation of health facilities for the benefit of 1 or more Indian Tribes shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(f) DEVELOPMENT OF INNOVATIVE APPROACHES.—The Secretary shall consult and cooperate with Indian Tribes, Tribal Organizations, and Urban Indian Organizations in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, including those provided for in other sections of this title and other approaches.

"SEC. 302. SANITATION FACILITIES.

"(a) FINDINGS.—Congress finds the following:

"(1) The provision of sanitation facilities is primarily a health consideration and function.

"(2) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of sanitation facilities.

"(3) The long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing sanitation facilities and other preventive health measures.

"(4) Many Indian homes and Indian communities still lack sanitation facilities.

"(5) It is in the interest of the United States, and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with sanitation facilities.

"(b) FACILITIES AND SERVICES.—In furtherance of the findings made in subsection (a), Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a). Under such authority, the Secretary, acting through the Service, is authorized to provide the following:

"(1) Financial and technical assistance to Indian Tribes, Tribal Organizations, and Indian communities in the establishment, training, and equipping of utility organizations to operate and maintain sanitation facilities, including the provision of existing plans, standard details, and specifications available in the Department, to be used at the option of the Indian Tribe, Tribal Organization, or Indian community.

"(2) Ongoing technical assistance and training to Indian Tribes, Tribal Organizations, and Indian communities in the management of utility organizations which operate and maintain sanitation facilities.

"(3) Priority funding for operation and maintenance assistance for, and emergency repairs to, sanitation facilities operated by an Indian Tribe, Tribal Organization or Indian community when necessary to avoid an imminent health threat or to protect the investment in sanitation facilities and the investment in the health benefits gained through the provision of sanitation facilities.

"(c) FUNDING.—Notwithstanding any other provision of law—

"(1) the Secretary of Housing and Urban Development is authorized to transfer funds appropriated under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to the Secretary of Health and Human Services;

"(2) the Secretary of Health and Human Services is authorized to accept and use such funds for the purpose of providing sanitation facilities and services for Indians under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a);

"(3) unless specifically authorized when funds are appropriated, the Secretary shall not use funds appropriated under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), to provide sanitation facilities to new homes constructed using funds provided by the Department of Housing and Urban Development;

"(4) the Secretary of Health and Human Services is authorized to accept from any source, including Federal and State agencies, funds for the purpose of providing sanitation facilities and services and place these funds into contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(5) except as otherwise prohibited by this section, the Secretary may use funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) to meet matching or cost participation requirements under other Federal and non-Federal programs for new projects to construct eligible sanitation facilities;

"(6) all Federal agencies are authorized to transfer to the Secretary funds identified, granted, loaned, or appropriated whereby the Department's applicable policies, rules, and regulations shall apply in the implementation of such projects;

"(7) the Secretary of Health and Human Services shall enter into interagency agreements with Federal and State agencies for the purpose of providing financial assistance for sanitation facilities and services under this Act;

"(8) the Secretary of Health and Human Services shall, by regulation, establish standards applicable to the planning, design, and construction of sanitation facilities funded under this Act; and

"(9) the Secretary of Health and Human Services is authorized to accept payments for goods and services furnished by the Service from appropriate public authorities, nonprofit organizations or agencies, or Indian Tribes, as contributions by that authority, organization, agency, or tribe to agreements made under section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), and such payments shall be credited to the same or subsequent appropriation account as funds appropriated under the authority of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(d) CERTAIN CAPABILITIES NOT PREREQUISITE.—The financial and technical capability of an Indian Tribe, Tribal Organization, or Indian community to safely operate, manage, and maintain a sanitation facility shall not be a prerequisite to the provision or construction of sanitation facilities by the Secretary.

"(e) FINANCIAL ASSISTANCE.—The Secretary is authorized to provide financial assistance to Indian Tribes, Tribal Organizations, and Indian communities for operation, management, and maintenance of their sanitation facilities.

"(f) OPERATION, MANAGEMENT, AND MAINTENANCE OF FACILITIES.—The Indian Tribe has the primary responsibility to establish, collect, and use reasonable user fees, or otherwise set aside funding, for the purpose of operating, managing, and maintaining sanitation facilities. If a sanitation facility serving a community that is operated by an Indian Tribe or Tribal Organization is threatened with imminent failure and such operator lacks capacity to maintain the integrity or the health benefits of the sanitation facility, then the Secretary is authorized to assist the Indian Tribe, Tribal Organization, or Indian community in the resolution of the problem on a short-term basis through cooperation with the emergency coordinator or by providing operation, management, and maintenance service.

"(g) ISDEAA PROGRAM FUNDED ON EQUAL BASIS.—Tribal Health Programs shall be eligible (on an equal basis with programs that are administered directly by the Service) for—

"(1) any funds appropriated pursuant to this section; and

"(2) any funds appropriated for the purpose of providing sanitation facilities.

"(h) REPORT.—

"(1) REQUIRED; CONTENTS.—The Secretary, in consultation with the Secretary of Housing and Urban Development, Indian Tribes, Tribal Organizations, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which sets forth—

"(A) the current Indian sanitation facility priority system of the Service;

"(B) the methodology for determining sanitation deficiencies and needs;

"(C) the criteria on which the deficiencies and needs will be evaluated;

"(D) the level of initial and final sanitation deficiency for each type of sanitation facility for each project of each Indian Tribe or Indian community;

"(E) the amount and most effective use of funds, derived from whatever source, necessary to accommodate the sanitation facilities needs of new homes assisted with funds under the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 et seq.), and to reduce the identified sanitation deficiency levels of all Indian Tribes and Indian communities to level I sanitation deficiency as defined in paragraph (3)(A); and

"(F) a 10-year plan to provide sanitation facilities to serve existing Indian homes and Indian communities and new and renovated Indian homes.

"(2) UNIFORM METHODOLOGY.—The methodology used by the Secretary in determining, preparing cost estimates for, and reporting sanitation deficiencies for purposes of paragraph (1) shall be applied uniformly to all Indian Tribes and Indian communities.

"(3) SANITATION DEFICIENCY LEVELS.—For purposes of this subsection, the sanitation deficiency levels for an individual, Indian Tribe, or Indian community sanitation facility to serve Indian homes are determined as follows:

"(A) A level I deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community—

"(i) complies with all applicable water supply, pollution control, and solid waste disposal laws; and

"(ii) deficiencies relate to routine replacement, repair, or maintenance needs.

"(B) A level II deficiency exists if a sanitation facility serving an individual, Indian Tribe, or Indian community substantially or recently complied with all applicable water supply, pollution control, and solid waste laws and any deficiencies relate to—

"(i) small or minor capital improvements needed to bring the facility back into compliance;

"(ii) capital improvements that are necessary to enlarge or improve the facilities in order to meet the current needs for domestic sanitation facilities; or

"(iii) the lack of equipment or training by an Indian Tribe, Tribal Organization, or an Indian community to properly operate and maintain the sanitation facilities.

"(C) A level III deficiency exists if a sanitation facility serving an individual, Indian Tribe or Indian community meets 1 or more of the following conditions—

"(i) water or sewer service in the home is provided by a haul system with holding tanks and interior plumbing;

"(ii) major significant interruptions to water supply or sewage disposal occur frequently, requiring major capital improvements to correct the deficiencies; or

"(iii) there is no access to or no approved or permitted solid waste facility available.

"(D) A level IV deficiency exists—

"(i) if a sanitation facility for an individual home, an Indian Tribe, or an Indian community exists but—

"(I) lacks—

"(aa) a safe water supply system; or

"(bb) a waste disposal system;

"(II) contains no piped water or sewer facilities; or

"(III) has become inoperable due to a major component failure; or

"(ii) if only a washeteria or central facility exists in the community.

"(E) A level V deficiency exists in the absence of a sanitation facility, where individual homes do not have access to safe drinking water or adequate wastewater (including sewage) disposal.

"(i) DEFINITIONS.—For purposes of this section, the following terms apply:

"(1) INDIAN COMMUNITY.—The term 'Indian community' means a geographic area, a significant proportion of whose inhabitants are Indians and which is served by or capable of being served by a facility described in this section.

"(2) SANITATION FACILITIES.—The terms 'sanitation facility' and 'sanitation facilities' mean safe and adequate water supply systems, sanitary sewage disposal systems, and sanitary solid waste systems (and all related equipment and support infrastructure).

"SEC. 303. PREFERENCE TO INDIANS AND INDIAN FIRMS.

"(a) BUY INDIAN ACT.—The Secretary, acting through the Service, may use the negotiating authority of section 23 of the Act of June 25, 1910 (25 U.S.C. 47, commonly known as the 'Buy Indian Act'), to give preference to any Indian or any enterprise, partnership, corporation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction of sanitation facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to regulations, that the project or function to be contracted for will not be satisfactory or such project or function cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient with respect to—

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;

"(5) adequately trained personnel; or

"(6) other necessary components of contract performance.

"(b) LABOR STANDARDS.—

"(1) IN GENERAL.—For the purposes of implementing the provisions of this title, contracts for the construction or renovation of health care facilities, staff quarters, and sanitation facilities, and related support infrastructure, funded in whole or in part with funds made available pursuant to this title, shall contain a provision requiring compliance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the 'Davis-Bacon Act'), unless such construction or renovation—

"(A) is performed by a contractor pursuant to a contract with an Indian Tribe or Tribal Organization with funds supplied through a contract or compact authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other statutory authority; and

"(B) is subject to prevailing wage rates for similar construction or renovation in the locality as determined by the Indian Tribes or Tribal Organizations to be served by the construction or renovation.

"(2) EXCEPTION.—This subsection shall not apply to construction or renovation carried out by an Indian Tribe or Tribal Organization with its own employees.

"SEC. 304. EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, if the requirements of subsection (c) are met, the Secretary, acting through the Service, is authorized to accept any major expansion, renovation, or modernization by any Indian Tribe or Tribal Organization of any Service facility or of any other Indian health facility operated pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

"(1) any plans or designs for such expansion, renovation, or modernization; and

"(2) any expansion, renovation, or modernization for which funds appropriated under any Federal law were lawfully expended.

"(b) PRIORITY LIST.—

"(1) IN GENERAL.—The Secretary shall maintain a separate priority list to address the needs for increased operating expenses, personnel, or equipment for such facilities. The methodology for establishing priorities shall be developed through regulations. The list of priority facilities will be revised annually in consultation with Indian Tribes and Tribal Organizations.

"(2) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, the priority list maintained pursuant to paragraph (1).

"(c) REQUIREMENTS.—The requirements of this subsection are met with respect to any expansion, renovation, or modernization if—

"(1) the Indian Tribe or Tribal Organization—

"(A) provides notice to the Secretary of its intent to expand, renovate, or modernize; and

"(B) applies to the Secretary to be placed on a separate priority list to address the needs of such new facilities for increased operating expenses, personnel, or equipment; and

"(2) the expansion, renovation, or modernization—

"(A) is approved by the appropriate area director of the Service for Federal facilities; and

"(B) is administered by the Indian Tribe or Tribal Organization in accordance with any applicable regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(d) ADDITIONAL REQUIREMENT FOR EXPANSION.—In addition to the requirements under subsection (c), for any expansion, the Indian Tribe or Tribal Organization shall provide to the Secretary additional information pursuant to regulations, including additional staffing, equipment, and other costs associated with the expansion.

"(e) CLOSURE OR CONVERSION OF FACILITIES.—If any Service facility which has been expanded, renovated, or modernized by an Indian Tribe or Tribal Organization under this section ceases to be used as a Service facility during the 20-year period beginning on the date such expansion, renovation, or modernization is completed, such Indian Tribe or Tribal Organization shall be entitled to recover from the United States an amount which bears the same ratio to the value of such facility at the time of such cessation as the value of such expansion, renovation, or modernization (less the total amount of any funds provided specifically for such facility under any Federal program that were expended for such expansion, renovation, or modernization) bore to the value of such facility at the time of the completion of such expansion, renovation, or modernization.

"SEC. 305. FUNDING FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Service, shall make grants to Indian Tribes and Tribal Organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons pursuant to subsections (b)(2) and (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) GRANT AGREEMENT REQUIRED.—A grant under paragraph (1) may only be made available to a Tribal Health Program operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to an Indian Tribe or Tribal Organization).

"(b) USE OF GRANT FUNDS.—

"(1) ALLOWABLE USES.—A grant awarded under this section may be used for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 307; and

"(C) which, upon completion of such construction or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) provide annually no fewer than 150 patient visits by eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2); and

"(iii) provide ambulatory care in a Service Area (specified in the contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)) with a population of no fewer than 1,500 eligible Indians and other users who are eligible for services in such facility in accordance with section 807(c)(2).

"(2) ADDITIONAL ALLOWABLE USE.—The Secretary may also reserve a portion of the funding provided under this section and use those reserved funds to reduce an outstanding debt incurred by Indian Tribes or Tribal Organizations for the construction, expansion, or modernization of an ambulatory care facility that meets the requirements under paragraph (1). The provisions of this section shall apply, except that such applications for funding under this paragraph shall be considered separately from applications for funding under paragraph (1).

"(3) USE ONLY FOR CERTAIN PORTION OF COSTS.—A grant provided under this section may be used only for the cost of that portion of a construction, expansion, or modernization project that benefits the Service population identified above in subsection (b)(1)(C)(ii) and (iii). The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to an Indian Tribe or Tribal Organization applying for a grant under this section for a health care facility located or to be constructed on an island or when such facility is not located on a road system providing direct access to an inpatient hospital where care is available to the Service population.

"(c) GRANTS.—

"(1) APPLICATION.—No grant may be made under this section unless an application or proposal for the grant has been approved by the Secretary in accordance with applicable regulations and has set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out using a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Indian Tribes and Tribal Organizations that demonstrate—

“(A) a need for increased ambulatory care services; and

“(B) insufficient capacity to deliver such services.

“(3) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications and proposals and to advise the Secretary regarding such applications using the criteria developed pursuant to subsection (a)(1).

“(d) REVERSION OF FACILITIES.—If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be used for the purposes of providing health care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States unless otherwise negotiated by the Service and the Indian Tribe or Tribal Organization.

“(e) FUNDING NONRECURRING.—Funding provided under this section shall be nonrecurring and shall not be available for inclusion in any individual Indian Tribe's tribal share for an award under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or for reallocation or redesign thereunder.

“SEC. 306. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

“(a) HEALTH CARE DEMONSTRATION PROJECTS.—The Secretary, acting through the Service, is authorized to enter into construction agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with Indian Tribes or Tribal Organizations for the purpose of carrying out a health care delivery demonstration project to test alternative means of delivering health care and services to Indians through facilities.

“(b) USE OF FUNDS.—The Secretary, in approving projects pursuant to this section, may authorize funding for the construction and renovation of hospitals, health centers, health stations, and other facilities to deliver health care services and is authorized to—

“(1) waive any leasing prohibition;

“(2) permit carryover of funds appropriated for the provision of health care services;

“(3) permit the use of other available funds;

“(4) permit the use of funds or property donated from any source for project purposes;

“(5) provide for the reversion of donated real or personal property to the donor; and

“(6) permit the use of Service funds to match other funds, including Federal funds.

“(c) REGULATIONS.—The Secretary shall develop and promulgate regulations, not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, for the review and approval of applications submitted under this section.

“(d) CRITERIA.—The Secretary may approve projects that meet the following criteria:

“(1) There is a need for a new facility or program or the reorientation of an existing facility or program.

“(2) A significant number of Indians, including those with low health status, will be served by the project.

“(3) The project has the potential to deliver services in an efficient and effective manner.

“(4) The project is economically viable.

“(5) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

“(6) The project is integrated with providers of related health and social services and is coordinated with, and avoids duplication of, existing services.

“(e) PEER REVIEW PANELS.—The Secretary may provide for the establishment of peer review panels, as necessary, to review and evaluate applications using the criteria developed pursuant to subsection (d).

“(f) PRIORITY.—The Secretary shall give priority to applications for demonstration projects in each of the following Service Units to the extent that such applications are timely filed and meet the criteria specified in subsection (d):

“(1) Cass Lake, Minnesota.

“(2) Clinton, Oklahoma.

“(3) Harlem, Montana.

“(4) Mescalero, New Mexico.

“(5) Owyhee, Nevada.

“(6) Parker, Arizona.

“(7) Schurz, Nevada.

“(8) Winnebago, Nebraska.

“(9) Ft. Yuma, California.

“(g) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

“(h) SERVICE TO INELIGIBLE PERSONS.—Subject to section 807, the authority to provide services to persons otherwise ineligible for the health care benefits of the Service and the authority to extend hospital privileges in Service facilities to non-Service health practitioners as provided in section 807 may be included, subject to the terms of such section, in any demonstration project approved pursuant to this section.

“(i) EQUITABLE TREATMENT.—For purposes of subsection (d)(1), the Secretary shall, in evaluating facilities operated under any contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), use the same criteria that the Secretary uses in evaluating facilities operated directly by the Service.

“(j) EQUITABLE INTEGRATION OF FACILITIES.—The Secretary shall ensure that the planning, design, construction, renovation, and expansion needs of Service and non-Service facilities which are the subject of a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for health services are fully and equitably integrated into the implementation of the health care delivery demonstration projects under this section.

“SEC. 307. LAND TRANSFER.

“Notwithstanding any other provision of law, the Bureau of Indian Affairs and all other agencies and departments of the United States are authorized to transfer, at no cost, land and improvements to the Service for the provision of health care services. The Secretary is authorized to accept such land and improvements for such purposes.

“SEC. 308. LEASES, CONTRACTS, AND OTHER AGREEMENTS.

“The Secretary, acting through the Service, may enter into leases, contracts, and other agreements with Indian Tribes and Tribal Organizations which hold (1) title to, (2) a leasehold interest in, or (3) a beneficial interest in (when title is held by the United States in trust for the benefit of an Indian Tribe) facilities used or to be used for the administration and delivery of health services by an Indian Health Program. Such leases, contracts, or agreements may include provisions for construction or renovation and provide for compensation to the Indian Tribe or Tribal Organization of rental and other costs consistent with section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(l)) and regulations thereunder.

“SEC. 309. STUDY ON LOANS, LOAN GUARANTEES, AND LOAN REPAYMENT.

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, Indian Tribes, and Tribal Organizations, shall carry out a study to determine the feasibility of establishing a loan fund to provide to Indian Tribes and Tribal Organizations direct loans or guarantees for loans for the construction of health care facilities, including—

“(1) inpatient facilities;

“(2) outpatient facilities;

“(3) staff quarters;

“(4) hostels; and

“(5) specialized care facilities, such as behavioral health and elder care facilities.

“(b) DETERMINATIONS.—In carrying out the study under subsection (a), the Secretary shall determine—

“(1) the maximum principal amount of a loan or loan guarantee that should be offered to a recipient from the loan fund;

“(2) the percentage of eligible costs, not to exceed 100 percent, that may be covered by a loan or loan guarantee from the loan fund (including costs relating to planning, design, financing, site land development, construction, rehabilitation, renovation, conversion, improvements, medical equipment and furnishings, and other facility-related costs and capital purchase (but excluding staffing));

“(3) the cumulative total of the principal of direct loans and loan guarantees, respectively, that may be outstanding at any 1 time;

“(4) the maximum term of a loan or loan guarantee that may be made for a facility from the loan fund;

“(5) the maximum percentage of funds from the loan fund that should be allocated for payment of costs associated with planning and applying for a loan or loan guarantee;

“(6) whether acceptance by the Secretary of an assignment of the revenue of an Indian Tribe or Tribal Organization as security for any direct loan or loan guarantee from the loan fund would be appropriate;

“(7) whether, in the planning and design of health facilities under this section, users eligible under section 807(c) may be included in any projection of patient population;

“(8) whether funds of the Service provided through loans or loan guarantees from the loan fund should be eligible for use in matching other Federal funds under other programs;

“(9) the appropriateness of, and best methods for, coordinating the loan fund with the health care priority system of the Service under section 301; and

“(10) any legislative or regulatory changes required to implement recommendations of the Secretary based on results of the study.

“(c) REPORT.—Not later than September 30, 2008, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that describes—

“(1) the manner of consultation made as required by subsection (a); and

“(2) the results of the study, including any recommendations of the Secretary based on results of the study.

"SEC. 310. TRIBAL LEASING.

"A Tribal Health Program may lease permanent structures for the purpose of providing health care services without obtaining advance approval in appropriation Acts.

"SEC. 311. INDIAN HEALTH SERVICE/TRIBAL FACILITIES JOINT VENTURE PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Service, shall make arrangements with Indian Tribes and Tribal Organizations to establish joint venture demonstration projects under which an Indian Tribe or Tribal Organization shall expend tribal, private, or other available funds, for the acquisition or construction of a health facility for a minimum of 10 years, under a no-cost lease, in exchange for agreement by the Service to provide the equipment, supplies, and staffing for the operation and maintenance of such a health facility. An Indian Tribe or Tribal Organization may use tribal funds, private sector, or other available resources, including loan guarantees, to fulfill its commitment under a joint venture entered into under this subsection. An Indian Tribe or Tribal Organization shall be eligible to establish a joint venture project if, when it submits a letter of intent, it—

"(1) has begun but not completed the process of acquisition or construction of a health facility to be used in the joint venture project; or

"(2) has not begun the process of acquisition or construction of a health facility for use in the joint venture project.

"(b) REQUIREMENTS.—The Secretary shall make such an arrangement with an Indian Tribe or Tribal Organization only if—

"(1) the Secretary first determines that the Indian Tribe or Tribal Organization has the administrative and financial capabilities necessary to complete the timely acquisition or construction of the relevant health facility; and

"(2) the Indian Tribe or Tribal Organization meets the need criteria determined using the criteria developed under the health care facility priority system under section 301, unless the Secretary determines, pursuant to regulations, that other criteria will result in a more cost-effective and efficient method of facilitating and completing construction of health care facilities.

"(c) CONTINUED OPERATION.—The Secretary shall negotiate an agreement with the Indian Tribe or Tribal Organization regarding the continued operation of the facility at the end of the initial 10 year no-cost lease period.

"(d) BREACH OF AGREEMENT.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this section, and that breaches or terminates without cause such agreement, shall be liable to the United States for the amount that has been paid to the Indian Tribe or Tribal Organization, or paid to a third party on the Indian Tribe's or Tribal Organization's behalf, under the agreement. The Secretary has the right to recover tangible property (including supplies) and equipment, less depreciation, and any funds expended for operations and maintenance under this section. The preceding sentence does not apply to any funds expended for the delivery of health care services, personnel, or staffing.

"(e) RECOVERY FOR NONUSE.—An Indian Tribe or Tribal Organization that has entered into a written agreement with the Secretary under this subsection shall be entitled to recover from the United States an amount that is proportional to the value of such facility if, at any time within the 10-year term of the agreement, the Service ceases to use the facility or otherwise breaches the agreement.

"(f) DEFINITION.—For the purposes of this section, the term 'health facility' or 'health facilities' includes quarters needed to provide housing for staff of the relevant Tribal Health Program.

"SEC. 312. LOCATION OF FACILITIES.

"(a) IN GENERAL.—In all matters involving the reorganization or development of Service facilities or in the establishment of related employment projects to address unemployment conditions in economically depressed areas, the Bureau of Indian Affairs and the Service shall give priority to locating such facilities and projects on Indian lands, or lands in Alaska owned by any Alaska Native village, or village or regional corporation under the Alaska Native Claims Settlement Act (25 U.S.C. 1601 et seq.), or any land allotted to any Alaska Native, if requested by the Indian owner and the Indian Tribe with jurisdiction over such lands or other lands owned or leased by the Indian Tribe or Tribal Organization. Top priority shall be given to Indian land owned by 1 or more Indian Tribes.

"(b) DEFINITION.—For purposes of this section, the term 'Indian lands' means—

"(1) all lands within the exterior boundaries of any reservation; and

"(2) any lands title to which is held in trust by the United States for the benefit of any Indian Tribe or individual Indian or held by any Indian Tribe or individual Indian subject to restriction by the United States against alienation.

"SEC. 313. MAINTENANCE AND IMPROVEMENT OF HEALTH CARE FACILITIES.

"(a) REPORT.—The Secretary shall submit to the President, for inclusion in the report required to be transmitted to Congress under section 801, a report which identifies the backlog of maintenance and repair work required at both Service and tribal health care facilities, including new health care facilities expected to be in operation in the next fiscal year. The report shall also identify the need for renovation and expansion of existing facilities to support the growth of health care programs.

"(b) MAINTENANCE OF NEWLY CONSTRUCTED SPACE.—The Secretary, acting through the Service, is authorized to expend maintenance and improvement funds to support maintenance of newly constructed space only if such space falls within the approved supportable space allocation for the Indian Tribe or Tribal Organization. Supportable space allocation shall be defined through the health care facility priority system under section 301(c).

"(c) REPLACEMENT FACILITIES.—In addition to using maintenance and improvement funds for renovation, modernization, and expansion of facilities, an Indian Tribe or Tribal Organization may use maintenance and improvement funds for construction of a replacement facility if the costs of renovation of such facility would exceed a maximum renovation cost threshold. The maximum renovation cost threshold shall be determined through the negotiated rulemaking process provided for under section 802.

"SEC. 314. TRIBAL MANAGEMENT OF FEDERALLY-OWNED QUARTERS.

"(a) RENTAL RATES.—

"(1) ESTABLISHMENT.—Notwithstanding any other provision of law, a Tribal Health Program which operates a hospital or other health facility and the federally-owned quarters associated therewith pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall have the authority to establish the rental rates charged to the occupants of such quarters by providing notice to the Secretary of its election to exercise such authority, provided that the method for establishing such rates be identified according to guidelines (such as OMB Circular A-45) which will ensure that rents shall be collected, that the rents are fair and reasonable, and that the tenants are not treated inequitably relative to other similar quarters, such as for the Bureau of Indian Affairs.

"(2) OBJECTIVES.—In establishing rental rates pursuant to authority of this subsection, a Tribal Health Program shall endeavor to achieve the following objectives:

"(A) To base such rental rates on the reasonable value of the quarters to the occupants thereof.

"(B) To generate sufficient funds to prudently provide for the operation and maintenance of the quarters, and subject to the discretion of the Tribal Health Program, to supply reserve funds for capital repairs and replacement of the quarters.

"(3) EQUITABLE FUNDING.—Any quarters whose rental rates are established by a Tribal Health Program pursuant to this subsection shall remain eligible for quarters improvement and repair funds to the same extent as all federally-owned quarters used to house personnel in Services-supported programs.

"(4) NOTICE OF RATE CHANGE.—A Tribal Health Program which exercises the authority provided under this subsection shall provide occupants with no less than 60 days notice of any change in rental rates.

"(b) DIRECT COLLECTION OF RENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (2), a Tribal Health Program shall have the authority to collect rents directly from Federal employees who occupy such quarters in accordance with the following:

"(A) The Tribal Health Program shall notify the Secretary and the subject Federal employees of its election to exercise its authority to collect rents directly from such Federal employees.

"(B) Upon receipt of a notice described in subparagraph (A), the Federal employees shall pay rents for occupancy of such quarters directly to the Tribal Health Program and the Secretary shall have no further authority to collect rents from such employees through payroll deduction or otherwise.

"(C) Such rent payments shall be retained by the Tribal Health Program and shall not be made payable to or otherwise be deposited with the United States.

"(D) Such rent payments shall be deposited into a separate account which shall be used by the Tribal Health Program for the maintenance (including capital repairs and replacement) and operation of the quarters and facilities as the Tribal Health Program shall determine.

"(2) RETROCESSION OF AUTHORITY.—If a Tribal Health Program which has made an election under paragraph (1) requests retrocession of its authority to directly collect rents from Federal employees occupying federally-owned quarters, such retrocession shall become effective on the earlier of—

"(A) the first day of the month that begins no less than 180 days after the Tribal Health Program notifies the Secretary of its desire to retrocede; or

"(B) such other date as may be mutually agreed by the Secretary and the Tribal Health Program.

"(c) RATES IN ALASKA.—To the extent that a Tribal Health Program, pursuant to authority granted in subsection (a), establishes rental rates for federally-owned quarters provided to a Federal employee in Alaska, such rents may be based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.

"SEC. 315. APPLICABILITY OF BUY AMERICAN ACT REQUIREMENT.

"(a) APPLICABILITY.—The Secretary shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to section 317. Indian Tribes and Tribal Organizations shall be exempt from these requirements.

"(b) EFFECT OF VIOLATION.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to section 317, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

"(c) DEFINITIONS.—For purposes of this section, the term 'Buy American Act' means title III of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933 (41 U.S.C. 10a et seq.).

"SEC. 316. OTHER FUNDING FOR FACILITIES.

"(a) AUTHORITY TO ACCEPT FUNDS.—The Secretary is authorized to accept from any source, including Federal and State agencies, funds that are available for the construction of health care facilities and use such funds to plan, design, and construct health care facilities for Indians and to place such funds into a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Receipt of such funds shall have no effect on the priorities established pursuant to section 301.

"(b) INTERAGENCY AGREEMENTS.—The Secretary is authorized to enter into interagency agreements with other Federal agencies or State agencies and other entities and to accept funds from such Federal or State agencies or other sources to provide for the planning, design, and construction of health care facilities to be administered by Indian Health Programs in order to carry out the purposes of this Act and the purposes for which the funds were appropriated or for which the funds were otherwise provided.

"(c) ESTABLISHMENT OF STANDARDS.—The Secretary, through the Service, shall establish standards by regulation for the planning, design, and construction of health care facilities serving Indians under this Act.

"SEC. 317. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE IV—ACCESS TO HEALTH SERVICES

"SEC. 401. TREATMENT OF PAYMENTS UNDER SOCIAL SECURITY ACT HEALTH BENEFITS PROGRAMS.

"(a) DISREGARD OF MEDICARE, MEDICAID, AND SCHIP PAYMENTS IN DETERMINING APPROPRIATIONS.—Any payments received by an Indian Health Program or by an Urban Indian Organization under title XVIII, XIX, or XXI of the Social Security Act for services provided to Indians eligible for benefits under such respective titles shall not be considered in determining appropriations for the provision of health care and services to Indians.

"(b) NONPREFERENTIAL TREATMENT.—Nothing in this Act authorizes the Secretary to provide services to an Indian with coverage under title XVIII, XIX, or XXI of the Social Security Act in preference to an Indian without such coverage.

"(c) USE OF FUNDS.—

"(1) SPECIAL FUND.—

"(A) 100 PERCENT PASS-THROUGH OF PAYMENTS DUE TO FACILITIES.—Notwithstanding any other provision of law, but subject to paragraph (2), payments to which a facility of the Service is entitled by reason of a provision of the Social Security Act shall be placed in a special fund to be held by the Secretary. In making payments from such fund, the Secretary shall ensure that each Service Unit of the Service receives 100 percent of the amount to which the facilities of the Service, for which such Service Unit makes collections, are entitled by reason of a provision of the Social Security Act.

"(B) USE OF FUNDS.—Amounts received by a facility of the Service under subparagraph (A) shall first be used (to such extent or in such amounts as are provided in appropriation Acts) for the purpose of making any improvements in the programs of the Service operated by or through such facility which may be necessary to achieve or maintain compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act. Any amounts so received that are in excess of the amount necessary to achieve or maintain such conditions and requirements shall, subject to consultation with the Indian Tribes being served by the Service Unit, be used for reducing the health resource deficiencies (as determined under section 201(d)) of such Indian Tribes.

"(2) DIRECT PAYMENT OPTION.—Paragraph (1) shall not apply to a Tribal Health Program upon the election of such Program under subsection (d) to receive payments directly. No payment may be made out of the special fund described in such paragraph with respect to reimbursement made for services provided by such Program during the period of such election.

"(d) DIRECT BILLING.—

"(1) IN GENERAL.—Subject to complying with the requirements of paragraph (2), a Tribal Health Program may elect to directly bill for, and receive payment for, health care items and services provided by such Program for which payment is made under title XVIII or XIX of the Social Security Act or from any other third party payor.

"(2) DIRECT REIMBURSEMENT.—

"(A) USE OF FUNDS.—Each Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be reimbursed directly by that program for items and services furnished without regard to subsection (c)(1), but all amounts so reimbursed shall be used by the Tribal Health Program for the purpose of making any improvements in facilities of the Tribal Health Program that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to such items and services under the program under such title and to provide additional health care services, improvements in health care facilities and Tribal Health Programs, any health care related purpose, or otherwise to achieve the objectives provided in section 3 of this Act.

"(B) AUDITS.—The amounts paid to a Tribal Health Program making the election described in paragraph (1) with respect to a program under a title of the Social Security Act shall be subject to all auditing requirements applicable to the program under such title, as well as all auditing requirements applicable to programs administered by an Indian Health Program. Nothing in the preceding sentence shall be construed as limiting the application of auditing requirements applicable to amounts paid under title XVIII, XIX, or XXI of the Social Security Act.

"(C) IDENTIFICATION OF SOURCE OF PAYMENTS.—Any Tribal Health Program that receives reimbursements or payments under title XVIII, XIX, or XXI of the Social Security Act, shall provide to the Service a list of each provider enrollment number (or other identifier) under which such Program receives such reimbursements or payments.

"(3) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

"(A) IN GENERAL.—The Secretary, acting through the Service and with the assistance of the Administrator of the Centers for Medicare & Medicaid Services, shall examine on an ongoing basis and implement any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this subsection, including any agreements with States that may be necessary to provide for direct billing under a program under a title of the Social Security Act.

"(B) COORDINATION OF INFORMATION.—The Service shall provide the Administrator of the Centers for Medicare & Medicaid Services with copies of the lists submitted to the Service under paragraph (2)(C), enrollment data regarding patients served by the Service (and by Tribal Health Programs, to the extent such data is available to the Service), and such other information as the Administrator may require for purposes of administering title XVIII, XIX, or XXI of the Social Security Act.

"(4) WITHDRAWAL FROM PROGRAM.—A Tribal Health Program that bills directly under the program established under this subsection may withdraw from participation in the same manner and under the same conditions that an Indian Tribe or Tribal Organization may retrocede a contracted program to the Secretary under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this subsection shall be returned to the Secretary upon the Secretary's acceptance of the withdrawal of participation in this program.

"(5) TERMINATION FOR FAILURE TO COMPLY WITH REQUIREMENTS.—The Secretary may terminate the participation of a Tribal Health Program or in the direct billing program established under this subsection if the Secretary determines that the Program has failed to comply with the requirements of paragraph (2). The Secretary shall provide a Tribal Health Program with notice of a determination that the Program has failed to comply with any such requirement and a reasonable opportunity to correct such noncompliance prior to terminating the Program's participation in the direct billing program established under this subsection.

"(e) RELATED PROVISIONS UNDER THE SOCIAL SECURITY ACT.—For provisions related to subsections (c) and (d), see sections 1880, 1911, and 2107(e)(1)(D) of the Social Security Act.

“SEC. 402. GRANTS TO AND CONTRACTS WITH THE SERVICE, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS TO FACILITATE OUTREACH, ENROLLMENT, AND COVERAGE OF INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS AND OTHER HEALTH BENEFITS PROGRAMS.

“(a) Indian Tribes and Tribal Organizations.—From funds appropriated to carry out this title in accordance with section 415, the Secretary, acting through the Service, shall make grants to or enter into contracts with Indian Tribes and Tribal Organizations to assist such Tribes and Tribal Organizations in establishing and administering programs on or near reservations and trust lands to assist individual Indians—

“(1) to enroll for benefits under a program established under title XVIII, XIX, or XXI of the Social Security Act and other health benefits programs; and

“(2) with respect to such programs for which the charging of premiums and cost sharing is not prohibited under such programs, to pay premiums or cost sharing for coverage for such benefits, which may be based on financial need (as determined by the Indian Tribe or Tribes or Tribal Organizations being served based on a schedule of income levels developed or implemented by such Tribe, Tribes, or Tribal Organizations).

“(b) Conditions.—The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any grant or contract which the Secretary makes with any Indian Tribe or Tribal Organization pursuant to this section. Such conditions shall include requirements that the Indian Tribe or Tribal Organization successfully undertake—

“(1) to determine the population of Indians eligible for the benefits described in subsection (a);

“(2) to educate Indians with respect to the benefits available under the respective programs;

“(3) to provide transportation for such individual Indians to the appropriate offices for enrollment or applications for such benefits; and

“(4) to develop and implement methods of improving the participation of Indians in receiving benefits under such programs.

“(c) Application to Urban Indian Organizations.—

“(1) In general.—The provisions of subsection (a) shall apply with respect to grants and other funding to Urban Indian Organizations with respect to populations served by such organizations in the same manner they apply to grants and contracts with Indian Tribes and Tribal Organizations with respect to programs on or near reservations.

“(2) Requirements.—The Secretary shall include in the grants or contracts made or provided under paragraph (1) requirements that are—

“(A) consistent with the requirements imposed by the Secretary under subsection (b);

“(B) appropriate to Urban Indian Organizations and Urban Indians; and

“(C) necessary to effect the purposes of this section.

“(d) Facilitating Cooperation.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI of the Social Security Act.

“(e) Agreements Relating to Improving Enrollment of Indians Under Social Security Act Health Benefits Programs.—For provisions relating to agreements between the Secretary, acting through the Service, and Indian Tribes, Tribal Organizations, and Urban Indian Organization for the collection, preparation, and submission of applications by Indians for assistance under the Medicaid and State children's health insurance programs established under titles XIX and XXI of the Social Security Act, and benefits under the Medicare program established under title XVIII of such Act, see subsections (a) and (b) of section 1139 of the Social Security Act.

“(f) Definition of Premiums and Cost Sharing.—In this section:

“(1) Premium.—The term ‘premium’ includes any enrollment fee or similar charge.

“(2) Cost sharing.—The term ‘cost sharing’ includes any deduction, deductible, copayment, coinsurance, or similar charge.

“SEC. 403. REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.

“(a) Right of Recovery.—Except as provided in subsection (f), the United States, an Indian Tribe, or Tribal Organization shall have the right to recover from an insurance company, health maintenance organization, employee benefit plan, third-party tortfeasor, or any other responsible or liable third party (including a political subdivision or local governmental entity of a State) the reasonable expenses incurred and billed by the Secretary, an Indian Tribe, or Tribal Organization in providing health services through the Service, an Indian Tribe, or Tribal Organization to any individual to the same extent that such individual, or any nongovernmental provider of such services, would be eligible to receive damages, reimbursement, or indemnification for such charges or expenses if—

“(1) such services had been provided by a nongovernmental provider; and

“(2) such individual had been required to pay such charges or expenses and did pay such charges or expenses.

“(b) Limitations on Recoveries From States.—Subsection (a) shall provide a right of recovery against any State, only if the injury, illness, or disability for which health services were provided is covered under—

“(1) workers' compensation laws; or

“(2) a no-fault automobile accident insurance plan or program.

“(c) Nonapplication of Other Laws.—No law of any State, or of any political subdivision of a State and no provision of any contract, insurance or health maintenance organization policy, employee benefit plan, self-insurance plan, managed care plan, or other health care plan or program entered into or renewed after the date of the enactment of the Indian Health Care Amendments of 1988, shall prevent or hinder the right of recovery of the United States, an Indian Tribe, or Tribal Organization under subsection (a).

“(d) No Effect on Private Rights of Action.—No action taken by the United States, an Indian Tribe, or Tribal Organization to enforce the right of recovery provided under this section shall operate to deny to the injured person the recovery for that portion of the person's damage not covered hereunder.

“(e) Enforcement.—

“(1) In general.—The United States, an Indian Tribe, or Tribal Organization may enforce the right of recovery provided under subsection (a) by—

“(A) intervening or joining in any civil action or proceeding brought—

“(i) by the individual for whom health services were provided by the Secretary, an Indian Tribe, or Tribal Organization; or

“(ii) by any representative or heirs of such individual, or

“(B) instituting a civil action, including a civil action for injunctive relief and other relief and including, with respect to a political subdivision or local governmental entity of a State, such an action against an official thereof.

“(2) Notice.—All reasonable efforts shall be made to provide notice of action instituted under paragraph (1)(B) to the individual to whom health services were provided, either before or during the pendency of such action.

“(f) Limitation.—Absent specific written authorization by the governing body of an Indian Tribe for the period of such authorization (which may not be for a period of more than 1 year and which may be revoked at any time upon written notice by the governing body to the Service), the United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian Tribe, Tribal Organization, or Urban Indian Organization. Where such authorization is provided, the Service may receive and expend such amounts for the provision of additional health services consistent with such authorization.

“(g) Costs and Attorneys' Fees.—In any action brought to enforce the provisions of this section, a prevailing plaintiff shall be awarded its reasonable attorneys' fees and costs of litigation.

“(h) Nonapplication of Claims Filing Requirements.—An insurance company, health maintenance organization, self-insurance plan, managed care plan, or other health care plan or program (under the Social Security Act or otherwise) may not deny a claim for benefits submitted by the Service or by an Indian Tribe or Tribal Organization based on the format in which the claim is submitted if such format complies with the format required for submission of claims under title XVIII of the Social Security Act or recognized under section 1175 of such Act.

“(i) Application to Urban Indian Organizations.—The previous provisions of this section shall apply to Urban Indian Organizations with respect to populations served by such Organizations in the same manner they apply to Indian Tribes and Tribal Organizations with respect to populations served by such Indian Tribes and Tribal Organizations.

“(j) Statute of Limitations.—The provisions of section 2415 of title 28, United States Code, shall apply to all actions commenced under this section, and the references therein to the United States are deemed to include Indian Tribes, Tribal Organizations, and Urban Indian Organizations.

“(k) Savings.—Nothing in this section shall be construed to limit any right of recovery available to the United States, an Indian Tribe, or Tribal Organization under the provisions of any applicable, Federal, State, or Tribal law, including medical lien laws and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

“SEC. 404. CREDITING OF REIMBURSEMENTS.

“(a) Use of Amounts.—

“(1) Retention by program.—Except as provided in section 202(g) (relating to the Catastrophic Health Emergency Fund) and section 807 (relating to health services for ineligible persons), all reimbursements received or recovered under any of the programs described in paragraph (2), including under section 807, by reason of the provision of health services by the Service, by an Indian Tribe or Tribal Organization, or by an Urban Indian Organization, shall be credited to the Service, such Indian Tribe or Tribal Organization, or such Urban Indian Organization, respectively, and may be used as provided in section 401. In the case of such a service provided by or through a Service Unit, such amounts shall be credited to such unit and used for such purposes.

"(2) PROGRAMS COVERED.—The programs referred to in paragraph (1) are the following:

"(A) Titles XVIII, XIX, and XXI of the Social Security Act.

"(B) This Act, including section 807.

"(C) Public Law 87–693.

"(D) Any other provision of law.

"(b) NO OFFSET OF AMOUNTS.—The Service may not offset or limit any amount obligated to any Service Unit or entity receiving funding from the Service because of the receipt of reimbursements under subsection (a).

"SEC. 405. PURCHASING HEALTH CARE COVERAGE.

"(a) IN GENERAL.—Insofar as amounts are made available under law (including a provision of the Social Security Act, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or other law, other than under section 402) to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for health benefits for Service beneficiaries, Indian Tribes, Tribal Organizations, and Urban Indian Organizations may use such amounts to purchase health benefits coverage for such beneficiaries in any manner, including through—

"(1) a tribally owned and operated health care plan;

"(2) a State or locally authorized or licensed health care plan;

"(3) a health insurance provider or managed care organization; or

"(4) a self-insured plan.

The purchase of such coverage by an Indian Tribe, Tribal Organization, or Urban Indian Organization may be based on the financial needs of such beneficiaries (as determined by the Indian Tribe or Tribes being served based on a schedule of income levels developed or implemented by such Indian Tribe or Tribes).

"(b) EXPENSES FOR SELF-INSURED PLAN.—In the case of a self-insured plan under subsection (a)(4), the amounts may be used for expenses of operating the plan, including administration and insurance to limit the financial risks to the entity offering the plan.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the use of any amounts not referred to in subsection (a).

"SEC. 406. SHARING ARRANGEMENTS WITH FEDERAL AGENCIES.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may enter into (or expand) arrangements for the sharing of medical facilities and services between the Service, Indian Tribes, and Tribal Organizations and the Department of Veterans Affairs and the Department of Defense.

"(2) CONSULTATION BY SECRETARY REQUIRED.—The Secretary may not finalize any arrangement between the Service and a Department described in paragraph (1) without first consulting with the Indian Tribes which will be significantly affected by the arrangement.

"(b) LIMITATIONS.—The Secretary shall not take any action under this section or under subchapter IV of chapter 81 of title 38, United States Code, which would impair—

"(1) the priority access of any Indian to health care services provided through the Service and the eligibility of any Indian to receive health services through the Service;

"(2) the quality of health care services provided to any Indian through the Service;

"(3) the priority access of any veteran to health care services provided by the Department of Veterans Affairs;

"(4) the quality of health care services provided by the Department of Veterans Affairs or the Department of Defense; or

"(5) the eligibility of any Indian who is a veteran to receive health services through the Department of Veterans Affairs.

"(c) REIMBURSEMENT.—The Service, Indian Tribe, or Tribal Organization shall be reimbursed by the Department of Veterans Affairs or the Department of Defense (as the case may be) where services are provided through the Service, an Indian Tribe, or a Tribal Organization to beneficiaries eligible for services from either such Department, notwithstanding any other provision of law.

"(d) CONSTRUCTION.—Nothing in this section may be construed as creating any right of a non-Indian veteran to obtain health services from the Service.

"SEC. 407. PAYOR OF LAST RESORT.

"Indian Health Programs and health care programs operated by Urban Indian Organizations shall be the payor of last resort for services provided to persons eligible for services from Indian Health Programs and Urban Indian Organizations, notwithstanding any Federal, State, or local law to the contrary.

"SEC. 408. NONDISCRIMINATION UNDER FEDERAL HEALTH CARE PROGRAMS IN QUALIFICATIONS FOR REIMBURSEMENT FOR SERVICES.

"(a) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(1) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(2) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(b) APPLICATION OF EXCLUSION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—

"(1) EXCLUDED ENTITIES.—No entity operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment or reimbursement under any such program for health care services furnished to an Indian.

"(2) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension shall be eligible to receive payment or reimbursement under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(3) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.

"(c) RELATED PROVISIONS.—For provisions related to nondiscrimination against providers operated by the Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, see section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)).

"SEC. 409. CONSULTATION.

"For provisions related to consultation with representatives of Indian Health Programs and Urban Indian Organizations with respect to the health care programs established under titles XVIII, XIX, and XXI of the Social Security Act, see section 1139(d) of the Social Security Act (42 U.S.C. 1320b–9(d)).

"SEC. 410. STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

"For provisions relating to—

"(1) outreach to families of Indian children likely to be eligible for child health assistance under the State children's health insurance program established under title XXI of the Social Security Act, see sections 2105(c)(2)(C) and 1139(a) of such Act (42 U.S.C. 1397ee(c)(2), 1320b–9); and

"(2) ensuring that child health assistance is provided under such program to targeted low-income children who are Indians and that payments are made under such program to Indian Health Programs and Urban Indian Organizations operating in the State that provide such assistance, see sections 2102(b)(3)(D) and 2105(c)(6)(B) of such Act (42 U.S.C. 1397bb(b)(3)(D), 1397ee(c)(6)(B)).

"SEC. 411. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

"For provisions relating to—

"(1) exclusion waiver authority for affected Indian Health Programs under the Social Security Act, see section 1128(k) of the Social Security Act (42 U.S.C. 1320a–7(k)); and

"(2) certain transactions involving Indian Health Programs deemed to be in safe harbors under that Act, see section 1128B(b)(4) of the Social Security Act (42 U.S.C. 1320a–7b(b)(4)).

"SEC. 412. PREMIUM AND COST SHARING PROTECTIONS AND ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

"For provisions relating to—

"(1) premiums or cost sharing protections for Indians furnished items or services directly by Indian Health Programs or through referral under the contract health service under the Medicaid program established under title XIX of the Social Security Act, see sections 1916(j) and 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o(j), 1396o-1(a)(1));

"(2) rules regarding the treatment of certain property for purposes of determining eligibility under such programs, see sections 1902(e)(13) and 2107(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(13), 1397gg(e)(1)(B)); and

"(3) the protection of certain property from estate recovery provisions under the Medicaid program, see section 1917(b)(3)(B) of such Act (42 U.S.C. 1396p(b)(3)(B)).

"SEC. 413. TREATMENT UNDER MEDICAID AND SCHIP MANAGED CARE.

"For provisions relating to the treatment of Indians enrolled in a managed care entity under the Medicaid program under title XIX of the Social Security Act and Indian Health Programs and Urban Indian Organizations that are providers of items or services to such Indian enrollees, see sections 1932(h) and 2107(e)(1)(H) of the Social Security Act (42 U.S.C. 1396u-2(h), 1397gg(e)(1)(H)).

"SEC. 414. NAVAJO NATION MEDICAID AGENCY FEASIBILITY STUDY.

"(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of treating the Navajo Nation as a State for the purposes of title XIX of the Social Security Act, to provide services to Indians living within the boundaries of the Navajo Nation through an entity established having the same authority and performing the same functions as single-State medicaid agencies responsible for the administration of the State plan under title XIX of the Social Security Act.

"(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the feasibility of—

"(1) assigning and paying all expenditures for the provision of services and related administration funds, under title XIX of the Social Security Act, to Indians living within the boundaries of the Navajo Nation that are currently paid to or would otherwise be paid to the State of Arizona, New Mexico, or Utah;

"(2) providing assistance to the Navajo Nation in the development and implementation of such entity for the administration, eligibility, payment, and delivery of medical assistance under title XIX of the Social Security Act;

"(3) providing an appropriate level of matching funds for Federal medical assistance with respect to amounts such entity expends for medical assistance for services and related administrative costs; and

"(4) authorizing the Secretary, at the option of the Navajo Nation, to treat the Navajo Nation as a State for the purposes of title XIX of the Social Security Act (relating to the State children's health insurance program) under terms equivalent to those described in paragraphs (2) through (4).

"(c) REPORT.—Not later then 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall submit to the Committee on Indian Affairs and Committee on Finance of the Senate and the Committee on Resources and Committee on Energy and Commerce of the House of Representatives a report that includes—

"(1) the results of the study under this section;

"(2) a summary of any consultation that occurred between the Secretary and the Navajo Nation, other Indian Tribes, the States of Arizona, New Mexico, and Utah, counties which include Navajo Lands, and other interested parties, in conducting this study;

"(3) projected costs or savings associated with establishment of such entity, and any estimated impact on services provided as described in this section in relation to probable costs or savings; and

"(4) legislative actions that would be required to authorize the establishment of such entity if such entity is determined by the Secretary to be feasible.

"SEC. 415. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"SEC. 501. PURPOSE.

"The purpose of this title is to establish and maintain programs in Urban Centers to make health services more accessible and available to Urban Indians.

"SEC. 502. CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS.

"Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, or make grants to, Urban Indian Organizations to assist such organizations in the establishment and administration, within Urban Centers, of programs which meet the requirements set forth in this title. Subject to section 506, the Secretary, acting through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract into which the Secretary enters with, or in any grant the Secretary makes to, any Urban Indian Organization pursuant to this title.

"SEC. 503. CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES.

"(a) REQUIREMENTS FOR GRANTS AND CONTRACTS.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, shall enter into contracts with, and make grants to, Urban Indian Organizations for the provision of health care and referral services for Urban Indians. Any such contract or grant shall include requirements that the Urban Indian Organization successfully undertake to—

"(1) estimate the population of Urban Indians residing in the Urban Center or centers that the organization proposes to serve who are or could be recipients of health care or referral services;

"(2) estimate the current health status of Urban Indians residing in such Urban Center or centers;

"(3) estimate the current health care needs of Urban Indians residing in such Urban Center or centers;

"(4) provide basic health education, including health promotion and disease prevention education, to Urban Indians;

"(5) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of Urban Indians; and

"(6) where necessary, provide, or enter into contracts for the provision of, health care services for Urban Indians.

"(b) CRITERIA.—The Secretary, acting through the Service, shall, by regulation, prescribe the criteria for selecting Urban Indian Organizations to enter into contracts or receive grants under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of Urban Indians in the Urban Center or centers involved;

"(2) the size of the Urban Indian population in the Urban Center or centers involved;

"(3) the extent, if any, to which the activities set forth in subsection (a) would duplicate any project funded under this title, or under any current public health service project funded in a manner other than pursuant to this title;

"(4) the capability of an Urban Indian Organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary or to meet the requirements for receiving a grant under this section;

"(5) the satisfactory performance and successful completion by an Urban Indian Organization of other contracts with the Secretary under this title;

"(6) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an Urban Center or centers; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"(c) ACCESS TO HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.—The Secretary, acting through the Service, shall facilitate access to or provide health promotion and disease prevention services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(d) IMMUNIZATION SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, immunization services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'immunization services' means services to provide without charge immunizations against vaccine-preventable diseases.

"(e) BEHAVIORAL HEALTH SERVICES.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to, or provide, behavioral health services for Urban Indians through grants made to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a).

"(2) ASSESSMENT REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment of the following:

"(A) The behavioral health needs of the Urban Indian population concerned.

"(B) The behavioral health services and other related resources available to that population.

"(C) The barriers to obtaining those services and resources.

"(D) The needs that are unmet by such services and resources.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) To provide outreach, educational, and referral services to Urban Indians regarding the availability of direct behavioral health services, to educate Urban Indians about behavioral health issues and services, and effect coordination with existing behavioral health providers in order to improve services to Urban Indians.

"(C) To provide outpatient behavioral health services to Urban Indians, including the identification and assessment of illness, therapeutic treatments, case management, support groups, family treatment, and other treatment.

"(D) To develop innovative behavioral health service delivery models which incorporate Indian cultural support systems and resources.

"(f) PREVENTION OF CHILD ABUSE.—

"(1) ACCESS OR SERVICES PROVIDED.—The Secretary, acting through the Service, shall facilitate access to or provide services for Urban Indians through grants to Urban Indian Organizations administering contracts entered into or receiving grants under subsection (a) to prevent and treat child abuse (including sexual abuse) among Urban Indians.

"(2) EVALUATION REQUIRED.—Except as provided by paragraph (3)(A), a grant may not be made under this subsection to an Urban Indian Organization until that organization has prepared, and the Service has approved, an assessment that documents the prevalence of child abuse in the Urban Indian population concerned and specifies the services and programs (which may not duplicate existing services and programs) for which the grant is requested.

"(3) PURPOSES OF GRANTS.—Grants may be made under this subsection for the following:

"(A) To prepare assessments required under paragraph (2).

"(B) For the development of prevention, training, and education programs for Urban Indians, including child education, parent education, provider training on identification and intervention, education on reporting requirements, prevention campaigns, and establishing service networks of all those involved in Indian child protection.

"(C) To provide direct outpatient treatment services (including individual treatment, family treatment, group therapy, and support groups) to Urban Indians who are child victims of abuse (including sexual abuse) or adult survivors of child sexual abuse, to the families of such child victims, and to Urban Indian perpetrators of child abuse (including sexual abuse).

"(4) CONSIDERATIONS WHEN MAKING GRANTS.—In making grants to carry out this subsection, the Secretary shall take into consideration—

"(A) the support for the Urban Indian Organization demonstrated by the child protection authorities in the area, including committees or other services funded under the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), if any;

"(B) the capability and expertise demonstrated by the Urban Indian Organization to address the complex problem of child sexual abuse in the community; and

"(C) the assessment required under paragraph (2).

"(g) OTHER GRANTS.—The Secretary, acting through the Service, may enter into a contract with or make grants to an Urban Indian Organization that provides or arranges for the provision of health care services (through satellite facilities, provider networks, or otherwise) to Urban Indians in more than 1 Urban Center.

"SEC. 504. CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS.

"(a) GRANTS AND CONTRACTS AUTHORIZED.—Under authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary, acting through the Service, may enter into contracts with or make grants to Urban Indian Organizations situated in Urban Centers for which contracts have not been entered into or grants have not been made under section 503.

"(b) PURPOSE.—The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (c)(1) in order to assist the Secretary in assessing the health status and health care needs of Urban Indians in the Urban Center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the Urban Indian Organization which the Secretary has entered into a contract with, or made a grant to, under this section.

"(c) GRANT AND CONTRACT REQUIREMENTS.—Any contract entered into, or grant made, by the Secretary under this section shall include requirements that—

"(1) the Urban Indian Organization successfully undertakes to—

"(A) document the health care status and unmet health care needs of Urban Indians in the Urban Center involved; and

"(B) with respect to Urban Indians in the Urban Center involved, determine the matters described in paragraphs (2), (3), (4), and (7) of section 503(b); and

"(2) the Urban Indian Organization complete performance of the contract, or carry out the requirements of the grant, within 1 year after the date on which the Secretary and such organization enter into such contract, or within 1 year after such organization receives such grant, whichever is applicable.

"(d) NO RENEWALS.—The Secretary may not renew any contract entered into or grant made under this section.

"SEC. 505. EVALUATIONS; RENEWALS.

"(a) PROCEDURES FOR EVALUATIONS.—The Secretary, acting through the Service, shall develop procedures to evaluate compliance with grant requirements and compliance with and performance of contracts entered into by Urban Indian Organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) EVALUATIONS.—The Secretary, acting through the Service, shall evaluate the compliance of each Urban Indian Organization which has entered into a contract or received a grant under section 503 with the terms of such contract or grant. For purposes of this evaluation, the Secretary shall—

"(1) acting through the Service, conduct an annual onsite evaluation of the organization; or

"(2) accept in lieu of such onsite evaluation evidence of the organization's provisional or full accreditation by a private independent entity recognized by the Secretary for purposes of conducting quality reviews of providers participating in the Medicare program under title XVIII of the Social Security Act.

"(c) NONCOMPLIANCE; UNSATISFACTORY PERFORMANCE.—If, as a result of the evaluations conducted under this section, the Secretary determines that an Urban Indian Organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with the organization the areas of noncompliance or unsatisfactory performance and modify the contract or grant to prevent future occurrences of noncompliance or unsatisfactory performance. If the Secretary determines that the noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew the contract or grant with the organization and is authorized to enter into a contract or make a grant under section 503 with another Urban Indian Organization which is situated in the same Urban Center as the Urban Indian Organization whose contract or grant is not renewed under this section.

"(d) CONSIDERATIONS FOR RENEWALS.—In determining whether to renew a contract or grant with an Urban Indian Organization under section 503 which has completed performance of a contract or grant under section 504, the Secretary shall review the records of the Urban Indian Organization, the reports submitted under section 507, and shall consider the results of the onsite evaluations or accreditations under subsection (b).

"SEC. 506. OTHER CONTRACT AND GRANT REQUIREMENTS.

"(a) PROCUREMENT.—Contracts with Urban Indian Organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations relating to procurement except that in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 1304 and 3131 through 3133 of title 40, United States Code.

"(b) PAYMENTS UNDER CONTRACTS OR GRANTS.—

"(1) IN GENERAL.—Payments under any contracts or grants pursuant to this title, notwithstanding any term or condition of such contract or grant—

"(A) may be made in a single advance payment by the Secretary to the Urban Indian Organization by no later than the end of the first 30 days of the funding period with respect to which the payments apply, unless the Secretary determines through an evaluation under section 505 that the organization is not capable of administering such a single advance payment; and

"(B) if any portion thereof is unexpended by the Urban Indian Organization during the funding period with respect to which the payments initially apply, shall be carried forward for expenditure with respect to allowable or reimbursable costs incurred by the organization during 1 or more subsequent funding periods without additional justification or documentation by the organization as a condition of carrying forward the availability for expenditure of such funds.

"(2) SEMIANNUAL AND QUARTERLY PAYMENTS AND REIMBURSEMENTS.—If the Secretary determines under paragraph (1)(A) that an Urban Indian Organization is not capable of administering an entire single advance payment, on request of the Urban Indian Organization, the payments may be made—

"(A) in semiannual or quarterly payments by not later than 30 days after the date on which the funding period with respect to which the payments apply begins; or

"(B) by way of reimbursement.

"(c) REVISION OR AMENDMENT OF CONTRACTS.—Notwithstanding any provision of law to the contrary, the Secretary may, at the request and consent of an Urban Indian Organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title.

"(d) FAIR AND UNIFORM SERVICES AND ASSISTANCE.—Contracts with or grants to Urban Indian Organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to Urban Indians of services and assistance under such contracts or grants by such organizations.

"SEC. 507. REPORTS AND RECORDS.

"(a) REPORTS.—

"(1) IN GENERAL.—For each fiscal year during which an Urban Indian Organization receives or expends funds pursuant to a contract entered into or a grant received pursuant to this title, such Urban Indian Organization shall submit to the Secretary not more frequently than every 6 months, a report that includes the following:

"(A) In the case of a contract or grant under section 503, recommendations pursuant to section 503(a)(5).

"(B) Information on activities conducted by the organization pursuant to the contract or grant.

"(C) An accounting of the amounts and purpose for which Federal funds were expended.

"(D) A minimum set of data, using uniformly defined elements, as specified by the Secretary after consultation with Urban Indian Organizations.

"(2) HEALTH STATUS AND SERVICES.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall submit to Congress a report evaluating—

"(i) the health status of Urban Indians;

"(ii) the services provided to Indians pursuant to this title; and

"(iii) areas of unmet needs in the delivery of health services to Urban Indians.

"(B) CONSULTATION AND CONTRACTS.—In preparing the report under paragraph (1), the Secretary—

"(i) shall consult with Urban Indian Organizations; and

"(ii) may enter into a contract with a national organization representing Urban Indian Organizations to conduct any aspect of the report.

"(b) AUDIT.—The reports and records of the Urban Indian Organization with respect to a contract or grant under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) COSTS OF AUDITS.—The Secretary shall allow as a cost of any contract or grant entered into or awarded under section 502 or 503 the cost of an annual independent financial audit conducted by—

"(1) a certified public accountant; or

"(2) a certified public accounting firm qualified to conduct Federal compliance audits.

"SEC. 508. LIMITATION ON CONTRACT AUTHORITY.

"The authority of the Secretary to enter into contracts or to award grants under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

"SEC. 509. FACILITIES.

"(a) GRANTS.—The Secretary, acting through the Service, may make grants to contractors or grant recipients under this title for the lease, purchase, renovation, construction, or expansion of facilities, including leased facilities, in order to assist such contractors or grant recipients in complying with applicable licensure or certification requirements.

"(b) LOAN FUND STUDY.—The Secretary, acting through the Service, may carry out a study to determine the feasibility of establishing a loan fund to provide to Urban Indian Organizations direct loans or guarantees for loans for the construction of health care facilities in a manner consistent with section 309.

"SEC. 510. DIVISION OF URBAN INDIAN HEALTH.

"There is established within the Service a Division of Urban Indian Health, which shall be responsible for—

"(1) carrying out the provisions of this title;

"(2) providing central oversight of the programs and services authorized under this title; and

"(3) providing technical assistance to Urban Indian Organizations.

"SEC. 511. GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE-RELATED SERVICES.

"(a) GRANTS AUTHORIZED.—The Secretary, acting through the Service, may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school- and community-based education regarding, alcohol and substance abuse in Urban Centers to those Urban Indian Organizations with which the Secretary has entered into a contract under this title or under section 201.

"(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the following:

"(1) The size of the Urban Indian population.

"(2) Capability of the organization to adequately perform the activities required under the grant.

"(3) Satisfactory performance standards for the organization in meeting the goals set forth in such grant. The standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis.

"(4) Identification of the need for services.

"(d) ALLOCATION OF GRANTS.—The Secretary shall develop a methodology for allocating grants made pursuant to this section based on the criteria established pursuant to subsection (c).

"(e) GRANTS SUBJECT TO CRITERIA.—Any grant received by an Urban Indian Organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

"SEC. 512. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

"Notwithstanding any other provision of law, the Tulsa Clinic and Oklahoma City Clinic demonstration projects shall—

"(1) be permanent programs within the Service's direct care program;

"(2) continue to be treated as Service Units and Operating Units in the allocation of resources and coordination of care; and

"(3) continue to meet the requirements and definitions of an Urban Indian Organization in this Act, and shall not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"SEC. 513. URBAN NIAAA TRANSFERRED PROGRAMS.

"(a) GRANTS AND CONTRACTS.—The Secretary, through the Division of Urban Indian Health, shall make grants or enter into contracts with Urban Indian Organizations, to take effect not later than September 30, 2008, for the administration of Urban Indian alcohol programs that were originally established under the National Institute on Alcoholism and Alcohol Abuse (hereafter in this section referred to as 'NIAAA') and transferred to the Service.

"(b) USE OF FUNDS.—Grants provided or contracts entered into under this section shall be used to provide support for the continuation of alcohol prevention and treatment services for Urban Indian populations and such other objectives as are agreed upon between the Service and a recipient of a grant or contract under this section.

"(c) ELIGIBILITY.—Urban Indian Organizations that operate Indian alcohol programs originally funded under the NIAAA and subsequently transferred to the Service are eligible for grants or contracts under this section.

"(d) REPORT.—The Secretary shall evaluate and report to Congress on the activities of programs funded under this section not less than every 5 years.

"SEC. 514. CONSULTATION WITH URBAN INDIAN ORGANIZATIONS.

"(a) IN GENERAL.—The Secretary shall ensure that the Service consults, to the greatest extent practicable, with Urban Indian Organizations.

"(b) DEFINITION OF CONSULTATION.—For purposes of subsection (a), consultation is the open and free exchange of information and opinions which leads to mutual understanding and comprehension and which emphasizes trust, respect, and shared responsibility.

"SEC. 515. URBAN YOUTH TREATMENT CENTER DEMONSTRATION.

"(a) CONSTRUCTION AND OPERATION.—The Secretary, acting through the Service, through grant or contract, is authorized to fund the construction and operation of at least 2 residential treatment centers in each State described in subsection (b) to demonstrate the provision of alcohol and substance abuse treatment services to Urban Indian youth in a culturally competent residential setting.

"(b) DEFINITION OF STATE.—A State described in this subsection is a State in which—

"(1) there resides Urban Indian youth with need for alcohol and substance abuse treatment services in a residential setting; and

"(2) there is a significant shortage of culturally competent residential treatment services for Urban Indian youth.

"SEC. 516. GRANTS FOR DIABETES PREVENTION, TREATMENT, AND CONTROL.

"(a) GRANTS AUTHORIZED.—The Secretary may make grants to those Urban Indian Organizations that have entered into a contract or have received a grant under this title for the provision of services for the prevention and treatment of, and control of the complications resulting from, diabetes among Urban Indians.

"(b) GOALS.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished under the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a) relating to—

"(1) the size and location of the Urban Indian population to be served;

"(2) the need for prevention of and treatment of, and control of the complications resulting from, diabetes among the Urban Indian population to be served;

"(3) performance standards for the organization in meeting the goals set forth in such grant that are negotiated and agreed to by the Secretary and the grantee;

"(4) the capability of the organization to adequately perform the activities required under the grant; and

"(5) the willingness of the organization to collaborate with the registry, if any, established by the Secretary under section 204(e) in the Area Office of the Service in which the organization is located.

"(d) FUNDS SUBJECT TO CRITERIA.—Any funds received by an Urban Indian Organization under this Act for the prevention, treatment, and control of diabetes among Urban Indians shall be subject to the criteria developed by the Secretary under subsection (c).

"SEC. 517. COMMUNITY HEALTH REPRESENTATIVES.

"The Secretary, acting through the Service, may enter into contracts with, and make grants to, Urban Indian Organizations for the employment of Indians trained as health service providers through the Community Health Representatives Program under section 109 in the provision of health care, health promotion, and disease prevention services to Urban Indians.

"SEC. 518. EFFECTIVE DATE.

"The amendments made by the Indian Health Care Improvement Act Amendments of 2006 to this title shall take effect beginning on the date of enactment of that Act, regardless of whether the Secretary has promulgated regulations implementing such amendments.

"SEC. 519. ELIGIBILITY FOR SERVICES.

"Urban Indians shall be eligible and the ultimate beneficiaries for health care or referral services provided pursuant to this title.

"SEC. 520. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE VI—ORGANIZATIONAL IMPROVEMENTS

"SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian Tribes, as are or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department the Indian Health Service.

"(2) DIRECTOR OF INDIAN HEALTH SERVICE.—The Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Secretary. Effective with respect to an individual appointed by the President, by and with the advice and consent of the Senate, after January 1, 2006, the term of service of the Director shall be 4 years. A Director may serve more than 1 term.

"(3) INCUMBENT.—The individual serving in the position of Director of the Service on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 shall serve as Director.

"(4) ADVOCACY AND CONSULTATION.—The position of Director is established to, in a manner consistent with the government-to-government relationship between the United States and Indian Tribes—

"(A) facilitate advocacy for the development of appropriate Indian health policy; and

"(B) promote consultation on matters relating to Indian health.

"(b) AGENCY.—The Service shall be an agency within the Public Health Service of the Department, and shall not be an office, component, or unit of any other agency of the Department.

"(c) DUTIES.—The Director shall—

"(1) perform all functions that were, on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, carried out by or under the direction of the individual serving as Director of the Service on that day;

"(2) perform all functions of the Secretary relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and provision and utilization of, health services for Indians;

"(3) administer all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (42 U.S.C. 2001 et seq.);

"(D) the Act of August 16, 1957 (42 U.S.C. 2005 et seq.); and

"(E) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

"(4) administer all scholarship and loan functions carried out under title I;

"(5) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(6) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(7) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(8) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

"(9) coordinate the activities of the Department concerning matters of Indian health; and

"(10) perform such other functions as the Secretary may designate.

"(d) AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall have the authority—

"(A) except to the extent provided for in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) PERSONNEL ACTIONS.—Notwithstanding any other provision of law, the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), shall apply to all personnel actions taken with respect to new positions created within the Service as a result of its establishment under subsection (a).

"SEC. 602. AUTOMATED MANAGEMENT INFORMATION SYSTEM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish an automated management information system for the Service.

"(2) REQUIREMENTS OF SYSTEM.—The information system established under paragraph (1) shall include—

"(A) a financial management system;

"(B) a patient care information system for each area served by the Service;

"(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service;

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service;

"(E) an interface mechanism for patient billing and accounts receivable system; and

"(F) a training component.

"(b) PROVISION OF SYSTEMS TO TRIBES AND ORGANIZATIONS.—The Secretary shall provide each Tribal Health Program automated management information systems which—

"(1) meet the management information needs of such Tribal Health Program with respect to the treatment by the Tribal Health Program of patients of the Service; and

"(2) meet the management information needs of the Service.

"(c) ACCESS TO RECORDS.—Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.

"(d) AUTHORITY TO ENHANCE INFORMATION TECHNOLOGY.—The Secretary, acting through the Service, shall have the authority to enter into contracts, agreements, or joint ventures with other Federal agencies, States, private and nonprofit organizations, for the purpose of enhancing information technology in Indian Health Programs and facilities.

"SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.

"TITLE VII—BEHAVIORAL HEALTH PROGRAMS

"SEC. 701. BEHAVIORAL HEALTH PREVENTION AND TREATMENT SERVICES.

"(a) PURPOSES.—The purposes of this section are as follows:

"(1) To authorize and direct the Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, to develop a comprehensive behavioral health prevention and treatment program which emphasizes collaboration among alcohol and substance abuse, social services, and mental health programs.

"(2) To provide information, direction, and guidance relating to mental illness and dysfunction and self-destructive behavior, including child abuse and family violence, to those Federal, tribal, State, and local agencies responsible for programs in Indian communities in areas of health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement, and judicial services.

"(3) To assist Indian Tribes to identify services and resources available to address mental illness and dysfunctional and self-destructive behavior.

"(4) To provide authority and opportunities for Indian Tribes and Tribal Organizations to develop, implement, and coordinate with community-based programs which include identification, prevention, education, referral, and treatment services, including through multidisciplinary resource teams.

"(5) To ensure that Indians, as citizens of the United States and of the States in which they reside, have the same access to behavioral health services to which all citizens have access.

"(6) To modify or supplement existing programs and authorities in the areas identified in paragraph (2).

"(b) PLANS.—

"(1) Development.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall encourage Indian Tribes and Tribal Organizations to develop tribal plans, and Urban Indian Organizations to develop local plans, and for all such groups to participate in developing areawide plans for Indian Behavioral Health Services. The plans shall include, to the extent feasible, the following components:

"(A) An assessment of the scope of alcohol or other substance abuse, mental illness, and dysfunctional and self-destructive behavior, including suicide, child abuse, and family violence, among Indians, including—

"(i) the number of Indians served who are directly or indirectly affected by such illness or behavior; or

"(ii) an estimate of the financial and human cost attributable to such illness or behavior.

"(B) An assessment of the existing and additional resources necessary for the prevention and treatment of such illness and behavior, including an assessment of the progress toward achieving the availability of the full continuum of care described in subsection (c).

"(C) An estimate of the additional funding needed by the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to meet their responsibilities under the plans.

"(2) National clearinghouse.—The Secretary, acting through the Service, shall coordinate with existing national clearinghouses and information centers to include at the clearinghouses and centers plans and reports on the outcomes of such plans developed by Indian Tribes, Tribal Organizations, Urban Indian Organizations, and Service Areas relating to behavioral health. The Secretary shall ensure access to these plans and outcomes by any Indian Tribe, Tribal Organization, Urban Indian Organization, or the Service.

"(3) Technical assistance.—The Secretary shall provide technical assistance to Indian Tribes, Tribal Organizations, and Urban Indian Organizations in preparation of plans under this section and in developing standards of care that may be used and adopted locally.

"(c) Programs.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide, to the extent feasible and if funding is available, programs including the following:

"(1) Comprehensive care.—A comprehensive continuum of behavioral health care which provides—

"(A) community-based prevention, intervention, outpatient, and behavioral health aftercare;

"(B) detoxification (social and medical);

"(C) acute hospitalization;

"(D) intensive outpatient/day treatment;

"(E) residential treatment;

"(F) transitional living for those needing a temporary, stable living environment that is supportive of treatment and recovery goals;

"(G) emergency shelter;

"(H) intensive case management; and

"(I) diagnostic services.

"(2) Child care.—Behavioral health services for Indians from birth through age 17, including—

"(A) preschool and school age fetal alcohol disorder services, including assessment and behavioral intervention;

"(B) mental health and substance abuse services (emotional, organic, alcohol, drug, inhalant, and tobacco);

"(C) identification and treatment of co-occurring disorders and comorbidity;

"(D) prevention of alcohol, drug, inhalant, and tobacco use;

"(E) early intervention, treatment, and aftercare;

"(F) promotion of healthy approaches to risk and safety issues; and

"(G) identification and treatment of neglect and physical, mental, and sexual abuse.

"(3) Adult care.—Behavioral health services for Indians from age 18 through 55, including—

"(A) early intervention, treatment, and aftercare;

"(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

"(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

"(D) promotion of healthy approaches for risk-related behavior;

"(E) treatment services for women at risk of giving birth to a child with a fetal alcohol disorder; and

"(F) sex specific treatment for sexual assault and domestic violence.

"(4) Family care.—Behavioral health services for families, including—

"(A) early intervention, treatment, and aftercare for affected families;

"(B) treatment for sexual assault and domestic violence; and

"(C) promotion of healthy approaches relating to parenting, domestic violence, and other abuse issues.

"(5) Elder care.—Behavioral health services for Indians 56 years of age and older, including—

"(A) early intervention, treatment, and aftercare;

"(B) mental health and substance abuse services (emotional, alcohol, drug, inhalant, and tobacco), including sex specific services;

"(C) identification and treatment of co-occurring disorders (dual diagnosis) and comorbidity;

"(D) promotion of healthy approaches to managing conditions related to aging;

"(E) sex specific treatment for sexual assault, domestic violence, neglect, physical and mental abuse and exploitation; and

"(F) identification and treatment of dementias regardless of cause.

"(d) Community Behavioral Health Plan.—

"(1) Establishment.—The governing body of any Indian Tribe, Tribal Organization, or Urban Indian Organization may adopt a resolution for the establishment of a community behavioral health plan providing for the identification and coordination of available resources and programs to identify, prevent, or treat substance abuse, mental illness, or dysfunctional and self-destructive behavior, including child abuse and family violence, among its members or its service population. This plan should include behavioral health services, social services, intensive outpatient services, and continuing aftercare.

"(2) Technical assistance.—At the request of an Indian Tribe, Tribal Organization, or Urban Indian Organization, the Bureau of Indian Affairs and the Service shall cooperate with and provide technical assistance to the Indian Tribe, Tribal Organization, or Urban Indian Organization in the development and implementation of such plan.

"(3) Funding.—The Secretary, acting through the Service, may make funding available to Indian Tribes and Tribal Organizations which adopt a resolution pursuant to paragraph (1) to obtain technical assistance for the development of a community behavioral health plan and to provide administrative support in the implementation of such plan.

"(e) Coordination for Availability of Services.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall coordinate behavioral health planning, to the extent feasible, with other Federal agencies and with State agencies, to encourage comprehensive behavioral health services for Indians regardless of their place of residence.

"(f) Mental Health Care Need Assessment.—Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, shall make an assessment of the need for inpatient mental health care among Indians and the availability and cost of inpatient mental health facilities which can meet such need. In making such assessment, the Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 702. MEMORANDA OF AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR.

"(a) Contents.—Not later than 12 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, and the Secretary of the Interior shall develop and enter into a memoranda of agreement, or review and update any existing memoranda of agreement, as required by section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) under which the Secretaries address the following:

"(1) The scope and nature of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence, among Indians.

"(2) The existing Federal, tribal, State, local, and private services, resources, and programs available to provide behavioral health services for Indians.

"(3) The unmet need for additional services, resources, and programs necessary to meet the needs identified pursuant to paragraph (1).

"(4)(A) The right of Indians, as citizens of the United States and of the States in which they reside, to have access to behavioral health services to which all citizens have access.

"(B) The right of Indians to participate in, and receive the benefit of, such services.

"(C) The actions necessary to protect the exercise of such right.

"(5) The responsibilities of the Bureau of Indian Affairs and the Service, including mental illness identification, prevention, education, referral, and treatment services (including services through multidisciplinary resource teams), at the central, area, and agency and Service Unit, Service Area, and headquarters levels to address the problems identified in paragraph (1).

"(6) A strategy for the comprehensive coordination of the behavioral health services provided by the Bureau of Indian Affairs and the Service to meet the problems identified pursuant to paragraph (1), including—

"(A) the coordination of alcohol and substance abuse programs of the Service, the Bureau of Indian Affairs, and Indian Tribes and Tribal Organizations (developed under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.)) with behavioral health initiatives pursuant to this Act, particularly with respect to the referral and treatment of dually diagnosed individuals requiring behavioral health and substance abuse treatment; and

"(B) ensuring that the Bureau of Indian Affairs and Service programs and services (including multidisciplinary resource teams) addressing child abuse and family violence are coordinated with such non-Federal programs and services.

"(7) Directing appropriate officials of the Bureau of Indian Affairs and the Service, particularly at the agency and Service Unit levels, to cooperate fully with tribal requests made pursuant to community behavioral health plans adopted under section 701(c) and section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).

"(8) Providing for an annual review of such agreement by the Secretaries which shall be provided to Congress and Indian Tribes and Tribal Organizations.

"(b) SPECIFIC PROVISIONS REQUIRED.—The memoranda of agreement updated or entered into pursuant to subsection (a) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indians, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"(c) PUBLICATION.—Each memorandum of agreement entered into or renewed (and amendments or modifications thereto) under subsection (a) shall be published in the Federal Register. At the same time as publication in the Federal Register, the Secretary shall provide a copy of such memoranda, amendment, or modification to each Indian Tribe, Tribal Organization, and Urban Indian Organization.

"SEC. 703. COMPREHENSIVE BEHAVIORAL HEALTH PREVENTION AND TREATMENT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide a program of comprehensive behavioral health, prevention, treatment, and aftercare, which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification, psychiatric hospitalization, residential, and intensive outpatient treatment;

"(C) community-based rehabilitation and aftercare;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel;

"(E) specialized residential treatment programs for high-risk populations, including pregnant and postpartum women and their children; and

"(F) diagnostic services.

"(2) TARGET POPULATIONS.—The target population of such programs shall be members of Indian Tribes. Efforts to train and educate key members of the Indian community shall also target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may enter into contracts with public or private providers of behavioral health treatment services for the purpose of carrying out the program required under subsection (a).

"(2) PROVISION OF ASSISTANCE.—In carrying out this subsection, the Secretary shall provide assistance to Indian Tribes and Tribal Organizations to develop criteria for the certification of behavioral health service providers and accreditation of service facilities which meet minimum standards for such services and facilities.

"SEC. 704. MENTAL HEALTH TECHNICIAN PROGRAM.

"(a) IN GENERAL.—Under the authority of the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the 'Snyder Act'), the Secretary shall establish and maintain a mental health technician program within the Service which—

"(1) provides for the training of Indians as mental health technicians; and

"(2) employs such technicians in the provision of community-based mental health care that includes identification, prevention, education, referral, and treatment services.

"(b) PARAPROFESSIONAL TRAINING.—In carrying out subsection (a), the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide high-standard paraprofessional training in mental health care necessary to provide quality care to the Indian communities to be served. Such training shall be based upon a curriculum developed or approved by the Secretary which combines education in the theory of mental health care with supervised practical experience in the provision of such care.

"(c) SUPERVISION AND EVALUATION OF TECHNICIANS.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall supervise and evaluate the mental health technicians in the training program.

"(d) TRADITIONAL HEALTH CARE PRACTICES.—The Secretary, acting through the Service, shall ensure that the program established pursuant to this subsection involves the use and promotion of the traditional health care practices of the Indian Tribes to be served.

"SEC. 705. LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.

"(a) IN GENERAL.—Subject to the provisions of section 221, and except as provided in subsection (b), any individual employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under this Act is required to be licensed as a psychologist, social worker, or marriage and family therapist, respectively.

"(b) TRAINEES.—An individual may be employed as a trainee in psychology, social work, or marriage and family therapy to provide mental health care services described in subsection (a) if such individual—

"(1) works under the direct supervision of a licensed psychologist, social worker, or marriage and family therapist, respectively;

"(2) is enrolled in or has completed at least 2 years of course work at a post-secondary, accredited education program for psychology, social work, marriage and family therapy, or counseling; and

"(3) meets such other training, supervision, and quality review requirements as the Secretary may establish.

"SEC. 706. INDIAN WOMEN TREATMENT PROGRAMS.

"(a) GRANTS.—The Secretary, consistent with section 701, may make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations to develop and implement a comprehensive behavioral health program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) USE OF GRANT FUNDS.—A grant made pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to behavioral health issues, including fetal alcohol disorders;

"(2) identify and provide psychological services, counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional health care practices, cultural values, and community and family involvement.

"(c) CRITERIA.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall establish criteria for the review and approval of applications and proposals for funding under this section.

"(d) EARMARK OF CERTAIN FUNDS.—Twenty percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations.

"SEC. 707. INDIAN YOUTH PROGRAM.

"(a) DETOXIFICATION AND REHABILITATION.—The Secretary, acting through the Service, consistent with section 701, shall develop and implement a program for acute detoxification and treatment for Indian youths, including behavioral health services. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis and programs developed and implemented by Indian Tribes or Tribal Organizations at the local level under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). Regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTERS OR FACILITIES.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, at least 1 youth regional treatment center or treatment network in each area under the jurisdiction of an Area Office.

"(B) AREA OFFICE IN CALIFORNIA.—For the purposes of this subsection, the Area Office in California shall be considered to be 2 Area Offices, 1 office whose jurisdiction shall be considered to encompass the northern area of the State of California, and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California for the purpose of implementing California treatment networks.

"(2) FUNDING.—For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) LOCATION.—A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the Indian Tribes to be served by such center.

"(4) SPECIFIC PROVISION OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(i) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(ii) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(B) PROVISION OF SERVICES TO ELIGIBLE YOUTHS.—Until additional residential youth treatment facilities are established in Alaska pursuant to this section, the facilities specified in subparagraph (A) shall make every effort to provide services to all eligible Indian youths residing in Alaska.

"(c) INTERMEDIATE ADOLESCENT BEHAVIORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide intermediate behavioral health services to Indian children and adolescents, including—

"(A) pretreatment assistance;

"(B) inpatient, outpatient, and aftercare services;

"(C) emergency care;

"(D) suicide prevention and crisis intervention; and

"(E) prevention and treatment of mental illness and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) USE OF FUNDS.—Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate behavioral health services;

"(B) to hire behavioral health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, sober housing, transitional housing or similar facilities, or youth shelter where intermediate behavioral health services are being provided;

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units; and

"(E) for intensive home- and community-based services.

"(3) CRITERIA.—The Secretary, acting through the Service, shall, in consultation with Indian Tribes and Tribal Organizations, establish criteria for the review and approval of applications or proposals for funding made available pursuant to this subsection.

"(d) FEDERALLY-OWNED STRUCTURES.—

"(1) IN GENERAL.—The Secretary, in consultation with Indian Tribes and Tribal Organizations, shall—

"(A) identify and use, where appropriate, federally-owned structures suitable for local residential or regional behavioral health treatment for Indian youths; and

"(B) establish guidelines for determining the suitability of any such federally-owned structure to be used for local residential or regional behavioral health treatment for Indian youths.

"(2) TERMS AND CONDITIONS FOR USE OF STRUCTURE.—Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure and any Indian Tribe or Tribal Organization operating the program.

"(e) REHABILITATION AND AFTERCARE SERVICES.—

"(1) IN GENERAL.—The Secretary, Indian Tribes, or Tribal Organizations, in cooperation with the Secretary of the Interior, shall develop and implement within each Service Unit, community-based rehabilitation and follow-up services for Indian youths who are having significant behavioral health problems, and require long-term treatment, community reintegration, and monitoring to support the Indian youths after their return to their home community.

"(2) ADMINISTRATION.—Services under paragraph (1) shall be provided by trained staff within the community who can assist the Indian youths in their continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff may include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(f) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youths authorized by this section, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, shall provide for the inclusion of family members of such youths in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (e) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(g) MULTIDRUG ABUSE PROGRAM.—The Secretary, acting through the Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall provide, consistent with section 701, programs and services to prevent and treat the abuse of multiple forms of substances, including alcohol, drugs, inhalants, and tobacco, among Indian youths residing in Indian communities, on or near reservations, and in urban areas and provide appropriate mental health services to address the incidence of mental illness among such youths.

"(h) INDIAN YOUTH MENTAL HEALTH.—The Secretary, acting through the Service, shall collect data for the report under section 801 with respect to—

"(1) the number of Indian youth who are being provided mental health services through the Service and Tribal Health Programs;

"(2) a description of, and costs associated with, the mental health services provided for Indian youth through the Service and Tribal Health Programs;

"(3) the number of youth referred to the Service or Tribal Health Programs for mental health services;

"(4) the number of Indian youth provided residential treatment for mental health and behavioral problems through the Service and Tribal Health Programs, reported separately for on- and off-reservation facilities; and

"(5) the costs of the services described in paragraph (4).

"SEC. 708. INDIAN YOUTH TELEMENTAL HEALTH DEMONSTRATION PROJECT.

"(a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration project to test the use of telemental health services in suicide prevention, intervention and treatment of Indian youth, including through—

"(1) the use of psychotherapy, psychiatric assessments, diagnostic interviews, therapies for mental health conditions predisposing to suicide, and alcohol and substance abuse treatment;

"(2) the provision of clinical expertise to, consultation services with, and medical advice and training for frontline health care providers working with Indian youth;

"(3) training and related support for community leaders, family members and health and education workers who work with Indian youth;

"(4) the development of culturally-relevant educational materials on suicide; and

"(5) data collection and reporting.

"(b) DEFINITIONS.—For the purpose of this section, the following definitions shall apply:

"(1) DEMONSTRATION PROJECT.—The term 'demonstration project' means the Indian youth telemental health demonstration project authorized under subsection (c).

"(2) TELEMENTAL HEALTH.—The term 'telemental health' means the use of electronic information and telecommunications technologies to support long distance mental health care, patient and professional-related education, public health, and health administration.

"(c) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized to award grants under the demonstration project for the provision of telemental health services to Indian youth who—

"(A) have expressed suicidal ideas;

"(B) have attempted suicide; or

"(C) have mental health conditions that increase or could increase the risk of suicide.

"(2) ELIGIBILITY FOR GRANTS.—Such grants shall be awarded to Indian Tribes, Tribal Organizations, and Urban Indian Organizations that operate 1 or more facilities—

"(A) located in Alaska and part of the Alaska Federal Health Care Access Network;

"(B) reporting active clinical telehealth capabilities; or

"(C) offering school-based telemental health services relating to psychiatry to Indian youth.

"(3) GRANT PERIOD.—The Secretary shall award grants under this section for a period of up to 4 years.

"(4) AWARDING OF GRANTS.—Not more than 5 grants shall be provided under paragraph (1), with priority consideration given to Indian Tribes, Tribal Organizations, and Urban Indian Organizations that—

"(A) serve a particular community or geographic area where there is a demonstrated need to address Indian youth suicide;

"(B) enter in to collaborative partnerships with Indian Health Service or other Tribal Health Programs or facilities to provide services under this demonstration project;

"(C) serve an isolated community or geographic area which has limited or no access to behavioral health services; or

"(D) operate a detention facility at which youth are detained.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—An Indian Tribe, Tribal Organization, or Urban Indian Organization shall use a grant received under subsection (c) for the following purposes:

"(A) To provide telemental health services to Indian youth, including the provision of—

"(i) psychotherapy;

"(ii) psychiatric assessments and diagnostic interviews, therapies for mental health conditions predisposing to suicide, and treatment; and "(iii) alcohol and substance abuse treatment.

"(B) To provide clinician-interactive medical advice, guidance and training, assistance in diagnosis and interpretation, crisis counseling and intervention, and related assistance to Service, tribal, or urban clinicians and health services providers working with youth being served under this demonstration project.

"(C) To assist, educate and train community leaders, health education professionals and paraprofessionals, tribal outreach workers, and family members who work with the youth receiving telemental health services under this demonstration project, including with identification of suicidal tendencies, crisis intervention and suicide prevention, emergency skill development, and building and expanding networks among these individuals and with State and local health services providers.

"(D) To develop and distribute culturally appropriate community educational materials on—

"(i) suicide prevention;

"(ii) suicide education;

"(iii) suicide screening;

"(iv) suicide intervention; and

"(v) ways to mobilize communities with respect to the identification of risk factors for suicide.

"(E) For data collection and reporting related to Indian youth suicide prevention efforts.

"(2) Traditional health care practices.—In carrying out the purposes described in paragraph (1), an Indian Tribe, Tribal Organization, or Urban Indian Organization may use and promote the traditional health care practices of the Indian Tribes of the youth to be served.

"(e) Applications.—To be eligible to receive a grant under subsection (c), an Indian Tribe, Tribal Organization, or Urban Indian Organization shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the project that the Indian Tribe, Tribal Organization, or Urban Indian Organization will carry out using the funds provided under the grant;

"(2) a description of the manner in which the project funded under the grant would—

"(A) meet the telemental health care needs of the Indian youth population to be served by the project; or

"(B) improve the access of the Indian youth population to be served to suicide prevention and treatment services;

"(3) evidence of support for the project from the local community to be served by the project;

"(4) a description of how the families and leadership of the communities or populations to be served by the project would be involved in the development and ongoing operations of the project;

"(5) a plan to involve the tribal community of the youth who are provided services by the project in planning and evaluating the mental health care and suicide prevention efforts provided, in order to ensure the integration of community, clinical, environmental, and cultural components of the treatment; and

"(6) a plan for sustaining the project after Federal assistance for the demonstration project has terminated.

"(f) Collaboration; Reporting to National Clearinghouse.—

"(1) Collaboration.—The Secretary, acting through the Service, shall encourage Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving grants under this section to collaborate to enable comparisons about best practices across projects.

"(2) Reporting to national clearinghouse.—The Secretary, acting through the Service, shall also encourage Indian Tribes, Tribal Organizations, and Urban Indian Organizations receiving grants under this section to submit relevant, declassified project information to the national clearinghouse authorized under section 701(b)(2) in order to better facilitate program performance and improve suicide prevention, intervention, and treatment services.

"(g) Annual Report.—Each grant recipient shall submit to the Secretary an annual report that—

"(1) describes the number of telemental health services provided; and

"(2) includes any other information that the Secretary may require.

"(h) Report to Congress.—Not later than 270 days after the termination of the demonstration project, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and Committee on Energy and Commerce of the House of Representatives a final report, based on the annual reports provided by grant recipients under subsection (h), that—

"(1) describes the results of the projects funded by grants awarded under this section, including any data available which indicates the number of attempted suicides; and

"(2) evaluates the impact of the telemental health services funded by the grants in reducing the number of completed suicides among Indian youth.

"(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2007 through 2010.

"SEC. 709. INPATIENT AND COMMUNITY-BASED MENTAL HEALTH FACILITIES DESIGN, CONSTRUCTION, AND STAFFING.

"Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, may provide, in each area of the Service, not less than 1 inpatient mental health care facility, or the equivalent, for Indians with behavioral health problems. For the purposes of this subsection, California shall be considered to be 2 Area Offices, 1 office whose location shall be considered to encompass the northern area of the State of California and 1 office whose jurisdiction shall be considered to encompass the remainder of the State of California. The Secretary shall consider the possible conversion of existing, underused Service hospital beds into psychiatric units to meet such need.

"SEC. 710. TRAINING AND COMMUNITY EDUCATION.

"(a) Program.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement or assist Indian Tribes and Tribal Organizations to develop and implement, within each Service Unit or tribal program, a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education about behavioral health issues to political leaders, Tribal judges, law enforcement personnel, members of tribal health and education boards, health care providers including traditional practitioners, and other critical members of each tribal community. Such program may also include community-based training to develop local capacity and tribal community provider training for prevention, intervention, treatment, and aftercare.

"(b) Instruction.—The Secretary, acting through the Service, shall, either directly or through Indian Tribes and Tribal Organizations, provide instruction in the area of behavioral health issues, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, child sexual abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol disorders to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) Training Models.—In carrying out the education and training programs required by this section, the Secretary, in consultation with Indian Tribes, Tribal Organizations, Indian behavioral health experts, and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and behavioral health problems faced by children of alcoholics;

"(2) the cultural, spiritual, and multigenerational aspects of behavioral health problem prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating behavioral health problems.

"SEC. 711. BEHAVIORAL HEALTH PROGRAM.

"(a) Innovative Programs.—The Secretary, acting through the Service, Indian Tribes, and Tribal Organizations, consistent with section 701, may plan, develop, implement, and carry out programs to deliver innovative community-based behavioral health services to Indians.

"(b) Awards; Criteria.—The Secretary may award a grant for a project under subsection (a) to an Indian Tribe or Tribal Organization and may consider the following criteria:

"(1) The project will address significant unmet behavioral health needs among Indians.

"(2) The project will serve a significant number of Indians.

"(3) The project has the potential to deliver services in an efficient and effective manner.

"(4) The Indian Tribe or Tribal Organization has the administrative and financial capability to administer the project.

"(5) The project may deliver services in a manner consistent with traditional health care practices.

"(6) The project is coordinated with, and avoids duplication of, existing services.

"(c) Equitable Treatment.—For purposes of this subsection, the Secretary shall, in evaluating project applications or proposals, use the same criteria that the Secretary uses in evaluating any other application or proposal for such funding.

"SEC. 712. FETAL ALCOHOL DISORDER PROGRAMS.

"(a) Programs.—

"(1) Establishment.—The Secretary, consistent with section 701, acting through the Service, Indian Tribes, and Tribal Organizations, is authorized to establish and operate fetal alcohol disorder programs as provided in this section for the purposes of meeting the health status objectives specified in section 3.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Funding provided pursuant to this section shall be used for the following:

"(i) To develop and provide for Indians community and in-school training, education, and prevention programs relating to fetal alcohol disorders.

"(ii) To identify and provide behavioral health treatment to high-risk Indian women and high-risk women pregnant with an Indian's child.

"(iii) To identify and provide appropriate psychological services, educational and vocational support, counseling, advocacy, and information to fetal alcohol disorder affected Indians and their families or caretakers.

"(iv) To develop and implement counseling and support programs in schools for fetal alcohol disorder affected Indian children.

"(v) To develop prevention and intervention models which incorporate practitioners of traditional health care practices, cultural values, and community involvement.

"(vi) To develop, print, and disseminate education and prevention materials on fetal alcohol disorder.

"(vii) To develop and implement, in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, culturally sensitive assessment and diagnostic tools including dysmorphology clinics and multidisciplinary fetal alcohol disorder clinics for use in Indian communities and Urban Centers.

"(B) ADDITIONAL USES.—In addition to any purpose under subparagraph (A), funding provided pursuant to this section may be used for 1 or more of the following:

"(i) Early childhood intervention projects from birth on to mitigate the effects of fetal alcohol disorder among Indians.

"(ii) Community-based support services for Indians and women pregnant with Indian children.

"(iii) Community-based housing for adult Indians with fetal alcohol disorder.

"(3) CRITERIA FOR APPLICATIONS.—The Secretary shall establish criteria for the review and approval of applications for funding under this section.

"(b) SERVICES.—The Secretary, acting through the Service and Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall—

"(1) develop and provide services for the prevention, intervention, treatment, and aftercare for those affected by fetal alcohol disorder in Indian communities; and

"(2) provide supportive services, including services to meet the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians with fetal alcohol disorder.

"(c) TASK FORCE.—The Secretary shall establish a task force to be known as the Fetal Alcohol Disorder Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the following:

"(1) The National Institute on Drug Abuse.

"(2) The National Institute on Alcohol and Alcoholism.

"(3) The Office of Substance Abuse Prevention.

"(4) The National Institute of Mental Health.

"(5) The Service.

"(6) The Office of Minority Health of the Department of Health and Human Services.

"(7) The Administration for Native Americans.

"(8) The National Institute of Child Health and Human Development (NICHD).

"(9) The Centers for Disease Control and Prevention.

"(10) The Bureau of Indian Affairs.

"(11) Indian Tribes.

"(12) Tribal Organizations.

"(13) Urban Indian Organizations.

"(14) Indian fetal alcohol disorder experts.

"(d) APPLIED RESEARCH PROJECTS.—The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian Tribes, Tribal Organizations, and Urban Indian Organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide rehabilitation and behavioral health aftercare for Indians and Urban Indians affected by fetal alcohol disorder.

"(e) FUNDING FOR URBAN INDIAN ORGANIZATIONS.—Ten percent of the funds appropriated pursuant to this section shall be used to make grants to Urban Indian Organizations funded under title V.

"SEC. 713. CHILD SEXUAL ABUSE AND PREVENTION TREATMENT PROGRAMS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Service, and the Secretary of the Interior, Indian Tribes, and Tribal Organizations, shall establish, consistent with section 701, in every Service Area, programs involving treatment for—

"(1) victims of sexual abuse who are Indian children or children in an Indian household; and

"(2) perpetrators of child sexual abuse who are Indian or members of an Indian household.

"(b) USE OF FUNDS.—Funding provided pursuant to this section shall be used for the following:

"(1) To develop and provide community education and prevention programs related to sexual abuse of Indian children or children in an Indian household.

"(2) To identify and provide behavioral health treatment to victims of sexual abuse who are Indian children or children in an Indian household, and to their family members who are affected by sexual abuse.

"(3) To develop prevention and intervention models which incorporate traditional health care practices, cultural values, and community involvement.

"(4) To develop and implement culturally sensitive assessment and diagnostic tools for use in Indian communities and Urban Centers.

"(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household—

"(A) making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated; and

"(B) providing treatment after the perpetrator is released, until it is determined that the perpetrator is not a threat to children.

"SEC. 714. BEHAVIORAL HEALTH RESEARCH.

"The Secretary, in consultation with appropriate Federal agencies, shall make grants to, or enter into contracts with, Indian Tribes, Tribal Organizations, and Urban Indian Organizations or enter into contracts with, or make grants to appropriate institutions for, the conduct of research on the incidence and prevalence of behavioral health problems among Indians served by the Service, Indian Tribes, or Tribal Organizations and among Indians in urban areas. Research priorities under this section shall include—

"(1) the multifactorial causes of Indian youth suicide, including—

"(A) protective and risk factors and scientific data that identifies those factors; and

"(B) the effects of loss of cultural identity and the development of scientific data on those effects;

"(2) the interrelationship and interdependence of behavioral health problems with alcoholism and other substance abuse, suicide, homicides, other injuries, and the incidence of family violence; and

"(3) the development of models of prevention techniques.

The effect of the interrelationships and interdependencies referred to in paragraph (2) on children, and the development of prevention techniques under paragraph (3) applicable to children, shall be emphasized.

"SEC. 715. DEFINITIONS.

"For the purpose of this title, the following definitions shall apply:

"(1) ASSESSMENT.—The term 'assessment' means the systematic collection, analysis, and dissemination of information on health status, health needs, and health problems.

"(2) ALCOHOL-RELATED NEURODEVELOPMENTAL DISORDERS OR ARND.—The term 'alcohol-related neurodevelopmental disorders' or 'ARND' means, with a history of maternal alcohol consumption during pregnancy, central nervous system involvement such as developmental delay, intellectual deficit, or neurologic abnormalities. Behaviorally, there can be problems with irritability, and failure to thrive as infants. As children become older there will likely be hyperactivity, attention deficit, language dysfunction, and perceptual and judgment problems.

"(3) BEHAVIORAL HEALTH AFTERCARE.—The term 'behavioral health aftercare' includes those activities and resources used to support recovery following inpatient, residential, intensive substance abuse, or mental health outpatient or outpatient treatment. The purpose is to help prevent or deal with relapse by ensuring that by the time a client or patient is discharged from a level of care, such as outpatient treatment, an aftercare plan has been developed with the client. An aftercare plan may use such resources as a community-based therapeutic group, transitional living facilities, a 12-step sponsor, a local 12-step or other related support group, and other community-based providers.

"(4) DUAL DIAGNOSIS.—The term 'dual diagnosis' means coexisting substance abuse and mental illness conditions or diagnosis. Such clients are sometimes referred to as mentally ill chemical abusers (MICAs).

"(5) FETAL ALCOHOL DISORDERS.—The term 'fetal alcohol disorders' means fetal alcohol syndrome, partial fetal alcohol syndrome and alcohol related neurodevelopmental disorder (ARND).

"(6) FETAL ALCOHOL SYNDROME OR FAS.—The term 'fetal alcohol syndrome' or 'FAS' means a syndrome in which, with a history of maternal alcohol consumption during pregnancy, the following criteria are met:

"(A) Central nervous system involvement such as developmental delay, intellectual deficit, microencephaly, or neurologic abnormalities.

"(B) Craniofacial abnormalities with at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(C) Prenatal or postnatal growth delay.

"(7) PARTIAL FAS.—The term 'partial FAS' means, with a history of maternal alcohol consumption during pregnancy, having most of the criteria of FAS, though not meeting a minimum of at least 2 of the following: microophthalmia, short palpebral fissures, poorly developed philtrum, thin upper lip, flat nasal bridge, and short upturned nose.

"(8) REHABILITATION.—The term 'rehabilitation' means to restore the ability or capacity to engage in usual and customary life activities through education and therapy.

"(9) SUBSTANCE ABUSE.—The term 'substance abuse' includes inhalant abuse.

"SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out the provisions of this title.

"TITLE VIII—MISCELLANEOUS

"SEC. 801. REPORTS.

"For each fiscal year following the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall transmit to Congress a report containing the following:

"(1) A report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and assessments and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians and ensure a health status for Indians, which are at a parity with the health services available to and the health status of the general population.

"(2) A report on whether, and to what extent, new national health care programs, benefits, initiatives, or financing systems have had an impact on the purposes of this Act and any steps that the Secretary may have taken to consult with Indian Tribes, Tribal Organizations, and Urban Indian Organizations to address such impact, including a report on proposed changes in allocation of funding pursuant to section 808.

"(3) A report on the use of health services by Indians—

"(A) on a national and area or other relevant geographical basis;

"(B) by gender and age;

"(C) by source of payment and type of service;

"(D) comparing such rates of use with rates of use among comparable non-Indian populations; and

"(E) provided under contracts.

"(4) A report of contractors to the Secretary on Health Care Educational Loan Repayments every 6 months required by section 110.

"(5) A general audit report of the Secretary on the Health Care Educational Loan Repayment Program as required by section 110(n).

"(6) A report of the findings and conclusions of demonstration programs on development of educational curricula for substance abuse counseling as required in section 125(f).

"(7) A separate statement which specifies the amount of funds requested to carry out the provisions of section 201.

"(8) A report of the evaluations of health promotion and disease prevention as required in section 203(c).

"(9) A biennial report to Congress on infectious diseases as required by section 212.

"(10) A report on environmental and nuclear health hazards as required by section 215.

"(11) An annual report on the status of all health care facilities needs as required by section 301(c)(2)(B) and 301(d).

"(12) Reports on safe water and sanitary waste disposal facilities as required by section 302(h).

"(13) An annual report on the expenditure of non-Service funds for renovation as required by sections 304(b)(2).

"(14) A report identifying the backlog of maintenance and repair required at Service and tribal facilities required by section 313(a).

"(15) A report providing an accounting of reimbursement funds made available to the Secretary under titles XVIII, XIX, and XXI of the Social Security Act.

"(16) A report on any arrangements for the sharing of medical facilities or services, as authorized by section 406.

"(17) A report on evaluation and renewal of Urban Indian programs under section 505.

"(18) A report on the evaluation of programs as required by section 513(d).

"(19) A report on alcohol and substance abuse as required by section 701(f).

"(20) A report on Indian youth mental health services as required by section 707(h).

"(21) A report on the reallocation of base resources if required by section 808.

"SEC. 802. REGULATIONS.

"(a) DEADLINES.—

"(1) PROCEDURES.—Not later than 90 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations or amendments thereto that are necessary to carry out titles II (except section 202) and VII, the sections of title III for which negotiated rulemaking is specifically required, and sections 807 and 811. Unless otherwise required, the Secretary may promulgate regulations to carry out titles I, III, IV, and V, and section 202, using the procedures required by chapter V of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(2) PROPOSED REGULATIONS.—Proposed regulations to implement this Act shall be published in the Federal Register by the Secretary no later than 2 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006 and shall have no less than a 120-day comment period.

"(3) FINAL REGULATIONS.—The Secretary shall publish in the Federal Register final regulations to implement this Act by not later than 3 years after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and representatives of Indian Tribes, and Tribal Organizations; a majority of whom shall be nominated by and be representatives of Indian Tribes and Tribal Organizations from each Service Area.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

"(d) LACK OF REGULATIONS.—The lack of promulgated regulations shall not limit the effect of this Act.

"(e) INCONSISTENT REGULATIONS.—The provisions of this Act shall supersede any conflicting provisions of law in effect on the day before the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

"SEC. 803. PLAN OF IMPLEMENTATION.

"Not later than 9 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, the Secretary in consultation with Indian Tribes, Tribal Organizations, and Urban Indian Organizations, shall submit to Congress a plan explaining the manner and schedule, by title and section, by which the Secretary will implement the provisions of this Act. This consultation may be conducted jointly with the annual budget consultation pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

"SEC. 804. AVAILABILITY OF FUNDS.

"The funds appropriated pursuant to this Act shall remain available until expended.

"SEC. 805. LIMITATIONS.

"(a) IN GENERAL.—Any limitation on the use of funds contained in an Act providing appropriations for the Department for a period with respect to the performance of abortions shall apply for that period with respect to the performance of abortions using funds contained in an Act providing appropriations for the Service.

"(b) NO LIABILITY.—Although the Secretary may promote traditional health care practices, consistent with the Service standards for the provision of health care, health promotion, and disease prevention under this Act, the United States is not liable for the acts or omissions of any person in providing traditional health care practices under this Act that result in damage, injury, death, or any other outcome to any patient.

"SEC. 806. ELIGIBILITY OF CALIFORNIA INDIANS.

"(a) IN GENERAL.—The following California Indians shall be eligible for health services provided by the Service:

"(1) Any member of a federally recognized Indian Tribe.

"(2) Any descendant of an Indian who was residing in California on June 1, 1852, if such descendant—

"(A) is a member of the Indian community served by a local program of the Service; and

"(B) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

"(b) CLARIFICATION.—Nothing in this section may be construed as expanding the eligibility of California Indians for health services provided by the Service beyond the scope of eligibility for such health services that applied on May 1, 1986.

"SEC. 807. HEALTH SERVICES FOR INELIGIBLE PERSONS.

"(a) CHILDREN.—Any individual who—

"(1) has not attained 19 years of age;

"(2) is the natural or adopted child, stepchild, foster child, legal ward, or orphan of an eligible Indian; and

"(3) is not otherwise eligible for health services provided by the Service,

shall be eligible for all health services provided by the Service on the same basis and subject to the same rules that apply to eligible Indians until such individual attains 19 years of age. The existing and potential health needs of all such individuals shall be taken into consideration by the Service in determining the need for, or the allocation of, the health resources of the Service. If such an individual has been determined to be legally incompetent prior to attaining 19 years of age, such individual shall remain eligible for such services until 1 year after the date of a determination of competency.

"(b) Spouses.—Any spouse of an eligible Indian who is not an Indian, or who is of Indian descent but is not otherwise eligible for the health services provided by the Service, shall be eligible for such health services if all such spouses or spouses who are married to members of each Indian Tribe being served are made eligible, as a class, by an appropriate resolution of the governing body of the Indian Tribe or Tribal Organization providing such services. The health needs of persons made eligible under this paragraph shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(c) Provision of Services to Other Individuals.—

"(1) In general.—The Secretary is authorized to provide health services under this subsection through health programs operated directly by the Service to individuals who reside within the Service Unit and who are not otherwise eligible for such health services if—

"(A) the Indian Tribes served by such Service Unit request such provision of health services to such individuals; and

"(B) the Secretary and the served Indian Tribes have jointly determined that—

"(i) the provision of such health services will not result in a denial or diminution of health services to eligible Indians; and

"(ii) there is no reasonable alternative health facilities or services, within or without the Service Unit, available to meet the health needs of such individuals.

"(2) ISDEAA programs.—In the case of health programs and facilities operated under a contract or compact entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the governing body of the Indian Tribe or Tribal Organization providing health services under such contract or compact is authorized to determine whether health services should be provided under such contract to individuals who are not eligible for such health services under any other subsection of this section or under any other provision of law. In making such determinations, the governing body of the Indian Tribe or Tribal Organization shall take into account the considerations described in paragraph (1)(B).

"(3) Payment for services.—

"(A) In general.—Persons receiving health services provided by the Service under this subsection shall be liable for payment of such health services under a schedule of charges prescribed by the Secretary which, in the judgment of the Secretary, results in reimbursement in an amount not less than the actual cost of providing the health services. Notwithstanding section 404 of this Act or any other provision of law, amounts collected under this subsection, including Medicare, Medicaid, or SCHIP reimbursements under titles XVIII, XIX, and XXI of the Social Security Act, shall be credited to the account of the program providing the service and shall be used for the purposes listed in section 401(d)(2) and amounts collected under this subsection shall be available for expenditure within such program.

"(B) Indigent people.—Health services may be provided by the Secretary through the Service under this subsection to an indigent individual who would not be otherwise eligible for such health services but for the provisions of paragraph (1) only if an agreement has been entered into with a State or local government under which the State or local government agrees to reimburse the Service for the expenses incurred by the Service in providing such health services to such indigent individual.

"(4) Revocation of consent for services.—

"(A) Single tribe service area.—In the case of a Service Area which serves only 1 Indian Tribe, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which the governing body of the Indian Tribe revokes its concurrence to the provision of such health services.

"(B) Multitribal service area.—In the case of a multitribal Service Area, the authority of the Secretary to provide health services under paragraph (1) shall terminate at the end of the fiscal year succeeding the fiscal year in which at least 51 percent of the number of Indian Tribes in the Service Area revoke their concurrence to the provisions of such health services.

"(d) Other Services.—The Service may provide health services under this subsection to individuals who are not eligible for health services provided by the Service under any other provision of law in order to—

"(1) achieve stability in a medical emergency;

"(2) prevent the spread of a communicable disease or otherwise deal with a public health hazard;

"(3) provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through postpartum; or

"(4) provide care to immediate family members of an eligible individual if such care is directly related to the treatment of the eligible individual.

"(e) Hospital Privileges for Practitioners.—Hospital privileges in health facilities operated and maintained by the Service or operated under a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be extended to non-Service health care practitioners who provide services to individuals described in subsection (a), (b), (c), or (d). Such non-Service health care practitioners may, as part of the privileging process, be designated as employees of the Federal Government for purposes of section 1346(b) and chapter 171 of title 28, United States Code (relating to Federal tort claims) only with respect to acts or omissions which occur in the course of providing services to eligible individuals as a part of the conditions under which such hospital privileges are extended.

"(f) Eligible Indian.—For purposes of this section, the term 'eligible Indian' means any Indian who is eligible for health services provided by the Service without regard to the provisions of this section.

"SEC. 808. REALLOCATION OF BASE RESOURCES.

"(a) Report Required.—Notwithstanding any other provision of law, any allocation of Service funds for a fiscal year that reduces by 5 percent or more from the previous fiscal year the funding for any recurring program, project, or activity of a Service Unit may be implemented only after the Secretary has submitted to Congress, under section 801, a report on the proposed change in allocation of funding, including the reasons for the change and its likely effects.

"(b) Exception.—Subsection (a) shall not apply if the total amount appropriated to the Service for a fiscal year is at least 5 percent less than the amount appropriated to the Service for the previous fiscal year.

"SEC. 809. RESULTS OF DEMONSTRATION PROJECTS.

"The Secretary shall provide for the dissemination to Indian Tribes, Tribal Organizations, and Urban Indian Organizations of the findings and results of demonstration projects conducted under this Act.

"SEC. 810. PROVISION OF SERVICES IN MONTANA.

"(a) Consistent With Court Decision.—The Secretary, acting through the Service, shall provide services and benefits for Indians in Montana in a manner consistent with the decision of the United States Court of Appeals for the Ninth Circuit in McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir. 1987).

"(b) Clarification.—The provisions of subsection (a) shall not be construed to be an expression of the sense of Congress on the application of the decision described in subsection (a) with respect to the provision of services or benefits for Indians living in any State other than Montana.

"SEC. 811. MORATORIUM.

"During the period of the moratorium imposed on implementation of the final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration of the Public Health Service, relating to eligibility for the health care services of the Indian Health Service, the Indian Health Service shall provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987, subject to the provisions of sections 806 and 807 until such time as new criteria governing eligibility for services are developed in accordance with section 802.

"SEC. 812. TRIBAL EMPLOYMENT.

"For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372), an Indian Tribe or Tribal Organization carrying out a contract or compact pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not be considered an 'employer'.

"SEC. 813. SEVERABILITY PROVISIONS.

"If any provision of this Act, any amendment made by the Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the remaining amendments made by this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 814. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON INDIAN HEALTH CARE.

"(a) Establishment.—There is established the National Bipartisan Indian Health Care Commission (the 'Commission').

"(b) Duties of Commission.—The duties of the Commission are the following:

"(1) To establish a study committee composed of those members of the Commission appointed by the Director and at least 4 members of Congress from among the members of the Commission, the duties of which shall be the following:

"(A) To the extent necessary to carry out its duties, collect and compile data necessary to understand the extent of Indian needs with regard to the provision of health services, regardless of the location of Indians, including holding hearings and soliciting the views of Indians, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, which may include authorizing and making funds available for feasibility studies of various models for providing and funding health services for all Indian beneficiaries, including those who live outside of a reservation, temporarily or permanently. The study committee shall also evaluate utilization rates by Indians at Indian Health Programs and Urban Indian Organizations programs, existing or potential disincentives to any overutilization of health care services, existing or potential incentives to spend health care resources prudently, and the concepts of, and potential incentives to, achieving personal responsibility of Indians or a more direct role of Indians in their personal health care management plans or decisions.

"(B) To make legislative recommendations to the Commission regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(C) To determine the effect of the enactment of such recommendations on (i) the existing system of delivery of health services for Indians, and (ii) the sovereign status of Indian Tribes.

"(D) Not later than 12 months after the appointment of all members of the Commission, to submit a written report of its findings and recommendations to the full Commission. The report shall include a statement of the minority and majority position of the Committee and shall be disseminated, at a minimum, to every Indian Tribe, Tribal Organization, and Urban Indian Organization for comment to the Commission.

"(E) To report regularly to the full Commission regarding the findings and recommendations developed by the study committee in the course of carrying out its duties under this section.

"(2) To review and analyze the recommendations of the report of the study committee.

"(3) To make legislative recommendations to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(4) Not later than 18 months following the date of appointment of all members of the Commission, submit a written report to Congress regarding the delivery of Federal health care services to Indians. Such recommendations shall include those related to issues of eligibility, benefits, the range of service providers, the cost of such services, financing such services, and the optimal manner in which to provide such services.

"(c) MEMBERS.—

"(1) APPOINTMENT.—The Commission shall be composed of 25 members, appointed as follows:

"(A) Ten members of Congress, including 3 from the House of Representatives and 2 from the Senate, appointed by their respective majority leaders, and 3 from the House of Representatives and 2 from the Senate, appointed by their respective minority leaders, and who shall be members of the standing committees of Congress that consider legislation affecting health care to Indians.

"(B) Twelve persons chosen by the congressional members of the Commission, 1 from each Service Area as currently designated by the Director to be chosen from among 3 nominees from each Service Area put forward by the Indian Tribes within the area, with due regard being given to the experience and expertise of the nominees in the provision of health care to Indians and to a reasonable representation on the commission of members who are familiar with various health care delivery modes and who represent Indian Tribes of various size populations.

"(C) Three persons appointed by the Director who are knowledgeable about the provision of health care to Indians, at least 1 of whom shall be appointed from among 3 nominees put forward by those programs whose funds are provided in whole or in part by the Service primarily or exclusively for the benefit of Urban Indians.

"(D) All those persons chosen by the congressional members of the Commission and by the Director shall be members of federally recognized Indian Tribes.

"(2) CHAIR; VICE CHAIR.—The Chair and Vice Chair of the Commission shall be selected by the congressional members of the Commission.

"(3) TERMS.—The terms of members of the Commission shall be for the life of the Commission.

"(4) DEADLINE FOR APPOINTMENTS.—Congressional members of the Commission shall be appointed not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2006, and the remaining members of the Commission shall be appointed not later than 60 days following the appointment of the congressional members.

"(5) VACANCY.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(d) COMPENSATION.—

"(1) CONGRESSIONAL MEMBERS.—Each congressional member of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission and shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

"(2) OTHER MEMBERS.—Remaining members of the Commission, while serving on the business of the Commission (including travel time), shall be entitled to receive compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. For purpose of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate.

"(e) MEETINGS.—The Commission shall meet at the call of the Chair.

"(f) QUORUM.—A quorum of the Commission shall consist of not less than 15 members, provided that no less than 6 of the members of Congress who are Commission members are present and no less than 9 of the members who are Indians are present.

"(g) EXECUTIVE DIRECTOR; STAFF; FACILITIES.—

"(1) APPOINTMENT; PAY.—The Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

"(2) STAFF APPOINTMENT.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.

"(3) STAFF PAY.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(4) TEMPORARY SERVICES.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(5) FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

"(h) HEARINGS.—(1) For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, provided that at least 6 regional hearings are held in different areas of the United States in which large numbers of Indians are present. Such hearings are to be held to solicit the views of Indians regarding the delivery of health care services to them. To constitute a hearing under this subsection, at least 5 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established in this section may count toward the number of regional hearings required by this subsection.

"(2) Upon request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

"(3)(A) The Director of the Congressional Budget Office or the Chief Actuary of the Centers for Medicare & Medicaid Services, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

"(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of that Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

"(4) Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(5) Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

"(6) The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

"(7) The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 4, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

"(8) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

"(i) Authorization of Appropriations.—There is authorized to be appropriated $4,000,000 to carry out the provisions of this section, which sum shall not be deducted from or affect any other appropriation for health care for Indian persons.

"(j) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

"SEC. 815. APPROPRIATIONS; AVAILABILITY.

"Any new spending authority (described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (Public Law 93–344; 88 Stat. 317)) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2016 to carry out this title.".

SEC. 102. SOBOBA SANITATION FACILITIES.

The Act of December 17, 1970 (84 Stat. 1465), is amended by adding at the end the following:

"Sec. 9. Nothing in this Act shall preclude the Soboba Band of Mission Indians and the Soboba Indian Reservation from being provided with sanitation facilities and services under the authority of section 7 of the Act of August 5, 1954 (68 Stat. 674), as amended by the Act of July 31, 1959 (73 Stat. 267).".

SEC. 103. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) In General.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Board.—The term 'Board' means the Board of Directors of the Foundation.

"(2) Committee.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

"(3) Foundation.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

"(4) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) Service.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

"(a) Establishment.—

"(1) In general.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

"(2) Funding determinations.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

"(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of health care and services to Indians; or

"(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of health care and services to Indians.

"(b) Perpetual Existence.—The Foundation shall have perpetual existence.

"(c) Nature of Corporation.—The Foundation—

"(1) shall be a charitable and nonprofit federally chartered corporation; and

"(2) shall not be an agency or instrumentality of the United States.

"(d) Place of Incorporation and Domicile.—The Foundation shall be incorporated and domiciled in the District of Columbia.

"(e) Duties.—The Foundation shall—

"(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

"(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

"(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

"(f) Committee for the Establishment of Native American Health and Wellness Foundation.—

"(1) In general.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

"(2) Duties.—Not later than 180 days after the date of enactment of this section, the Committee shall—

"(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

"(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

"(C) establish the constitution and initial bylaws of the Foundation;

"(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

"(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

"(g) Board of Directors.—

"(1) In general.—The Board of Directors shall be the governing body of the Foundation.

"(2) Powers.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

"(3) Selection.—

"(A) In general.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

"(B) Requirements.—

"(i) Number of members.—The Board shall have at least 11 members, who shall have staggered terms.

"(ii) Initial voting members.—The initial voting members of the Board—

"(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

"(II) shall have staggered terms.

"(iii) Qualification.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

"(C) Compensation.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

"(h) Officers.—

"(1) In general.—The officers of the Foundation shall be—

"(A) a secretary, elected from among the members of the Board; and

"(B) any other officers provided for in the constitution and bylaws of the Foundation.

"(2) Chief operating officer.—The secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation, or the Board may appoint a chief operating officer, who shall serve at the direction of the Board.

"(3) Election.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

"(i) Powers.—The Foundation—

"(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

"(2) may adopt and alter a corporate seal;

"(3) may enter into contracts;

"(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

"(5) may sue and be sued; and

"(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

"(j) Principal Office.—

"(1) In general.—The principal office of the Foundation shall be in the District of Columbia.

"(2) Activities; offices.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

"(k) Service of Process.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

"(l) Liability of Officers, Employees, and Agents.—

"(1) In general.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

"(2) Personal liability.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

"(m) Restrictions.—

"(1) Limitation on spending.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

"(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

"(B) donations received from private sources during the preceding fiscal year.

"(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) for the first fiscal year described in that paragraph, 20 percent;

"(B) for the following fiscal year, 15 percent; and

"(C) for each fiscal year thereafter, 10 percent.

"(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

"(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

"(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

"(1) may provide personnel, facilities, and other administrative support services to the Foundation;

"(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

"(3) shall require and accept reimbursements from the Foundation for—

"(A) services provided under paragraph (1); and

"(B) funds provided under paragraph (2).

"(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

"(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

"(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

"(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

"(1) are available; and

"(2) are provided on reimbursable cost basis.".

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VII;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking "section 501" and inserting "section 701".

TITLE II—IMPROVEMENT OF INDIAN HEALTH CARE PROVIDED UNDER THE SOCIAL SECURITY ACT

SEC. 201. EXPANSION OF PAYMENTS UNDER MEDICARE, MEDICAID, AND SCHIP FOR ALL COVERED SERVICES FURNISHED BY INDIAN HEALTH PROGRAMS.

(a) MEDICAID.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended—

(A) by amending the heading to read as follows:

"SEC. 1911. INDIAN HEALTH PROGRAMS."; and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENT FOR MEDICAL ASSISTANCE.—The Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payment for medical assistance provided under a State plan or under waiver authority with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title and under such plan or waiver authority.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—A facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title and under a State plan or waiver authority which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) REVISION OF AUTHORITY TO ENTER INTO AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into an agreement with a State for the purpose of reimbursing the State for medical assistance provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization (as so defined), directly, through referral, or under contracts or other arrangements between the Indian Health Service, an Indian Tribe, Tribal Organization, or an Urban Indian Organization and another health care provider to Indians who are eligible for medical assistance under the State plan or under waiver authority.".

(4) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—Such section is further amended by striking subsection (d) and adding at the end the following new subsections:

"(d) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(e) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act..

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe','Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) MEDICARE.—

(1) EXPANSION TO ALL COVERED SERVICES.—Section 1880 of such Act (42 U.S.C. 1395qq) is amended—

(A) by amending the heading to read as follows;

"SEC. 1880. INDIAN HEALTH PROGRAMS."; and

(B) by amending subsection (a) to read as follows:

"(a) ELIGIBILITY FOR PAYMENTS.—Subject to subsection (e), the Indian Health Service and an Indian Tribe, Tribal Organization, or an Urban Indian Organization shall be eligible for payments under this title with respect to items and services furnished by the Indian Health Service, Indian Tribe, Tribal Organization, or Urban Indian Organization if the furnishing of such services meets all the conditions and requirements which are applicable generally to the furnishing of items and services under this title.".

(2) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

"(b) COMPLIANCE WITH CONDITIONS AND REQUIREMENTS.—Subject to subsection (e), a facility of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization which is eligible for payment under subsection (a) with respect to the furnishing of items and services, but which does not meet all of the conditions and requirements of this title which are applicable generally to such facility, shall make such improvements as are necessary to achieve or maintain compliance with such conditions and requirements in accordance with a plan submitted to and accepted by the Secretary for achieving or maintaining compliance with such conditions and requirements, and shall be deemed to meet such conditions and requirements (and to be eligible for payment under this title), without regard to the extent of its actual compliance with such conditions and requirements, during the first 12 months after the month in which such plan is submitted.".

(3) CROSS-REFERENCES TO SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES; DIRECT BILLING OPTION; DEFINITIONS.—

(A) IN GENERAL.—Such section is further amended by striking subsections (c) and (d) and inserting the following new subsections:

"(c) SPECIAL FUND FOR IMPROVEMENT OF IHS FACILITIES.—For provisions relating to the authority of the Secretary to place payments to which a facility of the Indian Health Service is eligible for payment under this title into a special fund established under section 401(c)(1) of the Indian Health

Care Improvement Act, and the requirement to use amounts paid from such fund for making improvements in accordance with subsection (b), see subparagraphs (A) and (B) of section 401(c)(1) of such Act.

"(d) DIRECT BILLING.—For provisions relating to the authority of a Tribal Health Program or an Urban Indian Organization to elect to directly bill for, and receive payment for, health care items and services provided by such Program or Organization for which payment is made under this title, see section 401(d) of the Indian Health Care Improvement Act.".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1880(e) of such Act (42 U.S.C. 1395qq(e)) is amended by inserting "and section 401(c)(1) of the Indian Health Care Improvement Act" after "Subsection (c)".

(4) DEFINITIONS.—Such section is further amended by amending subsection (f) to read as follows:

"(f) DEFINITIONS.—In this section, the terms 'Indian Health Program', 'Indian Tribe', 'Service Unit', 'Tribal Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(c) APPLICATION TO SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following new subparagraph:

"(D) Section 1911 (relating to Indian Health Programs, other than subsection (d) of such section).".

SEC. 202. INCREASED OUTREACH TO INDIANS UNDER MEDICAID AND SCHIP AND IMPROVED COOPERATION IN THE PROVISION OF ITEMS AND SERVICES TO INDIANS UNDER SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XVIII, XIX, AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND SCHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XVIII, XIX, or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. 203. ADDITIONAL PROVISIONS TO INCREASE OUTREACH TO, AND ENROLLMENT OF, INDIANS IN SCHIP AND MEDICAID.

(a) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—The limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply in the case of expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

(b) ASSURANCE OF PAYMENTS TO INDIAN HEALTH CARE PROVIDERS FOR CHILD HEALTH ASSISTANCE.—Section 2102(b)(3)(D) of such Act (42 U.S.C. 1397bb(b)(3)(D)) is amended by striking "(as defined in section 4(c) of the Indian Health Care Improvement Act, 25 U.S.C. 1603(c))" and inserting ", including how the State will ensure that payments are made to Indian Health Programs and Urban Indian Organizations operating in the State for the provision of such assistance".

(c) INCLUSION OF OTHER INDIAN FINANCED HEALTH CARE PROGRAMS IN EXEMPTION FROM PROHIBITION ON CERTAIN PAYMENTS.—Section 2105(c)(6)(B) of such Act (42 U.S.C. 1397ee(c)(6)(B)) is amended by striking "insurance program, other than an insurance program operated or financed by the Indian Health Service" and inserting "program, other than a health care program operated or financed by the Indian Health Service or by an Indian Tribe, Tribal Organization, or Urban Indian Organization".

(d) SATISFACTION OF MEDICAID DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 1903(x)(3)(B) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

"(II) With respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) TRANSITION RULE.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by paragraph (1)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

(e) DEFINITIONS.—Section 2110(c) of such Act (42 U.S.C. 1397jj(c)) is amended by adding at the end the following new paragraph:

"(9) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE; ETC.—The terms 'Indian', 'Indian Health Program', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

SEC. 204. PREMIUMS AND COST SHARING PROTECTIONS UNDER MEDICAID, ELIGIBILITY DETERMINATIONS UNDER MEDICAID AND SCHIP, AND PROTECTION OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER THE CONTRACT HEALTH SERVICE.—

"(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

"(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under the contract health service for which payment may be made under this title.

"(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under the contract health service for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.

"(3) DEFINITIONS.—In this subsection, the terms 'contract health service', 'Indian', 'Indian Tribe', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(2) CONFORMING AMENDMENT.—Section 1916A (a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking "section 1916(g)" and inserting "subsections (g), (i), or (j) of section 1916".

(b) TREATMENT OF CERTAIN PROPERTY FOR MEDICAID AND SCHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new paragraph:

"(13) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property for purposes of determining the eligibility of an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act) for medical assistance under this title:

"(A) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(B) For any federally recognized Tribe not described in subparagraph (A), property located within the most recent boundaries of a prior Federal reservation.

"(C) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(D) Ownership interests in or usage rights to items not covered by subparagraphs (A) through (C) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (E), as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(e)(13) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

SEC. 205. NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by section 202, is amended by redesignating subsection (c) as subsection (d), and inserting after subsection (b) the following new subsection:

"(c) NONDISCRIMINATION IN QUALIFICATIONS FOR PAYMENT FOR SERVICES UNDER FEDERAL HEALTH CARE PROGRAMS.—

"(1) REQUIREMENT TO SATISFY GENERALLY APPLICABLE PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—A Federal health care program must accept an entity that is operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization as a provider eligible to receive payment under the program for health care services furnished to an Indian on the same basis as any other provider qualified to participate as a provider of health care services under the program if the entity meets generally applicable State or other requirements for participation as a provider of health care services under the program.

"(B) SATISFACTION OF STATE OR LOCAL LICENSURE OR RECOGNITION REQUIREMENTS.—Any requirement for participation as a provider of health care services under a Federal health care program that an entity be licensed or recognized under the State or local law where the entity is located to furnish health care services shall be deemed to have been met in the case of an entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization if the entity meets all the applicable standards for such licensure or recognition, regardless of whether the entity obtains a license or other documentation under such State or local law. In accordance with section 221 of the Indian Health Care Improvement Act, the absence of the licensure of a health care professional employed by such an entity under the State or local law where the entity is located shall not be taken into account for purposes of determining whether the entity meets such standards, if the professional is licensed in another State.

"(2) PROHIBITION ON FEDERAL PAYMENTS TO ENTITIES OR INDIVIDUALS EXCLUDED FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OR WHOSE STATE LICENSES ARE UNDER SUSPENSION OR HAVE BEEN REVOKED.—

"(A) EXCLUDED ENTITIES.—No entity operated by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization that has been excluded from participation in any Federal health care program or for which a license is under suspension or has been revoked by the State where the entity is located shall be eligible to receive payment under any such program for health care services furnished to an Indian.

"(B) EXCLUDED INDIVIDUALS.—No individual who has been excluded from participation in any Federal health care program or whose State license is under suspension or has been revoked shall be eligible to receive payment under any such program for health care services furnished by that individual, directly or through an entity that is otherwise eligible to receive payment for health care services, to an Indian.

"(C) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this subsection, the term, 'Federal health care program' has the meaning given that term in section 1128B(f), except that, for purposes of this subsection, such term shall include the health insurance program under chapter 89 of title 5, United States Code.".

SEC. 206. CONSULTATION ON MEDICAID, SCHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.

(a) IN GENERAL.—Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by sections 202 and 205, is amended by redesignating subsection (d) as subsection (e), and inserting after subsection (c) the following new subsection:

"(d) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group, established in accordance with requirements of the charter dated September 30, 2003, and in such group shall include a representative of the Urban Indian Organizations and the Service. The representative of the Urban Indian Organization shall be deemed to be an elected officer of a tribal government for purposes of applying section 204(b) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(b)).".

(b) SOLICITATION OF ADVICE UNDER MEDICAID AND SCHIP.—

(1) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70)(B)(iv), the following new paragraph:

"(71) in the case of any State in which the Indian Health Service operates or funds health care programs, or in which 1 or more Indian Health Programs or Urban Indian Organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act) provide health care in the State for which medical assistance is available under such title, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.".

(2) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b)(2), is amended—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting after subparagraph (A), the following new subparagraph:

"(B) Section 1902(a)(71) (relating to the option of certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians.

SEC. 207. EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS AND SAFE HARBOR TRANSACTIONS UNDER THE SOCIAL SECURITY ACT.

(a) EXCLUSION WAIVER AUTHORITY.—Section 1128 of the Social Security Act (42 U.S.C. 1320a-7) is amended by adding at the end the following new subsection:

"(k) ADDITIONAL EXCLUSION WAIVER AUTHORITY FOR AFFECTED INDIAN HEALTH PROGRAMS.—In addition to the authority granted the Secretary under subsections (c)(3)(B) and (d)(3)(B) to waive an exclusion under subsection (a)(1), (a)(3), (a)(4), or (b), the Secretary may, in the case of an Indian Health Program, waive such an exclusion upon the request of the administrator of an affected Indian Health Program (as defined in section 4 of the Indian Health Care Improvement Act) who determines that the exclusion would impose a hardship on individuals entitled to benefits under or enrolled in a Federal health care program.".

(b) CERTAIN TRANSACTIONS INVOLVING INDIAN HEALTH CARE PROGRAMS DEEMED TO BE IN SAFE HARBORS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) Subject to such conditions as the Secretary may promulgate from time to time as necessary to prevent fraud and abuse, for purposes of paragraphs (1) and (2) and section 1128A(a), the following transfers shall not be treated as remuneration:

"(A) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—Transfers of anything of value between or among an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that are made for the purpose of providing necessary health care items and services to any patient served by such Program, Tribe, or Organization and that consist of—

"(i) services in connection with the collection, transport, analysis, or interpretation of diagnostic specimens or test data;

"(ii) inventory or supplies;

"(iii) staff; or

"(iv) a waiver of all or part of premiums or cost sharing.

"(B) TRANSFERS BETWEEN INDIAN HEALTH PROGRAMS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS AND PATIENTS.—Transfers of anything of value between an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization and any patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, including any patient served or eligible for service pursuant to section 807 of the Indian Health Care Improvement Act, but only if such transfers—

"(i) consist of expenditures related to providing transportation for the patient for the provision of necessary health care items or services, provided that the provision of such transportation is not advertised, nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided);

"(ii) consist of expenditures related to providing housing to the patient (including a pregnant patient) and immediate family members or an escort necessary to assuring the timely provision of health care items and services to the patient, provided that the provision of such housing is not advertised nor an incentive of which the value is disproportionately large in relationship to the value of the health care item or service (with respect to the value of the item or service itself or, for preventative items or services, the future health care costs reasonably expected to be avoided); or

"(iii) are for the purpose of paying premiums or cost sharing on behalf of such a patient, provided that the making of such payment is not subject to conditions other than conditions agreed to under a contract for the delivery of contract health services.

"(C) CONTRACT HEALTH SERVICES.—A transfer of anything of value negotiated as part of a contract entered into between an Indian Health Program, Indian Tribe, Tribal Organization, Urban Indian Organization, or the Indian Health Service and a contract care provider for the delivery of contract health services authorized by the Indian Health Service, provided that—

"(i) such a transfer is not tied to volume or value of referrals or other business generated by the parties; and

"(ii) any such transfer is limited to the fair market value of the health care items or services provided or, in the case of a transfer of items or services related to preventative care, the value of the future health care costs reasonably expected to be avoided.

"(D) OTHER TRANSFERS.—Any other transfer of anything of value involving an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, or a patient served or eligible for service from an Indian Health Program, Indian Tribe, Tribal Organization, or Urban Indian Organization, that the Secretary, in consultation with the Attorney General, determines is appropriate, taking into account the special circumstances of such Indian Health Programs, Indian Tribes, Tribal Organizations, and Urban Indian Organizations, and of patients served by such Programs, Tribes, and Organizations.".

SEC. 208. RULES APPLICABLE UNDER MEDICAID AND SCHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.

(a) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u-2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity that has a significant percentage of Indian enrollees (as determined by the Secretary), as a condition of receiving payment under such contract to satisfy the following requirements:

"(A) DEMONSTRATION OF PARTICIPATING INDIAN HEALTH CARE PROVIDERS OR APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (E), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those enrollees who are eligible to receive services from such providers; or

"(ii) agree to pay Indian health care providers who are not participating providers with the entity for covered Medicaid managed care services provided to those enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (in accordance with rules applicable to managed care entities) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (E) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) SATISFACTION OF CLAIM REQUIREMENT.—To deem any requirement for the submission of a claim or other documentation for services covered under subparagraph (A) by the enrollee to be satisfied through the submission of a claim or other documentation by an Indian health care provider that is consistent with section 403(h) of the Indian Health Care Improvement Act.

"(D) COMPLIANCE WITH GENERALLY APPLICABLE REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), as a condition of payment under subparagraph (A), an Indian health care provider shall comply with the generally applicable requirements of this title, the State plan, and such entity with respect to covered Medicaid managed care services provided by the Indian health care provider to the same extent that non-Indian providers participating with the entity must comply with such requirements.

"(ii) LIMITATIONS ON COMPLIANCE WITH MANAGED CARE ENTITY GENERALLY APPLICABLE REQUIREMENTS.—An Indian health care provider—

"(I) shall not be required to comply with a generally applicable requirement of a managed care entity described in clause (i) as a condition of payment under subparagraph (A) if such compliance would conflict with any other statutory or regulatory requirements applicable to the Indian health care provider; and

"(II) shall only need to comply with those generally applicable requirements of a managed care entity described in clause (i) as a condition of payment under subparagraph

(A) that are necessary for the entity's compliance with the State plan, such as those related to care management, quality assurance, and utilization management.

"(E) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

"(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

"(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a Federally-qualified health center but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a Federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

"(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a Federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless of whether the Federally-qualified health center is or is not a participating provider with the entity).

"(ii) CONTINUED APPLICATION OF ENCOUNTER RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a Federally-qualified health center and that has elected to receive payment under this title as an Indian Health Service provider under the July 11, 1996, Memorandum of Agreement between the Health Care Financing Administration (now the Centers for Medicare & Medicaid Services) and the Indian Health Service for services provided by such provider to an Indian enrollee with the managed care entity is less than the encounter rate that applies to the provision of such services under such memorandum, the State plan shall provide for payment to the Indian health care provider of the difference between the applicable encounter rate under such memorandum and the amount paid by the managed care entity to the provider for such services.

"(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

"(3) OFFERING OF MANAGED CARE THROUGH INDIAN MEDICAID MANAGED CARE ENTITIES.—If—

"(A) a State elects to provide services through Medicaid managed care entities under its Medicaid managed care program; and

"(B) an Indian health care provider that is funded in whole or in part by the Indian Health Service, or a consortium composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Indian Health Service, has established an Indian Medicaid managed care entity in the State that meets generally applicable standards required of such an entity under such Medicaid managed care program,

the State shall offer to enter into an agreement with the entity to serve as a Medicaid managed care entity with respect to eligible Indians served by such entity under such program.

"(4) SPECIAL RULES FOR INDIAN MANAGED CARE ENTITIES.—The following are special rules regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities:

"(A) ENROLLMENT.—

"(i) LIMITATION TO INDIANS.—An Indian Medicaid managed care entity may restrict enrollment under such program to Indians and to members of specific Tribes in the same manner as Indian Health Programs may restrict the delivery of services to such Indians and tribal members.

"(ii) NO LESS CHOICE OF PLANS.—Under such program the State may not limit the choice of an Indian among Medicaid managed care entities only to Indian Medicaid managed care entities or to be more restrictive than the choice of managed care entities offered to individuals who are not Indians.

"(iii) DEFAULT ENROLLMENT.—

"(I) IN GENERAL.—If such program of a State requires the enrollment of Indians in a Medicaid managed care entity in order to receive benefits, the State, taking into consideration the criteria specified in subsection (a)(4)(D)(ii)(I), shall provide for the enrollment of Indians described in subclause (II) who are not otherwise enrolled with such an entity in an Indian Medicaid managed care entity described in such clause.

"(II) INDIAN DESCRIBED.—An Indian described in this subclause, with respect to an Indian Medicaid managed care entity, is an Indian who, based upon the service area and capacity of the entity, is eligible to be enrolled with the entity consistent with subparagraph (A).

"(iv) EXCEPTION TO STATE LOCK-IN.—A request by an Indian who is enrolled under such program with a non-Indian Medicaid managed care entity to change enrollment with that entity to enrollment with an Indian Medicaid managed care entity shall be considered cause for granting such request under procedures specified by the Secretary.

"(B) FLEXIBILITY IN APPLICATION OF SOLVENCY.—In applying section 1903(m)(1) to an Indian Medicaid managed care entity—

"(i) any reference to a 'State' in subparagraph (A)(ii) of that section shall be deemed to be a reference to the 'Secretary'; and

"(ii) the entity shall be deemed to be a public entity described in subparagraph (C)(ii) of that section.

"(C) EXCEPTIONS TO ADVANCE DIRECTIVES.—The Secretary may modify or waive the requirements of section 1902(w) (relating to provision of written materials on advance directives) insofar as the Secretary finds that the requirements otherwise imposed are not an appropriate or effective way of communicating the information to Indians.

"(D) FLEXIBILITY IN INFORMATION AND MARKETING.—

"(i) MATERIALS.—The Secretary may modify requirements under subsection (a)(5) to ensure that information described in that subsection is provided to enrollees and potential enrollees of Indian Medicaid managed care entities in a culturally appropriate and understandable manner that clearly communicates to such enrollees and potential enrollees their rights, protections, and benefits.

"(ii) DISTRIBUTION OF MARKETING MATERIALS.—The provisions of subsection (d)(2)(B) requiring the distribution of marketing materials to an entire service area shall be deemed satisfied in the case of an Indian Medicaid managed care entity that distributes appropriate materials only to those Indians who are potentially eligible to enroll with the entity in the service area.

"(5) MALPRACTICE INSURANCE.—Insofar as, under a Medicaid managed care program, a health care provider is required to have medical malpractice insurance coverage as a condition of contracting as a provider with a Medicaid managed care entity, an Indian health care provider that is—

"(A) a Federally-qualified health center that is covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

"(B) providing health care services pursuant to a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.); or

"(C) the Indian Health Service providing health care services that are covered under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671 et seq.);

are deemed to satisfy such requirement.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

"(B) INDIAN; INDIAN HEALTH PROGRAM; SERVICE; TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian Health Program', 'Service', 'Tribe', 'tribal organization', 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(C) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

"(D) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

"(E) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services that are within the scope of items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

"(F) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m) and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.".

(b) APPLICATION TO SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by section 206(b)(2), is amended by adding at the end the following new subparagraph:

"(H) Subsections (a)(2)(C) and (h) of section 1932.".

SEC. 209. ANNUAL REPORT ON INDIANS SERVED BY SOCIAL SECURITY ACT HEALTH BENEFIT PROGRAMS.

Section 1139 of the Social Security Act (42 U.S.C. 1320b–9), as amended by the sections 202, 205, and 206, is amended by redesignating subsection (e) as subsection (f), and inserting after subsection (d) the following new subsection:

“(e) Annual Report on Indians Served by Health Benefit Programs Funded Under This Act.—Beginning January 1, 2007, and annually thereafter, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Indian Health Service, shall submit a report to Congress regarding the enrollment and health status of Indians receiving items or services under health benefit programs funded under this Act during the preceding year. Each such report shall include the following:

“(1) The total number of Indians enrolled in, or receiving items or services under, such programs, disaggregated with respect to each such program.

“(2) The number of Indians described in paragraph (1) that also received health benefits under programs funded by the Indian Health Service.

“(3) General information regarding the health status of the Indians described in paragraph (1), disaggregated with respect to specific diseases or conditions and presented in a manner that is consistent with protections for privacy of individually identifiable health information under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“(4) A detailed statement of the status of facilities of the Indian Health Service or an Indian Tribe, Tribal Organization, or an Urban Indian Organization with respect to such facilities' compliance with the applicable conditions and requirements of titles XVIII, XIX, and XXI, and, in the case of title XIX or XXI, under a State plan under such title or under waiver authority, and of the progress being made by such facilities (under plans submitted under section 1880(b), 1911(b) or otherwise) toward the achievement and maintenance of such compliance.

“(5) Such other information as the Secretary determines is appropriate.”.

Mr. ENZI. Mr. President, today my good colleague Senator McCain and I are reintroducing the Indian Health Care Improvement Act Amendments of 2006. This legislation is a reflection of our dedication to the health care of American Indians and Alaskan Natives. It also is a reflection of the work that has been done by Members and the many stakeholders to move this legislation forward.

I want to thank Chairman McCain and his staff, as well as Senator Dorgan and the rest of the members on the Indian Affairs Committee and their staff for their effort and commitment to the health care and well being of every American Indian and Alaskan Native. Their hard work has not gone unnoticed.

The Indian Health Care Improvement Act is the fundamental statutory framework for the delivery of health care services to American Indians and Alaskan Natives. Since 1992, this law has been expired. This means that for the past 14 years there has been no comprehensive change to the Federal Government's approach to delivering health care to approximately 1.8 million American Indians and Alaskan Natives.

This troubles me. When I talk to members of the Northern Arapaho tribe and Eastern Shoshone tribe from my home State of Wyoming, they tell me that quality health care is a top priority for them. For me, as chairman of the Committee on Health, Education, Labor and Pensions, I believe that our health care systems should grow as science and technologies grow and that our Federal Government programs also should be kept current in line with today's health care quality standards in the private sector.

Last spring, Chairman McCain and I held a joint hearing about this legislation, at which time Mr. Richard Brannan, the chairman of the Northern Arapaho Business Council of Fort Washakie testified about the problems those living on reservations face. He spoke about how they rely on these health care services. He also discussed the progress that has been made in reducing health disparities experienced by American Indians, and how this legislation can support such progress.

Since 1992, there have been many advances made in health care, especially in mental health. In the past 14 years we have come to better understand how to prevent, diagnose, and treat individuals with a behavioral health problem. We have learned that individuals have the best chance of recovery when a comprehensive, integrated approach is taken. This legislation authorizes programs to provide such services. This is especially important as we better understand the interconnectedness of alcohol, substance abuse, child welfare and suicide prevention.

This legislation also recognizes the alarming suicide rates among Indian youth. According to the Centers for Disease Control and Prevention, American Indian and Alaskan Native suicide rates in some areas are five to seven times higher than the overall United States rates. This is not acceptable. This legislation aims to change that by encouraging more Indian people to enter into the psychology profession. Through such provisions youth have access to culturally competent professionals in a familiar environment.

Recruiting and retaining qualified health professionals—Indian health professionals, in particular—to work in Indian communities is difficult. Secretary Michael Leavitt of the Department of Health and Human Services recognizes this challenge. Thanks to his efforts, this bill ensures that tribes can better rely on the services of health care professionals. Currently, a health care professional who receives a scholarship through the Indian Health Service may provide their services equal to the number of terms they received a scholarship. Thus some health care professionals are only required to work in a service area for one term. Most people understand it usually takes an individual anywhere from 3 months to one year to become accustomed to a job. Thus, it is not fair to those tribal communities to have a health care professional leave as soon as they become acclimated. This legislation would ensure that individuals serve a length of time that will allow their services to be depended on. Health care professionals will be more reliably available in areas where such professionals are scarce.

There are many other recommendations that the Department of Health and Human Services has made that I think will strengthen this legislation and improve the quality of care provided through the Indian Health Service. I look forward to working with Secretary Leavitt next Congress.

I believe that by the working together along with other members of the HELP Committee, the Indian Affairs Committee, the tribal community and any others interested in this legislation, we can maximize the funds available to the Indian Health Service and coordinate resources at the local and State level to provide tribes the tools they need to be self sufficient.

I would also like to thank the Department of Justice for their tireless work on this bill. This is truly a reflection of their commitment to ensuring every Native American and Alaskan Native who is an employee of the Indian Health Service is held to a high standard, and thus every individual who receives services through this program receives quality care.

I hope that this legislation can be a starting point next Congress. I also strongly encourage my colleagues to continue to work to get this invaluable piece of legislation signed into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—ALLOWING THE SENIOR SENATOR FROM KENTUCKY TO REASSIGN THE HENRY CLAY DESK WHEN SERVING AS PARTY LEADER

Mr. McCONNELL (for himself and Mr. Bunning) submitted the following resolution; which was considered and agreed to:

S. Res. 630

Resolved, That S. Res. 89 (106th Congress) is amended by—

(1) inserting “(a)” after “That”; and

(2) adding at the end the following:

“(b) If, in any Congress, the senior Senator from the State of Kentucky is serving as party leader, the desk referred to in subsection (a) may be assigned to the junior Senator from Kentucky upon the request of the senior Senator.”.

SENATE RESOLUTION 631—URGING THE GOVERNMENT OF SUDAN AND THE INTERNATIONAL COMMUNITY TO IMPLEMENT THE AGREEMENT FOR A PEACEKEEPING FORCE UNDER THE COMMAND AND CONTROL OF THE UNITED NATIONS IN DARFUR

Mr. DURBIN (for himself, Mr. Brownback, Mr. Kennedy, Mr. Biden, Mr. REID, Mr. FEINGOLD, Mr. FRIST, Mrs. DOLE, Mr. COLEMAN, Mr. SMITH, Mr. CORNYN, Mr. MENENDEZ, Mr. LEVIN, Mr. HAGEL, Mr. MARTINEZ, Mrs. CLINTON, and Ms. SNOWE) submitted the following resolution; which was:

S. RES. 631

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell testified that "genocide has been committed in Darfur";

Whereas, on June 30, 2005, President Bush confirmed that "the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation";

Whereas, on May 8, 2006, President Bush stated, "We will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured.";

Whereas hundreds of thousands of people have died and over 2,500,000 have been displaced in Darfur since 2003;

Whereas the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur;

Whereas the international community has failed to hold persons responsible for crimes against humanity in Darfur accountable;

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA);

Whereas the Government of Sudan has not disarmed and demobilized the Janjaweed despite repeated pledges to do so, including in the DPA;

Whereas violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers;

Whereas violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security;

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined;

Whereas increased violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers;

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) "shall take over from [African Mission in Sudan] AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006", and that UNMIS "shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units", which "shall begin to be deployed [to Darfur] no later than 1 October 2006";

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Natsios as Presidential Special Envoy to Sudan to lead United States efforts to bring peace to the Darfur region in Sudan;

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the "Addis Ababa Agreement";

Whereas the Agreement stated that the Darfur conflict could be resolved only through an all-inclusive political process;

Whereas the Agreement stated that the DPA must be made more inclusive, and "called upon all parties—Government and DPA non-signatories—to immediately commit to a cessation of hostilities in Darfur in order to give [the peace process] the best chances for success";

Whereas the Agreement included a plan to establish a United Nations–African Union peacekeeping operation;

Whereas the Agreement stated that the peacekeeping operation would consist of 17,000 military troops and 3,000 police, and would have a primarily African character;

Whereas the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations;

Whereas the Agreement stated that command and control structures for the United Nations–African Union force would be provided by the United Nations;

Whereas the Government of Sudan's Foreign Minister agreed to the conclusions of the High Level Consultation on the Situation in Darfur, though the Foreign Minister indicated that he would need to consult with his government on the size of the peacekeeping mission;

Whereas, at an international press conference on November 27, 2006, Sudanese President Omar Hassan Al-Bashir rejected the Addis Ababa Agreement and reiterated his objections to any substantive United Nations involvement in Darfur, saying, "Troops in Darfur should be part of the [African Union] AU and under command of the AU";

Whereas it is imperative that a peacekeeping force in Darfur have the sufficient strength and mandate to provide adequate security to the people of Darfur; and

Whereas Presidential Special Envoy Andrew Natsios set December 31, 2006 as the deadline for the Government of Sudan to comply with the demands of the international community or face serious consequences: Now, therefore, be it

Resolved, That the Senate—

(1) supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement in order to increase security and stability for the people of Darfur;

(2) declares that the deployment of a United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur;

(3) further supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regards to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement;

(4) calls upon the Government of Sudan to immediately—

(A) allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(B) work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with United Nations Security Council Resolution 1706 (2006);

(5) calls upon all parties to the conflict to immediately—

(A) adhere to the 2004 N'Djamena ceasefire; and

(B) respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance;

(6) urges the President to—

(A) continue to work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the urgently needed deployment of the peacekeeping force called for by United Nations Security Council Resolution 1706;

(B) ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and working with our international partners to provide technical assistance, logistical support, intelligence gathering capabilities, and military assets;

(D) work with members of the United Nations Security Council and the international community to develop and impose a set of meaningful economic and diplomatic sanctions against the Government of Sudan should the Government of Sudan continue to refuse to cooperate with the implementation of United Nations Security Council Resolution 1706 and the principles contained in the Addis Ababa Agreement; and

(E) work with members of the United Nations Security Council and the international community to address escalating insecurity in Chad and the Central African Republic; and

(7) strongly supports United Nations Security Council Resolution 1706 and the principles embedded therein.

SENATE RESOLUTION 632—URGING THE UNITED STATES AND THE EUROPEAN UNION TO WORK TOGETHER TO STRENGTHEN THE TRANSATLANTIC MARKET

Mr. BENNETT submitted the following resolution; which was:

S. RES. 632

Whereas a robust and cooperative transatlantic economic relationship is in the mutual interest of the United States and the European Union;

Whereas the strength of the transatlantic economic relationship underpins global economic stability and resiliency;

Whereas the United States–European Union economic relationship is the largest bilateral trade and investment relationship in the world, generating roughly $3,000,000,000,000 in total commercial sales annually and providing employment for up to 14,000,000 people in the United States and the European Union;

Whereas, at the 2004 United States–European Union Summit, President George W. Bush and the leadership of the European Union jointly pledged to strengthen the transatlantic economic relationship by improving regulatory cooperation through the Roadmap for United States-European Union Regulatory Cooperation and Transparency;

Whereas, at the 2005 United States-European Union Summit, the United States and the European Union agreed upon numerous measures to expand economic ties, including the establishment of an official dialogue on regulatory cooperation between the Office of Management and Budget of the United States and the European Commission;

Whereas, at the 2006 United States-European Union Summit, President George W. Bush, European Union Council President Wolfgang Schuessel, and European Commission President Jose Manuel Barroso declared in a joint statement, "We will redouble our efforts to promote economic growth and innovation and reduce the barriers to transatlantic trade and investment by implementing all aspects of the Transatlantic Economic Initiative . . . .";

Whereas, on November 9, 2006, the United States and the European Union held the second economic ministerial meeting to further the implementation of the agreements of the 2005 and 2006 United States-European Union Summits, focusing on regulatory cooperation, intellectual property rights, energy security, and innovation; and

Whereas non-tariff trade barriers such as regulatory divergence continue to pose the most significant obstacles to transatlantic trade, including in areas such as pharmaceuticals, automobile safety, information and communications technology standards, cosmetics, consumer product safety, consumer protection enforcement cooperation, unfair commercial practices, nutritional labeling, food safety, maritime equipment, eco-design, chemicals, energy efficiency, telecommunications and radiocommunications equipment, and medical devices: Now, therefore, be it

Resolved, That the Senate—

(1) supports efforts by the United States and the European Union to fulfill commitments made in recent United States-European Union Summits to implement all aspects of the United States-European Union Initiative to Enhance Transatlantic Economic Integration and Growth;

(2) calls upon the leadership of the United States and the European Union to identify and eliminate unnecessary regulatory compliance costs and non-tariff barriers to trade and investment at an accelerated pace; and

(3) urges the leadership of the United States and the European Union at the 2007 United States-European Union Summit to agree to—

(A) a target date of 2015 for completing the transatlantic market; and

(B) a jointly funded, cooperatively led study of existing obstacles to creating a transatlantic market, including sector-by-sector estimates of the costs of existing barriers to trade and investment, the costs and benefits of removing the barriers identified, and a timetable for removing those barriers.

SENATE RESOLUTION 633—CONDEMNING THE CONFERENCE DENYING THAT THE HOLOCAUST OCCURRED TO BE HELD BY THE GOVERNMENT OF IRAN AND ITS PRESIDENT, MAHMOUD AHMADINEJAD

Mr. LAUTENBERG (for himself, Mr. BIDEN, Mrs. CLINTON, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 633

Whereas, on December 11 and 12, 2006, the Foreign Ministry of Iran will convene a conference in Tehran to provide Holocaust deniers a public platform from which to espouse their hatred;

Whereas 11,000,000 people, including 6,000,000 Jews, were viciously murdered in Nazi death camps during World War II;

Whereas President Dwight Eisenhower stated unequivocally, after visiting Nazi death camps in 1945, "The things I saw beggar description . . . The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were . . . overpowering . . . I made the visit deliberately in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to 'propaganda'.";

Whereas the Holocaust is an undeniable fact of history and the upcoming conference in Tehran will serve only to perpetuate intolerance and hatred;

Whereas Mahmoud Ahmadinejad, the President of Iran, has repeatedly said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas the Secretary of State has identified Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and the Popular Front for the Liberation of Palestine-General Command by providing funding, training, weapons, and safe haven to such organizations;

Whereas the Government of Iran has continually defied international demands to curtail its uranium enrichment programs and development of nuclear weapons;

Whereas the Government of Iran has provided resources, material, and support to organizations whose goal is to destabilize Iraq and Lebanon; and

Whereas the outrageous statements of Mr. Ahmadinejad do not represent the beliefs of Muslims worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the conference denying that the Holocaust occured that will take place in Tehran, Iran, under the aegis of the Foreign Ministry of Iran, on December 11 and 12, 2006; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the conference and its goal of denying that the Holocaust occured.

SENATE RESOLUTION 634—HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR, CONGRESSIONAL RESEARCH SERVICE ANALYST, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THE OCCASION OF HIS DEATH

Mr. STEVENS submitted the following resolution; which was:

S. RES. 634

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5231. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; which was ordered to lie on the table.

SA 5232. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, supra; which was ordered to lie on the table.

SA 5233. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, to reduce hunger in the United States, and for other purposes.

SA 5234. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, supra.

SA 5235. Mr. ENZI proposed an amendment to the bill H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

SA 5236. Mr. FRIST proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

SA 5237. Mr. FRIST proposed an amendment to amendment SA 5236 proposed by Mr. FRIST to the bill H.R. 6111, supra.

SA 5238. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

SA 5239. Mr. FRIST (for Mr. SMITH) proposed an amendment to the bill H.R. 798, to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

SA 5240. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 4055, to address the effect of the death of a defendant in Federal criminal proceedings; which was referred to the Committee on the Judiciary.

TEXT OF AMENDMENTS

SA 5231. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) RURAL SCHOOLS AND COMMUNITIES TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

"(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

"(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.".

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(B) PAYMENTS TO COUNTIES.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking "out of any funds in the Treasury not otherwise appropriated" and inserting "out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986".

(3) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Rural Schools and Communities Trust Fund.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) ACCELERATION OF EFFECTIVE DATE.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2006".

(2) EXCLUSION FOR PAYMENTS TO SMALL BUSINESSES BEFORE 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", and", and by adding at the end the following :

"(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.".

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking "2007" both places it appears and inserting "2008"; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking "2006" each place it appears and inserting "2007".

SA 5232. Mr. WYDEN (for himself, Mr. SMITH, Mrs. MURRAY, Mrs. BOXER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.

The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking "2007" both places it appears and inserting "2008"; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking "2006" each place it appears and inserting "2007".

SA 5233. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, to reduce hunger in the United States, and for other purposes; as follows:

On page 1, line 5, strike "2005" and insert "2006".

On page 2, strike lines 3 through 10.

On page 2, line 11, strike "(4)" and insert "(1)".

Beginning on page 2, strike line 19 and all that follows through page 3, line 21.

On page 3, line 22, strike "(8)(A)" and insert "(2)".

On page 4, line 2, strike "and".

Beginning on page 4, strike line 3 and all that follows through page 5, line 2.

On page 5, line 3, strike "(10)" and insert "(3)".

On page 5, line 5, insert "and" after the semicolon.

On page 5, line 6, strike "(11)" and insert "(4)".

On page 5, line 18, strike the semicolon and insert a period.

Beginning on page 5, strike line 19 and all that follows through page 6, line 9.

Beginning on page 7, strike line 12 and all that follows through page 8, line 12.

On page 8, strike line 13 and insert the following:

SEC. 101. HUNGER REPORTS.

On page 8, line 16, strike ", and annual updates of the study," and insert "not later than 1 year after the date of enactment of this Act, and an update of the study not later than 5 years thereafter,".

On page 8, strike lines 21 and 22 and insert the following:

(A) data on hunger and food insecurity in the United States;

On page 9, line 14, strike ", and annually thereafter," and insert "and 5 years thereafter,".

On page 10, line 14, strike "50 percent" and insert "90 percent".

Beginning on page 15, strike line 6 and all that follows through page 17, line 19, and insert the following:

SEC. 202. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

On page 19, line 10, strike "or 202".

On page 20, line 14, strike "or 202".

On page 20, strike line 15 and insert the following:

SEC. 203. REPORT.

SA 5234. Mr. DEWINE (for Mr. DURBIN) proposed an amendment to the bill S. 1120, to reduce hunger in the United States, and for other purposes; as follows:

Amend the title so as to read: "To reduce hunger in the United States, and for other purposes."

SA 5235. Mr. ENZI proposed an amendment to the bill H.R. 1245, to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gynecologic Cancer Education and Awareness Act of 2005" or "Johanna's Law".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding "(JOHANNA'S LAW)" at the end; and

(2) by adding at the end the following:

"(d) JOHANNA'S LAW.—

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

"(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

"(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

"(ii) distributing the materials to members of the public upon request.

"(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

"(2) REPORT AND STRATEGY.—

"(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

"(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

"(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

"(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

"(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

"(II) The background and history of such activity, including—

"(aa) the goals of such activity;

"(bb) the communications objectives of such activity;

"(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

"(dd) how such activity is or was expected to result in change.

"(III) How long the activity lasted or is expected to last.

"(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

"(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

"(B) STRATEGY.—

"(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

"(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

"(3) FULL COMPLIANCE.—

"(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

"(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.".

SA 5236. Mr. FRIST proposed an amendment to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; as follows:

At the end of the House amendment, add the following:

This Act shall become effective 2 days after the date of enactment.

SA 5237. Mr. FRIST proposed an amendment to amendment SA 5236 proposed by Mr. FRIST to the bill H.R. 6111, to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; as follows:

Strike "2 days" and insert "1 day".

SA 5238. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes; as follows:

TITLE I—NIH REFORM

SEC. 101. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

"SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

"(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

"(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

"(1) The National Cancer Institute.

"(2) The National Heart, Lung, and Blood Institute.

"(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

"(5) The National Institute on Aging.

"(6) The National Institute of Allergy and Infectious Diseases.

"(7) The National Institute of Child Health and Human Development.

"(8) The National Institute of Dental and Craniofacial Research.

"(9) The National Eye Institute.

"(10) The National Institute of Neurological Disorders and Stroke.

"(11) The National Institute on Deafness and Other Communication Disorders.

"(12) The National Institute on Alcohol Abuse and Alcoholism.

"(13) The National Institute on Drug Abuse.

"(14) The National Institute of Mental Health.

"(15) The National Institute of General Medical Sciences.

"(16) The National Institute of Environmental Health Sciences.

"(17) The National Institute of Nursing Research.

"(18) The National Institute of Biomedical Imaging and Bioengineering.

"(19) The National Human Genome Research Institute.

"(20) The National Library of Medicine.

"(21) The National Center for Research Resources.

"(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(23) The National Center for Complementary and Alternative Medicine.

"(24) The National Center on Minority Health and Health Disparities.

"(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

"(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

"(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the 'Division').

"(2) OFFICES WITHIN DIVISION.—

"(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

"(B) AUTHORITIES.—Each office in the Division—

"(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and "(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

"(d) ORGANIZATION.—

"(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.".

(b) ADDITIONAL PROVISIONS REGARDING ORGANIZATION.—Section 401 of the Public Health Service Act, as added by subsection (a) of this section, is amended—

(1) in subsection (d), by adding at the end the following:

"(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

"(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization."; and

(2) by adding after subsection (d) the following:

"(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

"(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the 'Board').

"(2) DUTIES.—

"(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as 'organizational authorities'). Not less frequently than once each 7 years, the Board shall—

"(i) determine whether and to what extent the organizational authorities should be used; and

"(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

"(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

"(i) Reviewing the research portfolio of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and effectiveness and value of the portfolio and the allocation among the portfolio activities of the resources of NIH.

"(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

"(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

"(I) analyzing the budgetary and operational consequences of the proposed changes;

"(II) taking into account historical funding and support for research activities at national research institutes and centers that have been established recently relative to national research institutes and centers that have been in existence for more than two decades;

"(III) estimating the level of resources needed to implement the proposed changes;

"(IV) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers; and

"(V) analyzing the consequences for the progress of research in the areas affected by the proposed changes.

"(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

"(i) the heads of national research institutes and national centers whose directors are not members of the Board;

"(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

"(iii) advisory councils of the national research institutes and national centers;

"(iv) organizations representing the scientific community; and

"(v) organizations representing patients.

"(3) COMPOSITION OF BOARD.—The Board shall consist of the Director of NIH, who shall be a permanent nonvoting member on an ex officio basis, and an odd number of additional members, not to exceed 21, all of whom shall be voting members. The voting members of the Board shall be the following:

"(A) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

"(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

"(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

"(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

"(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

"(v) national centers.

"(B) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

"(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

"(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

"(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the members of the Board appointed under paragraph (3)(B). The term of office of the Chair shall be 2 years.

"(5) MEETINGS.—

"(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

"(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

"(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

"(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

"(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

"(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

"(7) REPORTS.—

"(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

"(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

"(ii) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate;

"(iii) the Secretary; and

"(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

"(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

"(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

"(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

"(1) IN GENERAL.—With respect to an official who has organizational authorities within the meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraphs (2), (3), and (4) of this subsection, make the change in accordance with the following:

"(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

"(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

"(2) INAPPLICABILITY TO CERTAIN REORGANIZATIONS.—Paragraph (1) does not apply to a recommendation made in a report under subsection (e)(2)(A) if the recommendation is for—

"(A) an organizational change under subsection (d)(2) that constitutes the establishment, termination, or consolidation of one or more national research institutes or national centers; or

"(B) an organizational change under subsection (d)(3).

"(3) OBJECTION BY DIRECTOR OF NIH.—

"(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

"(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

"(4) CONGRESSIONAL REVIEW.—An organizational change under subsection (d)(2) that is initiated pursuant to paragraph (1) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code. A rule under the preceding sentence shall be considered a major rule for purposes of chapter 8 of such title (relating to congressional review of agency rulemaking).

"(g) DEFINITIONS.—For purposes of this title:

"(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

"(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

"(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

"(B) established by the Director of NIH under such subsection.

"(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.".

(c) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking "National Center for Human Genome Research" each place such term appears and inserting "National Human Genome Research Institute"; and

(C) by striking "Center" each place such term appears and inserting "Institute".

SEC. 102. AUTHORITY OF DIRECTOR OF NIH.

(a) SECRETARY ACTING THROUGH THE DIRECTOR.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting "and" after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking "paragraph (6)" and inserting "paragraph (16)"; and

(6) by striking "the Secretary" in the matter preceding paragraph (1) and all that follows through paragraph (1) and inserting the following: "the Secretary, acting through the Director of NIH—

"(1) shall carry out this title, including being responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;".

(b) ADDITIONAL AUTHORITIES.—Section 402(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

"(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary duplication, and takes advantage of collaborative, cross-cutting research;

"(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

"(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

"(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

"(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

"(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

"(ii) include information on such research in reports under section 403; and

"(iii) in the case of such research supported with funds referred to in subparagraph (B)—

"(I) require as appropriate that proposals include milestones and goals for the research;

"(II) require that the proposals include timeframes for funding of the research; and

"(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

"(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

"(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

"(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

"(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

"(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

"(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

"(10) shall have authority to review and approve the establishment of all centers of excellence recommended by the national research institutes;

"(11)(A) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487; and

"(B) may conduct and support research training—

"(i) for which fellowship support is not provided under section 487; and

"(ii) that does not consist of residency training of physicians or other health professionals;

"(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

"(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;".

(c) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(d) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (c) of this section, is amended by adding after subsection (j) the following subsection:

"(k) COUNCIL OF COUNCILS.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the

National Institutes of Health Reform Act of 2006, the Director of NIH shall establish within the Office of the Director an advisory council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

"(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

"(i) the representation of a broad range of disciplines and perspectives; and

"(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

"(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who have been nominated to serve on the Council, which list shall consist of the following:

"(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

"(I) two shall be scientists; and

"(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

"(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

"(iii) Members of the Council of Public Representatives.

"(3) TERMS.—

"(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

"(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

"(i) nine for a term of 6 years;

"(ii) nine for a term of 4 years; and

"(iii) nine for a term of 2 years.

"(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.".

(e) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)) is amended by inserting before the period the following: ", and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval".

(f) CONFORMING AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 402(a), by striking "Director of the National Institutes of Health" and all that follows through "who shall" and inserting "Director of NIH who shall"; and

(B) in sections 405(c)(3)(A), 452(c)(1)(E)(i), and 492(a)(2), by striking the term "402(b)(6)", each place such term appears and inserting "402(b)(16)".

(2) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) is amended in the matter following paragraph (7) by striking "402(j)(3)" and inserting "402(l)(3)".

(g) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Secretary of Health and Human Services and the Director of NIH under section 401 of the Public Health Service Act (as amended by section 101 of this Act). For purposes of the preceding sentence, the terms "national research institute", "national center", and "Director of NIH" have the meanings given such terms in such section 401.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

"SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated—

"(1) $30,331,309,000 for fiscal year 2007;

"(2) $32,831,309,000 for fiscal year 2008; and

"(3) such sums as may be necessary for fiscal year 2009.

"(b) OFFICE OF THE DIRECTOR.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH such sums as may be necessary for each of the fiscal years 2007 through 2009.

"(c) TRANS-NIH RESEARCH.—

"(1) COMMON FUND.—

"(A) ACCOUNT.—For the purpose of allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), there is established an account to be known as the Common Fund.

"(B) RESERVATION.—

"(i) IN GENERAL.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve an amount for the Common Fund, subject to any applicable provisions in appropriations Acts.

"(ii) MINIMUM AMOUNT.—For each fiscal year, the percentage constituted by the amount reserved under clause (i) relative to the total amount appropriated under subsection (a) for such year may not be less than the percentage constituted by the amount so reserved for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year, subject to any applicable provisions in appropriations Acts.

"(C) COMMON FUND STRATEGIC PLANNING REPORT.—Not later than June 1, 2007, and every 2 years thereafter, the Secretary, acting through the Director of NIH, shall submit a report to the Congress containing a strategic plan for funding research described in section 402(b)(7)(A)(i) (including personnel needs) through the Common Fund. Each such plan shall include the following:

"(i) An estimate of the amounts determined by the Director of NIH to be appropriate for maximizing the potential of such research.

"(ii) An estimate of the amounts determined by the Director of NIH to be sufficient only for continuing to fund research activities previously identified by the Division of Program Coordination, Planning, and Strategic Initiatives.

"(iii) An estimate of the amounts determined by the Director of NIH to be necessary to fund research described in section 402(b)(7)(A)(i)—

"(I) that is in addition to the research activities described in clause (ii); and

"(II) for which there is the most substantial need.

"(D) EVALUATION.—During the 6-month period following the end of the first fiscal year for which the total amount reserved under subparagraph (B) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes regarding amounts for the Common Fund.

"(2) TRANS-NIH RESEARCH REPORTING.—

"(A) LIMITATION.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

"(B) REPORTING.—Not later than January 1, 2008, and each January 1st thereafter—

"(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

"(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

"(C) DETERMINATION.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

"(D) VERIFICATION OF AMOUNTS.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and, in cases of discrepancy, verify the accuracy of the amounts specified in the report.

"(E) WAIVER.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

"(d) TRANSFER AUTHORITY.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under subsection (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the

Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

"(e) RULE OF CONSTRUCTION.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.".

(b) ELIMINATION OF OTHER AUTHORIZATIONS OF APPROPRIATIONS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 102(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking "under subsection (e)" and inserting "to carry out this section"; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a)";

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;

(27) in section 447A—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a)";

(28) by striking subsection (d) of section 447B;

(29) by striking subsection (g) in section 452A;

(30) by striking paragraph (7) in section 452E(b);

(31) in section 452G—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a) ENHANCED SUPPORT.—";

(32) by striking subsection (d) of section 464H;

(33) by striking subsection (d) of section 464L;

(34) by striking paragraph (4) of section 464N(c);

(35) by striking subsection (e) of section 464P;

(36) by striking subsection (f) of section 464R;

(37) by striking subsection (d) of section 464z;

(38) in section 467—

(A) by striking the first sentence;

(B) by striking "for such buildings and facilities" and inserting "for suitable and adequate buildings and facilities for use of the Library"; and

(C) by striking "The amounts authorized to be appropriated by this section include" and inserting "Amounts appropriated to carry out this section may be used for";

(39) by striking section 468;

(40) in section 481A—

(A) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking the term "under subsection (i)(1)" and inserting "to carry out this section"; and

(ii) by striking "under such subsection" and inserting "to carry out this section"; and

(B) by striking subsection (i);

(41) in subsection (a) of section 481B, by striking "under section 481A(h)" and inserting "to carry out section 481A";

(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;

(43) by striking subsection (e) in section 485C;

(44) by striking subsection (l) in section 485E;

(45) by striking subsection (h) in section 485F;

(46) by striking subsection (e) in section 485G;

(47) by striking subsection (d) of section 487;

(48) by striking subsection (c) of section 487A; and

(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) RULE OF CONSTRUCTION REGARDING CONTINUATION OF PROGRAMS.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 104. REPORTS.

(a) REPORT OF DIRECTOR OF NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 103(a) of this Act, is amended—

(1) by redesignating section 403A as section 403C;

(2) in section 1710(a), by striking "section 403A" and inserting "section 403C"; and

(3) by striking section 403 and inserting the following sections:

"SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

"The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

"SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

"(a) IN GENERAL.—The Director of NIH shall submit to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

"(1) An assessment of the state of biomedical and behavioral research.

"(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

"(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

"(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

"(A) The catalog shall, for each such activity—

"(i) identify the agency or agencies involved;

"(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

"(iii) identify whether the activity was carried out through a center of excellence.

"(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on minority health and health disparities.

"(C) Research activities listed in the catalog shall include, where applicable, the following:

"(i) Epidemiological studies and longitudinal studies.

"(ii) Disease registries, information clearinghouses, and other data systems.

"(iii) Public education and information campaigns.

"(iv) Training activities, including—

"(I) National Research Service Awards and Clinical Transformation Science Awards;

"(II) graduate medical education programs, including information on the number and type of graduate degrees awarded during the period in which the programs received funding under this title;

"(III) investigator-initiated awards for postdoctoral training;

"(IV) a breakdown by demographic variables and other appropriate categories; and

"(V) an evaluation and comparison of outcomes and effectiveness of various training programs.

"(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

"(vi) Translational research activities with other agencies of the Public Health Service.

"(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories, where applicable:

“(A) Cancer.

“(B) Neurosciences.

“(C) Life stages, human development, and rehabilitation.

“(D) Organ systems.

“(E) Autoimmune diseases.

“(F) Genomics.

“(G) Molecular biology and basic science.

“(H) Technology development.

“(I) Chronic diseases, including pain and palliative care.

“(J) Infectious diseases and bioterrorism.

“(K) Minority health and health disparities.

“(L) Such additional categories as the Director determines to be appropriate.

“(6) A review of each entity receiving funding under this title in its capacity as a center of excellence (in this paragraph referred to as a ‘center of excellence’), including the following:

“(A) An evaluation of the performance and research outcomes of each center of excellence.

“(B) Recommendations for promoting coordination of information among the centers of excellence.

“(C) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

“(D) If no additional centers of excellence have been funded under this title since the previous report under this section, an explanation of the reasons for not funding any additional centers.

“(b) Requirement Regarding Disease-Specific Research Activities.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

“(1) present information in a standardized format;

“(2) identify the actual dollar amounts obligated for such activities; and

“(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

“(c) Additional Reports.—In addition to reports required by subsections (a) and (b), the Director of NIH or the head of a national research institute or national center may submit to the Congress such additional reports as the Director or the head of such institute or center determines to be appropriate.

“SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

“(a) Collaboration With Other HHS Agencies.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

“(b) Clinical Trials.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(i).

“(c) Human Tissue Samples.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

“(d) First Report.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

“SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

“(a) Whistleblower Complaints.—

“(1) In general.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

“(2) Contents.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

“(A) Each agency of the National Institutes of Health involved.

“(B) The status of the complaint.

“(C) The resolution of the complaint to date.

“(b) Experts and Consultants.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report that—

“(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

“(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

“(3) describes the qualifications of such experts and consultants;

“(4) describes the need for hiring such experts and consultants; and

“(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

“(c) First Report.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

“SEC. 403C. ANNUAL REPORTING REGARDING TRAINING OF GRADUATE STUDENTS FOR DOCTORAL DEGREES.

“(a) In General.—Each institution receiving an award under this title for the training of graduate students for doctoral degrees shall annually report to the Director of NIH, with respect to each degree-granting program at such institution—

“(1) the percentage of students admitted for study who successfully attain a doctoral degree; and

“(2) for students described in paragraph (1), the average time between the beginning of graduate study and the receipt of a doctoral degree.

“(3) Provision of information to applicants.—Each institution described in subsection (a) shall provide to each student submitting an application for a program of graduate study at such institution the information described in paragraphs (1) and (2) of such subsection with respect to the program or programs to which such student has applied.”.

(b) Striking of Other Reporting Requirements for NIH.—

(1) Public health service act; title iv.—Title IV of the Public Health Service Act, as amended by section 103(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

“(3) Coordination of centers.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers.”; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding “and” after the semicolon at the end;

(ii) in paragraph (2), by striking “; and” and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking “(a)” and all that follows through “The Secretary,” and inserting “The Secretary,”; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking “(a) If the Secretary” and inserting “If the Secretary”; and

(ii) by striking subsection (b).

(2) Public health service act; other provisions.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking “(a) From the sums” and inserting “From the sums”; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking “(b) Evaluation and Report” and all that follows through “Not later than 5 years” and inserting “(b) Evaluation.—Not later than 5 years”;

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) Other acts.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

(I) in paragraph (2), by inserting "and" at the end;

(II) in paragraph (3), by striking "; and" and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 105. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the "Secretary") in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary, acting through the Director of NIH, may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate when appropriate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Secretary, acting through the Director of NIH, shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms "Director of NIH" , "national research institute", and "national center" have the meanings given such terms in section 401 of the Public Health Service Act.

SEC. 106. ENHANCING THE CLINICAL AND TRANSLATIONAL SCIENCE AWARD.

(a) IN GENERAL.—In administering the Clinical and Translational Science Award, the Director of NIH shall establish a mechanism to preserve independent funding and infrastructure for pediatric clinical research centers by—

(1) allowing the appointment of a secondary principal investigator under a single Clinical and Translational Science Award, such that a pediatric principal investigator may be appointed with direct authority over a separate budget and infrastructure for pediatric clinical research; or

(2) otherwise securing institutional independence of pediatric clinical research centers with respect to finances, infrastructure, resources, and research agenda.

(b) REPORT.—As part of the biennial report under section 403 of the Public Health Service Act, the Director of NIH shall provide an evaluation and comparison of outcomes and effectiveness of training programs under subsection (a).

(c) DEFINITION.—For purposes of this section, the term "Director of NIH" has the meaning given such term in section 401 of the Public Health Service Act.

SEC. 107. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board."; and

(ii) in subparagraph (G), by inserting "appointed" after "that the number of";

(B) by amending paragraph (3)(B) to read as follows:

"(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board."; and

(C) in paragraph (5), by inserting "appointed" after "majority of the";

(2) in subsection (j)—

(A) in paragraph (2), by striking "(d)(2)(B)(i)(II)" and inserting "(d)(6)";

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting ", including an accounting of the use of amounts transferred under subsection (l)" before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

"(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

"(ii) to the appropriate committees of Congress."; and

(C) in paragraph (10), by striking "of Health." and inserting "of Health and the National Institutes of Health may accept transfers of funds from the Foundation."; and

(3) by striking subsection (l) and inserting the following:

"(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.".

SEC. 108. MISCELLANEOUS AMENDMENTS.

(a) CERTAIN AUTHORITIES OF THE SECRETARY.—

(1) IN GENERAL.—Section 401 of the Public Health Service Act, as added and amended by section 101, is amended in subsection (d) by inserting after paragraph (1) a subsection that is identical to section 401(c) of such Act as in effect on the day before the date of the enactment of this Act. The subsection so inserted is amended—

(A) by striking "(c)(1) The Secretary may" and inserting the following:

"(2) REORGANIZATION OF INSTITUTES.—

"(A) IN GENERAL.—The Secretary may";

(B) by striking "(A) the Secretary determines" and inserting the following:

"(i) the Secretary determines";

(C) by striking "(B) the additional" and inserting the following:

"(ii) the additional"; and

(D) by striking "(2) The Secretary may" and inserting the following:

"(B) ADDITIONAL AUTHORITY.—The Secretary may".

(2) CONFORMING AMENDMENTS.—Section 401(d)(2) of the Public Health Service Act, as designated by paragraph (1) of this subsection, is amended—

(A) in subparagraph (A)(ii), by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) by striking "Labor and Human Resources" each place such term appears and inserting "Health, Education, Labor, and Pensions".

(b) CERTAIN RESEARCH CENTERS.—Section 414 of the Public Health Service Act (42 U.S.C. 285a–3) is amended by adding at the end the following subsection:

"(d) Research centers under this section may not be considered centers of excellence for purposes of section 402(b)(10).".

SEC. 109. APPLICABILITY.

This title and the amendments made by this title apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS FOR FISCAL YEARS 2004 AND 2005 TO REDUCE FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES TO ADDRESS FISCAL YEAR 2007 SHORTFALLS.—

"(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2004 ALLOTMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (f) and subject to subparagraphs (C) and (D), with respect to months beginning during fiscal year 2007, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2004 under subsection (b) that are not expended by the end of fiscal year 2006, to a shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

"(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006; and

"(ii) the amount of the State's allotment for fiscal year 2007.

"(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that there are unexpended fiscal year 2004 allotments under subsection (b) available for such redistributions.

"(D) PRORATION RULE.—If the amounts available for redistribution under subparagraph (A) for a month are less than the total amounts of the estimated shortfalls determined for the month under that subparagraph, the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

"(2) FUNDING REMAINDER OF REDUCTION OF SHORTFALL FOR FISCAL YEAR 2007 THROUGH REDISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR 2005 ALLOTMENTS.—

"(A) IN GENERAL.—Subject to subparagraphs (C) and (D) and paragraph (5)(B), with respect to months beginning during fiscal year 2007 after March 31, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraph (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

"(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of March 31, 2007, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

"(ii) the amount, if any, that is to be redistributed to the State in accordance with paragraph (1); and

"(iii) the amount of the State's allotment for fiscal year 2007.

"(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions.

"(D) PRORATION RULE.—If the amounts available for redistribution under paragraph (3) for a month are less than the total amounts of the estimated shortfalls determined for the month under subparagraph (A), the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

"(3) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST HALF OF FISCAL YEAR 2007.—

"(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of March 31, 2007—

"(i) shall identify those States that received an allotment for fiscal year 2005 under subsection (b) which have not expended all of such allotment by March 31, 2007; and

"(ii) for each such State shall estimate—

"(I) the portion of such allotment that was not so expended by such date; and

"(II) whether the State is described in subparagraph (B).

"(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of March 31, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

"(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—

"(i) IN GENERAL.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007, and shall be redistributed in accordance with paragraph (2).

"(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is the lesser of—

"(I) 50 percent of the amount described in subparagraph (A)(ii)(I); or

"(II) $20,000,000.

"(4) SPECIAL RULES.—

"(A) EXPENDITURES LIMITED TO COVERAGE FOR POPULATIONS ELIGIBLE ON OCTOBER 1, 2006.—A State shall use amounts redistributed under this subsection only for expenditures for providing child health assistance or other health benefits coverage for populations eligible for such assistance or benefits under the State child health plan (including under a waiver of such plan) on October 1, 2006.

"(B) REGULAR FMAP FOR EXPENDITURES FOR COVERAGE OF NONCHILD POPULATIONS.—To the extent a State uses amounts redistributed under this subsection for expenditures for providing child health assistance or other health benefits coverage to an individual who is not a child or a pregnant woman, the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) applicable to the State for the fiscal year shall apply to such expenditures for purposes of making payments to the State under subsection (a) of section 2105 from such amounts.

"(5) RETROSPECTIVE ADJUSTMENT.—

"(A) IN GENERAL.—The Secretary may adjust the estimates and determinations made under paragraphs (1), (2), and (3) as necessary on the basis of the amounts reported by States not later than November 30, 2007, on CMS Form 64 or CMS Form 21, as the case may be and as approved by the Secretary, but in no case may the applicable amount described in paragraph (3)(C)(ii) exceed the amount determined by the Secretary on the basis of the most recent data available to the Secretary as of March 31, 2007.

"(B) FUNDING OF ANY RETROSPECTIVE ADJUSTMENTS ONLY FROM UNEXPENDED 2005 ALLOTMENTS.—Notwithstanding subsections (e) and (f), to the extent the Secretary determines it necessary to adjust the estimates and determinations made for purposes of paragraphs (1), (2), and (3), the Secretary may use only the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 for providing any additional amounts to States described in paragraph (2)(B) (without regard to whether such unexpended allotments are from States described paragraph (3)(B)).

"(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(i) authorizing the Secretary to use the allotments for fiscal year 2006 or 2007 under subsection (b) of States described in paragraph (3)(B) to provide additional amounts to

States described in paragraph (2)(B) for purposes of eliminating the funding shortfall for such States for fiscal year 2007; or

"(ii) limiting the authority of the Secretary to redistribute the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 and are available for redistribution under subsection (f) after the application of subparagraph (B).

"(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2007 shall only remain available for expenditure by the State through September 30, 2007, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f). Nothing in the preceding sentence shall be construed as limiting the ability of the Secretary to adjust the determinations made under paragraphs (1), (2), and (3) in accordance with paragraph (5).

"(7) DEFINITION OF STATE.—For purposes of this subsection, the term 'State' means a State that receives an allotment for fiscal year 2007 under subsection (b).".

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking "or 2005" and inserting "2005, 2006, or 2007".

(c) REPORT TO CONGRESS.—Not later than April 30, 2007, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding the amounts redistributed to States under section 2104 of the Social Security Act to reduce funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007. Such report shall include descriptions and analyses of—

(1) the extent to which such redistributed amounts have reduced or eliminated such shortfalls on the basis of reports by States submitted to the Secretary as of April 1, 2007; and

(2) the effect of the redistribution and limited availability of unexpended fiscal year 2005 allotments under such program on the States described in section 2104(h)(3)(B) of the Social Security Act (42 U.S.C. 1397dd(h)(3)(B)) on the basis of reports by States submitted to the Secretary as of such date.

SA 5239. Mr. FRIST (for Mr. SMITH) proposed an amendment to the bill H.R. 798, to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Remediation Research Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine use and production is growing rapidly throughout the United States;

(2) some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations in which methamphetamine laboratories have been closed;

(3) there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;

(4)(A) initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment; and

(B) it is not uncommon for significant levels of contamination to be found throughout residential structures in which methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;

(5)(A) data on methamphetamine laboratory-related contaminants of concern are very limited;

(B) uniform cleanup standards do not exist; and

(C) procedures for sampling and analysis of contaminants need to be researched and developed; and

(6) many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the "Administrator"), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws (including regulations);

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—

(1) IN GENERAL.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.

(2) ADOPTION.—The Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Administrator shall periodically update the voluntary guidelines as the Administrator, in consultation with States and other interested parties, determines to be appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3.

(b) RESEARCH.—The research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Administrator, in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, individuals, and organizations involved in research and other activities directly relating to the environmental or biological impacts of former methamphetamine laboratories.

(2) FORUM.—The conference should be a forum for—

(A) the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4; and

(B) non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of each conference, the Administrator shall submit to Congress a report that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants in that conference and how the Administrator intends to respond to the recommendations or concerns.

(2) PUBLIC AVAILABILITY.—The Administrator shall make each report widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the status and quality of research on the residual effects of methamphetamine laboratories.

(b) CONTENT.—The study shall identify research gaps and recommend an agenda for the research program described in section 4, with particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings in which such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(c) REPORT.—Not later than 90 days after the date of completion of the study, the Administrator shall submit to Congress a report describing the manner in which the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act modifies or otherwise affects the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There is authorized to be appropriated to the Administrator to carry out this Act $1,750,000 for each of fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this Act $750,000 for each of fiscal years 2007 and 2008.

SA 5240. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 4055, to address the effect of the death of a defendant in Federal criminal proceedings; which was referred to the Committee on the Judiciary; as follows:

At the appropriate place add the following:

Section 296 of title 28, United States Code, is amended

"However a senior judge designated and assigned to the court to which he was appointed shall have all the powers of a judge of that court, including participation in appointment of court officers, magistrates rulemaking, governance, and administrative matters."

SEC. 44. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under Section 371(b) of this title if such judge is designated and assigned to the court to which such judge was appointed.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, law clerks, and interns of the staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on tax extenders. David Ashner, Mary Baker, Robin Burgess, Leona Cuttler, Tory Cyr, Susan Douglas, Christal Edwards, Peggy Hathaway, Diedra Henry-Spires, John Lageson, Richard Litsey, Tom Louthan, Mary Lisa Madell, David Schwartz, Stuart Sirkin, Brett Youngerman, and Martin Soebel.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 798 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 798) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I would like to say a few words about the pending passage of the Native American Methamphetamine Enforcement and Treatment Act of 2006. Section 2 of the act authorizes Indian tribes to receive grants under section 2996(a) of the Omnibus Crime Control and Safe Streets Act in order to address the scourge of methamphetamine. I strongly support aiding Indian tribes in their efforts to combat the methamphetamine epidemic in Indian country.

Members of the steering committee, which I chair, expressed concern about one part of the original bill—a concern that I am pleased to announce will be addressed by the substitute amendment.

Part of the bill authorizes tribes to receive grants, under 42 U.S.C. 3793cc(a)(3)(A), to "investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine." The problem was that the bill originally appeared to authorize any tribe, without limitation, to receive these grants—grants that can only be used for law enforcement activities. Permitting these grants to all tribes would not have been appropriate, since many tribes—indeed, perhaps a majority of the officially recognized tribes in this country—do not have any criminal jurisdiction. Many officially recognized tribes, for example, were only recognized long after their States were admitted to the Union or only received land from the Federal government long after that land had become part of a State and State jurisdiction had attached to it. Although these tribes may receive Federal services, their recognition or receipt of land did not divest the State of its jurisdiction or bring into being a new government within the State. Nearly half of the recognized tribes in the United States, for example, are in the State of Alaska, and were first recognized in the early 1990s. Obviously, the Federal Government did not create over 200 new governments in Alaska by this action. Tribes such as these do not exercise any governmental powers and, consequently, do not have the authority to arrest, prosecute, or punish individuals. In several other States, although tribes were preserved as separate jurisdictions when their surrounding States entered the Union, and they enjoyed criminal law enforcement powers for many years thereafter, those tribes were later divested of criminal jurisdiction by Public Law 280. That law transferred criminal jurisdiction from tribes to State and local governments in the several States identified in that law or that later opted into its provisions. Again, because tribes in Public Law 280 States no longer have criminal jurisdiction, they cannot arrest, prosecute, or punish individuals for crimes.

Arguably, the Justice Department would have been aware of these issues and would have only awarded grants to tribes that exercise criminal jurisdiction. These issues, however, are more in the expertise of the Department of the Interior than the Justice Department, and there have been reports that some law enforcement grants were inappropriately awarded to nongovernmental tribes in the 1990s. The language added by new paragraph 2(a)(4) of the act serves as a reminder to the Justice Department to first verify that a tribe exercises law enforcement powers before awarding a grant to the tribe under paragraph 3793cc(3)(A). When a tribe applies for such a grant, the Department must first determine whether the tribe exercise law enforcement powers. It must ask, was the tribe preserved as a separate jurisdiction when its surrounding State was admitted to the Union, and is the tribe subject to Public Law 280? Only if the answer to the first question is yes and the second is no is the tribe eligible to receive grants under paragraph 3793cc(3)(A).

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, today the Senate is acting on H.R. 798 Methamphetamine Remediation Research Act, with an amendment developed by the Senator from Oregon, Mr. SMITH. This legislation is designed to assist communities perform preliminary site assessments and remediate former methamphetamine, or meth, labs.

The bill requires the Environmental Protection Agency, or EPA, to develop voluntary guidelines for communities engaged in meth remediation activities. The guidelines would help communities identify contaminants from meth labs and establish appropriate cleanup levels. In implementing this legislation, it is my hope that the EPA should also issue companion regulations that would assist communities in implementing these voluntary guidelines. These regulations should identify contaminants from meth labs, establish appropriate cleanup levels, address sampling activities in the residences, training and certification for response workers, and use of personal protective equipment.

There is a need for regulations and a Federal cleanup standard, in addition to voluntary guidelines, because of the nature and abundance of waste produced from meth labs. Many of the chemicals and wastes often associated with meth production are considered hazardous wastes under the Resource

Conservation and Recovery Act, or RCRA. Some of these wastes are classified under RCRA as "characteristic" waste, meaning that they are ignitable. Other wastes produced by the manufacture of meth are regulated in other sections of law, such as the solvents and other chemicals used in the purification process.

The reason companion regulation is needed is meth's toxicity. One pound of manufactured meth produces 5 pounds of waste. Chemicals used in meth production cause breathing problems, skin irritation, headaches, damage to the central nervous system, and, in some cases, death. Meth waste is typically dumped on the ground or down drains, which contaminates drain fields, soils and surface waters. Cleanup usually involves the removal and disposal of wastes and the ventilation and plumbing systems.

Several States have already developed standards and regulations for cleanup and for determining if a meth-contaminated property is "clean." Oregon's level is 0.5 micrograms per square foot. And the State of Tennessee has set a level that is 0.1 microgram per hundred square centimeters. EPA should follow suit.

Ten years ago, EPA developed extensive regulations for the remediation of lead based paint waste. Waste from meth labs appears to present a more immediate public safety concern. EPA should develop the same type of comprehensive regulations to address sampling and worker protection, and should do all it can to assist our communities in these efforts.●

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5239) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Remediation Research Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine use and production is growing rapidly throughout the United States;

(2) some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations in which methamphetamine laboratories have been closed;

(3) there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;

(4)(A) initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment; and

(B) it is not uncommon for significant levels of contamination to be found throughout residential structures in which methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;

(5)(A) data on methamphetamine laboratory-related contaminants of concern are very limited;

(B) uniform cleanup standards do not exist; and

(C) procedures for sampling and analysis of contaminants need to be researched and developed; and

(6) many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the "Administrator"), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws (including regulations);

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—

(1) IN GENERAL.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.

(2) ADOPTION.—The Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Administrator shall periodically update the voluntary guidelines as the Administrator, in consultation with States and other interested parties, determines to be appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3.

(b) RESEARCH.—The research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Administrator, in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, individuals, and organizations involved in research and other activities directly relating to the environmental or biological impacts of former methamphetamine laboratories.

(2) FORUM.—The conference should be a forum for—

(A) the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4; and

(B) non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of each conference, the Administrator shall submit to Congress a report that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants in that conference and how the Administrator intends to respond to the recommendations or concerns.

(2) PUBLIC AVAILABILITY.—The Administrator shall make each report widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the status and quality of research on the residual effects of methamphetamine laboratories.

(b) CONTENT.—The study shall identify research gaps and recommend an agenda for the research program described in section 4, with particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings in which such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(c) REPORT.—Not later than 90 days after the date of completion of the study, the Administrator shall submit to Congress a report describing the manner in which the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act modifies or otherwise affects the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There is authorized to be appropriated to the Administrator to carry out this Act $1,750,000 for each of fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this Act $750,000 for each of fiscal years 2007 and 2008.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 798), as amended, was read the third time and passed.

VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 3421

Resolved, That the bill from the Senate (S. 3421) entitled "An Act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits, Health Care, and Information Technology Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

Sec. 101. Agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—HEALTH MATTERS

Sec. 201. Additional mental health providers.

Sec. 202. Pay comparability for the Chief Nursing Officer, Office of Nursing Services.

Sec. 203. Improvement and expansion of mental health services.

Sec. 204. Disclosure of medical records.

Sec. 205. Expansion of telehealth services.

Sec. 206. Strategic plan for long-term care.

Sec. 207. Blind rehabilitation outpatient specialists.

Sec. 208. Extension of certain compliance reports.

Sec. 209. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.

Sec. 210. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.

Sec. 211. Modifications to State home authorities.

Sec. 212. Office of Rural Health.

Sec. 213. Outreach program to veterans in rural areas.

Sec. 214. Pilot program on improvement of caregiver assistance services.

Sec. 215. Expansion of outreach activities of Vet Centers.

Sec. 216. Clarification and enhancement of bereavement counseling.

Sec. 217. Funding for Vet Center program.

TITLE III—EDUCATION MATTERS

Sec. 301. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.

Sec. 302. Restoration of lost entitlement for individuals who discontinue a program of education because of being ordered to full-time National Guard duty.

Sec. 303. Exception for institutions offering Government-sponsored nonaccredited courses to requirement of refunding unused tuition.

Sec. 304. Extension of work-study allowance.

Sec. 305. Deadline and extension of requirement for report on educational assistance program.

Sec. 306. Report on improvement in administration of educational assistance benefits.

Sec. 307. Technical amendments relating to education laws.

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

Sec. 401. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.

Sec. 402. Provision of Government markers for marked graves of veterans at private cemeteries.

Sec. 403. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.

Sec. 404. Removal of remains of Russell Wayne Wagner from Arlington National Cemetery.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

Sec. 501. Residential cooperative housing units.

Sec. 502. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.

Sec. 503. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

Sec. 601. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.

Sec. 602. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 603. Performance incentive awards for employment service offices.

Sec. 604. Demonstration project on credentialing and licensure of veterans.

Sec. 605. Department of Labor implementation of regulations for priority of service.

TITLE VII—HOMELESS VETERANS ASSISTANCE

Sec. 701. Reaffirmation of national goal to end homelessness among veterans.

Sec. 702. Sense of Congress on the response of the Federal Government to the needs of homeless veterans.

Sec. 703. Authority to make grants for comprehensive service programs for homeless veterans.

Sec. 704. Extension of treatment and rehabilitation for seriously mentally ill and homeless veterans.

Sec. 705. Extension of authority for transfer of properties obtained through foreclosure of home mortgages.

Sec. 706. Extension of funding for grant program for homeless veterans with special needs.

Sec. 707. Extension of funding for homeless veteran service provider technical assistance program.

Sec. 708. Additional element in annual report on assistance to homeless veterans.

Sec. 709. Advisory Committee on Homeless Veterans.

Sec. 710. Rental assistance vouchers for Veterans Affairs supported housing program.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

Sec. 801. Authorization of fiscal year 2006 major medical facility projects.

Sec. 802. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.

Sec. 803. Authorization of fiscal year 2007 major medical facility projects.

Sec. 804. Authorization of advance planning and design for a major medical facility, Charleston, South Carolina.

Sec. 805. Authorization of fiscal year 2006 major medical facility leases.

Sec. 806. Authorization of fiscal year 2007 major medical facility leases.

Sec. 807. Authorization of appropriations.

Subtitle B—Facilities Administration

Sec. 811. Director of Construction and Facilities Management.

Sec. 812. Increase in threshold for major medical facility projects.

Sec. 813. Land conveyance, city of Fort Thomas, Kentucky.

Subtitle C—Reports on Medical Facility Improvements

Sec. 821. Report on option for medical facility improvements in San Juan, Puerto Rico.

Sec. 822. Business plans for enhanced access to outpatient care in certain rural areas.

Sec. 823. Report on option for construction of Department of Veterans Affairs Medical Center in Okaloosa County, Florida.

TITLE IX—INFORMATION SECURITY MATTERS

Sec. 901. Short title.

Sec. 902. Department of Veterans Affairs information security programs and requirements.

Sec. 903. Information security education assistance programs.

TITLE X—OTHER MATTERS

Sec. 1001. Notice to congressional veterans committees of certain transfers of funds.

Sec. 1002. Clarification of correctional facilities covered by certain provisions of law.

Sec. 1003. Extension of authority for health care for participation in DOD chemical and biological warfare testing.

Sec. 1004. Technical and clerical amendments.
Sec. 1005. Codification of cost-of-living adjustment provided in Public Law 109-361.
Sec. 1006. Coordination of provisions with Veterans Programs Extension Act of 2006.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

SEC. 101. AGENT OR ATTORNEY REPRESENTATION IN VETERANS BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 is amended—

(A) by inserting "RECOGNITION.—(1)" after "(a)";

(B) by striking "The Secretary may recognize" and inserting "Except as provided in paragraph (4), the Secretary may recognize";

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraphs:

"(2) The Secretary shall prescribe in regulations (consistent with the Model Rules of Professional Conduct of the American Bar Association) qualifications and standards of conduct for individuals recognized under this section, including a requirement that, as a condition of being so recognized, an individual must—

"(A) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims;

"(B) have such level of experience or specialized training as the Secretary shall specify; and

"(C) certify to the Secretary that the individual has satisfied any qualifications and standards prescribed by the Secretary under this section.

"(3) The Secretary shall prescribe in regulations requirements that each agent or attorney recognized under this section provide annually to the Secretary information about any court, bar, or Federal or State agency to which such agent or attorney is admitted to practice or otherwise authorized to appear, any relevant identification number or numbers, and a certification by such agent or attorney that such agent or attorney is in good standing in every jurisdiction where the agent or attorney is admitted to practice or otherwise authorized to appear.

"(4) The Secretary may not recognize an individual as an agent or attorney under paragraph (1) if such individual has been suspended or disbarred by any court, bar, or Federal or State agency to which the individual was previously admitted to practice and has not been subsequently reinstated.

"(5) The Secretary may prescribe in regulations reasonable restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department. A fee that does not exceed 20 percent of the past due amount of benefits awarded on a claim shall be presumed to be reasonable.

"(6)(A) The Secretary may charge and collect an assessment from an individual recognized as an agent or attorney under this section in any case in which the Secretary pays to the agent or attorney, from past-due benefits owed to a claimant represented by the agent or attorney, an amount as a fee in accordance with a fee arrangement between the claimant and the agent or attorney.

"(B) The amount of an assessment under subparagraph (A) shall be equal to five percent of the amount of the fee required to be paid to the agent or attorney, except that the amount of such an assessment may not exceed $100.

"(C) The Secretary may collect an assessment under subparagraph (A) by offsetting the amount of the fee otherwise required to be paid to the agent or attorney from the past-due benefits owed to the claimant represented by the agent or attorney.

"(D) An agent or attorney who is charged an assessment under subparagraph (A) may not, directly or indirectly, request, receive, or obtain reimbursement for such assessment from the claimant represented by the agent or attorney.

"(E) Amounts collected under this paragraph shall be deposited in the account available for administrative expenses for veterans' benefits programs. Amounts so deposited shall be merged with amounts in such account and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts otherwise in such account.".

(2) SUSPENSION OF RECOGNIZED REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(3) SUSPENSION OF INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(B) by adding at the end the following new subsection:

"(b) SUSPENSION.—An individual recognized under this section shall be subject to the provisions of section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 is amended—

(1) by inserting "SUSPENSION OF AGENTS AND ATTORNEYS.—" after "(b)";

(2) in paragraph (4), by striking "or" at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) has presented to the Secretary a frivolous claim, issue, or argument, involving conduct inconsistent with ethical standards for the practice of law;

"(7) has been suspended or disbarred by any court or bar to which such agent or attorney was previously admitted to practice, or has been disqualified from participating in or appearing before any Federal agency, and has not been subsequently reinstated;

"(8) has charged excessive or unreasonable fees, as determined by the Secretary in accordance with subsection (c)(3)(A); or

"(9) has failed to comply with any other condition specified in regulations prescribed by the Secretary for purposes of this subsection.".

(c) MODIFICATION OF DATE FOR COMMENCEMENT OF SERVICES SUBJECT TO FEES.—

(1) MODIFICATION.—Effective as provided in subsection (h), paragraph (1) of subsection (c) of such section is amended—

(A) by striking "the Board of Veterans' Appeals first makes a final decision in" and inserting "a notice of disagreement is filed with respect to";

(B) by striking the second sentence; and

(C) in the third sentence, by inserting "fees charged, allowed, or paid for" before "services provided".

(2) REPORT.—Not later than 42 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report that sets forth an assessment of the effects of allowing agents and attorneys recognized under section 5904 of title 38, United States Code, to charge a fee to a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department of Veterans Affairs after a notice of disagreement has been filed. Such report shall include the recommendations of the Secretary with respect to agent and attorney representation.

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Effective as provided in subsection (h), paragraph (2) of subsection (c) of such section is amended—

(1) by striking "after the Board first makes a final decision in the case" and inserting "after a notice of disagreement is filed with respect to the case";

(2) by striking "with the Board at such time as may be specified by the Board" and inserting "with the Secretary pursuant to regulations prescribed by the Secretary"; and

(3) by striking the second and third sentences.

(e) ATTORNEY FEES.—Subsection (c) of such section is further amended—

(1) in paragraph (1), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Secretary may, upon the Secretary's own motion or at the request of the claimant, review a fee agreement filed pursuant to paragraph (2) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

"(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.

"(C) If the Secretary under subsection (b) suspends or excludes from further practice before the Department any agent or attorney who collects or receives a fee in excess of the amount authorized under this section, the suspension shall continue until the agent or attorney makes full restitution to each claimant from whom the agent or attorney collected or received an excessive fee. If the agent or attorney makes such restitution, the Secretary may reinstate such agent or attorney under such rules as the Secretary may prescribe.".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(1) by inserting "PAYMENT OF FEES OUT OF PAST-DUE BENEFITS.—" after "(d)";

(2) by inserting "agent or" before "attorney" each place it appears;

(3) in paragraph (1), by striking "of this subsection" after "paragraph (2)";

(4) in paragraph (2)(B), by striking "of this paragraph" after "subparagraph (A)"; and

(5) in paragraph (3)—

(A) by striking "attorneys' fee" and inserting "fee to an agent or attorney"; and

(B) by striking "of this subsection" after "paragraph (1)".

(g) Repeal of Penalty for Certain Acts.—Section 5905 is amended by striking "(1)" and all that follows through "(2)".

(h) Effective Date.—The amendments made by subsections (c)(1) and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to services of agents and attorneys that are provided with respect to cases in which notices of disagreement are filed on or after that date.

(i) Limitation on Collection of Fee Assessment.—No assessments on fees may be collected under paragraph (6) of section 5904(a) of title 38, United States Code (as added by subsection (a)(1)(D) of this section), until the date on which the Secretary of Veterans Affairs prescribes the regulations required by the amendments made by this section.

TITLE II—HEALTH MATTERS

SEC. 201. ADDITIONAL MENTAL HEALTH PROVIDERS.

(a) Appointments.—Section 7401(3) is amended by inserting after "social workers," the following: "marriage and family therapists, licensed professional mental health counselors,".

(b) Qualifications.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs:

"(10) Marriage and Family Therapist.—To be eligible to be appointed to a marriage and family therapist position, a person must—

"(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.

"(11) Licensed Professional Mental Health Counselor.—To be eligible to be appointed to a licensed professional mental health counselor position, a person must—

"(A) hold a master's degree in mental health counseling, or a related field, from a college or university approved by the Secretary; and

"(B) be licensed or certified to independently practice mental health counseling.".

(c) Report on Marriage and Family Therapy Workload.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provision of treatment for post-traumatic stress disorder by marriage and family therapists employed by the Department of Veterans Affairs.

(2) Contents.—The report submitted under paragraph (1) shall include the following:

(A) The actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder.

(B) The resources available and needed to support the projected workload described in subparagraph (A).

(C) An assessment by the Under Secretary for Health of the effectiveness of treatment for post-traumatic stress disorder that is provided by marriage and family therapists.

(D) Recommendations, if any, for improvements in the provision of such treatment by such therapists.

SEC. 202. PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking "subchapter III and in" and inserting "subsection (e), subchapter III, and"; and

(2) by adding at the end the following new subsection:

"(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and shall be paid at a rate determined by the Secretary, not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5.".

SEC. 203. IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) Required Capacity for Community-Based Outpatient Clinics.—

(1) In general.—The Secretary of Veterans Affairs shall ensure that each community-based outpatient clinic of the Department of Veterans Affairs has the capacity to provide, or monitor the provision of, mental health services to enrolled veterans who, as determined by the Secretary, are in need of such services.

(2) Settings.—In carrying out paragraph (1), the Secretary shall ensure that mental health services are provided through—

(A) a community-based outpatient clinic of the Department by an employee of the Department;

(B) referral to another facility of the Department;

(C) contract with an appropriate mental health professional in the community; or

(D) telemental health services.

(b) Clinical Training and Protocols.—

(1) Collaboration.—The National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs shall collaborate with the Secretary of Defense—

(A) to enhance the clinical skills of military clinicians on matters relating to post-traumatic stress disorder through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(B) to promote pre-deployment resilience and post-deployment readjustment among members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) Authorization of Appropriations.—There are authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2007 $2,000,000 to carry out this subsection.

(c) Mental Health Outreach.—The Secretary of Veterans Affairs shall—

(1) develop additional educational materials on post-traumatic stress disorder; and

(2) undertake additional efforts to educate veterans about post-traumatic stress disorder.

(d) Review of PTSD Clinical Guidelines.—The Secretary of Veterans Affairs shall—

(1) review the clinical guidelines of the Department of Veterans Affairs on post-traumatic stress disorder and all appropriate protocols related to post-traumatic stress disorder;

(2) revise such guidelines and protocols as the Secretary considers appropriate to ensure that clinicians are able to effectively distinguish between diagnoses with similar symptoms that may manifest as post-traumatic stress disorder, including traumatic brain injury; and

(3) develop performance measures for the treatment of post-traumatic stress disorder among veterans.

SEC. 204. DISCLOSURE OF MEDICAL RECORDS.

(a) Limited Exception to Confidentiality of Medical Records.—Section 5701 is amended by adding at the end the following new subsection:

"(k)(1)(A) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name and address of any individual described in subparagraph (C) to an entity described in subparagraph (B) in order to facilitate the determination by such entity whether the individual is, or after death will be, a suitable organ, tissue, or eye donor if—

"(i) the individual is near death (as determined by the Secretary) or is deceased; and

"(ii) the disclosure is permitted under regulations promulgated pursuant to section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(B) An entity described in this subparagraph is—

"(i) an organ procurement organization, including eye and tissue banks; or

"(ii) an entity that the Secretary has determined—

"(I) is substantially similar in function, professionalism, and reliability to an organ procurement organization; and

"(II) should be treated for purposes of this subsection in the same manner as an organ procurement organization.

"(C) An individual described in this subparagraph is—

"(i) a veteran; or

"(ii) a dependent of veteran.

"(2) In this subsection, the term 'organ procurement organization' has the meaning given the term 'qualified organ procurement organization' in section 371(b) of the Public Health Service Act (42 U.S.C. 273(b)).".

(b) Disclosures From Certain Medical Records.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph:

"(E) To an entity described in paragraph (1)(B) of section 5701(k) of this title, but only to the extent authorized by such section.".

(c) Deadline for Prescribing Regulations.—The Secretary of Veterans Affairs shall prescribe regulations under subsection (k) of section 5701 of title 38, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 205. EXPANSION OF TELEHEALTH SERVICES.

(a) In General.—The Secretary of Veterans Affairs shall increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through telehealth linkages with facilities of the Veterans Health Administration.

(b) Plan.—Not later than July 1, 2007, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement in subsection (a). The plan shall specify which facilities of the Readjustment Counseling Service will have the capabilities described in subsection (a) as of the end of each of fiscal years 2007, 2008, and 2009.

SEC. 206. STRATEGIC PLAN FOR LONG-TERM CARE.

(a) Publication.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish a strategic plan for the provision of long-term care by the Department of Veterans Affairs.

(b) Policies and Strategies.—The plan published under subsection (a) shall contain policies and strategies for—

(1) the delivery of care in domiciliaries, residential treatment facilities, and nursing homes and for seriously mentally ill veterans;

(2) maximizing the use of State veterans homes;

(3) locating domiciliary units as close to patient populations as feasible; and

(4) identifying freestanding nursing homes as an acceptable care model.

(c) Data.—The plan published under subsection (a) shall include data on—

(1) the provision of care of catastrophically disabled veterans; and

(2) the geographic distribution of catastrophically disabled veterans.

(d) NONINSTITUTIONAL LONG-TERM CARE OPTIONS.—The plan published under subsection (a) shall address the spectrum of noninstitutional long-term care options, including each of the following:

(1) Respite care.

(2) Home-based primary care.

(3) Geriatric evaluation.

(4) Adult day health care.

(5) Skilled home health care.

(6) Community residential care.

(e) ADDITIONAL MATTERS TO BE INCLUDED.—The plan published under subsection (a) shall provide—

(1) cost and quality comparison analyses of all the different levels of long-term care for veterans;

(2) detailed information about geographic distribution of services and gaps in care; and

(3) specific plans for working with Medicare, Medicaid, and private insurance companies to expand the availability of such care.

SEC. 207. BLIND REHABILITATION OUTPATIENT SPECIALISTS.

(a) FINDINGS.—Congress makes the following findings:

(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as "Specialists"), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

(4) Specialists provide—

(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

(C) pre-admission screening and follow-up care for blind rehabilitation centers.

(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

(b) ESTABLISHMENT OF ADDITIONAL SPECIALIST POSITIONS.—Not later than 30 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

(c) SELECTION OF FACILITIES.—In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall—

(1) give priority to facilities with large numbers of enrolled legally blind veterans;

(2) ensure that each facility does not have such a position; and

(3) ensure that each facility is in need of the services of a Specialist.

(d) COORDINATION.—The Secretary shall coordinate the provision of blind rehabilitation services for veterans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section $3,500,000 for each of fiscal years 2007 through 2012.

SEC. 208. EXTENSION OF CERTAIN COMPLIANCE REPORTS.

(a) MANAGEMENT OF HEALTH CARE.—Section 1706(b)(5)(A) is amended by striking "2004" and inserting "2008".

(b) ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by striking "2004" and inserting "2008".

SEC. 209. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new sections:

"§ 7329. Parkinson's Disease research, education, and clinical centers

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

"(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities centers at the locations designated pursuant to paragraph (1).

"(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without centers established under subsection (a) in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health-care system of the Department.

"(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

"(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease and other movement disorders.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

"§ 7330. Multiple sclerosis centers of excellence

"(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

"(2) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1).

"(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

"(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

"(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

"(A) does not meet the requirements of subsection (c); or

"(B) has not demonstrated—

"(i) effectiveness in carrying out the established purposes of such center; or

"(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

"(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

"(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of autoimmune diseases affecting the central nervous system, including multiple sclerosis.

"(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

"(D) The capability to conduct effectively evaluations of the activities of such center.

"(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

"(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health-care system of the Department.

"(G) The capability to develop a national repository in the health-care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

"(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

"(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

"(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

"(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

"7329. Parkinson's Disease research, education, and clinical centers.

"7330. Multiple sclerosis centers of excellence.".

(b) EFFECTIVE DATE.—Sections 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 210. REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—

(1) IN GENERAL.—Section 305 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—

(1) IN GENERAL.—Section 306 is amended by striking subsection (c).

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is redesignated as subsection (c).

SEC. 211. MODIFICATIONS TO STATE HOME AUTHORITIES.

(a) NURSING HOME CARE AND PRESCRIPTION MEDICATIONS IN STATE HOMES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—

(1) NURSING HOME CARE.—Subchapter V of chapter 17 is amended by adding at the end the following new section:

"§ 1745. Nursing home care and medications for veterans with service-connected disabilities

"(a)(1) The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2), in any case in which such care is provided to any veteran as follows:

"(A) Any veteran in need of such care for a service-connected disability.

"(B) Any veteran who—

"(i) has a service-connected disability rated at 70 percent or more; and

"(ii) is in need of such care.

"(2) The rate determined under this paragraph with respect to a State home is the lesser of—

"(A) the applicable or prevailing rate payable in the geographic area in which the State home is located, as determined by the Secretary, for nursing home care furnished in a non-Department nursing home (as that term is defined in section 1720(e)(2) of this title); or

"(B) a rate not to exceed the daily cost of care, as determined by the Secretary, following a report to the Secretary by the director of the State home.

"(3) Payment by the Secretary under paragraph (1) to a State home for nursing home care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.".

(2) PROVISION OF PRESCRIPTION MEDICINES.—Such section, as so added, is further amended by adding at the end the following new subsection:

"(b) The Secretary shall furnish such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of illness or injury to any veteran as follows:

"(1) Any veteran who—

"(A) is not being provided nursing home care for which payment is payable under subsection (a); and

"(B) is in need of such drugs and medicines for a service-connected disability.

"(2) Any veteran who—

"(A) has a service-connected disability rated at 50 percent or more;

"(B) is not being provided nursing home care for which payment is payable under subsection (a); and

"(C) is in need of such drugs and medicines.".

(3) CONFORMING AMENDMENTS.—

(A) CRITERIA FOR PAYMENT.—Section 1741(a)(1) is amended by striking "The" and inserting "Except as provided in section 1745 of this title, the".

(B) ELIGIBILITY FOR NURSING HOME CARE.—Section 1710(a)(4) is amended—

(i) by striking "and" before "the requirement in section 1710B of this title"; and

(ii) by inserting ", and the requirement in section 1745 of this title to provide nursing home care and prescription medicines to veterans with service-connected disabilities in State homes" after "a program of extended care services".

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1744 the following new item:

"1745. Nursing home care and medications for veterans with service-connected disabilities.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 90 days after the date of the enactment of this Act.

(b) IDENTIFICATION OF VETERANS IN STATE HOMES.—Such chapter is further amended—

(1) in section 1745, as added by subsection (a)(1) of this section, by adding at the end the following new subsection:

"(c) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section."; and

(2) in section 1741, by adding at the end the following new subsection:

"(f) Any State home that requests payment or reimbursement for services provided to a veteran under this section shall provide to the Secretary such information as the Secretary considers necessary to identify each individual veteran eligible for payment under such section.".

(c) AUTHORITY TO TREAT CERTAIN HEALTH FACILITIES AS STATE HOMES.—

(1) AUTHORITY.—Subchapter III of chapter 81 is amended by adding at the end the following new section:

"§8138. Treatment of certain health facilities as State homes

"(a) The Secretary may treat a health facility (or certain beds in a health facility) as a State home for purposes of subchapter V of chapter 17 of this title if the following requirements are met:

"(1) The facility (or certain beds in such facility) meets the standards for the provision of nursing home care that are applicable to State homes, as prescribed by the Secretary under section 8134(b) of this title, and such other standards relating to the facility (or certain beds in such facility) as the Secretary may require.

"(2) The facility (or certain beds in such facility) is licensed or certified by the appropriate State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting State home facilities.

"(3) The State demonstrates in an application to the Secretary that, but for the treatment of a facility (or certain beds in such facility), as a State home under this subsection, a substantial number of veterans residing in the geographic area in which the facility is located who require nursing home care will not have access to such care.

"(4) The Secretary determines that the treatment of the facility (or certain beds in such facility) as a State home best meets the needs of veterans for nursing home care in the geographic area in which the facility is located.

"(5) The Secretary approves the application submitted by the State with respect to the facility (or certain beds in such facility).

"(b) The Secretary may not treat a health facility (or certain beds in a health facility) as a State home under subsection (a) if the Secretary determines that such treatment would increase the number of beds allocated to the State in excess of the limit on the number of beds provided for by regulations prescribed under section 8134(a) of this title.

"(c) The number of beds occupied by veterans in a health facility for which payment may be made under subchapter V of chapter 17 of this title by reason of subsection (a) shall not exceed—

"(1) 100 beds in the aggregate for all States; and

"(2) in the case of any State, the difference between—

"(A) the number of veterans authorized to be in beds in State homes in such State under regulations prescribed under section 8134(a) of this title; and

"(B) the number of veterans actually in beds in State homes (other than facilities or certain beds treated as State homes under subsection (a)) in such State under regulations prescribed under such section.

"(d) The number of beds in a health facility in a State that has been treated as a State home under subsection (a) shall be taken into account in determining the unmet need for beds for State homes for the State under section 8134(d)(1) of this title.

"(e) The Secretary may not treat any new health facilities (or any new certain beds in a health facility) as a State home under subsection (a) after September 30, 2009.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8137 the following new item:

"8138. Treatment of certain health facilities as State homes.".

SEC. 212. OFFICE OF RURAL HEALTH.

(a) IN GENERAL.—

(1) ESTABLISHMENT AND FUNCTIONS.—Chapter 73 is amended by inserting after section 7307 the following new section:

"§7308. Office of Rural Health

"(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as the 'Office of Rural Health' (in this section referred to as the 'Office').

"(b) HEAD.—The Director of the Office of Rural Health shall be the head of the Office. The Director of the Office of Rural Health shall be appointed by the Under Secretary of Health from among individuals qualified to perform the duties of the position.

"(c) FUNCTIONS.—The functions of the Office are as follows:

"(1) In cooperation with the medical, rehabilitation, health services, and cooperative studies research programs in the Office of Policy and the Office of Research and Development of the Veterans Health Administration, to assist the Under Secretary for Health in conducting, coordinating, promoting, and disseminating research into issues affecting veterans living in rural areas.

"(2) To work with all personnel and offices of the Department of Veterans Affairs to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for veterans who reside in rural areas of the United States.

"(3) To designate in each Veterans Integrated Service Network (VISN) an individual who shall consult on and coordinate the discharge in such Network of programs and activities of the Office for veterans who reside in rural areas of the United States.

"(4) To perform such other functions and duties as the Secretary or the Under Secretary for Health considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7307 the following new item:

"7308. Office of Rural Health.".

(b) ASSESSMENT OF FEE-BASIS HEALTH-CARE PROGRAM.—The Director of the Office of Rural Health shall conduct an assessment of the effects of the implementation of the fee-basis health-care program of the Veterans Health Administration on the delivery of health-care services to veterans who reside in rural areas of the United States. The assessment shall be conducted in consultation with the individuals designated under subsection (c)(3) of section 7308 of title 38, United States Code, as added by subsection (a). In conducting the assessment, the Director shall—

(1) identify various mechanisms for expanding the program in order to enhance and improve health-care services for such veterans and determine the feasibility and advisability of implementing such mechanisms; and

(2) for each mechanism determined under paragraph (1) to be feasible and advisable to implement, make recommendations to the Under Secretary for Health on the implementation of such mechanism.

(c) PLAN TO IMPROVE ACCESS AND QUALITY OF CARE.—Not later than September 30, 2007, the Director of the Office of Rural Health shall develop a plan to improve the access and quality of care for enrolled veterans in rural areas. The plan shall include—

(1) measures for meeting the long term care needs of rural veterans; and

(2) measures for meeting the mental health needs of veterans residing in rural areas.

(d) REPORT ON COMMUNITY-BASED OUTPATIENT CLINICS AND ACCESS POINTS IDENTIFIED IN CARES MAY 2004 DECISION DOCUMENT.—Not later than March 30, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that—

(1) identifies each of the community based outpatient clinics and access points identified in the May 2004 Decision Document of Capital Asset Realignment for Enhanced Services (CARES) that have been opened; and

(2) identifies each of the clinics and access points identified in such report that would be opened in fiscal year 2007 or 2008 if funding were available for such purpose.

SEC. 213. OUTREACH PROGRAM TO VETERANS IN RURAL AREAS.

(a) PROGRAM.—The Secretary of Veterans Affairs shall conduct an extensive outreach program to identify and provide information to veterans who served in the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities in order to enroll those veterans in the health-care system of the Department of Veterans Affairs during the period when they are eligible for such enrollment.

(b) FEATURES OF PROGRAM.—In carrying out the program under subsection (a), the Secretary shall seek to work at the local level with employers, State agencies, community health centers located in rural areas, rural health clinics, and critical access hospitals located in rural areas, and units of the National Guard and other reserve components based in rural areas, in order to increase the awareness of veterans and their families of the availability of health care provided by the Secretary and the means by which those veterans can achieve access to the health-care services provided by the Department of Veterans Affairs.

SEC. 214. PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services.

(b) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term "caregiver assistance services" means services of the Department of Veterans Affairs that assist caregivers of veterans. Such services including the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for each of fiscal years 2007 and 2008 to carry out the pilot program authorized by this section.

(e) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds appropriated pursuant to the authorization of appropriations in subsection (d) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate, based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include—

(1) a description and assessment of the activities carried out under the pilot program;

(2) information on the allocation of funds to facilities of the Department under subsection (e); and

(3) a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services.

SEC. 215. EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS.

(a) ADDITIONAL OUTREACH WORKERS.—The Secretary of Veterans Affairs shall employ not fewer than 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(b) CONSTRUCTION WITH CURRENT OUTREACH PROGRAM.—The veterans employed under subsection (a) are in addition to any veterans employed by the Secretary for the purpose described in that subsection under the February 2004 program of the Department of Veterans Affairs to provide outreach described in that subsection.

(c) ASSIGNMENT TO VET CENTERS.—The Secretary may assign any veteran employed under subsection (a) to any center for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code, that the Secretary considers appropriate in order to meet the purpose described in that subsection.

(d) INAPPLICABILITY AND TERMINATION OF LIMITATION ON DURATION OF EMPLOYMENT.—Any limitation on the duration of employment of veterans under the program described in subsection (b) is hereby terminated and shall not apply to veterans employed under such program or under this section.

(e) EMPLOYMENT STATUS.—Veterans employed under subsection (a) shall be employed in career conditional status, which is the employment status in which veterans are employed under the program described in subsection (b).

SEC. 216. CLARIFICATION AND ENHANCEMENT OF BEREAVEMENT COUNSELING.

(a) CLARIFICATION OF MEMBERS OF IMMEDIATE FAMILY ELIGIBLE FOR COUNSELING.—Subsection (b) of section 1783 is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.".

(b) PROVISION OF COUNSELING THROUGH VET CENTERS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) PROVISION OF COUNSELING THROUGH VET CENTERS.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.".

SEC. 217. FUNDING FOR VET CENTER PROGRAM.

There are authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007 $180,000,000 for the provision of readjustment counseling and related mental health services through centers under section 1712A of title 38, United States Code.

TITLE III—EDUCATION MATTERS

SEC. 301. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking "means—" and inserting "means any of the following:";

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after "a person who" the following: ", as a result of qualifying service";

(B) by striking the comma at the end of clause (i) and inserting "; or";

(C) by striking ", or" at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: "sustained during a period of qualifying service.";

(5) in subparagraph (C)—

(A) by inserting "or child" after "the spouse"; and

(B) by striking ", or" at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: "sustained during a period of qualifying service"; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

"(E) The spouse or child of a person who—

"(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

"(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

"(iii) is likely to be discharged or released from such service for such disability."; and

(8) by striking "arising out of" and all that follows through the end.

(b) CONFORMING AMENDMENTS TO CHAPTER 35.—Chapter 35 is amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

"(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.".

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking "Each eligible person" and inserting the following: "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,";

(ii) by striking "a period" and inserting "an aggregate period"; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking "the provisions of section 3501(a)(1)(A)(iii) or" and inserting "section"; and

(II) by striking "or" at the end;

(ii) in paragraph (3)—

(I) by striking "section 3501(a)(1)(D)" and inserting "subparagraph (D) or (E) of section 3501(a)(1)"; and

(II) by inserting "or" after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,"; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)" and inserting "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title"; and

(ii) in paragraph (6), by striking "the provisions of section 3501(a)(1)(A)(iii)" and inserting "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after "section 3501(a)(1) of this title" the following: "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title"; and

(II) by striking "or 3501(a)(1)(D)(ii) of this title" and inserting "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title";

(ii) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service."; and

(iii) in paragraph (2)—

(I) by striking "or (D) of this title" and inserting "(D), or (E) of this title"; and

(II) by inserting "whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title)";

(C) in subsection (d), by striking "veteran" and inserting "person"; and

(D) in subsection (e)—

(i) by inserting "based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title";

(ii) by inserting "so" after "the spouse was"; and

(iii) by striking "by the Secretary" and all that follows through "occurs".

(4) Section 3540 is amended by striking "(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)" and inserting "(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)".

(5) Section 3563 is amended by striking "each eligible person defined in section 3501(a)(1)(A) of this title" and inserting "each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title".

(c) OTHER CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) Section 3686(a)(1) is amended by striking "or (D)" and inserting "(D), or (E)".

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking "section 3501(a)(1)" and all that follows through the end and inserting the following: "subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title."; and

(B) in subparagraph (C)—

(i) by striking "such veteran's death" and inserting "the death of the person from whom such eligibility is derived"; and

(ii) by striking "such veteran's service-connected total disability permanent in nature" and inserting "the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 302. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) RESTORATION OF ENTITLEMENT.—Section 3511(a)(2)(B)(i) is amended by inserting after "title 10" the following: "or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

SEC. 303. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) is amended by striking "prior to completion" and all that follows and inserting the following: "before completion and—

"(A) in the case of an institution (other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B)), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; or

"(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.".

SEC. 304. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) is amended by striking "December 27, 2006" each place it appears and inserting "June 30, 2007".

SEC. 305. DEADLINE AND EXTENSION OF REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) EXTENSION OF REQUIREMENT.—Subsection (d) of section 3036 of title 38, United States Code, is amended by striking "January 1, 2005" and inserting "January 1, 2011".

SEC. 306. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits, including benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code. Such report shall propose methods to streamline the processes and procedures of administering such benefits.

SEC. 307. TECHNICAL AMENDMENTS RELATING TO EDUCATION LAWS.

Section 3485 is amended—

(1) in subsection (a)(4)(E), by inserting "or 1607" after "chapter 1606";

(2) in subsection (b), by striking "chapter 106" and inserting "chapter 1606 or 1607"; and

(3) in subsection (e)(1)—

(A) by striking "services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section" and inserting "a qualifying work-study activity described in subsection (a)(4)"; and

(B) by striking "chapter 106" and inserting "chapter 1606 or 1607".

TITLE IV—NATIONAL CEMETERY AND MEMORIAL AFFAIRS MATTERS

SEC. 401. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.

(a) PROVISION OF MEMORIAL HEADSTONES OR MARKERS.—Subsection (b) of section 2306 is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An eligible dependent child of a veteran."; and

(2) by adding at the end the following new paragraph:

"(5) For purposes of this section, the term 'eligible dependent child' means a child—

"(A) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

"(B) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.".

(b) ADDITION OF MEMORIAL INSCRIPTION TO HEADSTONE OR MARKER OF VETERAN.—Subsection (f) of such section is amended by inserting "or eligible dependent child" after "surviving spouse" both places it appears.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

SEC. 402. PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES.

(a) EXTENSION OF AUTHORITY.—Paragraph (3) of subsection (d) of section 2306 is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) PROVISION OF HEADSTONE OR MARKER.—

(1) IN GENERAL.—Such subsection is further amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking "Government marker" and inserting "Government headstone or marker"; and

(ii) in the second sentence, by inserting "headstone or" before "marker" each place it appears; and

(B) in paragraph (2), by inserting "headstone or" before "marker".

(2) CONFORMING AMENDMENT.—Subsection (g)(3) of such section is amended by inserting "headstone or" before "marker".

(c) PLACEMENT OF HEADSTONE OR MARKER.—The second sentence of subsection (d)(1) of such section, as amended by subsection (b)(1)(A)(ii), is further amended by inserting before the period the following: ", or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located".

(d) DELIVERY OF HEADSTONE OR MARKER.—Subsection (d)(2) of such section, as amended by subsection (b)(1)(B), is further amended by inserting before the period the following: "or to a receiving agent for delivery to the cemetery".

(e) REPEAL OF OBSOLETE REPORT REQUIREMENT.—Subsection (d) of such section is further amended by striking paragraph (4).

(f) SCOPE OF HEADSTONES AND MARKERS FURNISHED.—Subsection (d) of such section is further amended by inserting after paragraph (3) the following new paragraph (4):

"(4) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.".

SEC. 403. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

"(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

"(3) For purposes of this subsection:

"(A) The term 'tribal organization' has the meaning given that term in section 3765(4) of this title.

"(B) The term 'trust land' has the meaning given that term in section 3765(1) of this title.".

SEC. 404. REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY.

(a) REMOVAL OF REMAINS.—The Secretary of the Army shall remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of the Army shall—

(1) notify the next-of-kin of record for Russell Wayne Wagner of the impending removal of his remains; and

(2) upon removal, relinquish the remains to the next-of-kin of record for Russell Wayne Wagner or, if the next-of-kin of record for Russell Wayne Wagner is unavailable, arrange for an appropriate disposition of the remains.

TITLE V—HOUSING AND SMALL BUSINESS MATTERS

SEC. 501. RESIDENTIAL COOPERATIVE HOUSING UNITS.

(a) Housing Benefits for Cooperative Housing Units.—Subsection (a) of section 3710 is amended by inserting after paragraph (11) the following new paragraph:

"(12) With respect to a loan guaranteed after the date of the enactment of this paragraph and before the date that is five years after that date, to purchase stock or membership in a cooperative housing corporation for the purpose of entitling the veteran to occupy for dwelling purposes a single family residential unit in a development, project, or structure owned or leased by such corporation, in accordance with subsection (h).".

(b) Conditions of Housing Benefits for Cooperative Housing Units.—Such section is further amended by adding at the end the following new subsection:

"(h)(1) A loan may not be guaranteed under subsection (a)(12) unless—

"(A) the development, project, or structure of the cooperative housing corporation complies with such criteria as the Secretary prescribes in regulations; and

"(B) the dwelling unit that the purchase of stock or membership in the development, project, or structure of the cooperative housing corporation entitles the purchaser to occupy is a single family residential unit.

"(2) In this subsection, the term 'cooperative housing corporation' has the meaning given such term in section 216(b)(1) of the Internal Revenue Code of 1986.

"(3) When applying the term 'value of the property' to a loan guaranteed under subsection (a)(12), such term means the appraised value of the stock or membership entitling the purchaser to the permanent occupancy of the dwelling unit in the development, project, or structure of the cooperative housing corporation.".

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.

(a) Goals.—

(1) In general.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

"§8127. Small business concerns owned and controlled by veterans: contracting goals and preferences

"(a) Contracting Goals.—(1) In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

"(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

"(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

"(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

"(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

"(4) The Secretary shall establish a review mechanism to ensure that, in the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

"(b) Use of Noncompetitive Procedures for Certain Small Contracts.—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

"(c) Sole Source Contracts for Contracts Above Simplified Acquisition Threshold.—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

"(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

"(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed $5,000,000; and

"(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

"(d) Use of Restricted Competition.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

"(e) Eligibility of Small Business Concerns.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

"(f) Database of Veteran-Owned Businesses.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

"(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

"(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

"(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

"(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

"(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

"(5) The Secretary shall make the database available to all Federal departments and agencies and shall notify each such department and agency of the availability of the database.

"(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

"(g) Enforcement Penalties for Misrepresentation.—Any business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a reasonable period of time, as determined by the Secretary.

"(h) Treatment of Businesses After Death of Veteran-Owner.—(1) Subject to paragraph (3), if the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

"(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

"(A) The date on which the surviving spouse remarries.

"(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

"(C) The date that is ten years after the date of the veteran's death.

"(3) Paragraph (1) only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

"(i) Priority for Contracting Preferences.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

"(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

"(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by paragraph (1).

"(3) Contracts awarded pursuant to—

"(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

"(B) section 31 of such Act (15 U.S.C. 657a).

"(4) Contracts awarded pursuant to any other small business contracting preference.

"(j) Annual Reports.—Not later than December 31 each year, the Secretary shall submit to Congress a report on small business contracting during the fiscal year ending in such year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

"(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

"(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal year that were awarded to small business concerns owned and controlled by veterans.

"(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal year that were awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

"(k) DEFINITIONS.—In this section:

"(1) The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

"(2) The term 'small business concern owned and controlled by veterans' means a small business concern—

"(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

"(ii) the management and daily business operations of which are controlled by one or more veterans; or

"(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

"8127. Small business concerns owned and controlled by veterans: contracting goals and preferences.".

(b) TRANSITION RULE.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section).

(c) COMPTROLLER GENERAL STUDY AND REPORT.—

(1) STUDY REQUIRED.—During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) INFORMATION TO CONGRESS ON STUDY.—On or before January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall brief Congress on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) REPORT.—Not later than 180 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 503. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.—

(1) IN GENERAL.—Subchapter II of chapter 81, as amended by section 502 of this Act, is further amended by adding at the end the following new section:

"§8128. Small business concerns owned and controlled by veterans: contracting priority

"(a) CONTRACTING PRIORITY.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

"(b) DEFINITION.—For purposes of this section, the term 'small business concern owned and controlled by veterans' means a small business concern that is included in the small business database maintained by the Secretary under section 8127(f) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by inserting after the item relating to section 8127 the following new item:

"8128. Small business concerns owned and controlled by veterans: contracting priority.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—EMPLOYMENT AND TRAINING MATTERS

SEC. 601. TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.

(a) TRAINING REQUIRED.—Section 4102A(c) is amended by adding at the end the following new paragraph:

"(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so assigned.

"(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.

"(C) The Secretary may establish such reasonable exceptions to the completion of training otherwise required under subparagraph (A) as the Secretary considers appropriate.".

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

"(iii) For each employee of the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

"(I) the date on which the employee is so assigned; and

"(II) whether the employee has satisfactorily completed such training by the National Veterans' Employment and Training Services Institute as the Secretary requires for purposes of paragraph (8).".

(c) APPLICABILITY.—Paragraph (8) of section 4102A(c) of title 38, United States Code, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after January 1, 2006.

SEC. 602. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A is amended by adding at the end the following new subsection:

"(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.".

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.".

(c) EFFECTIVE DATE.—Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 603. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 is amended—

(1) in subsection (a)(1)(B), by inserting "and employment service offices" after "recognize eligible employees"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "is" and inserting "in the case of such an award made to an eligible employee, shall be"; and

(ii) by striking the period at the end and inserting the following: "; and"; and

(C) by adding at the end the following new paragraph:

"(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.".

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of such section is amended to read as follows: "ADMINISTRATION AND USE OF AWARDS.—".

SEC. 604. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Chapter 41 is amended by adding at the end the following new section:

"§4114. Credentialing and licensure of veterans: demonstration project

"(a) DEMONSTRATION PROJECT AUTHORIZED.—The Assistant Secretary for Veterans' Employment and Training may carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed

Forces from service on active duty to civilian employment.

"(b) Identification of Military Occupational Specialties and Associated Credentials and Licenses.—(1) The Assistant Secretary shall select not less than 10 military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

"(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

"(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

"(c) Elimination of Barriers to Credentialing and Licensure.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

"(d) Task Force.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

"(e) Consultation.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

"(f) Contract Authority.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

"(g) Period of Project.—The period during which the Assistant Secretary may carry out the demonstration project under this section shall be the period beginning on the date that is 60 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006 and ending on September 30, 2009.

"(h) Funding.—The Assistant Secretary may carry out the demonstration project under this section utilizing unobligated funds that are appropriated in accordance with the authorization set forth in section 4106 of this title.".

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4114. Credentialing and licensure of veterans: demonstration project.".

(b) Membership of Advisory Committee on Veterans Employment, Training, and Employer Outreach.—Section 4110(c)(1)(A) is amended—

(1) by striking "Six" and inserting "Seven"; and

(2) by adding at the end the following new clause:

"(vii) The National Governors Association.".

SEC. 605. DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATIONS FOR PRIORITY OF SERVICE.

Not later than two years after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.

TITLE VII—HOMELESS VETERANS ASSISTANCE

SEC. 701. REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) Reaffirmation.—Congress reaffirms the national goal to end chronic homelessness among veterans within a decade of the enactment of the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107-95; 115 Stat. 903).

(b) Reaffirmation of Encouragement of Cooperative Efforts.—Congress reaffirms its encouragement, as specified in the Homeless Veterans Comprehensive Assistance Act of 2001 (Public Law 107-95; 115 Stat. 903), that all departments and agencies of the Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals, work cooperatively to end chronic homelessness among veterans.

SEC. 702. SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS.

It is the sense of Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among the homeless population;

(2) while many effective programs assist homeless veterans to become, once again, productive and self-sufficient members of their communities and society, all the essential services, assistance, and support that homeless veterans require are not currently provided;

(3) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(4) Federal efforts to assist homeless veterans should include prevention of homelessness;

(5) Federal efforts regarding homeless veterans should be particularly vigorous where women veterans have minor children in their care;

(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Labor, and the Department of Housing and Urban Development, should cooperate more fully to address the problem of homelessness among veterans; and

(7) the programs reauthorized by this title provide important housing and services to homeless veterans.

SEC. 703. AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) Permanent Authority.—Section 2011(a) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking "(1)"; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(b) Authorization of Appropriations.—The text of section 2013 is amended to read as follows: "There is authorized to be appropriated to carry out this subchapter $130,000,000 for fiscal year 2007 and each fiscal year thereafter.".

SEC. 704. EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) Extension of Authority for General Treatment.—Section 2031(b) is amended by striking "December 31, 2006" and inserting "December 31, 2011".

(b) Extension of Authority for Additional Services.—Section 2033(d) is amended by striking "December 31, 2006" and inserting "December 31, 2011".

SEC. 705. EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES.

Section 2041(c) is amended by striking "December 31, 2008" and inserting "December 31, 2011".

SEC. 706. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) is amended—

(1) by striking "Medical Care" and inserting "Medical Services"; and

(2) by striking "fiscal years 2003, 2004, and 2005" and inserting "fiscal years 2007 through 2011".

SEC. 707. EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM.

Subsection (b) of section 2064 is amended to read as follows:

"(b) Authorization of Appropriations.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2007 through 2012 to carry out the program under this section.".

SEC. 708. ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 2065(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Information on the efforts of the Secretary to coordinate the delivery of housing and services to homeless veterans with other Federal departments and agencies, including—

"(A) the Department of Defense;

"(B) the Department of Health and Human Services;

"(C) the Department of Housing and Urban Development;

"(D) the Department of Justice;

"(E) the Department of Labor;

"(F) the Interagency Council on Homelessness;

"(G) the Social Security Administration; and

"(H) any other Federal department or agency with which the Secretary coordinates the delivery of housing and services to homeless veterans.".

SEC. 709. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) Additional Ex Officio Members.—Subsection (a)(3) of section 2066 is amended by adding at the end the following new subparagraphs:

"(E) The Executive Director of the Interagency Council on Homelessness (or a representative of the Executive Director).

"(F) The Under Secretary for Health (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).

"(G) The Under Secretary for Benefits (or a representative of the Under Secretary after consultation with the Director of the Office of Homeless Veterans Programs).".

(b) Extension.—Subsection (d) of such section is amended by striking "December 31, 2006" and inserting "December 30, 2011".

SEC. 710. RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)) is amended to read as follows:

"(B) Amount.—The amount specified in this subparagraph is—

"(i) for fiscal year 2007, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

"(ii) for fiscal year 2008, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

“(iii) for fiscal year 2009, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection;

“(iv) for fiscal year 2010, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection; and

“(v) for fiscal year 2011, the amount necessary to provide 2,500 vouchers for rental assistance under this subsection.”.

TITLE VIII—CONSTRUCTION MATTERS

Subtitle A—Construction and Lease Authorities

SEC. 801. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

(a) In General.—The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs' Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $300,000,000. The Secretary is authorized to carry out the project in or near New Orleans as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) Report on Replacement of Department of Veterans Affairs Medical Center, Denver, Colorado.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 802. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections, Buildings 500 and 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 803. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed $38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed $25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed $56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed $32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed $69,053,000.

SEC. 804. AUTHORIZATION OF ADVANCE PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.

(a) Agreement Authorized.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, and plan for the operation of, a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) Cost Limitation.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $36,800,000.

(c) Limitation on Naming.—A joint-use medical facility referred to in subsection (a) may not be named by the Secretary of Veterans Affairs or any other entity after any living Member or former Member of the Senate or House of Representatives.

SEC. 805. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 806. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations for Fiscal Year 2006 Major Medical Facility Projects.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $708,000,000 for the projects authorized in section 801(a).

(b) Authorization of Appropriations for Major Medical Facility Projects Under Capital Asset Realignment Initiative.—

(1) Authorization of appropriations.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects whose authorization is extended by section 802.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $221,766,000 for the projects authorized in section 803.

(d) AUTHORIZATION OF APPROPRIATIONS FOR ADVANCE PLANNING AND DESIGN FOR MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account, $36,800,000 for the advance planning and design authorized in section 804.

(e) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 805.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 806.

(f) LIMITATION.—The projects authorized in sections 801(a) and 802 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Subtitle B—Facilities Administration

SEC. 811. DIRECTOR OF CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 is amended by inserting after section 312 the following new section:

"§312A. Director of Construction and Facilities Management

"(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

"(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

"(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

"(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

"(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

"(1) holds an undergraduate or master's degree in architectural design or engineering; and

"(2) has substantive professional experience in the area of construction project management.

"(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

"(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

"(B) perform such other functions as the Secretary shall prescribe.

"(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

"(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

"(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

"(C) Management of the short-term and long-term leasing of real property by the Department.

"(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

"(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

"312A. Director of Construction and Facilities Management.".

SEC. 812. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

Section 8104(a)(3)(A) is amended by striking "$7,000,000" and inserting "$10,000,000".

SEC. 813. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the "Medical Facilities" account or the "Construction, Minor Projects" account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

Subtitle C—Reports on Medical Facility Improvements

SEC. 821. REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall not affect current contracts at the current site, and the report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 822. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority. and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 823. REPORT ON OPTION FOR CONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

(a) FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of the House of Representatives a report identifying and outlining the various options available to the Department of Veterans Affairs for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall be prepared in conjunction with the Secretary of Defense and the Secretary of the Air Force.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department of Veterans Affairs to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

TITLE IX—INFORMATION SECURITY MATTERS

SEC. 901. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Information Security Enhancement Act of 2006".

SEC. 902. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.

(a) INFORMATION SECURITY PROGRAMS AND REQUIREMENTS.—Chapter 57 is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—INFORMATION SECURITY

"§5721. Purpose

"The purpose of the Information Security Program is to establish a program to provide security for Department information and information systems commensurate to the risk of harm, and to communicate the responsibilities of the Secretary, Under Secretaries, Assistant Secretaries, other key officials, Assistant Secretary for Information and Technology, Associate Deputy Assistant Secretary for Cyber and Information Security, and Inspector General of the Department of Veterans Affairs as outlined in the provisions of subchapter III of chapter 35 of title 44 (also known as the 'Federal Information Security Management Act of 2002', which was enacted as part of the E-Government Act of 2002 (Public Law 107–347)).

"§5722. Policy

"(a) IN GENERAL.—The security of Department information and information systems is vital to the success of the mission of the Department. To that end, the Secretary shall establish and maintain a comprehensive Department-wide information security program to provide for the development and maintenance of cost-effective security controls needed to protect Department information, in any media or format, and Department information systems.

"(b) ELEMENTS.—The Secretary shall ensure that the Department information security program includes the following elements:

"(1) Periodic assessments of the risk and magnitude of harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the Department.

"(2) Policies and procedures that—

"(A) are based on risk assessments;

"(B) cost-effectively reduce security risks to an acceptable level; and

"(C) ensure that information security is addressed throughout the life cycle of each Department information system.

"(3) Selection and effective implementation of minimum, mandatory technical, operational, and management security controls, or other compensating countermeasures, to protect the confidentiality, integrity, and availability of each Department system and its information.

"(4) Subordinate plans for providing adequate security for networks, facilities, systems, or groups of information systems, as appropriate.

"(5) Annual security awareness training for all Department employees, contractors, and all other users of VA sensitive data and Department information systems that identifies the information security risks associated with the activities of such employees, contractors, and users and the responsibilities of such employees, contractors, and users to comply with Department policies and procedures designed to reduce such risks.

"(6) Periodic testing and evaluation of the effectiveness of security controls based on risk, including triennial certification testing of all management, operational, and technical controls, and annual testing of a subset of those controls for each Department system.

"(7) A process for planning, developing, implementing, evaluating, and documenting remedial actions to address deficiencies in information security policies, procedures, and practices.

"(8) Procedures for detecting, immediately reporting, and responding to security incidents, including mitigating risks before substantial damage is done as well as notifying and consulting with the US-Computer Emergency Readiness Team of the Department of Homeland Security, law enforcement agencies, the Inspector General of the Department, and other offices as appropriate.

"(9) Plans and procedures to ensure continuity of operations for Department systems.

"(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—The Secretary shall comply with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements promulgated by the National Institute of Standards and Technology and the Office of Management and Budget that define Department information system mandates.

"§5723. Responsibilities

"(a) SECRETARY OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Secretary is responsible for the following:

"(1) Ensuring that the Department adopts a Department-wide information security program and otherwise complies with the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(2) Ensuring that information security protections are commensurate with the risk and magnitude of the potential harm to Department information and information systems resulting from unauthorized access, use, disclosure, disruption, modification, or destruction.

"(3) Ensuring that information security management processes are integrated with Department strategic and operational planning processes.

"(4) Ensuring that the Under Secretaries, Assistant Secretaries, and other key officials of the Department provide adequate security for the information and information systems under their control.

"(5) Ensuring enforcement and compliance with the requirements imposed on the Department under the provisions of subchapter III of chapter 35 of title 44.

"(6) Ensuring that the Department has trained program and staff office personnel sufficient to assist in complying with all the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(7) Ensuring that the Assistant Secretary for Information and Technology, in coordination with the Under Secretaries, Assistant Secretaries, and other key officials of the Department report to Congress, the Office of Management and Budget, and other entities as required by law and Executive Branch direction on the effectiveness of the Department information security program, including remedial actions.

"(8) Notifying officials other than officials of the Department of data breaches when required under this subchapter.

"(9) Ensuring that the Assistant Secretary for Information and Technology has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the Department relating to subchapter III of chapter 35 of title 44, including the management of all related mission applications, information resources, personnel, and infrastructure.

"(10) Submitting to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, not later than March 1 each year, a report on the compliance of the Department with subchapter III of chapter 35 of title 44, with the information in such report displayed in the aggregate and separately for each Administration, office, and facility of the Department.

"(11) Taking appropriate action to ensure that the budget for any fiscal year, as submitted by the President to Congress under section 1105 of title 31, sets forth separately the amounts required in the budget for such fiscal year for compliance by the Department with Federal law and regulations governing information security, including this subchapter and subchapter III of chapter 35 of title 44.

"(12) Providing notice to the Director of the Office of Management and Budget, the Inspector General of the Department, and such other Federal agencies as the Secretary considers appropriate of a presumptive data breach of which notice is provided the Secretary under subsection (b)(16) if, in the opinion of the Assistant Secretary for Information and Technology, the breach involves the information of twenty or more individuals.

"(b) ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.—The Assistant Secretary for Information and Technology, as the Chief Information Officer of the Department, is responsible for the following:

"(1) Establishing, maintaining, and monitoring Department-wide information security policies, procedures, control techniques, training, and inspection requirements as elements of the Department information security program.

"(2) Issuing policies and handbooks to provide direction for implementing the elements of the information security program to all Department organizations.

"(3) Approving all policies and procedures that are related to information security for those areas of responsibility that are currently under the management and the oversight of other Department organizations.

"(4) Ordering and enforcing Department-wide compliance with and execution of any information security policy.

"(5) Establishing minimum mandatory technical, operational, and management information security control requirements for each Department system, consistent with risk, the processes identified in standards of the National Institute of Standards and Technology, and the responsibilities of the Assistant Secretary to operate and maintain all Department systems currently creating, processing, collecting, or disseminating data on behalf of Department information owners.

"(6) Establishing standards for access to Department information systems by organizations and individual employees, and to deny access as appropriate.

"(7) Directing that any incidents of failure to comply with established information security policies be immediately reported to the Assistant Secretary.

"(8) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department for appropriate administrative or disciplinary action.

"(9) Reporting any compliance failure or policy violation directly to the appropriate Under Secretary, Assistant Secretary, or other key official of the Department along with taking action to correct the failure or violation.

"(10) Requiring any key official of the Department who is so notified to report to the Assistant Secretary with respect to an action to be taken in response to any compliance failure or policy violation reported by the Assistant Secretary.

"(11) Ensuring that the Chief Information Officers and Information Security Officers of the Department comply with all cyber security directives and mandates; and ensuring that these staff members have all necessary authority and means to direct full compliance with such directives and mandates relating to the acquisition, operation, maintenance, or use of information technology resources from all facility staff.

"(12) Establishing the VA National Rules of Behavior for appropriate use and protection of the information which is used to support Department missions and functions.

"(13) Establishing and providing supervision over an effective incident reporting system.

"(14) Submitting to the Secretary, at least once every quarter, a report on any deficiency in the compliance with subchapter III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

"(15) Reporting immediately to the Secretary on any significant deficiency in the compliance described by paragraph (14).

"(16) Providing immediate notice to the Secretary of any presumptive data breach.

"(c) ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR CYBER AND INFORMATION SECURITY.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Associate Deputy Assistant Secretary for Cyber and Information Security, as the Senior Information Security Officer of the Department, is responsible for carrying out the responsibilities of the Assistant Secretary for Information and Technology under the provisions of subchapter III of chapter 35 of title 44, as set forth in subsection (b).

"(d) DEPARTMENT INFORMATION OWNERS.—In accordance with the criteria of the Centralized IT Management System, Department information owners are responsible for the following:

"(1) Providing assistance to the Assistant Secretary for Information and Technology regarding the security requirements and appropriate level of security controls for the information system or systems where sensitive personal information is currently created, collected, processed, disseminated, or subject to disposal.

"(2) Determining who has access to the system or systems containing sensitive personal information, including types of privileges and access rights.

"(3) Ensuring the VA National Rules of Behavior is signed on an annual basis and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions.

"(4) Assisting the Assistant Secretary for Information and Technology in the identification and assessment of the common security controls for systems where their information resides.

"(5) Providing assistance to Administration and staff office personnel involved in the development of new systems regarding the appropriate level of security controls for their information.

"(e) OTHER KEY OFFICIALS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Under Secretaries, Assistant Secretaries, and other key officials of the Department are responsible for the following:

"(1) Implementing the policies, procedures, practices, and other countermeasures identified in the Department information security program that comprise activities that are under their day-to-day operational control or supervision.

"(2) Periodically testing and evaluating information security controls that comprise activities that are under their day-to-day operational control or supervision to ensure effective implementation.

"(3) Providing a plan of action and milestones to the Assistant Secretary for Information and Technology on at least a quarterly basis detailing the status of actions being taken to correct any security compliance failure or policy violation.

"(4) Complying with the provisions of subchapter III of chapter 35 of title 44 and other related information security laws and requirements in accordance with orders of the Assistant Secretary for Information and Technology to execute the appropriate security controls commensurate to responding to a security bulletin of the Security Operations Center of the Department, with such orders to supersede and take priority over all operational tasks and assignments and be complied with immediately.

"(5) Ensuring that—

"(A) all employees within their organizations take immediate action to comply with orders from the Assistant Secretary for Information and Technology to—

"(i) mitigate the impact of any potential security vulnerability;

"(ii) respond to a security incident; or

"(iii) implement the provisions of a bulletin or alert of the Security Operations Center; and

"(B) organizational managers have all necessary authority and means to direct full compliance with such orders from the Assistant Secretary.

"(6) Ensuring the VA National Rules of Behavior is signed and enforced by all system users to ensure appropriate use and protection of the information which is used to support Department missions and functions on an annual basis.

"(f) USERS OF DEPARTMENT INFORMATION AND INFORMATION SYSTEMS.—Users of Department information and information systems are responsible for the following:

"(1) Complying with all Department information security program policies, procedures, and practices.

"(2) Attending security awareness training on at least an annual basis.

"(3) Reporting all security incidents immediately to the Information Security Officer of the system or facility and to their immediate supervisor.

"(4) Complying with orders from the Assistant Secretary for Information and Technology directing specific activities when a security incident occurs.

"(5) Signing an acknowledgment that they have read, understand, and agree to abide by the VA National Rules of Behavior on an annual basis.

"(g) INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS.—In accordance with the provisions of subchapter III of chapter 35 of title 44, the Inspector General of the Department is responsible for the following:

"(1) Conducting an annual audit of the Department information security program.

"(2) Submitting an independent annual report to the Office of Management and Budget on the status of Department information security program, based on the results of the annual audit.

"(3) Conducting investigations of complaints and referrals of violations as considered appropriate by the Inspector General.

"§5724. Provision of credit protection and other services

"(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity or the Office of Inspector General of the Department conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

"(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive personal information involved in a data breach, the Secretary shall provide credit protection services in accordance with the regulations prescribed by the Secretary under this section.

"(b) REGULATIONS.—Not later than 180 days after the date of the enactment of the Veterans Benefits, Health Care, and Information Technology Act of 2006, the Secretary shall prescribe interim regulations for the provision of the following in accordance with subsection (a)(2):

"(1) Notification.

"(2) Data mining.

"(3) Fraud alerts.

"(4) Data breach analysis.

"(5) Credit monitoring.

"(6) Identity theft insurance.

"(7) Credit protection services.

"(c) REPORT.—(1) For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any services provided pursuant to subsection (b).

"(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian

officer or employee of the Department of Defense, the Secretary shall submit the report required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"§5725. Contracts for data processing or maintenance

"(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

"(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

"(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

"(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

"(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services pursuant to section 5724(b) of this title.

"§5726. Reports and notice to Congress on data breaches

"(a) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

"(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report—

"(A) the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach; and

"(B) the status of any remedial or corrective action with respect to the data breach.

"(b) NOTIFICATION OF SIGNIFICANT DATA BREACHES.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(2) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that is the sensitive personal information of a member of the Army, Navy, Air Force, or Marine Corps or a civilian officer or employee of the Department of Defense that the Secretary determines is significant under paragraph (1), the Secretary shall provide the notice required under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in addition to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(3) Notice under paragraphs (1) and (2) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

"§5727. Definitions

"In this subchapter:

"(1) AVAILABILITY.—The term 'availability' means ensuring timely and reliable access to and use of information.

"(2) CONFIDENTIALITY.—The term 'confidentiality' means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.

"(3) CONTROL TECHNIQUES.—The term 'control techniques' means methods for guiding and controlling the operations of information systems to ensure adherence to the provisions of subchapter III of chapter 35 of title 44 and other related information security requirements.

"(4) DATA BREACH.—The term 'data breach' means the loss, theft, or other unauthorized access, other than those incidental to the scope of employment, to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

"(5) DATA BREACH ANALYSIS.—The term 'data breach analysis' means the process used to determine if a data breach has resulted in the misuse of sensitive personal information.

"(6) FRAUD RESOLUTION SYSTEMS.—The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

"(7) IDENTITY THEFT.—The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

"(8) IDENTITY THEFT INSURANCE.—The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with efforts to correct and ameliorate the effects and results of identity theft of the insured individual.

"(9) INFORMATION OWNER.—The term 'information owner' means an agency official with statutory or operational authority for specified information and responsibility for establishing the criteria for its creation, collection, processing, dissemination, or disposal, which responsibilities may extend to interconnected systems or groups of interconnected systems.

"(10) INFORMATION RESOURCES.—The term 'information resources' means information in any medium or form and its related resources, such as personnel, equipment, funds, and information technology.

"(11) INFORMATION SECURITY.—The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide integrity, confidentiality, and availability.

"(12) INFORMATION SECURITY REQUIREMENTS.—The term 'information security requirements' means information security requirements promulgated in accordance with law, or directed by the Secretary of Commerce, the National Institute of Standards and Technology, and the Office of Management and Budget, and, as to national security systems, the President.

"(13) INFORMATION SYSTEM.—The term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, whether automated or manual.

"(14) INTEGRITY.—The term 'integrity' means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity.

"(15) NATIONAL SECURITY SYSTEM.—The term 'national security system' means an information system that is protected at all times by policies and procedures established for the processing, maintenance, use, sharing, dissemination or disposition of information that has been specifically authorized under criteria established by statute or Executive Order to be kept classified in the interest of national defense or foreign policy.

"(16) PLAN OF ACTION AND MILESTONES.—The term 'plan of action and milestones', means a plan used as a basis for the quarterly reporting requirements of the Office of Management and Budget that includes the following information:

"(A) A description of the security weakness.

"(B) The identity of the office or organization responsible for resolving the weakness.

"(C) An estimate of resources required to resolve the weakness by fiscal year.

"(D) The scheduled completion date.

"(E) Key milestones with estimated completion dates.

"(F) Any changes to the original key milestone date.

"(G) The source that identified the weakness.

"(H) The status of efforts to correct the weakness.

"(17) PRINCIPAL CREDIT REPORTING AGENCY.—The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

"(18) SECURITY INCIDENT.—The term 'security incident' means an event that has, or could have, resulted in loss or damage to Department assets, or sensitive information, or an action that breaches Department security procedures.

"(19) SENSITIVE PERSONAL INFORMATION.—The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including the following:

"(A) Education, financial transactions, medical history, and criminal or employment history.

"(B) Information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records.

"(20) SUBORDINATE PLAN.—The term 'subordinate plan', also referred to as a 'system security plan', means a subordinate plan defines the security controls that are either planned or implemented for networks, facilities, systems, or groups of systems, as appropriate, within a specific accreditation boundary.

"(21) TRAINING.—The term 'training' means a learning experience in which an individual is taught to execute a specific information security procedure or understand the information security common body of knowledge.

"(22) VA NATIONAL RULES OF BEHAVIOR.—The term 'VA National Rules of Behavior' means a set of Department rules that describes the responsibilities and expected behavior of personnel with regard to information system usage.

"(23) VA SENSITIVE DATA.—The term 'VA sensitive data' means all Department data, on any storage media or in any form or format, which requires protection due to the risk of harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information and includes information whose improper use or disclosure could adversely affect the ability of an agency to accomplish its mission, proprietary information, and records about individuals requiring protection under applicable confidentiality provisions.

"§5728. Authorization of appropriations

"There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 is amended by adding at the end the following:

"SUBCHAPTER III—INFORMATION SECURITY

"5721. Purpose.
"5722. Policy.
"5723. Responsibilities.
"5724. Provision of credit protection and other services.
"5725. Contracts for data processing or maintenance.
"5726. Reports and notice to Congress on data breaches.
"5727. Definitions.
"5728. Authorization of appropriations.".

(c) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 903. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAMS.

(a) PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Title 38 is amended by inserting after chapter 78 the following new chapter:

"CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

"Sec.
"7901. Programs; purpose.
"7902. Scholarship program.
"7903. Education debt reduction program.
"7904. Preferences in awarding financial assistance.
"7905. Requirement of honorable discharge for veterans receiving assistance.
"7906. Regulations.
"7907. Termination.

"§7901. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary may carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"§7902. Scholarship program

"(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary may establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

"(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

"(B) who enters into an agreement with the Secretary as described in subsection (b).

"(2)(A) Except as provided in subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

"(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

"(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

"(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

"(A) the tuition and fees of the individual; and

"(B) $1,500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

"(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

"(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

"(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in circumstances authorized by the Secretary.

"(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

"(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

"(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

"(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

"(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

"(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

"§7903. Education debt reduction program

"(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

"(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

"(1) has completed a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

"(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

"(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

"(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

"(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

"(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

"(2) The Secretary shall make such a payment—

"(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

"(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

"(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

"(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

"(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

"(1) tuition expenses; and

"(2) all other reasonable educational expenses, including fees, books, and laboratory expenses.

"§ 7904. Preferences in awarding financial assistance

"In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

"(1) Veterans with service-connected disabilities.

"(2) Veterans.

"(3) Persons described in section 4215(a)(1)(B) of this title.

"(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

"(5) Citizens of the United States.

"§ 7905. Requirement of honorable discharge for veterans receiving assistance

"No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

"§ 7906. Regulations

"The Secretary shall prescribe regulations for the administration of this chapter.

"§ 7907. Termination

"The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, and of part V of title 38, are each amended by inserting after the item relating to chapter 78 the following new item:

"79. Information Security Education Assistance Program 7901".

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), may only apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

TITLE X—OTHER MATTERS

SEC. 1001. NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS.

To the extent that the Secretary of Veterans Affairs is required or directed, under any provision of law, to provide written notice to any committee of Congress other than the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives on the transfer of appropriations from one account to any other account, the Secretary shall also transmit such notice to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 1002. CLARIFICATION OF CORRECTIONAL FACILITIES COVERED BY CERTAIN PROVISIONS OF LAW.

(a) PAYMENT OF PENSION DURING CONFINEMENT IN PENAL INSTITUTIONS.—Section 1505(a) is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

(b) ALLOWANCES FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.—Section 3108(g)(1) is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

(c) EDUCATIONAL ASSISTANCE BENEFITS FOR POST-VIETNAM ERA VETERANS.—Section 3231(d)(1) is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

(d) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCES FOR VETERANS GENERALLY.—Section 3482(g)(1) is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

(e) COMPUTATION OF EDUCATIONAL ASSISTANCE ALLOWANCE FOR SURVIVORS AND DEPENDENTS.—Section 3532(e) is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

(f) LIMITATION ON PAYMENT OF COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.—Section 5313 is amended by striking "or local penal institution" each place it appears and inserting "local, or other penal institution or correctional facility".

(g) LIMITATION ON PAYMENT OF CLOTHING ALLOWANCE.—Section 5313A is amended by striking "or local penal institution" and inserting "local, or other penal institution or correctional facility".

SEC. 1003. EXTENSION OF AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e)(3)(D) is amended by striking "December 31, 2005" and inserting "December 31, 2007".

SEC. 1004. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting "of 1938" after "Act".

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking "Robert B." and inserting "Robert T.".

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking "under this chapter" and inserting "established under section 3722 of this title".

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking "into the strategic" and all that follows through "and Results Act of 1993" and inserting "into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31".

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking "effective October 1, 2003,"; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking "shall be implemented no later than October 1, 2003, and"; and

(ii) in the third sentence, by striking ", following implementation of the schedule,".

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking "Robert B." and inserting "Robert T ".

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking "101(25)(d)" and inserting "101(25)(D)"; and

(2) by striking "3011(a)(1)(A)(ii)(II)" and inserting "3011(a)(1)(A)(ii)(III)".

SEC. 1005. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 is amended—

(1) in subsection (a), by striking "$112" and inserting "$115";

(2) in subsection (b), by striking "$218" and inserting "$225";

(3) in subsection (c), by striking "$337" and inserting "$348";

(4) in subsection (d), by striking "$485" and inserting "$501";

(5) in subsection (e), by striking "$690" and inserting "$712";

(6) in subsection (f), by striking "$873" and inserting "$901";

(7) in subsection (g), by striking "$1,099" and inserting "$1,135";

(8) in subsection (h), by striking "$1,277" and inserting "$1,319";

(9) in subsection (i), by striking "$1,436" and inserting "$1,483";

(10) in subsection (j), by striking "$2,393" and inserting "$2,471";

(11) in subsection (k)—

(A) by striking "$87" both places it appears and inserting "$89"; and

(B) by striking "$2,977" and "$4,176" and inserting "$3,075" and "$4,313", respectively;

(12) in subsection (l), by striking "$2,977" and inserting "$3,075";

(13) in subsection (m), by striking "$3,284" and inserting "$3,392";

(14) in subsection (n), by striking "$3,737" and inserting "$3,860";

(15) in subsections (o) and (p), by striking "$4,176" each place it appears and inserting "$4,313";

(16) in subsection (r)—

(A) in paragraph (1), by striking "$1,792" and inserting "$1,851"; and

(B) in paragraph (2), by striking "2,669" and inserting "$2,757"; and

(17) in subsection (s), by striking "$2,678" and inserting "$2,766".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) is amended—

(1) in subparagraph (A), by striking "$135" and inserting "$139";

(2) in subparagraph (B), by striking "$233" and "$68" and inserting "$240" and "$70", respectively;

(3) in subparagraph (C), by striking "$91" and "$68" and inserting "$94" and "$70", respectively;

(4) in subparagraph (D), by striking "$109" and inserting "$112";

(5) in subparagraph (E), by striking "$257" and inserting "$265"; and

(6) in subparagraph (F), by striking "$215" and inserting "$222".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 is amended by striking "$641" and inserting "$662".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 is amended—

(A) in paragraph (1), by striking "$1,033" and inserting "$1,067"; and

(B) in paragraph (2), by striking "$221" and inserting "$228".

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$1,067	W-4	$1,276
E-2	$1,067	0-1	$1,128
E-3	$1,067	0-2	$1,165
E-4	$1,067	0-3	$1,246
E-5	$1,067	0-4	$1,319
E-6	$1,067	0-5	$1,452
E-7	$1,104	0-6	$1,637
E-8	$1,165	0-7	$1,768
E-9	$1,215 [1]	0-8	$1,941
W-1	$1,128	0-9	$2,076
W-2	$1,172	0-10	$2,276 [2]
W-3	$1,207		

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking "$257" and inserting "$265";

(B) in subsection (c), by striking "$257" and inserting "$265"; and

(C) in subsection (d), by striking "$122" and inserting "$126".

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) is amended—

(A) in paragraph (1), by striking "$438" and inserting "$452";

(B) in paragraph (2), by striking "$629" and inserting "$649";

(C) in paragraph (3), by striking "$819" and inserting "$846"; and

(D) in paragraph (4), by striking "$819" and "$157" and inserting "$846" and "$162", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 is amended—

(A) in subsection (a), by striking "$257" and inserting "$265";

(B) in subsection (b), by striking "$438" and inserting "$452"; and

(C) in subsection (c), by striking "$218" and inserting "$225".

SEC. 1006. COORDINATION OF PROVISIONS WITH VETERANS PROGRAMS EXTENSION ACT OF 2006.

(a) EARLIER ENACTMENT OF THIS ACT.—If this Act is enacted before the Veterans Programs Extension Act of 2006 is enacted into law, the Veterans Programs Extension Act of 2006, and the amendments made by that Act, shall not take effect.

(b) EARLIER ENACTMENT OF VETERANS PROGRAMS EXTENSION ACT OF 2006.—If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006, then as of the date of the enactment of this Act, the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.

Amend the title so as to read "An Act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and health-care programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.".

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid on the table, and any statements be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORMING THE POSTAL LAWS OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6407 which was received from the House.

The PRESIDING OFFICER. The clerk will report bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6407) to reform the postal laws of the United States.

There being no objection, the Senate proceeded to consider the bill.

DISCRETIONARY BUDGET TRANSFER

Mrs. MURRAY. Mr. President, I rise, first and foremost, to congratulate Chairman COLLINS and Senator CARPER for getting their postal reform bill to the finish line. This bill has been a gargantuan task for both Senators. It has been a long time coming. Some have observed that it has taken over 30 years for the Congress to pass legislation that fundamentally reforms the Postal Service. This bill is critically important to the long-term fiscal health of our Postal Service. It is equally important to the well-being of all our postal workers as well as the needs of all citizens and businesses, large and small, which use our Postal Service.

As both of the managers are aware, there was an important issue that threatened to derail this legislation at the last minute. Specifically, there is a provision in this final bill that has been interpreted as having the effect of transferring some $200 million in annual costs from the Postal Service to the discretionary budget. More specifically, those costs that previously were covered through mandatory spending would have to be covered within the tight discretionary budget ceiling of the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies.

I currently serve as the ranking member of that subcommittee, and I expect to serve as its chairman when the 110th Congress convenes. Over the course of the 109th Congress, I have spent a great deal of time working with Chairman KIT BOND to put together an appropriations bill that meets all of the disparate needs addressed in our bill. I can tell my colleagues, we do not have an extra $200 million available within our allocation to cover the costs of the Postal Service. When the 110th Congress convenes, we are likely to have to mark up an appropriations bill for the current fiscal year that will be even tighter than the bill our committee reported back in July. As such, I can assure my colleagues that we will not be in a position to take on these costs this year, next year, or in any other year.

It is important to point out that these costs that are proposed to be transferred to the Committee on Appropriations are not new costs to the Postal Service. We are accustomed to the practice of authorizing committees enacting authorizations for new or expanded activities in the hope that the Appropriations Committee will be in a position to fund them. But this situation is something very different. Under the provisions originally included in this bill, the burden of financing the ongoing costs of the Postal Rate Commission, renamed the Postal Regulatory Commission, and the USPS inspector general would have suddenly been shifted to the Appropriations Committee.

My understanding is that the original intent of this provision was to provide both the Commission and the IG's office with an added degree of budget autonomy and independence. However, the original provision had a much more dramatic effect. I make no apology for insisting on changes to this bill to keep it from happening.

I am pleased to say that, through a series of discussions today with my good friend and colleagues. Senators COLLINS and CARPER, we have been able to negotiate some important changes to the original bill. Specifically, the provision that seeks to transfer the funding burden of these activities to the Appropriations Committee will now be delayed until fiscal year 2009. Given the shortness of time and the critical need to pass this important legislation today, before this Congress adjourns, I agreed to this change rather than insisting that the entire funding transfer be stricken. I wish to make clear that my position on this bill tonight should not be viewed as signaling any intent on my part to fund these activities in 2009 and beyond. To the contrary, I do not anticipate that the Appropriations Committee will be in a position to fund these activities in 2009, 2010, or in any other year. I agreed to this date change to give the Committee on Homeland Security and Governmental Affairs a full 22 months—almost 2 years—to revisit this legislation and bring the costs of these activities back into the mandatory budget. If not, these activities will go unfunded. And it will not be the fault of the Appropriations Committee if they do go unfunded. My colleagues on the Homeland Security and Governmental Affairs Committee are on notice and the Postmaster General is on notice. The funding transfer included in this bill for 2009 and beyond will need to be fixed. My subcommittee has no intention of absorbing these costs. It will be the responsibility of the Homeland Security and Governmental Affairs Committee to bring them back within the revenues available to the Postal Service.

Mr. CARPER. I thank my friend for her statement and for her help in moving this critical bill through the Senate tonight. I agree with her that the Appropriations Committee should not bear the burden of funding the Postal Regulatory Commission and the USPS inspector general. While it is important that the Commission and the inspector general enjoy the new independence from postal management that we seek to extend them in this bill, it is unfair to do so by taking scarce resources away from the critical programs overseen by the Appropriations subcommittee Senator MURRAY will soon lead. Our imprecision in drafting the section of our bill that Senator MURRAY refers to should not make her already difficult job even harder.

In the coming weeks and months, I pledge to work closely with Senator MURRAY, her colleagues on the Appropriations Committee, and my colleagues on the Homeland Security Committee in seeking a permanent solution to the problematic language that Senator MURRAY has brought to our attention.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6407) was ordered to a third reading, was read the third time, and passed.

HENRY J. HYDE UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006—CONFERENCE REPORT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 5682, the United States-India nuclear agreement, that the conference report be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I wish to make an important note regarding a provision in the conference agreement on H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006.

The conferees on this legislation believe that one of the most important aspects of renewed nuclear cooperation with India will be the new safeguards agreement it enters into with the International Atomic Energy Agency, IAEA, that would apply to its expanded list of declared civilian nuclear sites, facilities, and locations.

The administration's original legislation concerning India, which I introduced as S. 2429 on March 16, 2006, stated with regard to this matter that the President had to determine that "an agreement has entered into force between India and the IAEA requiring the application of safeguards in accordance with IAEA practices to India's civil nuclear facilities."

As a part of the committee's consideration of the administration's proposal, I asked a number of questions for the record regarding this new safeguards agreement. Secretary Rice stated in response to a question asked in April of this year regarding India's new safeguards agreement that:

> This Initiative will only allow for nuclear cooperation to proceed with civil facilities and programs that are safeguarded by the IAEA. The Government of India has agreed that these safeguards will be in place in perpetuity. Under the Initiative, India has committed to place all its current and future civil nuclear facilities under IAEA safeguards, including monitoring and inspections. These procedures are designed to detect—and thereby prevent—the diversion to military use of any nuclear materials, technologies, or equipment provided to India's civil nuclear facilities. India has also committed to sign and adhere to an Additional Protocol, which provides for even broader IAEA access to facilities and information regarding nuclear related activities.

In March of this year, Senator BIDEN asked Under Secretaries Robert Joseph and Nicholas Burns how they interpreted certain Indian statements regarding their new safeguards agreement, specifically India's contention that it will be "India-specific." They stated:

> "It will be incumbent on India to clarify what it means by 'India-specific' safeguards in the context of its negotiations with the IAEA. In our view, the safeguards agreement for India will be unique to India because India presents a unique set of circumstances. India has agreed to place all its civil nuclear facilities under safeguards in a phased manner, along with future civil facilities, but India is not an NPT party and will have non-civil facilities and material outside of safeguards. However, there is an accepted IAEA framework for safeguards (INFCIRC/66) that pre-dates the NPT and is suited to safeguarding material in a non-NPT party without full-scope safeguards. In its separation plan, India has committed to safeguards in perpetuity."

In November 2005, I asked Under Secretary Joseph what kinds of safeguards will be applied to India's declared civil sites, facilities, and locations. He responded that:

> "Safeguards agreements are modeled after INFCIRC/153 (the NPT safeguards agreement) or INFCIRC/66 (the Agency's safeguards system predating the NPT). India will not likely sign a safeguards agreement based strictly on INFCIRC/153, as this would require safeguards on India's nuclear weapons program. NPT-acknowledged nuclear weapon states have so-called 'voluntary' safeguards agreements that draw on INFCIRC/153 language, but do not obligate the IAEA to actually apply safeguards and do allow for the removal of facilities or material from safeguards. We heard from other states at the recent NSG meeting that they would not support a "voluntary offer" arrangement as, in their view, it would be tantamount to granting de facto nuclear weapon state status to India. We have similarly indicated to India that we would not view such an arrangement as defensible from a nonproliferation standpoint. We therefore believe that the logical approach to formulating a safeguards agreement for India is to use INFCIRC/66, which is currently used at India's four safeguarded reactors. For the most part, INFCIRC/66 and INFCIRC/153 agreements result in very similar technical measures actually applied at nuclear facilities."

In view of these responses, and since S. 2429 contained similar language, the Senate's India bill, S. 3709, specified with regard to India's safeguards agreement, and the determination the President had to make regarding it, that "an agreement between India and the IAEA requiring the application of safeguards in perpetuity in accordance with IAEA standards, principles, and practices to civil nuclear facilities, programs, and materials . . . has entered into force and the text of such agreement has been made available to the appropriate congressional committees."

The conference agreement before us today does not include the language from the S. 3709 regarding this element of the Presidential determination required to use the waiver authority we grant. Rather, the conference agreement provides in section 104(b)(2) that "India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices, (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs . . . including materials used in or produced through the use of India's civil nuclear facilities."

The conferees were assured by administration officials that the language referring to "all legal steps" includes approval by the IAEA Board of Governors. The conferees understand that safeguards agreements are signed after Board of Governors' approval, but that entry into force can take additional time. Since Board of Governors' approval would mean that the text of the safeguards agreement would be final, and it is unlikely that either the IAEA or India would sign an agreement that is not final, conferees agreed to this language. The conferees' intent was to secure as final a text as possible for congressional review since the text of the new Indian safeguards agreement would be submitted to Congress as a part of the Presidential determination and waiver authority contained in section 104 of this conference agreement. It is the view of the conferees that this language means that Congress will receive the final text of such an agreement as a part of the President's determination.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. The Senate will shortly take a momentous step in U.S.-India relations by passing the conference report on H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006. Enactment of this legislation brings us much closer to the day when India will resume peaceful nuclear commerce, despite its status as a state that has nuclear weapons and has never been a state party to the Nuclear Non-Proliferation Treaty. It will help bring India into the global nuclear nonproliferation system. It also helps to remove a major irritant in the relations between our two countries.

This bill is a tremendous victory for U.S.-India relations. And it increases the prospect for stability and progress in South Asia and the rest of the world.

It has become cliché to speak of the U.S.-India relationship as a bond between the world's oldest democracy and the world's largest democracy—but this cliché is also a fact. Shared political values are the foundation for our relationship, a firm belief in the dignity of man and the consent of the governed.

Senator LUGAR and I yield to no one in our commitment to nuclear nonproliferation. We have taken great care, in this legislation, to protect the role of Congress and of the international institutions that enforce nuclear nonproliferation.

This legislation was the result of hard compromises—compromises between our two countries and between Congress and the executive branch. The end result, however, was overwhelming bipartisan support, in both the House and the Senate. That level of broad, solid, bipartisan buy-in was absolutely essential when crafting legislation with such long-term impact on vital American interests.

I want to pay special tribute tonight to the chairman of the Senate Foreign Relations Committee, Senator LUGAR of Indiana, for his tremendous contribution to securing that broad, bipartisan consensus. The administration originally proposed legislation that would have effectively taken away the power of Congress to review an agreement for nuclear cooperation with India, and Senator LUGAR was under great pressure to accept that proposal. He did not do that. Instead, he held four hearings—three open and one closed—that allowed all sides to express their views and that enabled Senators from both parties to raise their concerns with the approval procedure that the administration had proposed. Then he and I worked to craft a Senate bill that passed by a vote of 16–2 in committee and 85–12 on the floor of the Senate.

Senator LUGAR performed a signal service to our country when he added title II to this legislation, the implementing legislation for the U.S. Additional Protocol with the International Atomic Energy Agency. It is fitting that this legislation has been combined with the India nuclear bill, since part of the nuclear deal is for India to negotiate its own Additional Protocol with the IAEA. It will also be a notable benefit to U.S. nuclear nonproliferation policy when the United States finally ratifies its Additional Protocol, giving our country greater credibility as it presses other countries to allow the IAEA to increase its inspections of their nuclear programs. Ratification of the U.S.-IAEA Additional Protocol was long delayed, and Senator LUGAR's leadership on this issue was absolutely vital to this final, successful conclusion.

In conference with the House of Representatives, Senator LUGAR and I once again worked for a measure that could gain broad support from the Senate. We worked with the House conferees to craft a bill that embodied the best ideas from each house of Congress. At the same time, we worked with the Administration to reach agreement on a wide range of issues, without sacrificing the principles that each house had written into its legislation. We and the other conferees chose substance over rhetoric. The result is a conference report that will command the same broad, bipartisan support today that was demonstrated in the Senate 3 weeks ago.

I would like also to acknowledge the staff members who have contributed to the success of this legislation. On the Senate side, the Foreign Relations Committee was most ably served by Ken Myers III, Thomas Moore, Edward Levine and Brian McKeon. Mr. Stephen Rademaker of the majority leader's staff was also an important contributor to our efforts. On the House side, the conferees were most ably served by Douglas Seay, David Fite and David Abramowitz, among others.

The U.S.-India agreement is much more than just a nuclear deal. I believe historians will see this as part of a dramatic and positive departure in the U.S.-India relationship that was begun by President Clinton and continued by President Bush.

In a time when relationships between states are critically important in shaping the world in which we live, no relationship is more important than the one we're building with India. There is still much to be done in India, as a stable and secure India is very much in America's national interest. We should work to help India increase its energy production, combat terrorism, and guard against epidemics of infectious diseases. We should help both India and Pakistan to ease tensions between their countries and, someday, to walk back from the nuclear precipice. And India should continue its progress toward the front rank of world leaders, and especially of leaders in combating the proliferation of nuclear, chemical and biological weapons. Enactment of this bill today helps both countries to keep moving on the path of cooperation for a better world.

In conclusion, I would like to turn to an issue raised recently by some experts, whether the legislation before us, by citing a particular IAEA document, might undermine the principle of perpetuity of safeguards in India. My view is that the IAEA document makes a real contribution to our understanding of safeguards perpetuity.

The document cited by this legislation appears in section 104(b)(2), the second determination that the President will have to make when submitting a U.S.-India agreement for nuclear cooperation to the Congress. It is an IAEA Board of Governors memo cited as GOV/1621 of 20 August 1973. We have been given permission to publish this document, so I will ask that it be printed in the RECORD at the end of these remarks.

The Board of Governors memo makes clear that safeguards on nuclear material will extend until that material no longer has any possible nuclear weapons use, or until it is exchanged with an equal amount of previously unsafeguarded material, or until it leaves the country—in which case safeguards may continue elsewhere. In other words, if you move some imported fuel or equipment to a new location, that location becomes subject to safeguards.

The memo also makes clear that safeguards on "nuclear material, equipment, facilities or non-nuclear material" supplied to a nuclear facility will apply as well to fissile material "produced, processed or used in or in connection with" a safeguarded facility. In other words, any fissile material produced by a safeguarded facility becomes subject to safeguards even after it leaves that facility. Until that output no longer has any possible nuclear weapons use, safeguards follow it; that is a real example of perpetuity of sanctions.

At the same time, perpetuity does not mean that a facility will be subject to safeguards until the end of time. A facility can be decommissioned so that it, too, no longer has any possible nuclear weapons use. Or, if the only reason for safeguards is that the facility has imported equipment or material, removal of all such equipment or material from the facility could render it eligible for removal from safeguards. Thus, India's reprocessing plant is safeguarded when it handles spent fuel from imported uranium, but not when India is using it to reprocess spent fuel made from domestic uranium. That is the way safeguards have worked for years in India.

The Government of India has announced that eight more of its existing power reactors will be declared as civil and opened to IAEA inspection. India would gain great credibility if it were to let those reactors be inspected even if they use domestic nuclear fuel. Indian officials have suggested, however, that they may insist upon the right to remove those reactors from safeguards if foreign fuel supplies are cut off, and the safeguards agreement that India negotiates with the IAEA may allow for that. There is precedent for such an arrangement, in states that do not have full-scope safeguards, and it would be up to the IAEA Board of Governors, of which the United States is a member, to decide whether that arrangement was permissible in this case. It would be up to Congress and the Nuclear Suppliers Group, of course, to consider whether that sort of safeguards arrangement was sufficient to warrant authorizing peaceful nuclear commerce with India. And it would be up to the executive branch to determine whether to authorize a particular export to India, in light of the safeguards that would govern the facility for which the export was requested.

India has also said that many new power reactors will be put under IAEA safeguards. If those reactors are foreign-built, like the Tarapur reactor, there will be no way that they can be withdrawn from safeguards unless they are decommissioned. If they are domestic designs but use some foreign equipment, there will be no way to withdraw them from safeguards without first removing the foreign equipment. And if foreign equipment should be used in one of the eight domestically built reactors that are put under safeguards, then that equipment, too, would have to be removed before that reactor could be removed from safeguards.

As a matter of principle, then, perpetuity in safeguards applies more to material and equipment than it does to a whole facility, unless that facility is foreign-built. In practice, however, the only reactors that India might pull out of its safeguards regime would be the eight newly-safeguarded ones, and I believe that the only time that this might occur would be if India were to come under sanctions because of improper nuclear activities or weapons proliferation. In such a case, the regime for nuclear cooperation with India would likely be collapsing anyway.

The material follows.

SAFEGUARDS

(b) THE FORMULATION OF CERTAIN PROVISIONS IN AGREEMENTS UNDER THE AGENCY'S SAFEGUARDS SYSTEM (1965, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

Memorandum by the Director General

(1) A substantial number of Governors have urged that there should be a greater degree of standardization than in the past with respect to the duration and termination of such agreements as may henceforth be concluded under the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968) for the application of safeguards in connection with nuclear material, equipment, facilities or non-nuclear material supplied to States by third parties. To achieve this, it is recommended that the following two concepts should be reflected in these agreements:

(a) That the duration of the agreement should be related to the period of actual use of the items in the recipient State; and

(b) That the provisions for terminating the agreement should be formulated in such a way that the rights and obligations of the parties continue to apply in connection with supplied nuclear material and with special fissionable material produced, processed or used in or in connection with supplied nuclear material, equipment, facilities or non-nuclear material, until such time as the Agency has terminated the application of safeguards thereto, in accordance with the provisions of paragraph 26 or 27 of the Agency's Safeguards System.

A short exposition with respect to the application of these concepts is annexed hereto.

(2) The proposed standardization would appear likely to facilitate the uniform application of safeguards measures. It is furthermore to be noted that the combined operation of the two concepts would be consistent with the application of the general principle embodied in paragraph 16 of the Agency's Safeguards System.

REQUESTED ACTION BY THE BOARD

(3) In bringing this matter to the Board's attention, the Director General seeks the views of the Board as to whether it concurs with the two concepts set out in paragraph 1 above.

ANNEX

(1) In the case of receipt by a State of source or special fissionable material, equipment, facilities or non-nuclear material from a supplier outside that State, the duration of the relevant agreement under the Agency's Safeguards System would be related to the actual use in the recipient State of the material or items supplied. This may be accomplished by requiring, in accordance with present practice, that the material or items supplied be listed in the inventory called for by the agreement.

(2) The primary effect of termination of the agreement, either by act of the parties or effluxion of time, would be that no further supplied nuclear material, equipment, facilities or non-nuclear material could be added to the inventory. On the other hand, the rights and obligations of the parties, as provided for in the agreement, would continue to apply in connection with any supplied material or items and with any special fissionable material produced, processed or used in or in connection with any supplied material or items which had been included in the inventory, until such material or items had been removed from the inventory.

(3) With respect to nuclear material, conditions for removal are those set out in paragraph 26 or 27 of the Agency's Safeguards System; with respect to equipment, facilities and non-nuclear material, conditions for removal could be based on paragraph 26. A number of agreements already concluded have prescribed such conditions in part, by providing for deletion from the inventory of nuclear material, equipment and facilities which are returned to the supplying State or transferred (under safeguards) to a third State. The additional provisions contemplated would stipulate that items or non-nuclear material could be removed from the purview of the agreement if they had been consumed, were no longer usable for any nuclear activity relevant from the point of view of safeguards or had become practicably irrecoverable.

(4) The effect of reflecting the two concepts in agreements would be that special fissionable material which had been produced, processed or used in or in connection with supplied material or items before they were removed from the scope of the agreement, would remain or be listed in the inventory, and such special fissionable material, together with any supplied nuclear material remaining in the inventory, would be subject to safeguards until the Agency had terminated safeguards on that special fissionable and nuclear material in accordance with the provisions of the Agency's Safeguards System. Thus, the actual termination of the operation of the provisions of the agreement would take place only when everything had been removed from the inventory.●

Mr. LUGAR. Mr. President, today the Senate passes H.R. 5682, the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act.

This agreement is the most important strategic diplomatic initiative undertaken by President Bush. By concluding this pact and the far-reaching set of cooperative agreements that accompany it, the President has embraced a long-term outlook that seeks to enhance the core strength of our foreign policy in a way that will give us new diplomatic options and improve global stability.

The Committee on Foreign Relations undertook an extensive review of this agreement. We held 4 public hearings with testimony from 17 witnesses, including Secretary of State Condoleezza Rice. We received a classified briefing from Under Secretaries of State Nick Burns and Bob Joseph. Numerous briefings were held for staff with experts from the Congressional Research Service, the State Department, and the National Security Council. I submitted more than 170 written questions for the record to the Department of State on details of the agreement and posted the answers on my web site.

The agreement allows India to receive nuclear fuel, technology, and reactors from the United States—benefits that were previously denied to India because of its status outside the Nuclear Non-Proliferation Treaty, (NPT). This pact can be a lasting incentive for India to abstain from further nuclear weapons tests and to cooperate closely with the United States in stopping proliferation, and our legislation further strengthens this situation.

The conference agreement before us is an important step toward implementing the nuclear agreement with India, but we should understand that it is not the final step. This legislation sets the rules for subsequent Congressional consideration of a so-called 123 agreement between the United States and India. A 123 agreement is the term for an agreement for civil nuclear cooperation arranged pursuant to the conditions outlined in section 123 of the Atomic Energy Act of 1954.

I am pleased to note that the conference agreement does not restrict nor does it predetermine congressional action on the forthcoming 123 agreement. Unlike the administration's original legislative proposal, this bill preserves congressional prerogatives with regard to consideration of a future 123 agreement. Under the administration's original proposal, the 123 agreement would have entered into force 90 days after submission unless both Houses of Congress voted against it and with majorities that could overcome a likely Presidential veto. I am pleased the administration changed course on this matter and agreed to submit the 123 agreement with India to Congress under existing procedures in the Atomic Energy Act. This means that both the House and the Senate must cast a positive vote of support before the 123 agreement can enter into force. In my view, this better protects Congress's role in the process and ensures congressional views will be taken into consideration. In addition, it does not limit our actions to a single "no" vote, which could have severe consequences for United States-India relations. It would be particularly risky if that were the only course available to Congress, no matter what its concerns may be.

Title II of this conference agreement contains legislation on the U.S. Additional Protocol to its safeguards agreement with the International Atomic Energy Agency AEA. President Bush called on the Senate to ratify this important agreement on February 11, 2004, and the Senate did so on March 31, 2004. This conference agreement contains important implementing provisions for our Additional Protocol that the Senate Committee on Foreign Relations has been working on for more than 2 years. This legislative measure is critical because our Additional Protocol is not a self-executing agreement, and passage of implementing legislation completes Congressional action and permits the agreement to come into force. Our action today will allow the President to complete U.S. ratification and make this Nation a party to this important IAEA safeguards measure. U.S. ratification and implementation of the Additional Protocol will give Secretary Rice and our representative to the IAEA in Vienna, Austria, an important diplomatic tool in the battle against proliferation as we maintain our longstanding leadership and support for the IAEA safeguards system. Our Additional Protocol is one part of that support, just like our annual voluntary contributions to the IAEA, and they involve significant congressional oversight and involvement. Approval of this legislation today is good news because it shows that Congress supports the critical nonproliferation work of the IAEA.

I thank Senator BIDEN for his close cooperation on developing this conference agreement. I thank our House colleagues, Chairman HYDE and Ranking Member LANTOS, for their close cooperation and hard work. Together, we have constructed a law that allows the United States to seize an important strategic opportunity while ensuring a strong congressional oversight role, reinforcing U.S. nonproliferation efforts and maintaining our responsibilities under the NPT. I also want to thank all members of the Foreign Relations Committee for their support.

Mr. BYRD. Mr. President, the Senate is set to give rubberstamp approval to legislation that would waive the most important parts of our nuclear nonproliferation laws, but only with respect to India. This so-called U.S.-India nuclear cooperation agreement is a mistake, and our Nation's efforts to draw a line in the sand against further proliferation of nuclear materials and technology may suffer as a result.

This agreement signals the willingness of the United States to look the other way when it comes to compliance with the Nuclear Non-Proliferation Treaty. At a time when nuclear weapons programs in North Korea and Iran are front-page news, the United States should not be giving its blessing to any nuclear weapons program that is not in one hundred percent compliance with all nonproliferation treaties. It is especially galling that the only thing the United States appears to be getting from this agreement is a vague assurance of improved relations. That just does not sounds like a good deal to me.

India is a strategically important country, and the influence of the world's most populous democracy is expected to increase in the coming years. Closer relations between the United States and India is a worthy goal. However, the nuclear cooperation agreement before the Senate is a bad deal for the United States, and I will not support it.

PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE SECOND SESSION OF THE ONE HUNDRED NINTH CONGRESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 503, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 503) providing for the sine die adjournment of the second session of the One Hundred Ninth Congress.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 503) was agreed to, as follows:

H. CON. RES. 503

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 8, 2006, or Saturday, December 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 8, 2006, through Wednesday, December 13, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING AGREEMENT FOR PEACEKEEPING FORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 631, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 631) urging the Government of Sudan and the international community to implement the agreement for a peacekeeping force under the command and control of the United Nations in Darfur.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, along with Senator BROWNBACK, Senator KENNEDY, and others, I rise today in support of a bipartisan resolution on the crisis in Darfur, Sudan, and the urgent need to get a robust peacekeeping force on the ground there as soon as possible.

This Congress will adjourn in the next several hours or several days, but the crisis in Darfur continues. As it continues, many innocent people will lose their lives in what our administration and most of the world has characterized as genocide.

On Wednesday of this week, in a meeting with the United States Special Envoy to the Sudan, Andrew Natsios, we asked him: What can Congress do at this point in time to help? Along with some technical changes in law that we will certainly consider, Mr. Natsios asked that we pass this resolution. Again, I think his hope is we will bring this matter to the attention of the American people and express to the world community our continuing alarm over this crisis in Darfur.

The President approved Mr. Natsios to his position in September. For months before that, many of us here in the Senate had urged the President to name a special envoy. We believed that violence and suffering in Darfur demanded a single individual in a leadership position who could devote all his time and energy to working to resolve this terrible crisis. That places a special obligation on us to listen when Mr. Natsios asks for help.

The resolution before us spells out the terrible facts of the genocide in Darfur and outlines two significant responses by the international community. The first was the passage by the United Nations Security Council of Resolution 1706, which authorized a 23,000-person peacekeeping force to Darfur, which was to be deployed no later than October 1 of this year. It is now well into December, and not a single U.N. peacekeeper has been deployed to Darfur, for the simple reason the Sudanese Government has continued to refuse to give consent to this United Nations mission to be sent expressly to protect innocent people in Darfur.

It looked for a moment last month as if Secretary General Kofi Annan had managed to break through this impasse.

On November 16, Secretary General Annan, along with the African Union, met in Ethiopia and helped broker the Addis Ababa agreement with the Sudanese Foreign Minister. This agreement laid out a roadmap for a joint or hybrid peacekeeping mission combining United Nations and African Union personnel under U.N. command and control. The Sudanese agreed to this in principle, although they did not agree on the spot to the numbers spelled out in the agreement; namely, 10,000 additional military peacekeepers and 3,000 police officers. These troops could join the 7,000 African Union monitors already in Darfur.

The resolution we have introduced on a bipartisan basis expresses the support of the United States Senate for this agreement, as well as U.N. Security Council Resolution 1706. It also declares that numbers and standards laid out in the Addis Ababa agreement represent the minimum acceptable. Hundreds of thousands of people have died in Darfur over the last 3 years; 2½ million have been driven from their homes. In recent months, violence has escalated.

You and I and our colleagues in the Senate are thinking now about holiday gifts, Christmas gifts. We are thinking about being with our families and sharing a peaceful moment in our homes with our friends and with those we love at this time of year. As we consider the safety and security of our lives in the United States as we approach this holiday season, we cannot forget those who are suffering and dying around the world and in this spot on Earth known as Darfur. You cannot pick up a newspaper in America this week without seeing full-page ads urging the United States to take action, urging Congress to take action. This resolution we pass may not save a single life, but it may start a call to arms across this country and around the world that we will not tolerate a genocide.

Over 10 years ago there was a genocide in Rwanda. Sadly, we never accepted the reality of what faced us. Sadly, we never responded. There were a few stalwart, courageous voices in the Senate. My predecessor Senator Paul Simon, and the retiring Senator from Vermont, JIM JEFFORDS, spoke out. If they had been listened to, hundreds of thousands of lives could have been spared in the Rwandan genocide. Now this is our time.

I commend President Bush and his administration for acknowledging that, indeed, we face a genocide. But having made that admission, it calls on every civilized country on earth and every civilized person on Earth to do something, not just to acknowledge this terrible human tragedy but to do something.

In our meeting this week, special envoy Natsios described one murder among many. He told us of a woman in a refugee camp whose 1-year-old baby was shot and killed by a jingaweit militia man while she held the baby in her arms. The world cannot allow this to happen. Today we express our strongest support for a real peacekeeping force for Darfur made up of African Union and U.N. personnel to save the next child in a mother's arms.

I urge the Senate to pass this resolution. I say with real regret that it is certainly the least we can do today. I certainly wish we could do more.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 631) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 631

Whereas Congress declared on July 22, 2004 that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell testified that "genocide has been committed in Darfur";

Whereas, on June 30, 2005, President Bush confirmed that "the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation";

Whereas, on May 8, 2006, President Bush stated, "We will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured.";

Whereas hundreds of thousands of people have died and over 2,500,000 have been displaced in Darfur since 2003;

Whereas the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur;

Whereas the international community has failed to hold persons responsible for crimes against humanity in Darfur accountable;

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA);

Whereas the Government of Sudan has not disarmed and demobilized the Janjaweed despite repeated pledges to do so, including in the DPA;

Whereas violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers;

Whereas violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security;

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined;

Whereas increased violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers;

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) "shall take over from [African Mission in Sudan] AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006", and that UNMIS "shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units", which "shall begin to be deployed [to Darfur] no later than 1 October 2006";

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Natsios as Presidential Special Envoy to Sudan to lead United States efforts to bring peace to the Darfur region in Sudan;

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the "Addis Ababa Agreement";

Whereas the Agreement stated that the Darfur conflict could be resolved only through an all-inclusive political process;

Whereas the Agreement stated that the DPA must be made more inclusive, and "called upon all parties—Government and DPA non-signatories—to immediately commit to a cessation of hostilities in Darfur in order to give [the peace process] the best chances for success";

Whereas the Agreement included a plan to establish a United Nations-African Union peacekeeping operation;

Whereas the Agreement stated that the peacekeeping operation would consist of 17,000 military troops and 3,000 police, and would have a primarily African character;

Whereas the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations;

Whereas the Agreement stated that command and control structures for the United Nations-African Union force would be provided by the United Nations;

Whereas the Government of Sudan's Foreign Minister agreed to the conclusions of the High Level Consultation on the Situation in Darfur, though the Foreign Minister indicated that he would need to consult with his government on the size of the peacekeeping mission;

Whereas, at an international press conference on November 27, 2006, Sudanese President Omar Hassan Al-Bashir rejected the Addis Ababa Agreement and reiterated his objections to any substantive United Nations involvement in Darfur, saying, "Troops in Darfur should be part of the [African Union] AU and under command of the AU";

Whereas it is imperative that a peacekeeping force in Darfur have the sufficient strength and mandate to provide adequate security to the people of Darfur; and

Whereas Presidential Special Envoy Andrew Natsios set December 31, 2006 as the deadline for the Government of Sudan to comply with the demands of the international community or face serious consequences: Now, therefore, be it

Resolved, That the Senate—

(1) supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement in order to increase security and stability for the people of Darfur;

(2) declares that the deployment of a United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur;

(3) further supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regards to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations-African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement;

(4) calls upon the Government of Sudan to immediately—

(A) allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(B) work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with United Nations Security Council Resolution 1706 (2006);

(5) calls upon all parties to the conflict to immediately—

(A) adhere to the 2004 N'Djamena ceasefire; and

(B) respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance;

(6) urges the President to—

(A) continue to work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the urgently needed deployment of the peacekeeping force called for by United Nations Security Council Resolution 1706;

(B) ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and working with our international partners to provide technical assistance, logistical support, intelligence gathering capabilities, and military assets;

(C) work with members of the United Nations Security Council and the international community to develop and impose a set of meaningful economic and diplomatic sanctions against the Government of Sudan should the Government of Sudan continue to refuse to cooperate with the implementation of United Nations Security Council Resolution 1706 and the principles contained in the Addis Ababa Agreement; and

(D) work with members of the United Nations Security Council and the international community to address escalating insecurity in Chad and the Central African Republic; and

(7) strongly supports United Nations Security Council Resolution 1706 and the principles embedded therein.

URGING THE UNITED STATES AND THE EUROPEAN UNION TO WORK TOGETHER TO STRENGTHEN THE TRANSATLANTIC MARKET

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 632, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 632) urging the United States and the European Union to work together to strengthen the transatlantic market.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 632) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 632

Whereas a robust and cooperative transatlantic economic relationship is in the mutual interest of the United States and the European Union;

Whereas the strength of the transatlantic economic relationship underpins global economic stability and resiliency;

Whereas the United States-European Union economic relationship is the largest bilateral trade and investment relationship in the world, generating roughly $3,000,000,000,000 in total commercial sales annually and providing employment for up to 14,000,000 people in the United States and the European Union;

Whereas, at the 2004 United States-European Union Summit, President George W. Bush and the leadership of the European Union jointly pledged to strengthen the transatlantic economic relationship by improving regulatory cooperation through the Roadmap for United States-European Union Regulatory Cooperation and Transparency;

Whereas, at the 2005 United States–European Union Summit, the United States and the European Union agreed upon numerous measures to expand economic ties, including the establishment of an official dialogue on regulatory cooperation between the Office of Management and Budget of the United States and the European Commission;

Whereas, at the 2006 United States-European Union Summit, President George W. Bush, European Union Council President Wolfgang Schuessel, and European Commission President Jose Manuel Barroso declared in a joint statement, "We will redouble our efforts to promote economic growth and innovation and reduce the barriers to transatlantic trade and investment by implementing all aspects of the Transatlantic Economic Initiative . . . .";

Whereas, on November 9, 2006, the United States and the European Union held the second economic ministerial meeting to further the implementation of the agreements of the 2005 and 2006 United States-European Union

Summits, focusing on regulatory cooperation, intellectual property rights, energy security, and innovation; and

Whereas non-tariff trade barriers such as regulatory divergence continue to pose the most significant obstacles to transatlantic trade, including in areas such as pharmaceuticals, automobile safety, information and communications technology standards, cosmetics, consumer product safety, consumer protection enforcement cooperation, unfair commercial practices, nutritional labeling, food safety, maritime equipment, eco-design, chemicals, energy efficiency, telecommunications and radiocommunications equipment, and medical devices: Now, therefore, be it

Resolved, That the Senate—

(1) supports efforts by the United States and the European Union to fulfill commitments made in recent United States-European Union Summits to implement all aspects of the United States-European Union Initiative to Enhance Transatlantic Economic Integration and Growth;

(2) calls upon the leadership of the United States and the European Union to identify and eliminate unnecessary regulatory compliance costs and non-tariff barriers to trade and investment at an accelerated pace; and

(3) urges the leadership of the United States and the European Union at the 2007 United States-European Union Summit to agree to—

(A) a target date of 2015 for completing the transatlantic market; and

(B) a jointly funded, cooperatively led study of existing obstacles to creating a transatlantic market, including sector-by-sector estimates of the costs of existing barriers to trade and investment, the costs and benefits of removing the barriers identified, and a timetable for removing those barriers.

CONDEMNING CONFERENCE DENYING THE HOLOCAUST OCCURRED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 633, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 633) condemning the conference denying that the Holocaust occurred to be held by the Government of Iran and its President, Mahmoud Ahmadinejad.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 633) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 633

Whereas, on December 11 and 12, 2006, the Foreign Ministry of Iran will convene a conference in Tehran to provide Holocaust deniers a public platform from which to espouse their hatred;

Whereas 11,000,000 people, including 6,000,000 Jews, were viciously murdered in Nazi death camps during World War II;

Whereas President Dwight Eisenhower stated unequivocally, after visiting Nazi death camps in 1945, "The things I saw beggar description. . . . The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were . . . overpowering. . . . I made the visit deliberately in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to 'propaganda'.";

Whereas the Holocaust is an undeniable fact of history and the upcoming conference in Tehran will serve only to perpetuate intolerance and hatred;

Whereas Mahmoud Ahmadinejad, the President of Iran, has repeatedly said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas the Secretary of State has identified Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and the Popular Front for the Liberation of Palestine-General Command by providing funding, training, weapons, and safe haven to such organizations;

Whereas the Government of Iran has continually defied international demands to curtail its uranium enrichment programs and development of nuclear weapons;

Whereas the Government of Iran has provided resources, material, and support to organizations whose goal is to destabilize Iraq and Lebanon; and

Whereas the outrageous statements of Mr. Ahmadinejad do not represent the beliefs of Muslims worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the conference denying that the Holocaust occured that will take place in Tehran, Iran, under the aegis of the Foreign Ministry of Iran, on December 11 and 12, 2006; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the conference and its goal of denying that the Holocaust occurred.

HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 634, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 634) honoring the life and achievements of Tom Carr, Congressional Research Service analyst, and extending the condolences of the Senate on the occasion of his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 634) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 634

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

PREEMIE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 707.

The Chair laid before the Senate a message from the House of Representatives, as follows:

S. 707

Resolved, That the bill from the Senate (S. 707) entitled "An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. PURPOSE.

It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) General Expansion of CDC Research.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.".

(b) Studies on Relationship Between Prematurity and Birth Defects.—

(1) In General.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between prematurity, birth defects, and developmental disabilities.

(2) Report.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) Pregnancy Risk Assessment Monitoring Survey.—

(1) In general.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) Authorization of Appropriations.—There is authorized to be appropriated to carry out paragraph (1)$3,000,000 for each of fiscal years 2007 through 2011.

(d) Evaluation of Existing Tools and Measures.—The Secretary of Health and Human Services shall review existing tools and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, except for subsection (c), $5,000,000 for each of fiscal years 2007 through 2011.

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

"(a) In General.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

"(b) Activities.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

"(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

"(A) the signs of preterm labor, updated as new research results become available;

"(B) the screening for and the treating of infections;

"(c) counseling on optimal weight and good nutrition, including folic acid;

"(D) smoking cessation education and counseling;

"(E) stress management; and

"(F) appropriate prenatal care;

"(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

"(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

"(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.".

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) Purpose.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) Establishment.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) Composition.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) Activities.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this Act.

SEC. 6. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) Convening of Conference.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) Purpose of Conference.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) Report.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

SEC. 7. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

(At the request of Mr. Reid, the following statement was ordered to be printed in the Record.)

● Mr. DODD. Mr. President, I rise today to speak in support of the passage of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, the PREEMIE Act. This legislation which I introduced with Senator Lamar Alexander passed unanimously in the Senate last August and I am pleased to inform my colleagues that after working with the House on some modifications to the bill, it has now passed in both Chambers.

The PREEMIE Act takes a big step toward understanding the causes of premature birth and how to prevent it. Specifically, the bill authorizes approximately $65 million over 5 years to expand and intensify activities at the Centers for Disease Control and Prevention with respect to preterm births and infant mortality, to study the relationship between prematurity and birth defects, to carry out a public and health care provider education and supportive services effort, to authorize an Interagency Coordinating Council on Prematurity and Low Birthweight, and to convene a Surgeon General's Conference on Preterm Birth which will make recommendations to the public and private sectors on ways to better identify and treat the causes of and risk factors for preterm labor and delivery.

This is not the same bill the Senate passed unanimously. To begin with, this bill authorizes $26 million less than the bill the Senate passed last August. This is due in large part to the removal of authorizations for multidisciplinary research underway at the National Institutes of Health. It is my hope that despite these changes, the NIH will continue this vital research in order to better understand the role DNA plays in prematurity and to improve maternal and fetal health outcomes.

Nearly 1 out of every 8 babies in the U.S. is born prematurely—that is more than 1,300 babies each day and more than 500,000 each year. According to recent data, in 2002 the infant mortality rate actually increased for the first time since 1958. Much of this increase is attributable to infant death in the first month of life, of which prematurity is the leading cause.

Although we know some risk factors associated with prematurity such as advanced age of the mother, smoking, and certain chronic diseases, the cause of nearly 50 percent of all premature births is still unknown. Prematurity has been linked to such long-term health problems as cerebral palsy, chronic lung disease, and vision and hearing loss.

According to a recent report by the Institute of Medicine, medical care costs due to prematurity and low birth weight were $16.9 billion in 2005, $33,200 per preterm infant. The March of Dimes estimates that about half of preterm birth medical care costs were paid for by Medicaid. For employers, health care costs for a premature baby during the first year of life average $41,610 compared to $2,830 for a full-term baby. However, none of these numbers can quantify the emotional toll a premature birth takes on a family.

That is why the PREEMIE bill is so essential. This legislation will go a long way toward helping families during what can be the most difficult moments of their baby's life and will help us better understand and prevent premature births in the future.

I conclude by thanking Senator ALEXANDER for his leadership on this legislation. He has been a terrific partner in this effort and I look forward to working with him in the 110th Congress. I also thank Chairman ENZI and Ranking Member KENNEDY and their staffs for making the passage of the PREEMIE Act a priority this Congress. Lastly, I would to recognize Page Kranbuhl of Senator ALEXANDER's staff for her work on this legislation as well as Emil Wigode, Carolyn Doyle and Jo Merrill of the March of Dimes who have stood with us every step of the way.●

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF "UNITED STATES HOUSE OF REPRESENTATIVES, THE COMMITTEE ON WAYS AND MEANS: A HISTORY, 1789–2006"

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 495, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 495), authorizing the printing as a House document of "United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006".

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 495) was agreed to.

DEPARTMENT OF STATE AUTHORITIES ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6060.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6060) to authorize certain activities by the Department of State, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6060) was ordered to a third reading, was read the third time, and passed.

PHYSICIANS FOR UNDERSERVED AREAS ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4997, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4997) to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4997) was ordered to a third reading, was read the third time, and passed.

BELARUS DEMOCRACY REAUTHORIZATION ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5948, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5948) to reauthorize the Belarus Democracy Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5948) was ordered to a third reading, was read the third time, and passed.

APPOINTING THE DAY FOR THE CONVENING OF THE FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 101 which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 101) appointing the day for the convening of the first session of the One Hundred Tenth Congress.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. I ask unanimous consent that the resolution be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 101) was ordered to a third reading, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 5782

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 502 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 502) to correct the enrollment of the bill H.R. 5782.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 502) was agreed to.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 214 to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

There being no objection, the Presiding Officer (Mr. BURR) laid before the Senate the following message from the House of Representatives:

S. 214

Resolved, That the bill from the Senate (S. 214) entitled "An Act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Transboundary Aquifer Assessment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to systematically assess priority transboundary aquifers.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term "aquifer" means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) IBWC.—The term "IBWC" means the International Boundary and Water Commission, an agency of the Department of State.

(3) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PARTICIPATING STATE.—The term "Participating State" means each of the States of Arizona, New Mexico, and Texas.

(5) PRIORITY TRANSBOUNDARY AQUIFER.—The term "priority transboundary aquifer" means a transboundary aquifer that has been designated for study and analysis under the program.

(6) PROGRAM.—The term "program" means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(7) RESERVATION.—The term "reservation" means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) TRANSBOUNDARY AQUIFER.—The term "transboundary aquifer" means an aquifer that underlies the boundary between a Participating State and Mexico.

(10) TRI-REGIONAL PLANNING GROUP.—The term "Tri-Regional Planning Group" means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(11) WATER RESOURCES RESEARCH INSTITUTES.—The term "water resources research institutes" means the institutes within the Participating States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Participating States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, and the IBWC, as appropriate, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model priority transboundary aquifers along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to identify and assess priority transboundary aquifers, including—

(A) for purposes of subsection (c)(2), specifying priority transboundary aquifers for further analysis by assessing—

(i) the proximity of a proposed priority transboundary aquifer to areas of high population density;

(ii) the extent to which a proposed priority transboundary aquifer would be used;

(iii) the susceptibility of a proposed priority transboundary aquifer to contamination; and

(iv) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) consider the expansion or modification of existing agreements, as appropriate, between the United States Geological Survey, the Participating States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary may, using the criteria under subsection (b)(1)(A), evaluate and designate additional priority transboundary aquifers which underlie New Mexico or Texas.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of priority transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Participating State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Participating States;

(2) any affected Indian tribes;

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer; and

(4) the IBWC, as appropriate.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Participating State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Participating State water resource agencies, water resources research institutes, and other relevant entities to

develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

(a) IN GENERAL.—Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Participating State with respect to managing surface or groundwater resources in the Participating State;

(2) the water rights of any person or entity using water from a transboundary aquifer; or

(3) State water law, or an interstate compact or international treaty governing water.

(b) TREATY.—Nothing in this Act shall delay or alter the implementation or operation of any works constructed, modified, acquired, or used within the territorial limits of the United States relating to the waters governed by the Treaty Between the United States and Mexico Regarding Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Treaty Series 994 (59 Stat. 1219).

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2016, the Secretary shall submit to the appropriate water resource agency in the Participating States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of priority transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2007 through 2016.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Participating States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and to implement cooperative agreements entered into with appropriate entities in Mexico to conduct specific authorized activities in furtherance of the program, including the binational collection and exchange of scientific data.

(c) CRITERIA.—Funding provided to an appropriate entity in Mexico pursuant to subsection (b) shall be contingent on that entity providing 50 percent of the necessary resources (including in-kind services) to further assist in carrying out the authorized activity.

SEC. 9. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of enactment of this Act.

Mr. FRIST. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL WATER SUPPLY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair now lay before the Senate a message from the House of Representatives to accompany S. 895 to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

There being no objection, the Presiding Officer (Mr. BURR) laid before the Senate the following message from the House of Representatives:

S. 895

Resolved, That the bill from the Senate (S. 895) entitled "An Act to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Water Supply Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Rural water supply program.
Sec. 104. Rural water programs assessment.
Sec. 105. Appraisal investigations.
Sec. 106. Feasibility studies.
Sec. 107. Miscellaneous.
Sec. 108. Reports.
Sec. 109. Authorization of appropriations.
Sec. 110. Termination of authority.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Project eligibility.
Sec. 204. Loan guarantees.
Sec. 205. Defaults.
Sec. 206. Operations, maintenance, and replacement costs.
Sec. 207. Title to newly constructed facilities.
Sec. 208. Water rights.
Sec. 209. Interagency coordination and cooperation.
Sec. 210. Records; audits.
Sec. 211. Full faith and credit.
Sec. 212. Report.
Sec. 213. Effect on the reclamation laws.
Sec. 214. Authorization of appropriations.
Sec. 215. Termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

Sec. 301. Report.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the "Reclamation Rural Water Supply Act of 2006".

SEC. 102. DEFINITIONS.

In this title:

(1) CONSTRUCTION.—The term "construction" means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this title.

(2) FEDERAL RECLAMATION LAW.—The term "Federal reclamation law" means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NON-FEDERAL PROJECT ENTITY.—The term "non-Federal project entity" means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(6) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term "operations, maintenance, and replacement costs" means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term "operations, maintenance, and replacement costs" includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term "operations, maintenance, and replacement costs" does not include construction costs.

(7) PROGRAM.—The term "Program" means the rural water supply program carried out under section 103.

(8) RECLAMATION STATES.—The term "Reclamation States" means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(9) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term "rural water supply project" means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

(B) INCLUSION.—The term "rural water supply project" includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies, including desalination facilities;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term "rural water supply project" does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(11) TRIBAL ORGANIZATION.—The term "tribal organization" means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, may carry out a rural water supply program in Reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States;

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in Reclamation States; and

(3) oversee, as appropriate, the construction of rural water supply projects in Reclamation States that are recommended by the Secretary in a feasibility report developed pursuant to section 106 and subsequently authorized by Congress.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the Program; and

(2) prioritizing requests for assistance under the Program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including impoundments and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation on population under section 102(9)(A), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Director of the Indian Health Service, the Secretary of Housing and Urban Development, and the Secretary of the Army, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the projects identified in paragraph (1) within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for new rural water supply projects;

(4) rural water programs within other agencies and a description of the extent to which those programs provide support for rural water supply projects and water treatment programs in Reclamation States, including an assessment of the requirements, funding levels, and conditions of eligibility for the programs assessed;

(5) the extent of the demand that the Secretary can meet with the Program;

(6) how the Program will complement authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults; and

(7) improvements that can be made to coordinate and integrate the authorities of the agencies with programs evaluated under paragraph (4), including any recommendations to consolidate some or all of the activities of the agencies with respect to rural water supply.

(b) CONSULTATION WITH STATES.—Before finalizing the assessment developed under subsection (a), the Secretary shall solicit comments from States with identified rural water needs.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is a cost-effective alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—In accordance with subsection (f), after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(G) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(H) preliminary cost estimates for the project; and

(I) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—

(1) IN GENERAL.—Not later than 90 days after the date of submission of an appraisal investigation under paragraph (1) or (3) of subsection (a), the Secretary shall provide to the non-Federal entity that conducted the investigation a determination of whether the investigation has included the information necessary to determine whether the proposed rural water supply project satisfies the criteria promulgated under subsection (d).

(2) NO SATISFACTION OF CRITERIA.—If the Secretary determines that the appraisal investigation submitted by a non-Federal entity does not satisfy the criteria promulgated under subsection (d), the Secretary shall inform the non-Federal entity of the reasons why the appraisal investigation is deficient.

(3) RESPONSIBILITY OF SECRETARY.—If an appraisal investigation as first submitted by a non-Federal entity does not provide all necessary information, as defined by the Secretary, the Secretary shall have no obligation to conduct further analysis until the non-Federal project entity submitting the appraisal study conducts additional investigation and resubmits the appraisal investigation under this subsection.

(f) APPRAISAL REPORT.—Once the Secretary has determined that an investigation provides the information necessary under subsection (e), the Secretary shall—

(1) complete the appraisal report required under subsection (c);

(2) make available to the public, on request, the appraisal report prepared under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(g) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(C) FORM.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the appraisal investigation.

(h) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3)(A) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(i) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(ii) using the non-Federal project entity to conduct the feasibility study is a cost-effective alternative for completing the appraisal investigation; or

(B) if the Secretary determines not to provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity under subparagraph (A), provide to the non-Federal project entity notice of the determination, including an explanation of the reason for the determination.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) REVISIONS.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) FEASIBILITY FACTORS.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the area to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project that includes a schedule identifying the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which assistance for rural water supply is available under other Federal authorities;

(13) the engineering, environmental, and economic activities to be undertaken to carry out the proposed rural water supply project;

(14) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(15) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) FEASIBILITY STUDY CRITERIA.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) INCLUSIONS.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) FEASIBILITY REPORT.—

(1) IN GENERAL.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) CAPABILITY-TO-PAY.—

(1) IN GENERAL.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay 25 percent or more of the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) FACTORS.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) INDIAN TRIBES.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) LARGER COMMUNITIES.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the non-Federal project entity to pay more than 50 percent of the costs of the study.

(h) CONSULTATION AND COOPERATION.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) TRANSFER OF PROJECTS.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) FEDERAL RECLAMATION LAW.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) INTERAGENCY COORDINATION.—The Secretary shall coordinate the Program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) MULTIPLE INDIAN TRIBES.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) OWNERSHIP OF FACILITIES.—Title to any facility planned, designed, and recommended for construction under this title shall be held by the non-Federal project entity.

(g) EXPEDITED PROCEDURES.—If the Secretary determines that a community to be served by a proposed rural water supply project has urgent and compelling water needs, the Secretary shall, to the maximum extent practicable, expedite appraisal investigations and reports conducted under section 105 and feasibility studies and reports conducted under section 106.

(h) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(i) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. REPORTS.

Beginning in fiscal year 2007, and each fiscal year thereafter through fiscal year 2012, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report that describes the number and type of full-time equivalent positions in the Department of the Interior and the amount of overhead costs of the Department of the Interior that are allocated to carrying out this title for the applicable fiscal year.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2007 and 2008.

(c) CONSTRUCTION COSTS.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

SEC. 110. TERMINATION OF AUTHORITY.

The authority of the Secretary to carry out this title terminates on September 30, 2016.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Twenty-First Century Water Works Act".

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term "lender" means—

(A) a non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)); or

(B) a clean renewable energy bond lender (as defined in section 54(j)(2) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this Act)).

(3) LOAN GUARANTEE.—The term "loan guarantee" has the meaning given the term "loan guarantee" in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(4) NON-FEDERAL BORROWER.—The term "non-Federal borrower" means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) OBLIGATION.—The term "obligation" means a loan or other debt obligation that is guaranteed under this section.

(6) PROJECT.—The term "project" means—

(A) a rural water supply project (as defined in section 102(9));

(B) an extraordinary operation and maintenance activity for, or the rehabilitation or replacement of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law; or

(C) an improvement to water infrastructure directly associated with a reclamation project that, based on a determination of the Secretary—

(i) improves water management; and

(ii) fulfills other Federal goals.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) AMOUNT.—Loan guarantees by the Secretary shall not exceed an amount equal to 90 percent of the cost of the project that is the subject of the loan guarantee, as estimated at the time at which the loan guarantee is issued.

(3) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level

that the Secretary determines to be appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NONSUBORDINATION.—An obligation shall be subject to the condition that the obligation is not subordinate to other financing.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. DEFAULTS.

(a) PAYMENTS BY SECRETARY.—

(1) IN GENERAL.—If a borrower defaults on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

(2) PAYMENT REQUIRED.—By such date as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on, and unpaid principal of, the obligation with respect to which the borrower has defaulted, unless the Secretary finds that there was not default by the borrower in the payment of interest or principal or that the default has been remedied.

(3) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the non-Federal borrower that may be agreed on by the parties to the obligation and approved by the Secretary.

(b) SUBROGATION.—

(1) IN GENERAL.—If the Secretary makes a payment under subsection (a), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan guarantee or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law) to—

(A) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the loan guarantee or related agreements; or

(B) permit the non-Federal borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines the purposes to be in the public interest.

(2) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

(c) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the non-Federal borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

(1)(A) the non-Federal borrower is unable to meet the payments and is not in default;

(B) it is in the public interest to permit the non-Federal borrower to continue to pursue the purposes of the project; and

(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the non-Federal borrower is obligated to pay under the agreement being guaranteed; and

(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

(d) ACTION BY ATTORNEY GENERAL.—

(1) NOTIFICATION.—If the non-Federal borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

(2) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(A) such assets of the defaulting non-Federal borrower as are associated with the obligation; or

(B) any other security pledged to secure the obligation.

SEC. 206. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 207. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 208. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 209. INTERAGENCY COORDINATION AND COOPERATION.

(a) CONSULTATION.—The Secretary shall consult with the Secretary of Agriculture before promulgating criteria with respect to financial appraisal functions and loan guarantee administration for activities carried out under this title.

(b) MEMORANDUM OF AGREEMENT.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 210. RECORDS; AUDITS.

(a) IN GENERAL.—A recipient of a loan guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

SEC. 211. FULL FAITH AND CREDIT.

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

SEC. 212. REPORT.

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 203(a), and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 204.

SEC. 213. EFFECT ON THE RECLAMATION LAWS.

(a) RECLAMATION PROJECTS.—Nothing in this title supersedes or amends any Federal law associated with a project, or a portion of a project, constructed under the reclamation laws.

(b) NO NEW OR SUPPLEMENTAL BENEFITS.—Any assistance provided under this title shall not—

(1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or

(2) affect any contract in existence on the date of enactment of this Act that is executed under the reclamation laws.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

SEC. 215. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority of the Secretary to carry out this title terminates on the date that is 10 years after the date of enactment of this Act.

(b) EXCEPTION.—The termination of authority under subsection (a) shall have no effect on—

(1) any loans guaranteed by the United States under this title; or

(2) the administration of any loan guaranteed under this title before the effective date of the termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

SEC. 301. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes any impediments and activities that significantly delay the ability of the Secretary to complete timely transfers of title to reclamation facilities to qualified non-Federal entities under laws authorizing the transfers.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any appropriate non-Federal parties, including reclamation water and power customers.

Amend the title so as to read "An Act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.".

Mr. FRIST. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRATIC REPUBLIC OF THE CONGO RELIEF, SECURITY, AND DEMOCRACY PROMOTION ACT OF 2006

Mr. FRIST. Mr President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2125

Resolved, That the bill from the Senate (S. 2125) entitled "An Act to promote relief, security, and democracy in the Democratic Republic of the Congo", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006".

TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that "[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity.".

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, "In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.".

(3) According to the United States Agency for International Development, "Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States.".

(4) The Democratic Republic of the Congo is 2,345,410 square miles (approximately ¼ the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

(5) The most recent war in the Democratic Republic of the Congo, which erupted in 1998, spawned some of the world's worst human rights atrocities and drew in six neighboring countries.

(6) Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.

(7) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous six years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure, making this one of the deadliest conflicts since World War II.

(8) In 2004, Amnesty International estimated that at least 40,000 women and girls were systematically raped and tortured in the Democratic Republic of the Congo since 1998, and nearly two-thirds of ongoing abuses against women and girls are perpetrated by members of the security forces, particularly the Forces Armes de la Republique Democratique du Congo (FARDC) and the Police Nationale Congolaise (PNC).

(9) According to the Department of State, "returning one of Africa's largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance".

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government and the succeeding government to implement fully and to institutionalize mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign created for the July 30, 2006, elections and future elections in the Democratic Republic of the Congo, to ensure that elections are carried out in a fair and democratic manner;

(2) to urge the Government of the Democratic Republic of the Congo to recognize and act upon its responsibilities to immediately bring discipline to its security forces, hold those individuals responsible for atrocities and other human rights violations, particularly the rape of women and girls as an act of war, accountable and bring such individuals to justice;

(3) to help ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, combating corruption, instituting economic reforms to promote development, and creating an environment to promote private investment;

(4) to assist the Government of the Democratic Republic of the Congo as it seeks to meet the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

(5) to support security sector reform by assisting the Government of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, provided the Democratic Republic of the Congo meets all requirements for United States military assistance under existing law;

(6) to help expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

(7) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

(8) to make all efforts to ensure that the Government of the Democratic Republic of the Congo—

(A) is committed to responsible and transparent management of natural resources across the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals who illegally exploit the country's natural resources; and

(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(9) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(10) to help rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(11) to help halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and psycho-social support programs;

(12) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

(13) to assist the Government of the Democratic Republic of the Congo as undertakes steps to—

(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

(C) assess the magnitude of the problem of orphans from conflict and HIV/AIDS in the Democratic Republic of the Congo, and work to establish a program of national support;

(14) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and hold accountable individuals, entities, and countries working to destabilize the country; and

(15) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $52,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of

the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in section 102 if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country;

(2) the Government of the Democratic Republic of the Congo should immediately exercise control over and discipline its armed forces, stop the mass rapes at the hands of its armed forces, and hold those responsible for these acts accountable before an appropriate tribunal;

(3) the Government of the Democratic Republic of the Congo, in collaboration with international aid agencies, should establish expert teams to assess the needs of the victims of rape and provide health, counseling, and social support services that such victims need; and

(4) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives described in section 102, but this assistance cannot continue in perpetuity.

(b) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold assistance otherwise available under this Act if the Secretary determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. WITHHOLDING OF ASSISTANCE.

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.

SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING POLICY OBJECTIVES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102, including any destabilizing activities undertaken in the Democratic Republic of Congo by governments of neighboring countries;

(2) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(3) recommendations for—

(A) improving the policies and programs referred to in paragraph (2); and

(B) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.

TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

The United States should use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by continuing to urge, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to conclude at the earliest possible date a Memorandum of Understanding relating to binding codes of conduct and programs for the prevention of sexual abuse and trafficking in persons to be undertaken by the United Nations for all countries that contribute troops to MONUC, to include the assumption of personal liability for the provision of victims assistance and child support, as appropriate, by those who violate the codes of conduct;

(3) to strengthen the authority and capacity of MONUC by—

(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC's rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to effectively monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of, natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as well as fighting in Ituri and other areas, does not create widespread instability throughout the country.

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the policy objectives described in section 102.

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE DEBRIS RESEARCH, PREVENTION, AND REDUCTION ACT

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 362) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 362

Resolved, That the bill from the Senate (S. 362) entitled "An Act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Debris Research, Prevention, and Reduction Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety;

(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

(3) to develop a Federal marine debris information clearinghouse.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United States and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear and other marine debris.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(1) IN GENERAL.—The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2(1).

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) nongovernmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

(a) STRATEGY.—The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including recordkeeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the Coast Guard's progress in implementing subsection (a).

(c) EXTERNAL EVALUATION AND RECOMMENDATIONS ON ANNEX V.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall enter into an arrangement with the National Research Council under which the National Research Council shall submit, by not later than 18 months after the date of the enactment of this Act and in consultation with the Commandant and the Interagency Committee, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive report on the effectiveness of international and national measures to prevent and reduce marine debris and its impact.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of international and domestic implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) and recommendations of cost-effective actions to improve implementation and compliance with such measures to reduce impacts of marine debris;

(B) recommendation of additional Federal or international actions, including changes to international and domestic law or regulations, needed to further reduce the impacts of marine debris; and

(C) evaluation of the role of floating fish aggregation devices in the generation of marine debris and existing legal mechanisms to reduce impacts of such debris, focusing on impacts in the Western Pacific and Central Pacific regions.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Establishment of Interagency Marine Debris Coordinating Committee.—There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate."; and

(2) in subsection (c), by inserting "public, interagency" before "forum".

(b) Definition of Marine Debris.—The Administrator and the Commandant of the Coast Guard, in consultation with the Interagency Committee established under subsection (a), shall jointly develop and promulgate through regulations a definition of the term "marine debris" for purposes of this Act.

(c) Reports.—

(1) Interagency report on marine debris impacts and strategies.—

(A) In general.—Not later than 12 months after the date of the enactment of this Act, the Interagency Committee, through the chairperson, shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that—

(i) identifies sources of marine debris;

(ii) the ecological and economic impact of marine debris;

(iii) alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris;

(iv) the social and economic costs and benefits of such alternatives; and

(v) recommendations to reduce marine debris both domestically and internationally.

(B) Recommendations.—The report shall provide strategies and recommendations on—

(i) establishing priority areas for action to address leading problems relating to marine debris;

(ii) developing strategies and approaches to prevent, reduce, remove, and dispose of marine debris, including through private-public partnerships;

(iii) establishing effective and coordinated education and outreach activities; and

(iv) ensuring Federal cooperation with, and assistance to, the coastal States (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(2) Annual progress reports.—Not later than 3 years after the date of the enactment of this Act, and biennially thereafter, the Interagency Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

(A) the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Interagency Committee, shall—

(1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and

(2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted by the fishing industry under this section.

SEC. 7. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Interagency Committee.—The term "Interagency Committee" means the Interagency Marine Debris Coordinating Committee established under section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914).

(3) United States exclusive economic zone.—The term "United States exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; Annex V; Convention.—The terms "MARPOL", "Annex V", and "Convention" have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(5) Navigable waters.—The term "navigable waters" means waters of the United States, including the territorial sea.

(6) Territorial sea.—The term "territorial sea" means the waters of the United States referred to in Presidential Proclamation No. 5928, dated December 27, 1988.

(7) Program.—The term "Program" means the Marine Debris Prevention and Removal Program established under section 3.

(8) State.—The term "State" means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for carrying out sections 3 and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING CRIME VICTIM'S RESTITUTION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 4055 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4055) to address the effect of the death of a defendant in the Federal criminal proceedings.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4055) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Crime Victims' Restitution Act of 2006".

SEC. 2. EFFECT OF DEATH OF A DEFENDANT IN FEDERAL CRIMINAL PROCEEDINGS.

(a) In General.—Subchapter A of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"§3560. Effect of death of a defendant in Federal criminal proceedings

"(a) General Rule.—Notwithstanding any other provision of law, the death of a defendant who has been convicted of a Federal criminal offense shall not be the basis for abating or otherwise invalidating a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant, or for dismissing or otherwise invalidating the indictment, information, or complaint on which such a plea, verdict, sentence, or judgment is based, except as provided in this section.

"(b) Death After Plea or Verdict.—

"(1) Entry of judgment.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned, but before judgment is entered, the court shall enter a judgment incorporating the plea of guilty or nolo contendere or the verdict, with the notation that the defendant died before the judgment was entered.

“(2) PUNITIVE SANCTIONS.—

“(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, no sentence of probation, supervision, or imprisonment may be imposed, no criminal forfeiture may be ordered, and no liability for a fine or special assessment may be imposed on the defendant or the defendant's estate.

“(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced or a judgment has been entered, and before that defendant has exhausted or waived the right to a direct appeal—

“(i) shall terminate any term of probation, supervision, or imprisonment, and shall terminate the liability of that defendant to pay any amount remaining due of a criminal forfeiture, of a fine under section 3613(b), or of a special assessment under section 3013; and

“(ii) shall not require return of any portion of any criminal forfeiture, fine, or special assessment already paid.

“(3) RESTITUTION.—

“(A) DEATH BEFORE SENTENCE ANNOUNCED.—If a defendant dies after a plea of guilty or nolo contendere has been accepted or a verdict has been returned and before a sentence has been announced, the court shall, upon a motion under subsection (c)(2) by the Government or any victim of that defendant's crime, commence a special restitution proceeding at which the court shall adjudicate and enter a final order of restitution against the estate of that defendant in an amount equal to the amount that would have been imposed if that defendant were alive.

“(B) DEATH AFTER SENTENCING OR JUDGMENT.—The death of a defendant after a sentence has been announced shall not be a basis for abating or otherwise invalidating restitution announced at sentencing or ordered after sentencing under section 3664(d)(5) of this title or any other provision of law.

“(4) CIVIL PROCEEDINGS.—The death of a defendant after a plea of guilty or nolo contendere has been accepted, a verdict returned, a sentence announced, or a judgment entered, shall not prevent the use of that plea, verdict, sentence, or judgment in civil proceedings, to the extent otherwise permitted by law.

“(c) APPEALS, MOTIONS, AND PETITIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), after the death of a defendant convicted in a criminal case—

“(A) no appeal, motion, or petition by or on behalf of that defendant or the personal representative or estate of that defendant, the Government, or a victim of that defendant's crime seeking to challenge or reinstate a plea of guilty or nolo contendere accepted, a verdict returned, a sentence announced, or a judgment entered prior to the death of that defendant shall be filed in that case after the death of that defendant; and

“(B) any pending motion, petition, or appeal in that case shall be dismissed with the notation that the dismissal is due to the death of the defendant.

“(2) EXCEPTIONS.—

“(A) RESTITUTION.—After the death of a defendant convicted in a criminal case, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion described in section 3663, 3663A, 3664, or 3771, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to—

“(i) obtain, in a special restitution proceeding, a final order of restitution under subsection (b)(3);

“(ii) enforce, correct, amend, adjust, reinstate, or challenge any order of restitution; or

“(iii) challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment on which—

“(I) a restitution order is based; or

“(II) restitution is being or will be sought by an appeal, petition, or motion under this paragraph.

“(B) OTHER CIVIL ACTIONS AFFECTED.—After the death of a defendant convicted in a criminal case, the personal representative of that defendant, the Government, or any victim of that defendant's crime may file or pursue an otherwise permissible direct appeal, petition for mandamus or a writ of certiorari, or an otherwise permissible motion under the Federal Rules of Criminal Procedure, to the extent that the appeal, petition, or motion raises an otherwise permissible claim to challenge or reinstate a verdict, plea of guilty or nolo contendere, sentence, or judgment that the appellant, petitioner, or movant shows by a preponderance of the evidence is, or will be, material in a pending or reasonably anticipated civil proceeding, including civil forfeiture proceedings.

“(C) COLLATERAL CONSEQUENCES.—

“(i) IN GENERAL.—Except as provided in subparagraphs (A) and (B), the Government may not restrict any Federal benefits or impose collateral consequences on the estate or a family member of a deceased defendant based solely on the conviction of a defendant who died before that defendant exhausted or waived the right to direct appeal unless, not later than 90 days after the death of that defendant, the Government gives notice to that estate or family member of the intent of the Government to take such action.

“(ii) PERSONAL REPRESENTATIVE.—If the Government gives notice under clause (i), the court shall appoint a personal representative for the deceased defendant that is the subject of that notice, if not otherwise appointed, under section (d)(2)(A).

“(iii) TOLLING.—If the Government gives notice under clause (i), any filing deadline that might otherwise apply against the defendant, the estate of the defendant, or a family member of the defendant shall be tolled until the date of the appointment of that defendant's personal representative under clause (ii).

“(3) BASIS.—In any appeal, petition, or motion under paragraph (2), the death of the defendant shall not be a basis for relief.

“(d) PROCEDURES REGARDING CONTINUING LITIGATION.—

“(1) IN GENERAL.—The standards and procedures for a permitted appeal, petition, motion, or other proceeding under subsection (c)(2) shall be the standards and procedures otherwise provided by law, except that the personal representative of the defendant shall be substituted for the defendant.

“(2) SPECIAL PROCEDURES.—If continuing litigation is initiated or could be initiated under subsection (c)(2), the following procedures shall apply:

“(A) NOTICE AND APPOINTMENT OF PERSONAL REPRESENTATIVE.—The district court before which the criminal case was filed (or the appellate court if the matter is pending on direct appeal) shall—

“(i) give notice to any victim of the convicted defendant under section 3771(a)(2), and to the personal representative of that defendant or, if there is none, the next of kin of that defendant; and

“(ii) appoint a personal representative for that defendant, if not otherwise appointed.

“(B) COUNSEL.—Counsel shall be appointed for the personal representative of a defendant convicted in a criminal case who dies if counsel would have been available to that defendant, or if the personal representative of that defendant requests counsel and otherwise qualifies for the appointment of counsel, under section 3006A.

“(C) TOLLING.—The court shall toll any applicable deadline for the filing of any motion, petition, or appeal during the period beginning on the date of the death of a defendant convicted in a criminal case and ending on the later of—

“(i) the date of the appointment of that defendant's personal representative; or

“(ii) where applicable, the date of the appointment of counsel for that personal representative.

“(D) RESTITUTION.—If restitution has not been fully collected on the date on which a defendant convicted in a criminal case dies—

“(i) any amount owed under a restitution order (whether issued before or after the death of that defendant) shall be collectible from any property from which the restitution could have been collected if that defendant had survived, regardless of whether that property is included in the estate of that defendant;

“(ii) any restitution protective order in effect on the date of the death of that defendant shall continue in effect unless modified by the court after hearing or pursuant to a motion by the personal representative of that defendant, the Government, or any victim of that defendant's crime; and

“(iii) upon motion by the Government or any victim of that defendant's crime, the court shall take any action necessary to preserve the availability of property for restitution under this section.

“(e) FORFEITURE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the death of an individual does not affect the Government's ability to seek, or to continue to pursue, civil forfeiture of property as authorized by law.

“(2) TOLLING OF LIMITATIONS FOR CIVIL FORFEITURE.—Notwithstanding the expiration of any civil forfeiture statute of limitations or any time limitation set forth in section 983(a) of this title, not later than the later of the time period otherwise authorized by law and 2 years after the date of the death of an individual against whom a criminal indictment alleging forfeiture is pending, the Government may commence civil forfeiture proceedings against any interest in any property alleged to be forfeitable in the indictment of that individual.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘accepted’, relating to a plea of guilty or nolo contendere, means that a court has determined, under rule 11(b) of the Federal Rules of Criminal Procedure, that the plea is voluntary and supported by a factual basis, regardless of whether final acceptance of that plea may have been deferred pending review of a presentence report or otherwise;

“(2) the term ‘announced’, relating to a sentence, means that the sentence has been orally stated in open court;

“(3) the term ‘convicted’ refers to a defendant—

“(A) whose plea of guilty or nolo contendere has been accepted; or

"(B) against whom a verdict of guilty has been returned:

"(4) the term 'direct appeal' means an appeal filed, within the period provided by rule 4(b) of the Federal Rules of Appellate Procedure, from the entry of the judgment or order of restitution, including review by the Supreme Court of the United States; and

"(5) the term 'returned', relating to a verdict, means that the verdict has been orally stated in open court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"3560. Effect of death of a defendant in Federal criminal proceedings.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to any criminal case or appeal pending on or after July 1, 2006.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

RAILROAD RETIREMENT DISABILITY EARNINGS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and pensions be discharged from further consideration of H.R. 5483, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5483) to increase the earning limitations under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent, that the bill, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5483) was ordered to a third reading, was read the third time, and passed.

ABOLITION OF MODERN-DAY SLAVERY

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 549, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 549) expressing the sense of the Senate regarding modern-day slavery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 549) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

CHARITABLE ORGANIZATION FIREFIGHTER PAYMENTS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6429 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6429) to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I further ask that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6429) was ordered to a third reading, was read the third time, and passed.

U.S. SAFE WEB ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 1608.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 1608

Resolved, That the bill from the Senate (S. 1608) entitled "An Act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006" or the "U.S. SAFE WEB Act of 2006".

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

"'Foreign law enforcement agency' means—

"(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).".

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

"(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

"(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

"(ii) involve material conduct occurring within the United States.

"(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.".

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting "(1)" after "such information" the first place it appears; and

(2) by striking "purposes." and inserting "purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).".

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

"(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

"(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

"(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

"(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

"(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

"(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

"(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

"(B) whether compliance with the request would prejudice the public interest of the United States; and

"(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

"(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

"(A) provide assistance using the powers set forth in this subsection;

"(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

"(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

"(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

"(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

"(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

"(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

"(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

"(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

"(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

"(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel and transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking "clauses (a) and (b)" in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting "subsections (a), (b), and (j)".

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

"(c) FOREIGN LITIGATION.—

"(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

"(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

"(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

"(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.".

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by adding at the end "The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

"(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

"(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

"(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.".

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

"(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

"(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

"(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

"(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.".

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

"SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

"(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

"(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

"(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

"(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

"(c) EX PARTE APPLICATION BY COMMISSION.—

"(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

"(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

"(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

"(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

"(1) the underlying conduct reported;

"(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

"(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

"(e) VENUE AND PROCEDURE.—

"(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

"(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

"(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

"(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

"(1) endangering the life or physical safety of an individual;

"(2) flight from prosecution;

"(3) the destruction of, or tampering with, evidence;

"(4) the intimidation of potential witnesses; or

"(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

"(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

"(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

"(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.".

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking "or" after the semicolon;

(2) in subparagraph (D) by inserting "or" after the semicolon; and

(3) by inserting after subparagraph (D) the following:

"(E) under section 21A of this Act;".

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

"SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

"(a) IN GENERAL.—

"(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

"(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

"(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

"(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

"(A) for the underlying conduct reported; or

"(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

"(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

"(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

"(A) related to possibly fraudulent or deceptive commercial practices;

"(B) related to persons involved in such practices; or

"(C) otherwise subject to recovery by the Commission; or

"(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

"(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

"(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

"(1) A financial institution as defined in section 5312 of title 31, United States Code.

"(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

"(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

"(4) An Internet service provider or provider of telephone services.".

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

"SEC. 25A. STAFF EXCHANGES.

"(a) IN GENERAL.—The Commission may—

"(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

"(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

"(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

"(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.".

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting "the Federal Trade Commission," after "the Securities and Exchange Commission,".

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

"SEC. 26. REIMBURSEMENT OF EXPENSES.

"The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.".

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. SUNSET.

This Act , and the amendments made by this Act , shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

SEC. 14. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—TRIBUTES TO RETIRING SENATORS

Mr. FRIST. I ask unanimous consent that the tributes to retiring Senators be printed as a Senate document and that Senators be permitted to submit tributes until December 27, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE

Mr. FRIST. I ask unanimous consent that on December 22, 2006, between the hours of 10 a.m. and 11 a.m, committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, the junior Senator from Virginia, and the junior Senator from Mississippi be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leaders of the Senate and House of Representatives, pursuant to Public Law 109–236, appoints Dr. James L. Weeks, of Maryland, to serve as a member of the MINER Act Technical Study Panel.

ORDERS FOR THURSDAY, JANUARY 4, 2007

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned sine die pursuant to the provisions of H. Con. Res. 503, until 12 noon on Thursday, January 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAST FAREWELL

Mr. FRIST. Mr. President, today we were able to finish up our work in a very successful way before we leave for the year. We passed a continuing funding resolution, the critical tax extenders package, and a number of important legislative items, as well as a list of executive nominations. We have had a long week—a productive week—and I do want to thank all my colleagues for their patience and their dedicated efforts.

As we close, I also want to thank all of the staff at the desk and those in the offices above this Chamber and below this Chamber who will be here long after we adjourn, preparing and finalizing all of the business we have just completed.

I would be remiss if I did not recognize the pages who are with us tonight, and those who are not with us tonight, but those who have all left their home States to come to Washington for the semester to work in this Chamber.

We thank each and every one of you for your tremendous, tremendous work. It is 4:34 a.m. now, and we have finished a long day, and people always laugh when I say being Senate majority leader is like doing heart transplants. But times like this make it all very clear that they are very similar because at about 4:34 a.m. in the morning, we would be putting those last few stitches in the transplanted heart. And as you do that, you begin to feel that anticipation of that heart, all of a sudden starting to beat again and coming alive, which gives new life and rebirth to an individual who would otherwise die.

I say that because that is what I would be doing if I were not here, and I was doing 12, 13 years ago. I may well be doing it next year. But that sort of change is good. And change can be, as I said yesterday, constructive. It can be rebirth. And it can give real hope.

I gave my formal remarks on leaving the Senate yesterday, but the words I speak over the next 2 minutes are the very last I will ever give in this Chamber. In 2 minutes, maybe less, that door closes, and the chapter ends.

After I gave my farewell address yesterday, I had dinner last night with Karyn and with my three boys, Jonathan, Bryan, and Harrison, who had all come back to hear my farewell address yesterday. They had to fly in from New York, take a train from New Jersey, and come up from Tennessee. And because we are empty nesters, they are all out of the house now. It is getting increasingly rare that we are all together.

But one of the things we did last night is we sat around a table—it happened to be at a restaurant—and thought a little bit about past experiences. And you can imagine how their lives have changed over 12 years. We knew this night would come, this final minute or so would come, for a long time. I have known for 12 years, and that is the normal life cycle that one can expect if you are a citizen legislator, which I have said again and again that is what I tried to be in self-limiting my period here in the Senate.

But over that period, we have seen these three young boys—all very young—grow into three robust young men. I have seen a wife grow more beautiful by the day. I have seen a relationship of family, and a relationship between a husband and a wife, grow stronger over these 12 years through this opportunity the people of Tennessee have given me and Karyn and my three boys to serve them.

I have seen faith strengthened and challenged by the responsibility the people of Tennessee give us as elected officials when they select us to represent their hopes and their dreams.

I have also seen in this body, in watching my colleagues and being with my colleagues, a group of men and a group of women who are very good people, with good intentions, who are unselfish, who are people of faith, people of vision, people with real dreams, not perfect, as we all know—and we all have our foibles, and we all have our weaknesses—but people who are good.

My dad always used to say: "Good people beget good people." "Good people beget good people." And I think that as we go through periods of change here, we can have that tradition of good people in this body begetting good people to continue.

I will close, again quoting from Dad's letter I mentioned yesterday that he wrote to future generations prior to his death.

I mentioned yesterday that that is a great thing for all of us to do later in life. What advice would you give people you will never see a generation or two generations later? I will close with his words from that same letter. This was after a list of things he wrote, giving his counsel and advice—very simple things, by the way, commonsense things. He said:

> Finally, I believe it is so terribly important in life to stay humble. Use your talents wisely and use other people's talents to help other people.

"Help other people."

ADJOURNMENT SINE DIE

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned sine die under the provisions of H. Con. Res 503.

There being no objection, the Senate, at 4:39 a.m., adjourned sine die until Thursday, January 4, 2007.

NOMINATIONS RETURNED TO THE PRESIDENT

Friday, December 8, 2006

The following nominations transmitted by the President of the United States to the Senate during the second session of the 109th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT).

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHAEL DOLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

STEPHEN GOLDSMITH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2010, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009.

CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF JUSTICE

EARL CRUZ AGUIGUI, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS.

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

PHILLIP J. GREEN, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL.

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF LABOR

PAUL DE CAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR.

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION).

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DAWN M. LIBERI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

CECIL E. FLOYD, OF SOUTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

DEPARTMENT OF THE TREASURY

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007.

ENVIRONMENTAL PROTECTION AGENCY

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

JAMES F.X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011.

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012.

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010.

FOREIGN CLAIMS SETTLEMENT COMMISSION

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2007.

INTER-AMERICAN FOUNDATION

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2008.

NATIONAL INSTITUTE FOR LITERACY

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009.

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008.

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL MEDIATION BOARD

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009.

NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

SOCIAL SECURITY ADMINISTRATION

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 2007.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013.

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

S. PAMELA GRAY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

RAYMOND M. KETHLEDGE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

HALIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015.

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014.

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016.

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011.

IN THE AIR FORCE

AIR FORCE NOMINATION OF COLONEL LYN D. SHERLOCK TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATION OF COL. MARC L. WARREN TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. KENNY C. MONTOYA TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. ERVIN PEARSON TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COLONEL CURTIS D. POTTS TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. GREGORY E. COUCH TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF BRIG. GEN. CARROLL F. POLLETT TO BE MAJOR GENERAL.

ARMY NOMINATION OF COL. JAMES T. COOK TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF BRIG. GEN. WILLIAM C. KIRKLAND TO BE MAJOR GENERAL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRIG. GEN. JAMES L. WILLIAMS TO BE MAJOR GENERAL.

MARINE CORPS NOMINATION OF COL. TRACY L. MORK TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATION OF JAMES E. OHARE TO BE COLONEL.

ARMY NOMINATION OF GRAHAM A. CASTILLO TO BE COLONEL.

ARMY NOMINATION OF ROBERT R. DAVENPORT TO BE COLONEL.

ARMY NOMINATION OF LESLIE N. SWARTZ TO BE COLONEL.

ARMY NOMINATION OF JAMES B. SAYERS TO BE COLONEL.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF JAMES STEPHENSON.

FOREIGN SERVICE NOMINATION OF EDGAR FULTON, JR.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF KURT E. DIEHL TO BE COLONEL.

MARINE CORPS NOMINATION OF ROBERT W. LAATSCH TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JAMES R. CARLSON II TO BE COMMANDER.

DISCHARGED NOMINATIONS

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was confirmed:

RACHEL K. PAULOSE, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

PAUL A. SCHNEIDER, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH DAVID M. YEUTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES A. JIMENEZ AND ENDING WITH MIREILLE L. ZIESENISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LAURIE JEANNE MEININGER AND ENDING WITH MELISSA S. ZADNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2007.

COAST GUARD NOMINATION OF REAR ADM. (SELECT) CYNTHIA A. COOGAN TO BE REAR ADMIRAL (LOWER HALF).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF RAYMOND C. SLAGLE TO BE CAPTAIN.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH CARYN M. ARNOLD AND ENDING WITH PHOEBE A. WOODWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

CHARLES E. DORKEY III, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

COAST GUARD NOMINATION OF GREG E. VERSAW TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH ANDREA L. CONTRATTO AND ENDING WITH STEPHEN B. NYE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were confirmed:

LELAND A. STROM, OF ILLINOIS, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2012.

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER J. BENGSON AND ENDING WITH CHAYANIN MUSIKASINTHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE NOMINATION OF LEAH HILL TO BE ASSISTANT SURGEON.

WILLIAM FRANCIS PRICE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

ROBERT BRETLEY LOTT, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

JOAN ISRAELITE, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

BENJAMIN DONENBERG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

FORESTSTORN HAMILTON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

TERRY L. CLINE, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010.

*JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OFTHE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR THE OVERSEAS AND COMMUNITY SERVICE.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

DIANNE I. MOSS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2007.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, December 8, 2006:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MICHAEL BUTLER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

ENVIRONMENTAL PROTECTION AGENCY

MOLLY A. O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2008.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

STEPHEN M. PRESCOTT, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING APRIL 15, 2011.

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010.

DEPARTMENT OF COMMERCE

JOHN M. R. KNEUER, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

UNITED STATES POSTAL SERVICE

JAMES H. BILBRAY, OF NEVADA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2015.

THURGOOD MARSHALL, JR., OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2011.

POSTAL RATE COMMISSION

DAN GREGORY BLAIR, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2012.

SMALL BUSINESS ADMINISTRATION

JOVITA CARRANZA, OF ILLINOIS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

DIANE HUMETEWA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING AUGUST 25, 2012.

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012.

DEPARTMENT OF THE TREASURY

PAUL CHERECWICH, JR., OF UTAH, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009.

DEBORAH L. WINCE-SMITH, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010.

SOCIAL SECURITY ADMINISTRATION

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008.

MARK J. WARSHAWSKY, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2012.

DANA K. BILYEU, OF NEVADA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2010.

DEPARTMENT OF THE TREASURY

PHILLIP L. SWAGEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

MICHELE A. DAVIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

ANTHONY W. RYAN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

ROBERT F. HOYT, OF MARYLAND, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

ERIC SOLOMON, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

REAR ADM. (SELECT) CYNTHIA A. COOGAN

COMMODITY CREDIT CORPORATION

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

GERALD WALPIN, OF NEW YORK, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF AGRICULTURE

MARK EVERETT KEENUM, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

DEPARTMENT OF EDUCATION

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TERRY L. CLINE, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

RACHEL K. PAULOSE, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

FARM CREDIT ADMINISTRATION

LELAND A. STROM, OF ILLINOIS, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

WILLIAM FRANCIS PRICE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

ROBERT BRETLEY LOTT, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

CHARLOTTE P. KESSLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

JOAN ISRAELITE, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

BENJAMIN DONENBERG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

FORESTSTORN HAMILTON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012.

NATIONAL INSTITUTE FOR LITERACY

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

NATIONAL MEDIATION BOARD

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007.

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010.

NATIONAL TRANSPORTATION SAFETY BOARD

STEVEN R. CHEALANDER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2007.

OVERSEAS PRIVATE INVESTMENT CORPORATION

DIANNE I. MOSS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17; 2007.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

CHARLES E. DORKEY III, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2008.

THE JUDICIARY

KENT A. JORDAN, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

MARGARET A. RYAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

SCOTT WALLACE STUCKY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. SELLARS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DONALD C. LEINS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT T. BRAY
BRIGADIER GENERAL RAYMOND W. CARPENTER
BRIGADIER GENERAL HUNTINGTON B. DOWNER, JR.
BRIGADIER GENERAL JAMES W. NUTTALL
BRIGADIER GENERAL DARREN G. OWENS
BRIGADIER GENERAL JAMES I. PYLANT
BRIGADIER GENERAL STEVEN D. SAUNDERS
BRIGADIER GENERAL RANDAL E. THOMAS
BRIGADIER GENERAL PATRICK D. WILSON

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL VIRGINIA G. BARHAM
COLONEL ROLAND L. CANDEE
COLONEL ALLEN M. HARRELL
COLONEL JAMES A. HOYER
COLONEL STEVEN P. HUBER
COLONEL RONALD W. HUFF
COLONEL DAVID F. IRWIN
COLONEL SCOTT W. JOHNSON
COLONEL THEODORE D. JOHNSON
COLONEL JEFFERY D. KINARD
COLONEL SCOTT D. LEGWOLD
COLONEL WALTER E. LIPPINCOTT
COLONEL WILLIAM M. MALOAN
COLONEL RANDALL R. MARCHI
COLONEL CRUZ M. MEDINA
COLONEL RICHARD S. MILLER
COLONEL STUART C. PIKE
COLONEL DANNY K. SPEIGNER
COLONEL STANLEY M. STRICKLEN
COLONEL MARGARET S. WASHBURN
COLONEL TONY N. WINGO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD

IN THE COAST GUARD

COAST GUARD NOMINATION OF GREG E. VERSAW TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH RICARDO M. ALONSO AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH ANDREA L. CONTRATTO AND ENDING WITH STEPHEN B. NYE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH DAVID M. YEUTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES A. JIMENEZ AND ENDING WITH MIREILLE L. ZIESENISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LAURIE JEANNE MEININGER AND ENDING WITH MELISSA S. ZADNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF RAYMOND C. SLAGLE TO BE CAPTAIN.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH CARYN M. ARNOLD AND ENDING WITH PHOEBE A. WOODWORTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER J. BENGSON AND ENDING WITH CHAYANIN MUSIKASINTHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2006.

PUBLIC HEALTH SERVICE NOMINATION OF LEAH HILL TO BE ASSISTANT SURGEON.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JEFFREY C. CARSTENS TO BE COLONEL.

AIR FORCE NOMINATION OF STEPHEN R. GERINGER TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF PAUL M. ROBERTS TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH NEVANNA I. KOICHEFF AND ENDING WITH PERLITA K. TAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JERZY J. CHACHAJ AND ENDING WITH GREG GORDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH NORMAN B. DIMOND AND ENDING WITH MARK A. DEATON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

IN THE ARMY

ARMY NOMINATION OF WILLIE G. BARNES TO BE COLONEL.

ARMY NOMINATION OF DANIEL P. MC LEMORE TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOSEF R. SMITH AND ENDING WITH MICHAEL D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT M. BLACKMON AND ENDING WITH BRADLEY M. VOORHEES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH NICHOLAS C. BAKRIS AND ENDING WITH ANDREW D. MAGNET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH DAVID E. GREEN AND ENDING WITH MARTIN L. LADWIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH MOON H. LEE AND ENDING WITH PHILLIP C. ZINNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH TERRELL W. BLANCHARD AND ENDING WITH ROBERT L. VOGELSANG III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATION OF VICTORIA L. SMITH TO BE MAJOR.

ARMY NOMINATION OF IRA S. DERRICK TO BE MAJOR.

ARMY NOMINATION OF JOSEPH W. BROWN TO BE MAJOR.

ARMY NOMINATION OF REBECCA L. BLANKENSHIP TO BE MAJOR.

ARMY NOMINATION OF MARK M. KUBA TO BE COLONEL.

ARMY NOMINATION OF CRAIG H. RHYNE, JR. TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH LORRAINE T. BREEN AND ENDING WITH THOMAS G. SUTLIVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH DEBRA L. COHEN AND ENDING WITH KYLE J. ZABLOCKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH NORMAN F. ALLEN AND ENDING WITH DARIA P. WOLLSCHLAEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL R. ABERLE AND ENDING WITH MARC L. ZUFFA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBIN B. ALLEN AND ENDING WITH ARTHUR D. WELLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH JOHN G. ALVAREZ AND ENDING WITH TRACY O. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. ASHLEY AND ENDING WITH THOMAS G. WINTHROP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

ARMY NOMINATION OF SHELLY M. TAYLOR TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH OMAR L. HAMADA AND ENDING WITH SETH W. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH KIMBERLY S. EVANS AND ENDING WITH JOHN E. LEE III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2006.

NAVY NOMINATION OF DAVID J. ALLEN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH HARRY T. WHELAN AND ENDING WITH WILLIAM G. RHEA III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2006.

NAVY NOMINATIONS BEGINNING WITH KEITH T. ADKINS AND ENDING WITH DORSEY WISOTSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2006.

EXTENSIONS OF REMARKS

RECOGNIZING BRADLEY C. KEENEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bradley Keeney, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many Scout activities. Over the many years Bradley has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. It is with extreme pleasure that I commend the dedication Bradley has shown.

Mr. Speaker, I proudly ask you to join me in commending Bradley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am proud to represent Bradley in the United States House of Representatives.

HONORING THE MEMORY OF MR. BERNARD SIDNEY DITTMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, Mobile County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Bernard Sidney Dittman, known as "Bernie" to his many friends and family, was a devoted family man and dedicated community leader throughout his life.

Bernie purchased WABB–AM in Mobile, Alabama, in 1959. This station, previously owned by the Mobile Press-Register newspaper organization, first went on the air in 1948 with call letters that stand for "Alabama's Best Broadcasters."

One year later, Bernie moved to Mobile and completely changed the broadcast format of the station. His conversion of WABB from a country station to Top 40 propelled WABB to the position of the leading station in that format and one of the premiere stations anywhere along Alabama's Gulf Coast.

In 1973, Bernie took WABB in a new direction when the station added a new FM signal and began to broadcast a progressive rock format. At a time when most automobiles were not equipped with FM receivers, Bernie and his team ran an extensive series of on-air promotions encouraging the installation of low-cost FM receivers.

Under Bernie Dittman's leadership, WABB became one of the longest-running and most successful Top 40 radio stations in the United States.

The station has also spearheaded over the years the move to more equality in the hiring of on-air personalities and staff members. In fact, WABB was one of the first stations in south Alabama to hire both women and African-Americans for important announcer positions. WABB has also been a critical part of Mobile's emergency broadcast community and played a crucial role in providing information to listeners during Hurricane Frederic (1979) and Hurricane Ivan (2004). During Ivan, WABB was one of the few stations in the area able to transmit continuously during the storm without losing power. Following the end of the storm, the station also led the effort to collect and distribute relief material to neighboring States which had also been severely affected.

Aside from his professional obligations, Bernie ensured that WABB and its family of employees took an active role in the life of the Mobile community.

For the past 47 years, the station has operated the WABB Community Club Awards Program of Greater Mobile, which has provided over $250,000 in financial awards to local civic, religious, and cultural institutions. Additionally, the station has been a 40-year sponsor of the Greater Gulf State Fair, a 35-year sponsor of the Alabama Deep Sea Fishing Rodeo, and a long-time sponsor of both the Senior Bowl and GMAC Bowl college football games.

Additionally, the Boys and Girls Clubs of Greater Mobile, the United States Marine Corps Toys for Tots program, the Mobile Ronald McDonald House and numerous other organizations advocating area youth have benefited tremendously from Bernie's leadership and community involvement. In fact, the area Toys for Tots program holds the record for the single largest toy collection anywhere in the United States, with over 100,000 toys collected—due in no small part to the efforts of Bernie and his entire team.

Bernie was a longtime member of the Alabama Broadcasters' Association and the National Association of Broadcasters and in 2000 was the recipient of the Greater Mobile Advertising Federation Silver Medal Award.

Mr. Speaker, there have been few individuals more important to the broadcast profession in Alabama or to the life of their local community than Bernie Dittman.

He was an outstanding example of the quality individuals who have devoted their lives to the field of broadcasting, and I ask my colleagues to join with me in remembering a dedicated community leader and friend to many throughout south Alabama.

Bernie Dittman loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his wife, Judith S. Dittman; his 3 daughters, Betsy Dittman, Stephanie Teichmer, and Marsha Scimo; his sister Sylvia Scott; and 3 grandchildren; as well as countless friends and loyal employees that he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

PAYING TRIBUTE TO JEANETTE ROBINSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jeanette Robinson in recognition of her multiple accomplishments as a professional bowler.

Jeanette has been inducted into seven bowling halls of fame and is the only person to have attained this great honor. Her competition and coaching endeavors have allowed her to travel the world and work with the best players internationally. Jeanette has also bowled a competitive frame in 49 of 50 states.

Jeanette grew up in Flint, Michigan and picked up her first bowling ball in 1956 at age 28. By 1957, Jeanette was coaching youth and seniors in addition to running leagues and tournaments full-time. As the first known person to organize and promote national bowling tournaments for the deaf and the blind in 1958 and 1959, she laid the foundation for making bowling a sport for everyone.

As more coaching opportunities became available, Jeanette's travels increased, and she was chosen president of the Professional Women's Bowlers Association in 1965. She held this position for 10 years until stepping down in 1975. Under her leadership, the women's professional bowling tour grew exponentially.

Although Jeanette still bowls today, her true love is coaching and she currently holds the position of resident professional at The Orleans Bowling Center. Her work with the local Las Vegas high school leagues, professional tours and family bowlers at The Orleans is most rewarding because it is the legacy of her sport that she hopes to see passed on from generation to generation.

Mr. Speaker, I am proud to honor Jeanette Robinson. Her lifetime contributions to the sport of bowling are truly commendable. I wish her the best in all of her future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF THE AUXILIARY TO BELLEVUE HOSPITAL CENTER, INC. ON THE OCCASION OF THE 100TH ANNIVERSARY OF ITS FOUNDING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor the Auxiliary to Bellevue Hospital Center, Inc., which is celebrating its 100th anniversary of service to the community. During that time, the Auxiliary has developed into an invaluable resource for Bellevue Hospital, one of our Nation's most renowned hospitals. Over the past 100 years the Auxiliary has provided in excess of $45 million in support, piloted numerous new programs and been a source of satisfying work for thousands of volunteers. At their gala recognizing, they are honoring Rita J. Kaplan, for her philanthropy, Dr. Robert S. Holzman, for patient care, and Michael "Buzzy" O'Keeffe, for community service. They are all sterling examples of the extraordinary volunteers who have made the Auxiliary such a superb institution.

The Auxiliary was founded in 1906 by a group of socially conscious women who wanted to support the Bellevue Tuberculosis Clinic. Among other things, they created a Day Camp in 1908 on the old ferryboat "Southfield," anchored off the Bellevue Hospital grounds, so that patients could spend time in the open air. Contemporaneously, another group of philanthropic-minded women formed the Convalescent Relief Committee to assist in the wellbeing, care and convalescence of Bellevue patients. In 1907 a third group, The Synagogue Committee formed to translate for Yiddish-speaking Bellevue patients and provide for their social service needs.

The three groups grew steadily until their work encompassed every ward and clinic at the hospital. Eventually they recognized that they would accomplish more by working together. Thus, in 1940 the Auxiliary merged with the Convalescent Relief Committee and the Synagogue Committee and in 1945 the Auxiliary was legally incorporated as the Social Service Auxiliary to Bellevue Hospital. In 1956, the organization adopted its current name: the Auxiliary to Bellevue Hospital Center, Inc.

Volunteers have entertained patients and provided caring assistance to those in need. Additionally, through the years, the Auxiliary's volunteers have launched innumerable projects to serve Bellevue's patients. For example, in 1941 the Auxiliary founded and began staffing three patient libraries located in the TB, general and psychiatric divisions. The Interfaith Chaplaincy Program also counts on Auxiliary volunteers to help them attend to the patients' spiritual needs.

Volunteers have raised money for the hospital through a number of different enterprises and fundraising events, providing millions of dollars for the Hospital's needs. From thrift shops through coffee shops, the Auxiliary has been entrepreneurial in its approach to fundraising. The Auxiliary's Stuyvesant Square Thrift Shop at 80th Street is considered one of the best places in Manhattan to find inexpensive designer wear and other interesting clothes. The thrift shop is the successor to The Little Jack Horner Shop which opened during the Depression to serve patients and their families by providing low priced wares and clothing. The Bellevue Snack Bar opened on May 23, 1956 and has served physicians, staff and visitors to Bellevue Hospital while providing revenue for the Auxiliary's needs. Fifty years later the snack bar, now the Coffee Shop, continues to operate. The Bellevue Newsstand was created by the Auxiliary in 1970 and continues as a combination Newsstand/Gift Shop.

Notwithstanding the changes that have taken place during the past 100 years, service continues to be the Auxiliary's primary mission. Today's Auxiliary is a vibrant organization comprised of caring and involved people who pride themselves on having an impact on the well-being of all of the patients of Bellevue Hospital Center.

Mr. Speaker, I ask my colleagues to join me in saluting the hard-working, caring and compassionate volunteers of the Auxiliary to Bellevue for their 100 years of service to the patients of Bellevue Hospital. Every patient who passed through its doors has benefitted from their dedication.

CELEBRATION OF FREEDOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. WOLF. Mr. Speaker, when the Congress was in recess this fall, a significant milestone in the fight for freedom occurred.

This past October 23 marked the 50th anniversary of the 1956 Hungarian Revolution. I want to recognize the young freedom fighters who on that day against monumental odds, put their lives on the line to fight for the liberation of their country from the oppression of a dominating communist empire.

They are true heroes, not only to citizens of Hungarian origin who have come to America, but to freedom-loving people around the world. As we remember the sacrifice of these freedom fighters, it is important to take the time to reflect upon the importance to freedom and liberty, and remember those who dedicate their lives to defending human rights.

HONORING JACK FINNEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, today I rise to honor my friend Jack Finney. Jack recently celebrated his 90th birthday by donating more than $1 million to the Hunt Memorial Hospital District Charitable Health Foundation. Jack's generous donation will ultimately enhance the soon-to-be-built cancer center on the campus of Presbyterian Hospital of Greenville.

Jack has a long history of making generous gifts to the community, having donated land, money, and his time to a variety of institutions such as Texas A&M University at College Station, Audie Murphy/American Cotton Museum, Greenville YMCA, Greenville Chamber of Commerce, Paris Junior College, Texas A&M University-Commerce, the Greenville schools and many others. Other institutions that have benefited from his leadership include the local Rotary, Chamber of Commerce, and Board of Development as well as Texas A&M Universtiy, the Texas Baptist Foundation, and the U.S. Small Business Administration.

Jack's efforts have led to multiple honors from Texas A&M, including his selection as a Distinguished Alumnus and election to the Hall of Honor of the A&M Corps of Cadets. Jack has also been honored with Greenville's "Worthy Citizen" Award, for which he donated $50,000 establishing an endowment to maintain the annual award in perpetuity.

In appreciation of Jack's latest gift, the Hospital District's Board of Directors have decided to name the new cancer center the Lou and Jack Finney Cancer Center in honor of Jack and his late wife, Lou House Finney. Lou and Jack were married for 68 years prior to her death in 2005.

During the reception honoring Jack's gift, Mayor Tom Oliver of Greenville proclaimed August 15th "Jack Finney Day" in the City of Greenville.

It has been speculated that Jack's gift is the largest single gift that an individual has ever made to a non-profit organization in Hunt County, and that certainly speaks volumes about Jack's generosity. Having given his time, money, and energy to so many worthy causes it is not surprising for Jack to have celebrated his 90th birthday with so large and charitable a gift. The community is fortunate indeed to have so generous a benefactor. Jack has spent his life serving and enriching the community, and his latest gift only further reinforces this legacy.

Mr. Speaker, as we adjourn today, let us do so in appreciation of the benevolence of this fine man and my friend—Jack Finney.

CONGRATULATING ST. THOMAS' EPISCOPAL SCOTTISH ARTS PROGRAM

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. CULBERSON. Mr. Speaker, I want to congratulate the Pipe Band and Highland Dancers of St. Thomas' Episcopal Scottish Arts Program for their success and community service in Houston, Texas.

On August 26, 2006, the St. Thomas' Episcopal School Pipe Band won their fifth Juvenile World Pipe Band Championship title in Glasgow, Scotland. They also received 1st Place in Grade III Competitions at the Inverkeithing and Crieff Highland Games.

The Highland Dancers won more than 120 medals during the August, 2006 Scotland competitions. The 2006 U.S. and North American Highland Dancing Champion, Carla Gardner, received 4th overall at the World Highland Dancing Championships. The Highland Dancers have won 21 U.S. Championships and one World Championship.

The St. Thomas' Episcopal School Pipe Band and Highland Dancers are regularly invited to civic and charitable events and have performed for the United States Marine Corps, the Vietnam Veterans Memorial, the Children's Cancer Hospital at the M.D. Anderson Cancer Center, the Special Olympics, the Susan G. Komen Breast Cancer Center, the Boy Scouts of America, NASA, the Houston Museum of Natural Science, the Multiple Sclerosis Society, the Houston Fire Department, the Houston Police Department, the Galveston Historical Society, the British American Business Council, the Heather and Thistle Society, and the British Consulate.

The St. Thomas' Episcopal Scottish Arts Program serves to inform, educate, and entertain the public about the Scottish performing arts, and has helped to underscore the importance of maintaining and preserving ethnic artistic traditions. The Scottish Arts Program of St. Thomas' Episcopal School annually performs at Houston's Scottish Festival Spectacular in March at Houston's Toyota Center. This year's festival will be held on March 16, 2007.

IN HONOR AND IN MEMORY OF ARMY SPECIALIST CHRIS MASON OF MOBILE, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army SPC Chris Mason, a longtime Mobilian, was assigned to the 1st Battalion, 505th Parachute Infantry Regiment, 3rd Brigade, of the 82nd Airborne Division based at Fort Bragg, NC.

Chris joined the Army 2 years ago and comes from a family with a long and highly respected history of military service—his father, who served two tours of duty with the Marine Corps in Vietnam and completed a career in the Army, retiring with the rank of first sergeant, and his brother, an Army officer currently studying to become a chaplain.

During his career in the Army, Specialist Mason set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

Following his 1994 graduation from Baker High School in Mobile, Chris became a professional rodeo clown with the Professional Rodeo Cowboys' Association. He also taught a commercial drivers license qualification course at Bishop State Community College. No matter what the task, Chris Mason undertook every challenge with a determination to succeed.

Mr. Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Chris Mason.

Chris's life and actions personify the very best America has to offer. I feel certain his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

He was not only a physical presence in their lives but a spiritual leader in every sense of the word.

Mr. Speaker, I urge my colleagues to take a moment and pay tribute to SPC Chris Mason and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

Mr. Speaker, we should also remember his parents, Garland and Susie Mason, his brother, Garland Mason III, and his other relatives and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself."

Make no mistake, Chris Mason was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

PAYING TRIBUTE TO CLAYTON GLENN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor American Legionnaire Emeritus Clayton Glenn for his lifetime of service and dedication to this nation and its veterans.

Mr. Glenn was born 86 years ago in Brockton, MA, and has served this country since late 1941. It was the attack on Pearl Harbor nearly 65 years ago that spurred his enlistment into the U.S. Armed Forces. This path of service took him to military bases all across the United States and abroad for the ensuing 23 years.

Mr. Glenn's first stop was Ft. Devins, west of Boston, MA, where he served as infantryman, and then he moved on to the Jefferson Barracks in St. Louis, MO. He soon endeavored to join the U.S. Army Air Corps, which was to be the predecessor to the U.S. Air Force. There he served as an aircraft mechanic until 1948. Mr. Glenn desired to be stationed in New England, and so landed at Otis Air Force Base in Massachusetts.

Over the next 2 years, he worked as a floor man—sanding and refinishing floors, laying tiles and linoleum. This occupation allowed him the adventure of even flooring inside the Kennedy home while in Massachusetts. By 1950, he joined the U.S. Air Force Reserves and got recalled to active duty for Korea. Although Mr. Glenn never made it to Korea, he did get sent to Tooele, Greenland. His return to the States brought him from Wichita Falls, TX to Mobile, AL. From Mobile he was stationed at Nellis Air Force Base in Nevada for a short span of time where he purchased a home in Boulder City. Mr. Glenn's final military stop was at Rantoul Air Force Base just south of Chicago, IL, in 1960 where be finished his military journey and retired 4 years later in 1964.

From Rantoul, Mr. Glenn and his wife, Theo, returned to Boulder City where he has resided ever since. Having been a member of the American Legion for over 60 years and an active leader at the Boulder City's Post 31 since his time at Nellis Air Force Base has earned him the title "Mr. American Legion" by fellow members and friends. Mr. Glenn has served as post commander three times—something accomplished by only two other persons, and he served as district commander from 1991–92 where he oversaw 15 State posts and over 6,000 members.

Mr. Speaker, it is my honor to recognize Mr. Clayton Glenn today. His service and loyalty to the community, our country and our veterans has earned him many accolades. I wish him the best in all his future endeavors.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA CHOIR AND ITS HONOREE, NIKOS MOUYIARIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor the Pancyprian Association of America Choir and its 2006 honoree Nikos Mouyiaris.

The Pancyprian Association of America Choir makes a remarkable contribution to American culture by combining the best of Cypriot and American song and music. Their focus on Cypriot music helps keep the dynamic culture of their heritage alive in the United States. The choir provides its fans a rich education in the music of both cultures.

On November 4, the choir will be honoring my good friend, Nikos Mouyiaris. Nikos is an important, albeit unassuming, leader in the Hellenic-American community. He never seeks recognition for his actions, but he is unquestionably the one to go to get things done. If you need someone who will fight for human rights or help a student get an education, Nikos is the one to turn to. At a conference or gathering, Nikos will make his ideas and concerns heard, softly. Furthermore, because people know that Nikos is worth listening to, his thoughts often prompt people to take action. In short, Nikos is a man of deeds and vision.

Nikos Mouyiaris was born in Athienou, Cyprus where he attended elementary and high school. He went to England for a short time and then emigrated to the United States. In the United States he received his bachelor of science degree in chemistry and was awarded a scholarship to Rutgers University where he received his masters of science.

Since arriving in the United States, Nikos has achieved the American dream. Starting with $6,000 that he borrowed from his brother, Apostolos, Nikos created a successful business, Mana Products, that employs over 600 people. For nearly three decades, Mana Products has been an innovative participant in the beauty industry. Headquartered in New York, the company offers research, development, manufacturing and other operations. The company works with some of the most respected brands and professionals around the globe. In addition to his company, Nikos has interests in real estate as well as investments in other businesses.

Nikos has never forgotten the place of birth, Athienou in Cyprus, where he helps to support the local home for the elderly, and has helped build a day care center. He has also provided funding for an archaeological expedition in the area of Athienou, Cyprus for Davidson College of North Carolina for several years.

Nikos also works to promote Cypriot culture and human rights interests in the United States. As a member of the Board of Directors and Trustees of the Pancyprian Association of America, Nikos works to educate young Cypriot-Americans about the culture and ethnic customs of Cyprus and Greece, and to sponsor cultural events. He is a member of the International Coordinating Committee Justice for Cyprus, PSEKA, which seeks freedom and justice for the Cypriot people and promotes international human rights.

Nikos and his wife Carol, who is his partner in business as well as in their personal lives, have two children, Alexis and Ariana.

Mr. Speaker, I ask my colleagues to join me in saluting Nikos Mouyiaris, a true American hero and a remarkable member of the Hellenic-American community.

REMEMBERING BILLY EARL HIBBS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, today it is my privilege to honor the life of a dear friend, Billy Earl Hibbs, who passed away earlier this year at the age of 67. Billy was a native Texan, born on September 25, 1938 in Quitman. He graduated from Quitman High School and married his high school sweetheart, Eugenia Stroud, in 1957. Eugenia and Billy had one child, Billy Earl Hibbs, Jr.

Starting with a small, three-person insurance agency, Billy grew his business into Heartland Security Insurance Group, one of the largest insurance holding companies in the Southwest. Heartland is one of the largest providers of claims services to the Federal Government, including all branches of the military as well as non-military personnel injured in Afghanistan and Iraq. Despite its size, Heartland maintains its Texas roots with its headquarters in Tyler and continues to serve almost half the school districts in Texas.

The Texas Legislature recognized Billy's accomplishments in 1981 for his success in handling the John Tyler High School fire loss. In 1990, he led the passage of a bond measure to provide upgrades to the city of Tyler's infrastructure. A patron of the arts, Billy served as president of the East Texas Symphony Association and worked to relocate performances to the Cowan Center at U.T. Tyler. Billy also served as president of the Tyler Civic Theatre where he oversaw construction of the Braithwaite Theater and the opening of the Rogers Children's Theatre. As president of the Tyler Rotary Club he became a Paul Harris Fellow. Billy was a member of the Henry Bell Masonic Lodge, and a founding board member of the Better Business Bureau of Central East Texas. He served as a board member for Leadership Tyler, the Tyler Independent School District Foundation, and the Tyler Chamber of Commerce and was a member of the Order of the Rose. He was a member of the Pairs and Parents Sunday School class, an usher, and a past trustee of Marvin United Methodist Church. Billy also remained active in the Independent Insurance Agents at local, State, and national levels throughout his life.

In 2004, Billy was inducted into the Junior Achievement "Business Hall of Fame," and made a member of the honor business fraternity, Beta Gamma Sigma, at the University of Texas at Tyler. In 2005, Hibbs-Hallmark & Company was honored with the Better Business Bureau's "Torch Award" for demonstrating a commendable ethical record over the years, and recently, the Tyler Rotary Club honored Hibbs by distinguishing all present and future donors of $1,000 as "Billy Hibbs Fellows."

Billy is survived by his loving wife of 48 years, Eugenia "Jeannie" Hibbs, his son Billy E. Hibbs, Jr., and daughter-in-law Tisa Weiss Hibbs, two grandchildren, Stratton Weiss Hibbs and London Elizabeth Hibbs, and two sisters, Dorma Shields and Betty Cassels of Quitman, as well as other relatives.

Billy was always generous with his time and leadership and he shared his many blessings with his community and his country. Mr. Speaker, Billy Hibbs was a valuable member of the community whose years of service will provide a legacy for many years to come.

SAN JOAQUIN RESTORATION SETTLEMENT ACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. RADANOVICH. Mr. Speaker, today, I submit to the House bipartisan legislation, the "San Joaquin River Restoration Settlement Act," which implements an historic water settlement to resolve an 18-year lawsuit to restore a salmon fishery on the San Joaquin River.

The settlement legislation achieves two coequal goals: it restores the San Joaquin River and secures water management objectives to mitigate water losses to farmers in the restoration process. These two elements are crucial to the success the Act, and they are to be implemented in tandem.

The main reason I became involved in this issue last year was to ensure a stable water supply for Valley farmers. With that premise, the provisions in this measure were designed to make certain that water supply levels will remain manageable for farmers as the river is restored. It was also important to me that impacts to third parties, if any, be minimal and voluntary and the negotiators worked hard to create such language.

The landmark bill introduced today gives the people of our Valley a say in how the river is restored, as opposed to waiting for an uncertain outcome from the Federal court. This solution is science-based and included involvement from individuals throughout the Valley, the State and Federal agencies.

The significance of this bill cannot be understated. Over the past year and a half, countless hours have been spent in developing this measure, and I commend all those involved in this balanced resolution. I especially want to express my appreciation to the Friant Water Users Authority, Natural Resources Defense Council, Department of Interior, Department of Justice, the Department of Commerce and numerous third parties who were involved in the development of this bill.

I also thank Senator FEINSTEIN, who has introduced an identical bill in the Senate, for her steadfast commitment to this measure along with the members of the Valley delegation.

I'm dedicated to the passage of this measure in Congress and will work toward that end until it is signed into law.

ON THE INTERNATIONAL SYMPOSIUM ON DEMOCRACY AND CONGRESS IN TAIPEI, TAIWAN

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, this weekend, on December 8 and 9 in Taiwan, there will be an important gathering of legislators from Pacific Rim nations to discuss the role of congresses or legislatures in the growing number of democracies developing across Asia.

The meeting has been convened by the Pacific Congressional Caucus, an arm of the Democratic Pacific Union, DPU, a regional organization of Pacific Rim democracies.

Legislative leaders from 20 nations, including Canada, Australia, New Zealand, Korea, Mexico, El Salvador, Honduras, Nicaragua, the Philippines, and the host Taiwan are expected to participate. It is unfortunate that, because of our legislative schedule, no member of this House or of the other body are able to attend.

However, Mr. Speaker, I did want to take note of this important meeting that will focus on the role of Congress in the various democratic governing models, such as the parliamentary system and the presidential system. Another important set of discussions will focus on the issue of legislative elections in various democracies, how they are conducted, and how they are financed.

I congratulate Taiwan's political leaders who were instrumental in creating the DPU and the Pacific Congressional Caucus. Taiwan's Vice President Annette Lu was the prime mover in bringing the DPU into existence and the Speaker of Taiwan's Legislative Yuan, Wang

Jin-Pyng, was instrumental in establishing the Pacific Congressional Caucus and in organizing such meetings as the one this weekend.

This effort in Taiwan has been truly bipartisan, with Vice President Lu a member of the ruling Democratic Progressive Party, and Speaker Wang a key leader of the Nationalist Party, known as the KMT.

Because Taiwan is one of Asia's most dynamic democracies, it is fitting that Taiwan has been instrumental in forming the DPU and the Caucus and in organizing this symposium. I congratulate Taiwan and wish all the participants a rewarding series of meetings.

RECOGNIZING ALABAMA STATE REPRESENTATIVE F.P. "SKIPPY" WHITE FOR OVER THREE DECADES OF PUBLIC SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize Alabama State Representative F.P. "Skippy" White for his dedicated, faithful public service to the citizens of Baldwin and Escambia Counties.

Representative White has been a tremendous advocate for all of south Alabama for over three decades. He began his public service career as a councilman for the city of Pollard, AL, and served for 7 years. In 1982, he was elected to the Alabama House of Representatives and served in that capacity for 24 years.

During his career in the Alabama State Legislature, Representative White worked tirelessly on behalf of south Alabama. He was distinguished as an outstanding legislator and served on the House Rules Committee.

Mr. Speaker, the faithful service of outstanding Americans like Skippy White has aided in an immeasurable way to the well being of our community. I would like to offer my congratulations for his many personal and professional achievements. I know his wife, Clara; his children, Todd, Hugh, and Sarah Anne; and his family and many friends join with me in praising his accomplishments and extending thanks for his many efforts on behalf of south Alabama.

PAYING TRIBUTE TO WALTER CASEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Walter Casey for his numerous contributions to his community.

Walter moved to Las Vegas, NV in 1951 under the advice of his doctor. He started out working for a maintenance company and eventually started a water conditioning and purification company called Walt Casey Water Conditioning and later Walt Casey's Culligan in the 1950s. Walt Casey's Culligan is now known as the largest water conditioning company in the state.

Walter also dedicated his life to enriching the lives of others in the community. He was a founding board member of the Boys & Girls Club of Las Vegas and served as the vice chairman of the Colorado River Commission. According to his son, Walter's optimism helped him to devote his time and effort to developing promising ideas into large successes.

November 30, 2006, just 2 days after Walter and his wife, Peggy, celebrated their 60th wedding anniversary, Walter passed away from a heart attack. He was 88 years old.

Mr. Speaker, it is with great honor that I recognize Mr. Walter Casey for his outstanding efforts to improve the state of Nevada. He will be greatly missed by the entire community.

IN RECOGNITION OF THE CHIAN FEDERATION AND ADAMANTIOS (DIMIS) TH. VASSILAKIS PERMANENT REPRESENTATIVE OF GREECE TO THE UNITED NATIONS, RECIPIENT OF THE 29TH ANNUAL HOMERIC AWARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Chian Federation, which is presenting its 29th annual Homeric Award to Adamantios (Dimis) Th. Vassilakis, Permanent Representative of Greece to the United Nations. Their gala event has been organized under the leadership of the Chian Federation's President, George Almiroudis, and the Event Chair, who is also First Vice President of the Chian Federation, Alexandros Doulis.

The Chian Federation was founded in 1974. Since then it has educated and empowered the Hellenic American community to exercise their rights and fulfill their obligations as American citizens. The Chian Federation has a strong record of advocating human rights and striving to promote democratic ideals. In addition to its political objectives, the organization sponsors a dance group; cultural events; a Web site; a magazine; business card exchanges; food, clothing and toy drives; a Senior Citizens' breakfast; and lectures on topics ranging from archaeology to health care.

The Federation's accomplishments extend beyond the borders of the United States. On Chios, the Chian Federation has financially aided nursing homes, environmental groups for reforestation of the island, the Korais Library and the Office of the Repatriated Chians Organization, in addition to making substantial donations to the educational and health systems of Chios.

The Chian Federation established the Homeric Award in 1977, with the idea of recognizing individuals who have made exceptional contributions to the Hellenic community. Ambassador Vassilakis earned this honor through his outstanding service to Greece as a diplomat, and as a friend to the Hellenic community in New York.

Ambassador Vassilakis was born on the island of Chios on June 13, 1942, where he grew up and received his basic education, graduating from the Commercial High School of Chios. He then attended the Free University of Brussels, Belgium earning a Licence in Political and Diplomatic Sciences.

Mr. Vassilakis entered the Ministry of Foreign Affairs in 1972 as Embassy Attaché, and was appointed Third Secretary of Embassy at the Greek Embassy in Tirana, Albania in 1975. In 1977, he moved to the Foreign Ministry's First Department of Political Affairs, he was Head of Section for the U.S.S.R. and Eastern Europe. He served as a member of various Greek delegations visiting Eastern European countries and was a participant in the North Atlantic Treaty Organization (NATO) and Common Market political experts meetings.

In 1985, Mr. Vassilakis was made Consul General of Greece in San Francisco, California, where he was promoted to First Counsellor of Embassy. In 1989, he was appointed Head of Section for Bilateral Greek-United States, Iranian, Turkish and Arab Countries in the Foreign Ministry's Department of Bilateral Economic Relations. In 1990, Mr. Vassilakis entered the Department of European Community Affairs. In 1991, he was named Deputy Permanent Representative in the Permanent Mission of Greece to the United Nations, and in 1994, he became Chargé d'Affaires. In 1998, he was promoted to Minister Plenipotentiary (1st class). From 1999, Mr. Vassilakis served as Director General for European Affairs and Director of the Centre for Analysis and Planning in Greece's Ministry of Foreign Affairs. In 2002, he was appointed to his present position.

Ambassador Vassilakis is married to Fay Malouf-Vassilakis and they have two children, Theodore and Athena.

Mr. Speaker, I ask my colleagues to join me in recognizing the Chian Federation and its honoree, the Honorable Adamantios (Dimis) Th. Vassilakis.

TRIBUTE TO JERRIS LEONARD, A GREAT AMERICAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a great American, outstanding public servant, and an esteemed colleague and good friend, the Honorable Jerris Leonard, whose sudden passing on July 27, 2006, was mourned by his family and countless friends whose lives he touched. Jerris's life was devoted to God, family, country, and his fellow man, and he leaves a legacy of integrity and service that will long be remembered and appreciated.

Jerris received his undergraduate and law degrees from Marquette University, where he was president of the Marquette student body and was elected to Alpha Sigma Nu, the National Jesuit Honor Society. Following graduation from Marquette University Law School in 1955, Jerris began his career in Wisconsin. He was elected to the Wisconsin Assembly in

1956, representing the North Shore suburbs of Milwaukee. In 1960 he was elected to the state Senate and became Senate majority leader in 1967. In 1968 he was the Republican nominee for the U.S. Senate, but lost to incumbent Senator Gaylord Nelson.

In 1969 Jerris moved his family to Washington, DC, when he was appointed by President Nixon and confirmed by the U.S. Senate as Assistant Attorney General for Civil Rights. He served in that capacity until 1971, when President Nixon appointed him the first Administrator of the Law Enforcement Assistance Administration, a position he held for the next 2 years. Jerris remained in Washington, where he has been actively engaged in the practice of law and advocacy. Most recently, in 2005, he launched The Leonard Group to focus on legislative and lobbying activities. He also served on the Bush-Cheney Transition Department of Justice Advisory Committee, which helped the Administration find key candidates for the agency.

In recognition of his considerable accomplishments, Jerris was the recipient of the Lifetime Achievement Award from Marquette University Law School in 2000. In 1969 he received the Belle Case Lafollette Outstanding Professional Award from the Wisconsin Law Foundation. He is the author of numerous articles and was frequently invited to speak to groups throughout the United States.

Jerris was one of the original true conservatives, who championed core conservative values throughout his career and through his service in various organizations, such as Free Congress. His intellect and experience were invaluable to advancing the conservative agenda, and his engaging personality and enthusiasm for policy and politics were contagious. Jerris was a true statesman who made friends on both sides of the political aisle.

His friendships extended well beyond the realm of politics and career, however. He made friends in all walks of life. "He treated everyone the same, and that is what I think made him special," said his daughter Kate Leonard. On the day he was to be sworn in by President Nixon as an assistant attorney general, Jerris gathered his children and instructed them that they were going to meet the President, but they were to remember that the man who parks the car is just as important and just as deserving of respect.

Jerris was devoted to his wife, Mariellen, to whom he was married for 52 years, and to his family. He took an active interest in the lives of his six children and attended countless sports events and other activities in which they were involved. In addition to Mariellen, he is survived by his children, Mary Leonard Ralston and husband David, Gib Leonard and wife Joni, John Leonard and wife Jeannine, Kathleen (Kate) Leonard, Francis Leonard and wife Kelly, and Daniel Leonard and wife Kelly, 16 grandchildren, and four great-grandchildren. He was greatly loved.

Mr. Speaker, many of our colleagues in the House of Representatives knew and admired Jerris Leonard. I valued his friendship and advice, as did so many others, and we will greatly miss him. It is impossible to fully grasp the breadth and depth of a life of someone like Jerris, who gave every project or responsibility his very best effort and who lived his life with boundless enthusiasm and compassion. He was a role model and mentor to so many, and he leaves a powerful legacy that will last for generations to come. As we adjourn today, let us do so in tribute to this great American, dedicated public servant, and truly great man—Jerris Leonard.

HONORING THE RETIREMENT OF MIAMI COUNTY COMMISSIONER ANN BAIRD

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BOEHNER. Mr. Speaker, I rise to recognize the retirement of Mrs. Ann Baird, County Commissioner of Miami County, OH, and to express my appreciation for her dedication and commitment to public service. For more than 40 years, Mrs. Baird has contributed her talents to the betterment of Miami County, and for this, I offer her my utmost congratulations and thanks.

Her love of Miami County is unmistakable. During her long career in public service, Mrs. Baird has served on countless community boards and organizations in various roles including: Director of Community Services at Upper Valley Medical Center, Past President of the Miami County Chapter for the American Cancer Society, Past President of the United Methodist Women, Past President of the Troy United Fund, member of the Edison Community College Board of Trustees, and of course serving as the first female Miami County Commissioner for the past 12 years.

Mrs. Baird's record—as an elected official, a church leader, and as a good neighbor helping those in need—will leave an enduring legacy in Miami County. Her leadership will be missed, but the footprint she has left will inspire many to emulate her good works.

Mrs. Baird, I offer my congratulations and gratitude for your long and successful career in public service. I wish you well in your future retirement, and I hope you continue to achieve happiness and success wherever your life journey may lead you.

SAVING ENERGY THROUGH RECYCLING

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BARTON of Texas. Mr. Speaker, I rise today to call attention to the energy security issues we face and to highlight the important role renewable energy plays in producing reliable electricity and curbing demand for power transmission equipment. Given this importance, we must continue to support initiatives to improve transmission, increase generation nationally and encourage renewable energy and conservation.

Effective renewable energy policy must include the significant invested energy available through greater recycling. Manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. In addition to the traditionally understood benefits of recycling as a conservation and waste management tool, recycling is becoming increasingly understood as an energy source available to combat the Nation's growing energy crisis.

For example, recycling aluminum cans saves 95 percent of the energy required to make the same amount of aluminum from its virgin source. The amount of lost energy from throwing away aluminum and steel cans, plastic PET and glass containers, newsprint and corrugated packaging was equivalent to the annual output of 15 medium sized coal power plants. Increasing the recycling rate of these commodities by 10 percent would save enough energy annually to heat 74,350 million American homes, provide the required electricity for 2.5 million Americans, and save about $771 million in avoid costs for barrels of crude oil. As a result, recycling should be an integral component of our Nation's energy efficiency strategy.

The Federal Energy Policy Act of 2005 acknowledged the high invested energy content of recyclables. Section 1353 mandated the U.S. Secretary of the Treasury, in consultation with the Secretary of Energy, to conduct a study to determine and quantify the energy savings achieved through the recycling of glass, paper, plastic, steel, aluminum, and electronic devices, and to identify tax incentives that would encourage recycling of such materials. As chairman of the House Energy and Commerce Committee, I was deeply involved in the creation of this legislation, which I am proud to say was achieved with strong bipartisan participation and support.

The Environmental Protection Agency has shown that recycling saves billions in energy costs and hundreds of millions of tons of raw materials. American companies that engage in the use of renewable resources and recyclable materials are already contributing countless billions of dollars per year to our Nation's energy grid. These companies are engaging in practices that are environmentally friendly and energy conservative.

By harvesting the invested energy in recycling, this country saves tens of millions of tons of ore, coal, trees and billions of dollars in energy costs. Recycling programs offer a means to conserve natural resources, ease the burden on the grid, reduce excessive municipal waste, protect the environment, create jobs, and save energy.

Like the energy drawn from wind or from water behind a dam, recyclable materials contain a vast amount of energy that is available to be harvested. Recyclables possess invested energy, and in order to remain competitive, we must focus on capturing the energy that is already invested in recycling. Through recognition of these policy objectives, we will create the most efficient market-based solutions to ensure a safe, abundant, and stable energy supply to our citizens for years to come.

TRIBUTE TO CONGRESSMAN JIM DAVIS, CONGRESSMAN CLAY SHAW, CONGRESSMAN MICHAEL BILIRAKIS AND CONGRESSWOMAN KATHERINE HARRIS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MEEK of Florida. Mr. Speaker, as the 109th Congress comes to an end, I rise to honor the Congressional service of four outstanding members of our Florida Congressional Delegation; JIM DAVIS, CLAY SHAW, MICHAEL BILIRAKIS and KATHERINE HARRIS.

Together, these outstanding Members have decades of experience in public service and have worked on a broad range of issues of lasting importance to the great State of Florida.

I believe that public service is a truly a noble calling. Any person who assumes the challenges and responsibilities associated with this profession, and who makes the sacrifices necessary to achieve the success of these Members of Congress, merits the respect of our nation, and our thanks.

Legislating in the Congress requires men and women who are masters of the traditional skills of American government—compromise, negotiation and bargaining. While we may disagree at times on policy and share different political philosophies, our objective should always be to serve the best interests of our constituents, our state and our nation.

It is part of the genius of American government that the institution of Congress continues on and is not dependent on any particular individuals. Still, there is no doubt that the quality of people elected to Congress has a lot to do with the kinds and quality of legislation that becomes law. Each of these Members has, in his or her own way, left their mark on our laws and our nation.

I am therefore proud to join with my colleagues in the Florida Delegation and, indeed, the entire Congress, in thanking you all for your service and wishing you much happiness and success in all your future endeavors.

HONORING LARRY STEWART

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GRAVES. Mr. Speaker, I would like to take this opportunity to speak about a very special Missourian.

Larry Stewart has spent the past 27 years selflessly giving to the people of Kansas City. Mr. Stewart is a kind-hearted businessman from Lee's Summit, Missouri, and until recently, was known to many only as the "Secret Santa." Every December since 1979, Mr. Stewart has wandered the streets of Kansas City quietly searching for people in need, and handing them $100 bills.

This honorable tradition began with a generous tip to a stranger. Mr. Stewart had just been fired from his job, the week before Christmas, and drove to a drive-in restaurant to cheer himself up. As soon as he saw what the $20 bill he had handed the waitress meant to her, he withdrew $200 from his bank account and drove around looking for people who seemed like they could use a lift. He has been handing out cash to people in need every December since. This year, with the help of a few special elves and four specially trained Secret Santas, he will hand out $165,000.

Unfortunately, Mr. Stewart will also be spending this December fighting his esophageal cancer. Mr. Speaker, I ask my colleagues to keep Mr. Stewart in their thoughts, and use him as an example of kindness and generosity this holiday season.

TRIBUTE TO CONGRESSMAN JIM RYUN

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. TIAHRT. Mr. Speaker, of the many friends and colleagues, who will not be returning for the 110th Congress, I am especially disappointed that my fellow Kansan JIM RYUN is one of them.

It was at an event in Wichita, where I first encouraged JIM to run for Congress. Most Kansans knew JIM as the world record holder in the mile run and as an American Olympic hero. I knew him as a loving father and family man and someone who cares deeply about his country.

JIM RYUN won a hard fought battle in 1996 and served honorably in this House for five terms. He was an effective legislator and tough advocate for the constituents of the Second District of Kansas. You only need to look as far as Fort Riley and Fort Leavenworth to see the results of Congressman RYUN's efforts. They not only survived the BRAC process, both installations have expanded missions and are well positioned for the future.

JIM RYUN not only stood strong for the men and women of the military, he has been a tireless fighter for the issues that are of greatest importance to his constituents. JIM RYUN is a budget hawk, defender of life and someone on whom you can always rely. He is a man of integrity and has already left an indelible mark on Kansas, our country and the world. He will be sorely missed.

HONORING ARKEMA INC., AXIS PLANT ON ITS 25TH ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to Arkema Inc., Axis Plant on the completion of their 25th year.

For the past 25 years, the Axis plant has been an economically vital contributor to both the town of Axis and the State of Alabama. The plant began operations in 1981 as M&T Chemicals, producing inorganic and organic tin compounds. After numerous expansions over the years, the plant was purchased in 2004 by Arkema Inc., a global leader in the chemical production industry.

Since its inception, Arkema has earned a very respectable reputation as a world class chemicals producer. They have amassed nearly $7.3 billion in revenue and have over 18,400 employees in 40 different countries. With such immense size and diversity, Arkema Inc. brings countless opportunities to the people of the First Congressional District.

In particular, the Axis plant specializes in producing a wide variety of chemical additives, such as heat stabilizers and impact modifiers. Heat stabilizers are compounds added to PVC to slow color development during processing and extend the life of a product. Impact modifiers are added to PVC to make it less brittle and to increase its strength. These products are used in everyday items such as hair dryers, plastic piping, and vinyl siding.

Mr. Speaker, it is my great honor to recognize the administration and staff of the Arkema Inc., Axis Plant and their continuing leadership in the chemical production industry. It is my sincere hope that they will continue to set highly commendable examples for others in their industry, and I rise today to recognize and thank Arkema Inc., Axis Plant for its contributions to the local economy and to the quality of life enjoyed in the State of Alabama.

HONORING FEDERAL JUDGE PAUL BROWN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HALL. Mr. Speaker, I am honored to pay tribute to one of the outstanding Federal judges in our Nation, U.S. District Judge Paul Brown, who is retiring after 21 years of distinguished service on the bench in the Eastern District of Texas. Judge Brown has been my good friend for many years, and he is a respected and beloved Judge and member of the community in Sherman, Texas.

Judge Brown represents the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse are Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially. Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he got his parents' consent to join the U.S. Navy when World War II broke out. He served as a minesweeper in both the Atlantic and Pacific theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June, 1946.

He returned to his studies and received a law degree in 1950 from The University of Texas before being recalled to active duty in the Korean War. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December of 1951.

Judge began his practice of law following the war and following President Dwight Eisenhower's election, he went to work as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger, who would become his mentor, good friend, and fellow colleague on the bench in the Eastern District until Judge Steger's passing this year. He served as Assistant U.S. Attorney from 1953 to 1959, then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge Brown met and married Frances Morehead, and the two returned home to Sherman, where Judge Brown practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and Judge Brown was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity have been remarkable, and his reputation for punctuality has been legendary.

At his retirement reception, hundreds of local attorneys, area judges and friends and family paid tribute to Judge Brown. The Eastern District Chief Judge, Thad Heartfield, speaking for the fifteen judges on their court, has recommended that Congress name the U.S. District Courthouse in Sherman the "Paul Brown U.S. Courthouse." Judge Heartfield noted that Judge Brown has demonstrated the finest qualities of a U.S. district judge: knowledge of the law, courtesy, patience, wisdom and compassion. It will be my pleasure to introduce legislation to that end.

As we near adjournment of the 109th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist, the Honorable Paul Brown, U.S. District Judge for the Eastern District of Texas.

COMMENDING NATALIE WILSON CRAWFORD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. HARMAN. Mr. Speaker, although women have climbed to the highest reaches of outer space, the number of women who have risen to positions of prominence within the U.S. aerospace industry can be counted on one hand. I am therefore particularly proud to commend a fellow Californian, Mrs. Natalie Wilson Crawford, for her four decades of service promoting the security of the American people through her work at the Santa Monica headquarters of RAND. In 1964, Mrs. Crawford became a member of the professional staff of the RAND Corporation, an internationally known and highly respected think tank, and has since held a broad range of research-related senior management positions.

For the past nine years, Mrs. Crawford has been a Vice President of RAND and the Director of Project AIR FORCE, RAND's first research division founded in 1946 under the name of Project RAND. For 60 years, Project AIR FORCE has been the Air Force's only federally funded center for studies and analyses; and it has provided independent, objective research on a full range of issues critical to national defense.

Mrs. Crawford's international reputation as an expert on air and space power made her especially well suited for this role. During her tenure, she worked closely with senior leaders of the Air Force to build a powerful research agenda in areas such as geopolitical strategy, aerospace force development, resource management, and manpower.

The Air Force has formally honored Mrs. Crawford many times. She has twice been awarded the Air Force's Decoration for Exceptional Civilian Service. In 2003, she received both the Lifetime Achievement Award from the Air Force Analytic Community and the Lieutenant General Glenn Kent Leadership Award. She has also been the Department of the Air Force's Woman of the Year. Today, the members of the United States House of Representatives have the opportunity to add our expression of appreciation for her loyal and dedicated service.

In October, Mrs. Crawford stepped down from her administrative roles in Project AIR FORCE. However, she will continue to act as a senior advisor to RAND's chief executive officer and she will be a senior mentor to the USAF Scientific Advisory Board, a group with which she has been affiliated since 1988.

I thank Natalie Crawford for all that she has done to ensure the safety and security of the United States, and I wish her every success in her future endeavors.

RECOGNIZING MR. G. FRED SCHUTZ FOR HIS TREMENDOUS LEADERSHIP

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KUHL. Mr. Speaker, I rise today to thank a tireless and unselfish community leader from my congressional district, Mr. G. Fred Schutz.

Born in Buffalo, New York, in 1928, Fred joined the U.S. Naval Reserve at the age of 19, and then transferred to the U.S. Air Force for 8 years during the Korean conflict. In 1988, Fred ended his military career with the U.S. Army reserve-retiring as a command Sergeant Major of the 98th division. During his 22 years of service, he received 9 personal medals and 21 service awards.

After active duty, Fred returned to Canandaigua, New York to work for the Penn Central Transportation Company and later became a small business owner. Fred has been a dedicated leader, being instrumental in many crucial projects including: the founding of a downtown park—The Commons, and the revitalization of Phoenix Street.

He has also organized the Memorial Day parade for as long as anyone can remember and, for the past five years, has led the 9/11 (patriot day) ceremonies. Fred has worked tirelessly to retain the VA medical facility in Canandaigua; he has fought to establish a museum for military art and has lobbied for a ship to be named after the city of Canandaigua. Fred continues to provide sage advice and economic assistance to veterans who are seeking records, medical treatment, and transportation or lodging.

For a number of years, Fred has served a free Thanksgiving turkey dinner for homeless or needy veterans in the area. His concern for others is evident in his employment of handicapped and older veterans and his enthusiastic fundraising for camp good days and special times, the Make a Wish Foundation, and a church summer carnival.

Fred has also volunteered as a fireman for 20 years. He has been an American Legion member for 53 years, having served as a post, county and district commander and has served on numerous committees on the local, state and national level. Fred was a financial contributor to the Vietnam moving wall in 1999 and instrumental in organizing the ceremonies commemorating the 50th anniversary of the Korean war.

He was named Seventh District Legionnaire of the Year in 2003 and Seventh District Humanitarian of the year in 2005. The city of Canandaigua named him volunteer of the year in 2006 and recently named a day in his honor.

Again, I thank Fred for his tremendous contributions, and I look forward to continue working with Fred to help those in need and do what is best for our community.

IN HONOR OF THE INAUGURATION OF THE DEMOCRATIC PACIFIC UNION (DPU)

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate the members of the Democratic Pacific Union. On the 60th anniversary of the end of World War II (August 14, 2005), the Democratic Pacific Union (DPU) was formally inaugurated in Taipei, Taiwan. The ceremony drew 76 dignitaries from 23 countries, including the presidents and vice presidents of Taiwan, Costa Rica, Guatemala, Nicaragua and Palau. The Union's goal is to promote democracy and encourage contacts among its 28 member democracies. Taiwan Vice President Lu Hsiu-lien was elected Chair of the Union.

Since its inception, the Union has established a Secretariat and published its first quarterly, planned regular regional meetings in the East and the West Pacific regions, initiated the Pacific Economic Advisory Group and the Pacific Congressional Caucus, and additionally established a training program for typhoon and flood disaster reduction. The DPU has offered scholarships to students of member states to study in Taiwan, planned a Pacific university network in Taiwan, and invited distinguished women to come to Taiwan to discuss women's issues in the Pacific region. Other initiatives have been introduced to promote democratic values and prosperity among member states.

There is little question that the Democratic Pacific Union has achieved a great deal during its short history. Its goals of promoting and spreading democracy are laudable and complement with our values. We should encourage the leaders of the Democratic Pacific Union by endorsing their goals and objectives as well as learning from them. I am certain that the Union will attract more members and win even greater international recognition in the months and years ahead.

IN HONOR OF ROCKFORD, IL, BURPEE MUSEUM FOR RECEIVING TWO AMERICAN ASSOCIATION OF MUSEUM AWARDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Burpee Museum of Natural History in Rockford, IL. The Burpee museum is a remarkable cultural institution that has received two prestigious American Association of Museum-AAM-Awards. Both of these awards are for the Jane: Diary of a Dinosaur exhibit at the museum, which opened to outstanding reviews in June 2005.

The museum submitted entries in two categories: Overall Exhibit Excellence and the MUSE Award for the use of media and technology in the Jane exhibit. Burpee received the Exhibit Excellence Award, which is considered the museum profession's highest honor. It also received an Honorable Mention MUSE award for Jane's interactive Meet the Researcher video.

Lew Crampton, Burpee president and CEO, accepted the awards at the AAM's 100th International Conference in Boston in the company of 7,000 other museum profession delegates from around the world. Judges who presented the awards to Mr. Crampton praised Burpee, stating the "whole project was so solid . . . and you just did everything right . . . your work could and should serve as a model to other institutions (including much larger ones) as a way to create an excellent exhibit."

Jane's exhibit is a reflection of the dedication and professional excellence that is demonstrated by the personnel at Burpee. Burpee's personnel overcame three daunting tasks in order to successfully create the exhibit. First, after transporting Jane from Montana to the museum lab, Jane's 66 million-year-old bones were carefully removed from the rocks in which they were embedded. Second, identifying Jane's place in the dinosaur family tree presented a unique challenge because many scientists consulted in the process disagreed on this matter. Finally, in the midst of the first two tasks, Burpee's personnel had to consider how to create an exhibit that would be able to bridge the gap between science education and family enjoyment.

Mr. Speaker, I wish to extend my recognition and support of the Burpee Museum of Natural History in Rockford, IL. Since its founding in May of 1942 as a part of the Works Progress Administration, the mission of Burpee has been to inspire all people to engage in a lifetime of learning about the natural world, and they have been very successful in doing so. To this day, Burpee reaches out to the public through its creative event programming and excellent education offerings for educators, families, and other members of the local community. Burpee is a prime example for other cultural institutions across the country, and I am honored to recognize the museum and its personnel here today.

HONORING PRESIDENT WILSON ON THE 150TH ANNIVERSARY OF HIS BIRTH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. HOLT. Mr. Speaker, December 28 will mark the 150 anniversary of the birth of our 28th president, Woodrow Wilson. Throughout 2006, a number of organizations—including the Woodrow Wilson House, the Boyhood Home of President Woodrow Wilson, the Woodrow Wilson Family Home, Princeton University, and the Woodrow Wilson Presidential Library—have held multiple public events to commemorate the life and work of President Wilson. Today, along with my colleague, Mr. GOODLATTE, I'm pleased to offer a resolution both recognizing the 150th anniversary of President Wilson's birth and the contributions of the many organizations that have made this sesquicentennial successful. It also affords us a moment to reflect on how important Woodrow Wilson's legacy is for the United States.

President Wilson lived to see three major wars in his lifetime, each of which reshaped America's role in the world: the Civil War, the Spanish-American War, and World War I. In the wake of the First World War, President Wilson had the vision to understand that if America was going to prosper in the 20th century, it needed to be a part of the world, not separated from it. That vision was encapsulated in the last of his famous "14 points" in his January 8, 1918 address to a joint session of Congress:

> XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

Wilson sought to create a just peace for the defeated Triple Alliance powers and a secure world for all nations. He understood both the value and need for collective security, and above all the moral imperative underlying it, as he revealed in his 1918 State of the Union speech:

> We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle [can] be made its foundation, no part of the structure of international justice can stand.

Wilson's vision for America's role abroad—U.S. participation and leadership in the League of Nations—was ultimately undone by his lack of vision in dealing with a Senate that his party no longer controlled and by some flaws in the design of the League. Then-Senate Majority Leader Henry Cabot Lodge was skeptical of the value of the League and wary of the risks of committing America to a permanent, high-profile role in international affairs. The personal animosity between the two men undoubtedly contributed to Lodge's opposition to ratification of the League treaty. The intransigence of both men doomed the League treaty's chances in the Senate.

Today, there is little debate among historians about the consequences. Had Wilson and Lodge been able to set aside their differences and ensure Senate passage of the treaty, America's membership in the League might well have moved the body to take far more decisive action against the fascist dictatorships that emerged in Germany, Italy, and Japan in the 1920s and 1930s, perhaps preventing the Second World War. Other presidents since have relearned the lesson that unless the Congress—the representatives of the people—are true partners in America's foreign policy initiatives, the results are usually tragic. Such was the case in Vietnam, and it is the case in Iraq today.

History ultimately validated Wilson's vision for America's role in the world, and his dream of an international body designed to mediate conflicts between nations did become a reality in the form of the United Nations. Wilson was an innovator in international affairs, and we need to recapture his spirit of innovation and inclusiveness if we are to meet both the threats and the opportunities that lie before us. I want to once again thank all of the fine organizations involved with the Wilson sesquicentennial celebrations for reminding us all what President Wilson has bequeathed to our Nation and the world.

HONORING THE CONTRIBUTIONS OF JACQUE MUTHER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Georgia. Mr. Speaker, today I rise to honor and congratulate Jacque Muther—a true champion in building and sustaining HIV/AIDS care and treatment services in Atlanta—on her tenure as a member of the Board of Directors and Treasurer of the Communities Advocating Emergency AIDS Relief

Coalition. CAEAR Coalition is a leading national voice for the treatment and care needs of people living with HIV/AIDS and Ms. Muther has served on its Board of Directors for 12 years, including eight as treasurer. She will leave the board at the end of this year and I take this opportunity to acknowledge her service at the local and the national levels.

Ms. Muther's commitment to the care and treatment of people living with HIV/AIDS goes back almost to the beginning of the epidemic. Since the mid 1980s, she has worked at the Grady Health System Infectious Disease Program—a program that now serves over 4,500 indigent people living with HIV/AIDS. She also served as Chair of Atlanta's Ryan White Title I Planning Council and as a member of the Georgia ADAP Task Force, which focuses on increasing state contributions to the AIDS Drug Assistance Program. She also serves as Treasurer of HIVDent and is a member of the Board of Directors of Atlanta's AIDS Survival Project.

This impressive list of contributions does not fully capture Ms. Muther's important role in our community, nor her effectiveness as an advocate for high quality HIV/AIDS care for all who need it. Her service and advocacy are rooted deeply in her strong sense of justice and wherever she goes she is a compassionate and effective voice for the urgent need for the nation to redouble its commitment to HIV/AIDS.

I know well the power of her work in Atlanta and here on Capitol Hill where she is a highly regarded expert. She has the ability to help members and staff alike understand the needs on the frontlines and what we, in turn, must do to respond to those needs.

I rise to honor Ms. Muther's contributions and to express my gratitude that she continues on in service to this vital cause.

HONORING THE MEMORY OF MR. HOOPER MATTHEWS, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BONNER. Mr. Speaker, Escambia County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Mr. Hooper Matthews, Jr., known as "Big Hoop" to his children and grandchildren, was a devoted family man and dedicated community leader throughout his life.

Hooper was born in Nashville but made his way to Atmore, Alabama, in 1948. He was a graduate of the University of Georgia where he earned a degree in Forestry, which he used while managing his family timberlands as a registered forester. He also owned the Pepsi-Cola Bottling Co. of Atmore and South Alabama Vending Company. He was awarded the Atmore Area Chamber of Commerce's lifetime achievement award in 2005.

Hooper was a strong believer in the future of Atmore. His work as president of the A.C. Moore Elementary PTA as well as his work on the board of directors of Escambia Academy exemplified his vision for creating a strong foundation in the community's children.

He also supported programs such as Read America, the Huxford Elementary School Reading Initiative, scouting events, the YMCA, and drug and alcohol education, to name just a few of his many pet projects.

Not only did Hooper give back to Atmore through his work with children, but he contributed in more ways than most people might realize to Atmore's economic viability through his business ventures.

His work with the Atmore Chamber of Commerce, where he served as a past president, brought Masland Carpets to the area and raised funds for Atmore schools as well as The American Cancer Society, The American Heart Association, Williams Station Day, Mayfest, and the Poarch Band of Creek Indians.

Even with his numerous professional obligations, Hooper always found time to share his love for the land with anyone and everyone who was interested.

Many a child in south Alabama shot their first deer by his side, and on any given day, you could expect to see someone hunting with him. His kind generosity touched many people throughout the First District but was felt with the most warmth back at home. He always had an infectious smile on his face and a love for people that was real and genuine.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Hooper Matthews, Jr., loved life and lived it to the fullest, and his passing marks a tremendous loss for all of south Alabama. He will be deeply missed by many, most especially his family and the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO ZACHARY L. COOPER

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable citizen, Mr. Zachary L. Cooper of Madison, Wisconsin. Mr. Cooper was an educator and scholar who devoted his life to the study and teaching of black history. He was widely known as one of the state's most prominent chroniclers of African-American history.

Zachary Cooper was born in Brunswick, GA, in 1935, and eventually settled in Madison, Wisconsin. After spending 2 years in the Army Medical Corps, Mr. Cooper went on to earn a bachelor's degree in European history from the University of Wisconsin-Madison. He followed that with a master's degree in American history and earned his Ph.D in curriculum and instruction from the Ohio State University-Columbus.

Mr. Cooper spent much of his career documenting the history of black settlers, authoring "Black Settlers in Rural Wisconsin" and creating a documentary called "Coming Together, Coming Apart" which used oral histories, photos and diaries to preserve evidence of early black families in Wisconsin. Mr. Cooper was also a lecturer for a variety of institutions including the Wisconsin Historical Society, the University of Wisconsin, Edgewood College, Madison Area Technical College, and the Madison School District.

Mr. Cooper's passion was working with children. As president of the board of directors at the Early Childhood Learning Center, he was able to impact the lives of all the children at the center.

In the spring of 1992, Cooper co-founded JAMAD (Jamaica-Madison Cultural Exchange), a program that creates connections between hardworking students in Wisconsin and Jamaica. Through the program, students establish pen pal relationships which culminate in the students from Wisconsin making a trip to Jamaica to learn more about their peers and the culture.

With the passing of Zachary L. Cooper, the world has lost a great scholar, and Wisconsin has lost a great teacher, citizen, and friend.

VARIOUS FOREIGN POLICY SUSPENSION BILLS AT THE END OF THE 109TH CONGRESS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. PAUL. Mr. Speaker, I would like to express my concern about the House of Representatives at the last minute rushing to the floor dozens of bills spending tens of millions of dollars and interfering in the affairs of foreign countries. Mr. Speaker, we woke up this morning with the surprise announcement that we would face at least 35 of these suspension bills. Suspension bills are customarily noncontroversial—naming post offices and the like. I can hardly think of anything more controversial than sending tens of millions of U.S. taxpayer dollars overseas to interfere in the affairs of foreign countries.

The suspension calendar is being used to pass the reauthorization of the Export-Import Bank, which funnels millions of U.S. taxpayer dollars to foreign governments. For example, through the Export-Import Bank, Americans are forced to subsidize China's economic growth with some $4 billion dollars per year. Is this not controversial?

Additionally, today's suspension bills will turn an additional 52 million dollars in foreign aid over to the Democratic Republic of the Congo. Is this not controversial?

Possibly more damaging in today's "noncontroversial" suspension bills are the several bills that seek to meddle in the affairs of foreign countries. Today's suspension bills, whether they regard Lebanon, Iran, Congo, or Nepal, make it clear that we still have not learned the lessons we should have learned from Iraq and all of our previous interventions that have gone awry. Mr. Speaker, it is bad enough that Congress acts as if its jurisdiction extends across the entire globe, must we add insult to injury by treating this as simply run of the mill, noncontroversial legislation?

HONORING DR. PATRICK McKIERNAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dr. Patrick McKiernan, a remarkable public servant and advocate from my home state of Kentucky. Dr. McKiernan presently serves as Outreach Coordinator to Homeless Veterans for the Kentucky Department of Veteran Affairs.

Tragically, more than 1,000 veterans will be sleeping on the streets of Kentucky tonight. Dr. McKiernan recognizes that there is something fundamentally wrong when individuals who once wore the uniform of the United States are forced by circumstances to live on the streets. Under his compassionate leadership, the Kentucky Department of Veteran Affairs continues to work to establish special assistance programs to help get veterans off the streets and into housing or treatment facilities.

Dr. McKiernan represents his agency on the Kentucky Council on Homeless Policy, advising the Governor and his staff on homelessness and housing issues across the state. He also represents Kentucky Department of Veteran Affairs at the annual conference of the National Coalition for Homeless Veterans in Washington, DC and the Homeless and Housing Coalition of Kentucky.

In addition to his current work and responsibilities, Dr. McKiernan is developing plans to establish the Homeless Veterans Coordination Committee to provide additional guidance and support to help homeless veterans.

Dr. McKiernan's colleagues, and countless veterans touched by his exemplary work, note his unique ability to navigate bureaucracy and successfully resolve casework with unusual expedience. Recently, Dr. McKiernan intervened in a case involving a veteran afflicted with esophageal cancer who nearly became homeless due to the financial challenges of his illness. Because of his efforts, an American hero is receiving the care and assistance that he deserves. This is but one example in a long career of helping others.

It is my great honor to recognize Dr. Patrick McKiernan today before my assembled colleagues in the U.S. House of Representatives. His leadership and service make him an outstanding American worthy of our collective honor and appreciation.

TRIBUTE TO DR. POLLEYS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a great woman who has without reserve given her all to Muscogee County, GA. On this day, Dr. Polleys is retiring as chair of the Muscogee County School Board, a position which she has held for 13 years. She has faithfully served her community while blazing new trails for those who would follow.

Dr. Polleys grew up in Harris County, GA and knew early on that she wanted to make a difference in her community. To that end, she came back to Columbus to teach school after graduating from Mercer University. Not long thereafter, Mary Sue completed her master's degree at Auburn University and taught speech at the college level for 7 years, tutored extensively, and became involved in corporate training. In accordance with her ambitious nature, she did not stop with her master's but went on to receiver her doctor of philosophy degree from Auburn and served as director of the Servant Leadership Program at Columbus State University until her retirement.

After being elected to the Muscogee County School Board in November of 1993, Dr. Polleys led the school board to a place where consensus was the norm, mutual respect was expected, and discourtesy was simply not acceptable. In less than 5 years, the school system resolved its leadership issues, passed a $160 million capital program by a 3-to-1 margin, developed a fund balance of over 30 days, resolved its litigation, reversed the fall in test scores, and restored the confidence of administrators and teachers. More importantly, she restored the confidence of the parents and children whom the board serves.

Other members of the Muscogee County School Board characterize her this way:

> As Chair, Dr. Polleys exemplified true leadership by pushing us when we needed to be pushed, calmed us when we needed to be calmed and taught us when we needed to be taught. She helped take us from a group of nine individuals, with nine separate agendas, to a school board of nine public servants, with a single agenda, service to the community and care for all its children.

In a lasting tribute to Dr. Polleys, the school board entered this resolution:

> It has been said that all of us should be ashamed not to have made at least one victory for mankind during our lifetimes. By that standard, Dr. Polleys has earned not just the right to be unashamed, but the right to be proud. If she thought in terms of pride, she would be. She doesn't. If her accomplishments are to be praised, we must praise them because she won't.

Today, as Dr. Polleys moves into retirement from government service, we honor her and thank her for all she has done for the benefit of Columbus, GA—as an elected official and as a private citizen dedicated to the good of others. Her exemplary service to her community has set a standard of dedication and leadership that has inspired many and will inspire many others.

HONORING REPRESENTATIVES J.D. HAYWORTH AND JIM RYUN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. STEARNS. Mr. Speaker, I have had the privilege of working with some great men and women over my years in Congress, and I rise today to pay my respect to two of my colleagues who will be leaving at the end of this year: Representatives J.D. HAYWORTH and JIM RYUN.

Anyone who has worked with J.D. HAYWORTH can readily testify that he is a charismatic man of many talents. His career in Congress has been highlighted by his leadership on immigration reform, advocacy for enhanced border security and prioritization of national security in these threatening times. In addition, he has received the "Taxpayer Hero" award from Citizens Against Government Waste 10 times, and was recently awarded the "Lifetime Tax Fighter" award from the National Tax Limitation Committee. He has also worked tirelessly for protection of children. His provisions for a centralized law enforcement database of child abusers strengthened the Adam Walsh Child Protection and Safety Act, which President Bush signed into law this July.

These are some of the many distinctive achievements of J.D. HAYWORTH as a public official, but many may not know some of the unique characteristics he possesses as an individual. I got to know J.D. better when I went and campaigned for him. I met his wonderful family and enjoyed their warm hospitality during my times in Arizona. He is a loving family man with a great sense of humor. Many may not be aware of one of his unique talents. He has an uncanny ability to mimic the speech of other Members. His impersonation of Representative HOWARD COBLE in particular is one of the best I have ever heard.

I greatly respect J.D., will sorely miss him, and I hope he will consider returning to public office sometime in the near future.

I would also like to take a moment to honor Representative JIM RYUN. He has greatly impressed me with his leadership—both in his public office and in his personal life. He has fervently worked for traditional family values, fiscal responsibility, immigration reform, and improving the lives of our men and women in uniform. For several years now, he worked to pass the Military Personnel Financial Services Protection Act, which protects service members from coercive tactics employed by some credit institutions. This legislation overwhelmingly passed the House and paved the way for its companion legislation to be signed into law this past September. I was also impressed and touched by his eloquence during the debate on the Respect for Fallen Heroes Act when he stated, "Our service members embody the exact opposite of hate by sacrificing their lives so that we can keep ours. I pay tribute to them . . ." It is this selflessness and integrity that has made it a pleasure to work with him.

It is also an honor to know him as a friend. JIM is a committed family man. He and his wife Anne have worked as a "dynamic duo" to strengthen and promote family values through their work with the Statesmen Leaders Conference and the Congressional Wives' Club. He is most famously identified as the man who broke the 4-minute mile, an incredible feat of athleticism that many of us, myself included, wish we could replicate. But I would not identify him that way. Instead, I would identify him most readily with his faith, for that is how he lives his life. I have had the pleasure of attending many Bible studies with him here at the Capitol, and I have found the source of his strength of character stems from his deep faith in God. His love for God and his fellow man has inspired many of us, and led some to a deeper relationship with God themselves. I value the time I have had to work with JIM. I will miss his calming presence and insight in the 110th Congress, and I pray that God blesses him and his family in his future endeavors.

REGARDING INTENT TO INTRODUCE THE BROADBAND EXPENSING ACT OF 2007 IN THE 110TH CONGRESS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. MATSUI. Mr. Speaker, I rise today to discuss an important piece of legislation I will reintroduce early next year, along with my colleague, Mr. ENGLISH of Pennsylvania, to encourage the deployment of broadband high-speed Internet service throughout the United States. The Broadband Expensing Act of 2007 will allow immediate depreciation of the costs of new infrastructure investments providing broadband connectivity. In previous Congresses this measure has received extensive bipartisan support with as many as 225 House cosponsors and 65 Senate cosponsors. As the Congress and administration consider various methods of encouraging innovation in America, a broadband incentive of this nature must be of high priority.

This bill was a priority for my late husband, who worked with Mr. ENGLISH, Senator ROCKEFELLER, Senator BAUCUS, and the late Senator Moynihan to craft it in 2000. They all worked hard on it for several years and built tremendous bipartisan support in both chambers of Congress. My husband spent a lot of time discussing this measure with his colleagues in the House, explaining how it would work, seeking cosponsorships. It has been a popular measure. On three separate occasions it has almost passed the Congress, but each time fell short in the House. Three times this bill has passed the Senate, and three times it has been rejected in conference with the House, to the disappointment of my husband, my colleague Mr. ENGLISH, and many other members of this body who supported it and felt it could make a significant contribution to improving America's telecommunications and information technology infrastructure.

Now we are prepared to make another push for this bill in the 110th Congress. The Broadband Expensing Act will provide a temporary two-tiered tax incentive to stimulate new investment in this crucial infrastructure: 50 percent expensing for investment in "current-generation" broadband infrastructure in rural and underserved areas, and full expensing for "next generation" broadband investments in those same areas, as well as residential areas generally. Moreover, it is designed to be technology neutral, making delivery of service, not the delivery medium, the factor for eligibility. Any broadband provider meeting the required speeds, measured in megabits of data delivered to and from the consumer per second, is eligible, whether such service is provided over telephone wire, cable modem, optical fiber, wireless, satellite, or other forms of technology.

It is important to act quickly. Recent reports by the Organization for Economic Cooperation and Development and the International Telecommunications Union find the United States lagging in broadband penetration compared to other nations. We should not sit idly by and allow the United States to fall behind in this crucial area. Just as the federal government stepped in to provide national availability of electrification and transportation in the mid-1900s, we must now ensure a national system of electronic information.

I urge all of my colleagues to support this important measure. I look forward to working with my cosponsors and the leadership of both parties to see the Broadband Expensing Act become law in 2007.

TURKEY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. KNOLLENBERG. Mr. Speaker, I encourage Turkey to honor their commitments and implement important economic, regional, and political advancements in order to gain membership in the European Union (EU).

Today, December 6, 2006, marks an important deadline in the pursuit of international partnership and cooperation. Turkey must begin to demonstrate to the EU and the international community that it is willing to implement changes in its policy prior to the Ascension Summit, where it will be decided whether Turkey may continue toward EU membership. The significance of this deadline is undeniable; Turkey must decide: do they continue to pursue a policy which alienates and impedes other nations? Or, do they adopt policy changes to join an important international cooperative body.

It is a well-known fact the regional policies of Turkey cause strain in the South Caucasus region and unfairly harms the welfare of their neighbor country, Armenia. The European Union has repeatedly called for the cessation of the Turkish Blockade of Armenia as well as normalization of relations between the countries. However, these two pre-conditions to entering the EU have been blatantly ignored by Turkey. The blockade, now in its thirteenth year, is the only blockade of a fellow Council of Europe state. This is simply unacceptable, and I implore the EU to stand firm in their recommendations to Turkey in order to ensure these iniquitous economic practices are eliminated.

Mr. Speaker, Armenia is a friend of the United States; and too many countries throughout the world. Yet, Turkey refuses to see the benefits Armenia brings to the South Caucasus region. This refusal has led to fierce tension within the region, as well as unfair economic outcomes that only harm Armenia. Before Turkey can become a member of the European Union, they must first acknowledge their mistakes, foster cooperation in the South Caucasus region, and respect their neighbor, Armenia.

I encourage the European Parliament to consider the ramifications of Turkey's actions before granting them membership to the EU. The purpose of the EU is to create economic, political and most importantly regional cooperation between nations with similar interests. Turkey, with a history of bullying their neighbor, does not deserve membership until they change their ways.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the legislation introduced today by Congressman RADANOVICH to implement a practical agreement to revive our State's second-longest river.

This is a remarkable accomplishment, and I congratulate the parties who have worked tirelessly to get to this point.

When we debated and passed the Central Valley Project Improvement Act in the early 1990s, we anticipated a program to reestablish the San Joaquin River's salmon run that was eliminated by the construction of Friant Dam.

But bringing about something as momentous as this agreement is easier said than done. This settlement has been literally decades in the making, and I think we should all be very glad we're at this point, rather than watching another several years of litigation and argument.

It took a collaborative effort to bring this settlement about, and I'd like to take a moment to recognize the leaders of this effort.

Congressman RADANOVICH and Senator DIANNE FEINSTEIN took the lead in directing the Natural Resources Defense Council and the Friant water users to settle the 18-year legal dispute, and in negotiating the legislation to implement their settlement.

Attorney Hal Candee has shepherded NRDC's effort to reverse 60 years of destruction on the San Joaquin, and Friant's counsel, Dan Dooley, ensured that the river could flow without devastating his farmers.

My hat is off to each of the parties who have made this happen.

There is still a lot of work to be done before the salmon can return to the San Joaquin River again, and I look forward to working in the 110th Congress and beyond to help move the restoration efforts forward.

I will also make sure that this worthy effort does not detract from other ongoing restoration efforts, like the important work taking place on the Trinity River in northern California.

There is still much to be done in order to implement and fund the 2000 Record of Decision for Trinity River restoration, and I intend to work with my colleagues to restore that river and its fishery, including the resources that the United States holds in trust for the Hoopa Valley Tribe.

Again, I want to thank those who have led in this collaborative effort, and I urge my colleagues to support this legislation to settle a very long legal dispute and finally to bring salmon back to the once-great San Joaquin River.

A TRIBUTE TO MR. CRUZ BUSTAMANTE JR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. COSTA. Mr. Speaker, I rise today and join my colleagues Mr. CARDOZA, Mr. RADANOVICH and Mr. NUNES in honoring and remembering the life of Mr. Cruz Bustamante Jr., who passed away on Friday, December 1, 2006. Mr. Bustamante was a respected member of his community and his memory will forever be cherished.

Mr. Bustamante, was born on November 2, 1933 in Loving, New Mexico. In his youth, he and his family left New Mexico and made California's San Joaquin Valley their new home. Cruz graduated from Dinuba High School and Mohler Barber College. He successfully pursued careers as a barber and later as the Administrator for the Greater California Employment Program and United Health Centers.

Like his son, Cruz, who served two-terms as the California's Lieutenant Governor and as a Member of the State Assembly representing the San Joaquin Valley, Mr. Bustamante also had an appetite for public service and never shied away from the opportunity to influence change in his community. Following that passion, he served the City of San Joaquin both as a member and Mayor Pro Tem. In addition, many civic, educational and community boards and committees were the beneficiaries of Mr. Bustamante's interest in his community's welfare.

Mr. Cruz Bustamante Jr. is survived by his beloved wife of 54 years, Dominga and their children: Cruz M., Belinda, Dorothy, Ron, Andrew and Naomi. Also surviving him are nine siblings, ten grandchildren and three great-grandchildren.

Although his passing leaves a community in mourning, his devotion to his family, loyalty to friends, and commitment to helping others will never be forgotten. I would like to extend my deepest condolences to his family and friends, and reassure them that his memory will live on through the lives he so graciously touched.

FOND FAREWELL TO DEPARTING FLORIDA DELEGATION MEMBERS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. STEARNS. Mr. Speaker, Florida is a state like no other. Our distinct regions range from the white-sanded beaches of the panhandle to the pink-sanded, sophisticated boutiqued avenues of Miami, passing through the space coast, home to Kennedy Space Center, and, most exquisitely, through the beautiful, rolling horse country of Marion and Alachua counties.

Our congressional delegation is no less diverse. We have our rock-solid fiscal conservatives, our steady moderates, and our progressive liberals. I am proud to be associated with them all.

Tonight, I join my Sunshine State colleagues to bid a fond farewell to CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS. Each of them are unique seashells, sparkling on the beach that we call Florida.

Mr. BILIRAKIS, Mr. DAVIS and I have spent many years together on the Committee on Energy & Commerce. For countless hours, we have debated the Outer Continental Shelf, Medicaid, and telecommunications issues. There were never dull moments, but even as we disagreed, I think that the three of us asked a common question as we legislated: what is best for Floridians?

In Mr. BILIRAKIS, further, one could ask for no more dedicated advocate for our Nation's veterans. He has introduced the fix for the unfair offset of concurrent receipt of veteran disability pay and military retirement pay for 20 years now. Happily, he must leave here with the satisfaction that Congress has made substantial progress in ending this century-old problem.

Mr. SHAW's leadership in Medicare is peerless. Physicians around Florida and around the nation have him to thank for his tireless efforts on their reimbursement, as well as medical liability reform. I am honored that he asked me to carry the torch for his work on medical screenings for first responders. I shall not let him down.

Mrs. HARRIS has served honorably as a brilliant stateswoman, both for Florida and for the United States. As Secretary of State for Florida, she represented and advanced our interests in trade, with diplomacy and aplomb. And, she is an accomplished horsewoman and solid booster and alumna of the University of Florida, with strong family ties.

As an example of our unity, like other States with no income taxes, our delegation has lobbied hard for federal income tax fairness, via the deduction for state and local sales taxes. When I gathered the support of the Florida delegation for this deduction in the American Jobs Creation Act of 2004 in a letter in the summer of 2004, I am proud to say that I collected the signatures of 100 percent of our delegation, all 25 of our House Members, and our two Senators. One of our delegation, the Honorable Porter Goss, in fact had one foot out the door, to head the Central Intelligence Agency, but he still took a moment to sign our letter. I don't think any of the other non-income tax states, including the even larger delegation of Texas, secured 100 percent support. This solidarity just exemplifies who Floridians are. Representatives BILIRAKIS, SHAW, HARRIS, and DAVIS, fare thee well.

HONORING LLOYD C. HILLARD, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Lloyd C. Hillard, Jr., an exemplary community leader, businessman and citizen from my congressional district. Lloyd received this year's Hardin County Distinguished Citizen Award from the Boy Scouts of America during ceremonies earlier this month.

A native of Kentucky, Lloyd grew up on a farm in Pine Grove and earned college degrees from the University of Kentucky and the University of Wisconsin. Lloyd has distinguished himself as a business leader, serving as President and CEO of First Citizens Bank, and a good neighbor, through his active involvement in many community and charitable organizations.

Though never a scout himself, Lloyd's lifelong example of honesty and devotion to his family and community parallel ideals championed by the Boy Scouts. He first became involved with the Scouts as a young adult, running a school recruitment program.

Lloyd has been an especially active member of our community, having served as past president and director of the Bluegrass Council Boy Scouts of America, past chairman of the North Central Kentucky Education Foundation, and former treasurer and director of the Cavalry Armor Foundation.

Lloyd was also past chairman of the Hardin County Community Foundation, Helping Hand of the Heartland, and the Hardin County Fund for the Arts. He remains an active member of the local United Way and the Elizabethtown Rotary Club.

It is my great privilege to recognize Lloyd C. Hillard, Jr. today, before the entire U.S. House of Representatives, for his example of leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and respect.

RECOGNIZING THE HONORABLE SHERWOOD BOEHLERT FOR HIS OUTSTANDING SERVICE AS CHAIRMAN OF THE HOUSE SCIENCE COMMITTEE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to recognize the Honorable SHERWOOD BOEHLERT for his outstanding service as Chairman of the House Science Committee.

Chairman SHERWOOD BOEHLERT, in honor of your long-term commitment to scientific research, I congratulate you on all of your remarkable achievements as Chairman of the House Science Committee. It has been my pleasure to serve alongside you as we worked diligently on many scientific matters which affected every American across the country. While I congratulate you on your service and celebrate your retirement, I recognize without reservation that your valued insights and contributions to the Science Committee will be deeply missed.

As Chairman of the Science Committee, you spearheaded advancement in nanotechnology through the "21st Century Nanotechnology Research and Development Act," that was signed in December 2003, by President

George W. Bush. This was an important bill which allowed for a more coordinated and better funded interagency program in nanotechnology—an emerging field of science that the National Science Foundation estimates will be a $1 trillion industry within the next decade.

You have also been an esteemed advocate for the environment having authored the Clean Air Act amendments of 1990, which for the first time established a federal response to acid rain. Furthermore, your dedication did not stop there. In 1996, you authored the Conservation Title in the Farm bill, which provided over $9 billion for conservation programs critical to hunters and fishermen. Such crucial programs included the Wetlands Reserve Program, the Conservation Reserve Program and the Wildlife Habitat Incentives Program.

I can confidently say that through your distinguished 24 years of service, you have made a lasting and valuable impact on American society. Thank you for your unwavering dedication and successful efforts in drawing the necessary attention to the competitive challenges facing U.S. companies, and to the importance of math and science education in overcoming those challenges. I also thank you for your excellent efforts of ensuring that our nation remains number one in the global economy.

UNIVERSITY OF HOUSTON—CONFERENCE USA CHAMPS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. POE. Mr. Speaker, today I recognize my alma mater, the University of Houston Cougars whose football team won the Conference USA Championship on December 1, 2006 against Southern Mississippi in front of a hometown crowd of 31,818, the largest crowd in the history of UH's Robertson Stadium. After being down at halftime by a score of 17–13, the Cougars rallied by to win by 34–20.

I am immensely proud of the Cougar football program, which in the space of 5 years has turned itself completely around from a winless season in 2001.

This lion's share of this tremendous success is attributed to Mr. Art Briles, the head coach of the Cougars—the brilliant architect of the turnaround. When Briles came to the Cougars in 2003, he found a team and school demoralized and devastated from years of mediocrity. A mere three years later, due to his leadership, the Coogs are conference champs and headed to the Liberty Bowl.

In football, statistics are misleading, because the game is above all a team effort. It is hard to describe the contribution of an individual player to such an effort through their statistics, because one's performance is mortally dependent on so many other variables—broadly speaking, the performance of every other player on the team. Therefore, it could be said that the most important, perhaps only, statistic that matters is that of wins and losses, which reflects the performance of the team, not the individual player. This statistic is really the coach's statistic—Mr. Briles is ultimately responsible for it. In this the Cougars excelled, with a record of ten wins and only three losses.

In recognition of excellence in leadership and performance, on December 6, Briles won the Coach of the Year award from the Conference USA—An award well-deserved.

Mr. Speaker, in football, extreme importance is paid to the position of the quarterback. In the realm of sports, the vitality of this position is matched only by the pitcher in baseball.

Fortunately, UH had an excellent quarterback in Kevin Kolb. In the championship game, Kevin completed 19–for–31 passes for 258 yards and two touchdowns. He also rushed for a 46-yard touchdown. But this was the continuation of an equally stellar season, in which Kevin completed 266–for–393 passes for 3,423 yards. He threw a league-high 27 touchdowns with only three interceptions. This touchdown-to-interception ratio was the second lowest in all of NCAAI–A football. For these exceptional accomplishments, Kevin has deservedly won the C–USA Offensive Player of the Year award.

I must also recognize Vincent Marshall, who was named the game's Most Valuable Player. Vincent, a wide receiver, rushed for a touchdown and had 224 all-purpose yards—100 receiving, 22 rushing, and 102 yards on three kickoff returns. Also notable is the fact that Vincent has made a reception in 36 straight games, allowing him to be the Nation's top returning career receiver. He is also just 31 catches, and 557 yards, away from holding the UH record in both categories.

Mr. Speaker, I commend Coach Briles, Kevin, Vincent, and the entire Cougar football team for a superb season, a conference championship, and for making students of the University of Houston, past and present, proud to be a Cougar. I look forward to the Liberty Bowl, where the un-daunted Cougars will face the Southeastern Conference South Carolina GameCocks. They will meet for the first time since October 5, 1974, but whom the Cougars are 2–0 against. I look forward to a Cougar victory.

My pride goes to UH. "Eat 'em up, eat 'em up; rah, rah, rah," Mr. Speaker.

That's just the way it is.

COUNCIL OF KHALISTAN URGES SIKHS TO WORK TO FREE KHALISTAN SEES DISINTEGRATION OF INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOWNS. Mr. Speaker, last month, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, spoke at the Press Club in Lahore, Pakistan. In that speech, he predicted disintegration of India, according to the newspaper Dawn from Lahore. "There is nothing common in the culture of the Hindu living in Bengal and the one in Tamil area," the paper quotes Dr. Aulakh as saying. "A country having 18 official languages cannot hold its people together for a long time, especially when there is state sponsored suppression against minorities," he went on to say.

Dr. Aulakh cited the BJP's statement that if you want to live in Hindustan, you must be a Hindu. He discussed India's long record of violence against the minorities within its borders, including the murders of over a quarter of a million Sikhs, more than 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Christians and Muslims around the rest of the country, and tens of thousands of Assamese, Bodos, Dalit "untouchables", Manipuris, Tamils, and other minorities. He cited numerous other incidents, including the murder of former Jathedar of the Akal Takht Gurdev Singh Kaunke, the kidnapping and murder by the police of human-rights activist Jaswant Singh Khalra, the recent attack on the Convent of Loreto, the attack on the Babri mosque, and many other such events.

Dr. Aulakh said that the only solution to this situation is a free, sovereign, independent Khalistan, which was declared on October 7, 1987. It is time for the United States to help protect the dignity of all people in South Asia by helping them to live in freedom. There should be a free and fair plebiscite in Punjab on the independence of Khalistan, as well as a plebiscite in Kashmir, as promised to the United Nations in 1948, in Nagaland, and wherever people are seeking freedom from India. The essence of democracy is the right to self-determination. The United States Congress should be on record in support of that. In addition, we should stop our aid and trade with India until such time as the tyranny stops and all people there enjoy full human rights.

We seek good relations with India, but not at the expense of our principles. India must spread the blessings of freedom and democracy to all its people, not just the ruling elite and its friends.

Mr. Speaker, I would like to insert the Dawn article and an article from The News concerning Dr. Aulakh's statement into the RECORD.

[From Dawn Lahore, Nov. 7, 2006]

KHALISTAN COUNCIL SEES INDIA'S DISINTEGRATION

(By Our Staff Reporter)

Lahore, Nov. 6: India will break up in many states like the former USSR, says Council of Khalistan president Dr. Gurmit Singh Aulakh.

"There is nothing common in the culture of the Hindu living in Bengal and the one in Tamil area. A country having 18 official languages cannot hold its people together for a long time, especially when there is state-sponsored suppression against minorities," Dr. Aulakh said at a press conference at the Lahore Press Club on Monday.

The BJP had conveyed to all the minorities in the strongest terms that if they wanted to live in 'Hindustan', they have to become Hindus. Over a million people have been killed since independence merely because they were not Hindus. The Indian government has committed terrorism against its own minorities. More than 250,000 Sikh infants, children, youth, men, women and elderly had been murdered since 1984, in addition to more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country besides tens of thousands of Assameese, Bodos, Dalits, Manipuris, Tamils and other minorities.

Indian police arrested human rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs. Over 50,000 Sikhs were arrested, tortured, murdered and then their bodies were declared unidentified and secretly cremated, said Dr. Aulakh.

Mr. Khalra was murdered in police custody and his body was not handed over to his family. No one was brought to justice for his kidnap and murder. The only witness to the Khalra kidnapping, Rajiv Singh Randbawa, had been repeatedly harassed by the police, including having been arrested for trying to hand a note to the then British home secretary Jack Straw.

The Khalistan Council chief said 35 Sikhs were arrested in Punjab last year for delivering speeches in support of Khalistan and raising its flag. How can delivering speeches and raising a flag be considered crimes in a democratic society?

The police never released the body of Gurdeve Singh Kaunke, the former Jathedar of the Akal Takht, after SSP Swaran Singh Ghotna murdered him. The police officer had never been tried for the murder.

Mr. Graham Stains, missionary, was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted Hannuman ki jay (Victory to Hannuman). Another missionary, Joseph cope, was beaten so badly that he had to remain in an Indian hospital for a week. Later, the Indian government threw him out of the country and none of the people involved had been tried.

"Police broke up a Christian religious festival with gunfire but the people who murdered priests, raped nuns and burnt churches had yet to be charged or tried. Recently, militants from the Bharatiya Januata Yuva, the youth movement affiliated with the BJP and the fascist RSS, attacked the Convent of Loreto.

"The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984. Militant Hindu fundamentalists destroyed the most important mosque in india, the Babri Masjid, but no one had ever been held responsible," said Dr. Aulakh.

"What good it did to the Sikh nation if the Indian government apologized for the Delhi massacres, in which over 20,000 sikhs were killed? Where are the apologies for the golden Temple attack, the destruction of the Akal Takht, the desecration of Darbar Sahib and the other atrocities? Where is the compensation for the victims' families?" asked a charged Khalistan Council chief.

Sikh farmers were expelled from Uttaranchal last year and their land was seized, police thrashed them, their homes that were built out of their life savings and by their own hands, were bulldozed by paratroopers. "We condemn this act of state terrorism by the government of Uttaranchal," he said.

Sikhs could not buy land in Rajasthan and Himachal Pradesh and now Uttaranchal had been added to the list while there were no restrictions on land ownership in Punjab by non-Sikhs.

India was trying to subvert Khalistan's independence by overrunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. "It is now incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh nation and the religion."

The Akali Dal, Dr. Aulakh alleged, conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs in June 1984 in Punjab.

In response to a question, he said the Indian prime minister was a puppet. "Mr. Manmohan Singh lied before the Geneva Commission in 1992 that there were no atrocities against Sikhs in India in spite of the fact that there were 52,000 Sikhs in Indian jails under the notorious TADA. He lacks the true Sikh spirit, if a Sikh is not Khalistani, he is not a Sikh," declared Dr. Aulakh.

Sikhs would never get any justice from Delhi. Ever since independence, India had mistreated the Sikh nation, starting with Patel's memo calling Sikhs 'a criminal tribe.'

"What a shame for Home Minister Patel and the Indian government to issue this memorandom when the Sikh nation gave over 80 percent of the sacrifices to free India. There is no place for Sikhs in supposedly secular, democratic India. Our moment of freedom is closer than ever. Sikhs will continue to work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom and dignity.

"The flame of freedom continues to burn brightly in the heart of every Sikh and no force can suppress it. Recently, Dal Khalsa and the Shironment Khalsa Dal announced that they are uniting for sovereignty for Khalistan. The Punjab legislative assembly proclaimed the sovereignty of Punjab when it cancelled the water agreements. Only by liberating Khalistan can we put an end to the repression and terrorism against the Sikh nation by the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

"The Sikhs are a free nation and they would neither compromise on their freedom nor they could be subjugated. Freedom is the right of every nation. We have been struggling for the independence of our homeland from the day when the Golden Temple was attacked. We have been exposing the indian atrocities worldwide since then," the Khalistan Council chief said.

[From The News International, Nov. 7, 2006]

SIKHS URGED TO WORK FOR HOMELAND

Sardar Gurmeet Singh Aulak, president of Council of Khalistan, has said that it is the moral duty of Sikhs to establish free homeland and get freedom from India.

While addressing a press conference here Monday at Lahore Press Club, he said Sikhs had to come forward to get free homeland for the Sikhs living around the world. He said the foundation of Khalistan was laid after the attack on Golden Temple in 1984 adding that now the Sikhs were fighting for their birth right though the war was long but it has to meet logical end.

He said the biggest mistake which the Sikh nation had committed was that they did not accept the offer of Quaid-e-Azam Muhammad Ali Jinnah and for that they have to pay for few more decades.

He said their struggle was peaceful and political but India turned into violent by killing innocent Sikhs in East Punjab and tagged them as terrorists.

He said in India, 18 different languages were being spoken and when there was no commonality in cultures, the country was bound to be divided into parts like the USSR. He said on October 17, 1987, the resolution was passed by Council of Khalistan for free homeland and from that date the Sikhs were struggling to get their homeland.

He said Sikhs has no claim on that piece of land where they did not have any population but they want homeland on areas of East Punjab, Himachal and Haryana, where the Sikhs were in majority. About Kashmir issue, he said he was surprised to note that with so many Muslim countries around the world, the state was not freed yet as if the Sikhs have the same number of countries, they had freed their land from the cruel clutches of India.

About Prime Minister Manmohan Singh, he said he was a puppet PM and dance to the tunes of Sonia Gandhi and lacks confidence of Sikh nation.

CONGRATULATING THE MINNESOTA CHILDREN'S MUSEUM ON ITS 25TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I rise to recognize the staff and patrons of the Minnesota Children's Museum on its 25th Anniversary. Since its inception on December 12, 1981, the Minnesota Children's Museum has welcomed more than 5 million children through its doors, giving young people hands-on experiences that offer a world of opportunities for children, youth and adults alike to explore and discover.

As the number of visitors has grown from 65,000 to 400,000 per year, the Minnesota Children's Museum has moved to larger space three times, from downtown Minneapolis to its current location in downtown St. Paul. Thanks to the vision and commitment of founders Marialice Harwood, Kate Donaldson and Suzanne Payne, the Children's Museum continues to expand as an innovative venue for educating and nurturing young children, and offer unique public spaces for civic and community engagement.

In the new En Mi Familia gallery, children learn the life stories and dreams of a young Mexican American author and artist, Carmen Lomas Garza. In the Habitot gallery, infants and toddlers ranging in age from six months to four years old can safely explore and crawl through the Habitot's pond, prairie, forest and bluff caves to enhance their cognitive, physical and social development. In the Rooftop ArtPark, where nature and art come together, young visitors experience the changing colors of leaves from treetops to changing weather conditions in Minnesota, In the World Works gallery, children explore and discover the fun of water by building boats and racing them through a water tube.

Through these imaginative approaches to lessons about society, science and art, the Minnesota Children's Museum shows young people that learning can be fun. Community investments like the Children's Museum provide the foundation for lifelong learning. Mr. Speaker, please join me in honoring all the people who have made the Minnesota Children's Museum a success for children's education.

FRANK CORRECTS HIS ERROR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, in the CONGRESSIONAL RECORD for Tuesday, December 5, 2006 I inserted remarks noting the justifiable honor that Georgetown Law School paid to our former colleague, Father Robert Drinan, by naming a Chair in Human Rights in his honor. Unfortunately, I marred that insertion by incorrectly naming the first holder of the Chair. In that insertion, I said that Professor T. Alexander Aleinikoff was holding the Chair. In fact, he is the Dean of Georgetown University Law Center and he spoke at the ceremony in recognition of the first Chair holder. That recipient of the honor of being the first holder of the Robert F. Drinan Chair is Judge Thomas Buergenthal.

Mr. Speaker, because I think it is a very important step that one of our nation's leading law schools has so honored a man who pioneered in the important field of human rights, and further that the proceedings in which that occurred be fully and accurately portrayed here in this RECORD, I have submitted for printing elsewhere in the RECORD a copy that corrects my mistake. I ask separately that these remarks be included so that people who note that there were two versions of this important ceremony printed in the RECORD will understand why.

I apologize to Judge Buergenthal for not having recognized initially his being designated as the holder of this Chair and I repeat my congratulations to Georgetown University Law Center for honoring a great man, former Congressman Father Robert F. Drinan, and a great cause to which he has donated and continues to donate so much of his talent and time.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 527; condemning the decision of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner.

Had I been present, I would have voted "yea."

HONORING NASA MISSION SPECIALIST JOAN E. HIGGINBOTHAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the STS-116 crew aboard the Space Shuttle Discovery on the occasion of their launch into space today. Thursday, December 7, 2006, marks the shuttle's 20th mission to the International Space Station.

Space is a frontier few Americans get to experience, and for females and members of ethnic minorities, the opportunities are especially rare.

For this reason I offer warmest congratulations to Mission Specialist Joan E. Higginbotham.

As an African American woman, Joan Higginbotham will inspire millions of girls across the nation and across the world. Ms. Higginbotham's track record of excellence has set her apart from her peers. Trained as an electrical engineer with management and space systems expertise, Ms. Higginbotham has gone down a unique path.

Both Ms. Higginbotham and I are proud members of The Links, Incorporated.

The Links, Incorporated is a not-for-profit organization of more than 10,000 women of color, committed to enhancing the quality of life in their communities. The Links founders had three primary service aims: civic, educational, and cultural. In her achievement as an astronaut, Ms. Higginbotham will light the paths of millions of women of color to achieve in areas previously inaccessible to them.

Again, warmest congratulations and best wishes to the crew, especially to Mission Specialist Joan E. Higginbotham.

COMMEMORATING THE 150TH ANNIVERSARY OF THE DECEMBER 14, 1856 BIRTH OF LOUIS MARSHALL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 150th Anniversary of the birth of Louis Marshall. Louis Marshall is a staple in the Syracuse community. Born on December 14, 1856 Mr. Marshall spent his time growing up in our area. After attending Columbia Law College, Mr. Marshall returned to Syracuse where he began his legal career. In time, Louis Marshall distinguished himself as one of the more prominent and sought after lawyers in New York State. Through his tireless efforts advocating civil rights and combating anti-Semitism, Louis Marshal became a legendary appellate attorney and a Constitutional scholar. Throughout his life, he tried more cases before the United States Supreme Court than any other non-governmental lawyer of his era.

Locally, Louis Marshall was heavily involved within the Syracuse community. As a longtime trustee of Syracuse University, he worked hard for the creation of the New York State College of Forestry.

His greatness was often sought after by many, landing Mr. Marshall on commissions at the State and National level.

Throughout his prestigious career, Louis Marshall always maintained close personal ties to the Syracuse community. At the time of his untimely death on September 11, 1929, Louis Marshall had already cemented his greatness. Louis Marshall will always be remembered as a hard working, loving, individual who fought diligently to protect the rights of all and fought hard so the integrity of our great Constitution would never be jeopardized.

TRIBUTE TO BETTY DICK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to note the passing of Ms. Betty Dick, who died on November 14, 2006, in Arizona. She was 84. Earlier this year, this body passed a bill I helped author to allow Betty to remain on property within Rocky Mountain National Park in Colorado for the rest of her life—property that she and her late husband had enjoyed and stewarded for 25 years.

Although she did not get the chance to long enjoy this property under the rights of occupation granted under this law—the Betty Dick Residence Protection Act—she did appreciate that Congress understood her situation and passed a law to allow her to stay.

All those who got to know Betty understood her grace, her tenacity, and her love of the outdoors, this property in the Park, and especially her family, friends and neighbors. Before coming to me for help, Betty had not had experience working with Congress. Nevertheless, she was a quick study fully grasping the nuances of passing a private bill and approaching this task with patience, respect for the institution and its members, and the need to make her case. She did all of that with poise and vigor.

My involvement in this issue began when Betty met with my staff in September of 2004, at which time we learned that Betty's occupancy was based on a July, 1980 Settlement Agreement that resolved a lawsuit brought by Betty's deceased husband, Mr. Fred Dick, challenging the transaction through which the property was conveyed to the federal government. The challenge was based on the federal government ignoring Mr. Dick's right of first refusal when the property was sold to the National Park Service. Invoking this right of first refusal, Mr. Dick asked the court to set aside the sale of the property to the United States and to allow him to repurchase it from his exwife.

Betty and her husband traveled to Washington to negotiate a settlement of this lawsuit and were told that the Interior Department was prepared to agree to a settlement that would allow them a "lifetime occupancy" of the property in return for their agreement to drop the lawsuit. She told me that they agreed to that, but that the formal documents to complete the settlement instead provided for continued occupancy for a term of 25 years.

According to Betty, her husband decided to accept and sign the documents because he was wornout by protracted negotiations with the National Park Service and because he felt that neither he nor his wife would live longer than 25 years. So, he did sign the Settlement Agreement—which, in addition to reducing the period of occupancy to 25 years also required him to make a lump sum payment of $7,500 to the National Park Service. As it happened, he was right to think that he would not outlive the 25-year period, but he was wrong about his widow, Betty Dick.

I also learned that both Fred and Betty Dick had been good stewards of this property, opened their home and property for community events and the public, and had been good neighbors with the National Park Service and its employees. Betty stated to me back in September—and has stated throughout—that she is simply asking for an opportunity to remain on the property for the rest of her life.

Given this history, I asked my staff to see what we could do to help. Following initial contact with Rocky Mountain National Park after my staff's first meeting with Betty in September, I sent a letter to the Secretary of the Interior on October 12, 2004 respectfully requesting that the Park Service sit down with Betty and renegotiate the terms of the Settlement Agreement. I also suggested that in return for this renegotiation Betty offer something of value in exchange for her being able to remain on this property.

The response to that request was a letter back from the National Park Service's Intermountain Region Director indicating that the Park Service was unwilling to sit down with Betty and work out either an extension of the Settlement Agreement, or some other arrangement with her. Given this response, I determined that the National Park Service was either uninterested or unable to take administrative steps to resolve the matter fairly, and that as a result my only option was to introduce legislation that would extend the terms of the Settlement Agreement and allow Ms. Dick to stay on this property for the remainder of her life.

That bill was H.R. 432, which I introduced on January 26, 2005. The bill extended the terms of the Settlement Agreement allowing Betty to occupy the cabin on this property for as long as Betty was alive. Senator KEN SALAZAR introduced a companion version of this bill on March 3, 2005.

Following the introduction of this bill, I continued to urge the National Park Service to work out some administrative resolution. I wrote a letter to the Park Service explaining that I thought that this situation was unique and urged the National Park Service to sit down with her and work out a resolution. Still, the Park Service chose not to work this out equitably.

Betty testified for her bill before the House and Senate. I and other members of the Committee were impressed with her composure and the strength her plight. Consequently, the bill passed and was signed by the President on May 12th of this year.

I was also impressed with the outpouring of support from Betty's friends and neighbors in Grand County and the Town of Grand Lake, the communities along the western side of the Park. These people stood beside Betty as they valued her contributions to the community and the Park.

I was deeply saddened by Betty's passing. She died with her family around her.

In late August, I presented Betty with a framed copy of the signed law allowing her to stay. She was surrounded by friends and family who were gathered around the campfire just outside the cabin. All around us was the beauty and splendor of the Rocky Mountain's and Betty got to enjoy her last days there secure in knowing that she had a right to enjoy and care for this property that meant so much to her and the community.

Betty opened her home to community events and was a valued member of Grand County. She was well regarded by everyone who knew her. Her cause became a labor of love and I was pleased to do what I could to help her. She will be missed by all those who were inspired by her love of life and her love of that special land along the Colorado River in the Park. I had hoped to visit her in future summers and enjoy her company and her neighbors around the campfire. She will always be there in spirit.

Mr. Speaker, I want to thank my colleagues for helping pass the Betty Dick Residence Protection Act. Our work for Betty shows that our government can be responsive to the needs of individuals as long as we take the time to listen, learn and care. I am proud of our work for Betty and for the principle of responsive government.

REMEMBERING ROGELIO SANCHEZ UPON HIS RECENT DEATH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. REYES. Mr. Speaker, today I remember a friend who passed away last week, former El Paso County Commissioner Rogelio Sanchez.

More than a friend, Rogelio was a public servant and part of the political lineage that enabled me to serve my city and my country in Congress. Born in Mexico, a valedictorian at Fort Hancock High School, a graduate of Sul Ross State University, a World War II veteran, and a teacher for many years in El Paso, Rogelio served the lower valley of El Paso, Texas, on the El Paso County Commissioner's Court for 36 years. At a time when minorities were not adequately represented in government, his leadership on Commissioner's Court and his persistent advocacy of diversity and opportunity opened the door for many Latinos to enter politics and public service.

He neutralized prejudice with his humor and easy-going manner and overcame discrimination with a record of accomplishment that includes roles in the construction of the Sun Bowl, Trans Mountain Road, Thomason Hospital, the new country courthouse, the new county jail, and many senior citizen nutrition centers. His fingerprints on El Paso are some of our proudest structures.

In addition, his work holds a special place in my heart because he was responsible for initiating Head Start in El Paso, a Federal program the success and expansion of which ranks high among my legislative priorities.

Politics and public service in El Paso looked a lot different when Rogelio left Commissioner's Court in 1997 than when he first won election to office in 1960. The path he helped blaze ultimately led me to Congress. He was a giant for his people. He was an inspiration for me.

Nothing says more about a man, however, than his family. Rogelio was one of 10 children born to Rogelio and Petra Sanchez and the first among them to attend college. He is survived by his wife of 56 years, Mary, and their three children, Michael, Albert and Maricela. In addition to knowing Rogelio as a public servant, I knew him as a family man—and that is how I will remember him.

Mr. Speaker, I ask that my colleagues join me in mourning the death of Rogelio Sanchez and recognizing his legacy.

LT. LAWRENCE GARLOCK: STAFF OFFICER OF THE YEAR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2006

Mr. POE. Mr. Speaker, one of the noblest professions is that of a law enforcement officer. The brave men and women who wear the badge of honor do so with a desire to protect and serve their communities. Day to day, law officers are thrust into dangerous situations, keeping the honest citizens safe from the outlaws of society. They perform their jobs with little recognition or thanks from the public, just the knowledge that they are making a difference.

Although the public may not always pay law enforcement officers the recognitions they deserve, their colleagues do. One of the highest recognitions a law officer can receive is to be named Law Officer of the Year. The honor signifies that the individual law officer is best of the department—the officer whose dedication to the profession surpasses his or her colleagues. Lt. Lawrence Garlock, with the Allen County, Ohio Sheriff's Department, is one such lawman.

For Lawrence, or Larry as he is more familiarly known, serving one's community as a law enforcement officer is a family tradition. A native of Lima, Ohio, Larry grew up with the influences of his father, Joseph, a Lima Police Officer, and his Uncle Tom, an Ohio State Highway Trooper. Those role models influenced Larry to join the Allen County Sheriff's Department in 1976.

Larry is not the only second generation law officer in his family. His older brother, Greg, currently serves as Chief of the Lima Police Department, and a Department. He also has a nephew, Jason, who is a Lima Police Officer. Larry even met his wife, Catherine, while they were both deputy sheriffs. Larry has had an impressive career with the Allen County Sheriff's Department. From 1979 to 1983, he was assigned to work the Department's Crime Prevention Unit. While serving in this unit, Larry was promoted to Identification Officer, with the rank of Detective, in 1981. In 1990, Larry was promoted to Sergeant, and then in 2001, he saw his rank change. He was made Special Sergeant in Charge of the Crime Scene Identification Unit. The following year, he was awarded the rank of Lieutenant. After nearly 24 years of going to crime scenes, collecting evidence, and maintaining a standard of excellence in the Identification Unit, Larry was transferred to the Detective Bureau, in 2005, and placed second in command.

In October 2006, Larry celebrated 30 years with the Allen County Sheriff's Department. There are only two other individuals in the entire department who have been there longer. Larry also has had the distinction of serving under three different sheriffs. Larry's service to his profession made him the ideal recipient for the Allen County Sheriff's Office Staff Officer of the Year.

The Staff Officer of the Year is an award given out to the sheriff's deputy who has made a positive impact on the community, works to maintain the efficiency of the office, and demonstrates an outstanding measure of professionalism in his or her work. Basically the award is bestowed on the deputy who takes utmost pride and seriousness in upholding his or her position.

The award of Staff Officer of the Year was a tradition that the Sheriff's Department upheld every year. Nominations for the award were submitted to the selection committee, and then a banquet was held for the awardee. In 2002, however, the Department was facing a financial crisis. Expecting to have to layoff 37 sheriff deputies, the Sheriff cancelled the award. He could not justify spending money on an award banquet if 37 deputies were losing their jobs.

In 2006, Larry sent a letter to the Sheriff, requesting for the reinstatement of the award. In the letter, he stated that the award would benefit morale of the deputies to be honored by their peers. The Sheriff agreed, and reinstated the award. The selection committee then decided to back-award deserving deputies with the awards, from the previously missing years.

Unbeknownst to Larry, he was nominated for the 2003 Staff Officer of the Year. His nomination was due not only to his professionalism while serving as a sheriff's deputy, but for his attention to detail regarding evidence logged in with the Identification Bureau. Larry demanded that evidence be collected to the letter of the law. His demand for excellence made it nearly impossible for the evidence to be ruled inadmissible in trial. His precision to detail, his diligence, and his impeccable work ethic earned him the respect of his peers; however, they also knew that if evidence was poorly or improperly collected, they were sure to hear about it from Larry. His nominator stated that, "Larry's ethics and diligence make the Sheriff's Office look better."

When Larry's name was brought up for nomination, the selection committee voted unanimously in favor of honoring him with this award. In a true bureaucratic time frame, Larry was awarded the 2003 Staff Officer of the Year, during the beginning of November 2006, for outstanding performance of duty. He is a more than worthy recipient.

As a former judge and prosecutor, I have a great admiration and respect for our Nation's law enforcement community. They are the men and women who spend each day on the front lines of battle, protecting communities and ensuring a safer society. Lt. Lawrence Garlock is the personification of what a law enforcement officer should be and should be used as an example of the type of officer every new officer should strive to become. I am truly honored to pay him his tribute.

That's just the way it is.

CREDIT REPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOWNS. Mr. Speaker, My esteemed colleagues, thank you very much for the opportunity to talk to you about an important issue involving credit reports that will disproportionately harm low-income home buyers and put most small independent credit reporting agencies out of business within a month. The issue involves the "joint use" of credit reports for mortgages.

"Joint use", "secondary use" or "reissue" refers to the long-standing practice recognized in the FCRA, by the Federal Trade Commission, and by the Office of the Comptroller of the Currency, which allows a credit report to be jointly used by multiple entities legitimately engaged with the origination of a mortgage at no additional cost. Joint use of credit report information is essential for the proper functioning of the mortgage banking, brokerage and financing industries and is an important process by which consumers shop for and obtain mortgage credit.

Recently, two of the credit repositories, Equifax and Experian, E&E have announced new mandatory fees and burdensome requirements for joint use of credit reports starting January 1, 2007. Consumers will now be burdened with paying multiple charges for the one-time access of their credit report in order to originate a single mortgage transaction. Unlike other credit industries, the mortgage credit reporting industry is required to depend on three-file merged credit reports provided by E&E and TransUnion. The proposed new policy will significantly increase mortgage origination costs. Costs for joint use of credit reports potentially increase by 100–300 percent. E&E will significantly increase their revenues while end users, resellers, and ultimately, consumers will pay the costs. In addition, consumers facing the highest cost increases will be those with credit challenges such as low income and first time homebuyers.

Further, about ninety percent of the independent credit reporting agencies will be unable to meet the additional contractual requirements being dictated by E&E. These credit-reporting agencies will be unable to access the credit data from E&E and therefore unable to provide the mandatory three-file merged credit reports. They will quickly be forced out of businesses due to these changes.

There is no new legislation, court case, regulatory decision or other external event to justify such action except to increase the revenues of these large companies at the expense of the consumer and to the detriment of small credit reporting companies.

The other repositories, TransUnion and Innovis, have not chosen to drastically alter the joint use procedure. TransUnion is evaluating its position and CBC Companies, the parent of Innovis, is challenging E&E's proposed new guidelines in federal court as a violation of U.S. antitrust laws.

The end user disclosure, joint use, requirements have been working well since they were enacted as part of the FCRA in 1997. The recent actions by E&E do little to combat the incidence of identity theft and increase data security. The main reason for these policies is to raise revenue and decrease competition. The effort to implement these new reissue/joint use procedures and fees needs to be stopped in order to maintain a level playing field, continue effective competition in the marketplace and provide fair and equitable access to capital for all Americans.

Any efforts by the major credit repositories to change the reissue process should not restrict competition. In order to protect both consumers and small, independent credit reporting agencies, E&E should make the following changes to their proposed reissue policies.

Continue to classify the GSEs, HUD and any other ancillary technology system that is part of the mortgage origination process as joint use, not the new created "reissue" or "secondary use" classification;

Allow credit-reporting agencies, at the direction of the end user of record, to reissue to any firm on one of the approved mortgage seller or servicer lists of Fannie Mae, Freddie Mac or HUD without end user documentation and site inspections; and

Designate a reasonable flat fee for reissue. Note: The changes to the 2003 FACT Act which included a free credit report to every American on an annual basis only required an $.11 per file price increase while E&E's proposed policy changes attempt to justify the charge of $1.05 to $3.50 per file.

Thank you very much for the opportunity to address this important topic. I strongly suggest that E&E reconsider the policies they plan to implement on January 1. Such policies will ultimately hurt the consumer and will have a disproportionate effect on low-income individuals. All Americans deserve the right to pursue the American dream of homeownership and should not be restricted to access to loans because of a policy intended solely to raise revenue for two large credit repositories.

PETER MORTON EMBRYONIC STEM CELL RESEARCH TESTIMONIAL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I recently attended an event on stem cell research in Minnesota and had the opportunity to hear patient advocate, Peter Morton, speak. Mr. Morton shared his moving story which highlights the importance of expanding embryonic stem cell research. Stem cell research provides millions of Americans and their families with hope for a life without the pain and suffering that accompanies currently incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, and spinal cord injuries.

Expanding this vital research must be a priority for Congress. I submit an edited version of Peter Morton's statement to the RECORD today as a valuable and powerful testimony to the need for this critical research.

EMBRYONIC STEM CELL RESEARCH TESTIMONIAL
10/17/06

Like more than 250,000 Americans, I am paralyzed from a spinal cord injury.

I've been paralyzed from the neck down and ventilator dependent since a bike riding accident in 1995. I wasn't going fast and the trail wasn't difficult. Likely due to some mud on the trail, my front tire slipped, and in an instant I was on the ground with a broken neck, paralyzed and unable to breathe. If not for quick action by my brother, I would not have survived. That day, I lost the lottery. Tomorrow, it could just as easily be you.

When I awoke the next day in the hospital, I couldn't move, I couldn't feel, my head was in traction, and I had tubes in my nose and mouth. All I could do was blink. In an instant I had lost all my cherished independence, having to rely on others for everything from simply a drink of water to all the indignities of one's morning routine.

Most people understand that paralysis means you can't move. What they don't realize is that it also means you can't feel. Further, all the body's systems are affected, causing temperature and blood pressure instability as well as sexual, bowel, and bladder dysfunction. In spite of all this, do you know what the toughest part for me is now? . . . not being able to touch my kids.

Now, more that any other time in history, there is hope. Embryonic stem cells hold the possibility of replacing the cells killed by the injury. Very promising studies are being performed around the world that demonstrate the potential of embryonic stem cells to solve paralysis and many other devastating illnesses. For humanitarian reasons, we simply must pursue this potential.

There is one other point that must be made. I cut my teeth in the business world. When I was injured, I was the CFO of a major brokerage operations company. In addition to their humanitarian benefit, stem cells have the potential to be the next medical industrial revolution. America has always been the leader in medical technology. Minnesota in particular has been called Medical Alley. America and Minnesota need to be leading the way in stem cell research, not sitting on the sidelines, watching the rest of the world pass us by.

In closing, let me offer this: A generation ago, pioneers in medical research developed in vitro fertilization, a technique that has now enabled my wife and me to have two beautiful children. My kids are living examples of the power of medical research.

I do not support slowing down the discoveries this research offers to millions, and allowing other countries to surpass America's leadership in medical technology.

That's why I am speaking out now, for the next generation. I don't want my children or anybody else's children to be told one day, "You are paralyzed, and will never move again."

I support those who champion this important research and thank them for helping change the future.

GEORGETOWN HONORS FATHER ROBERT DRINAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, on October 23 one of the most accomplished and distinguished people to serve in this House was the recipient of a wholly deserved high honor from one of the leading law schools in this country—Georgetown Law School. On that day, Georgetown Law School, where Father Drinan has taught since leaving the House 26 years ago, established the Robert F. Drinan, S.J., Chair in Human Rights. The establishment of this Chair—a very significant honor in academia—recognizes the pioneering work that Father Drinan did as a Member of this House for 10 years, and his continued commitment to that great work. Few people in our history have had as great a dedication to the cause of human rights and have been so consistently effective in advocating for this cause. Unlike many who have tried to make this a partisan issue, Father Drinan was equally fierce in his objection to human rights violators of the left, right and center, and accepted no excuses from those who would deny the basic rights of others.

Mr. Speaker, Father Drinan served here in this body for 10 years as one of its intellectual leaders, having been elected in 1970 as one of the most effective opponents at that time of the war in Vietnam. He also played a very significant role in the impeachment of President Nixon, insisting that appropriate legal standards be applied in that matter. He was also a leader in matters that did not divide the House on either partisan or ideological lines, for example in the field of copyright, where he made contributions during that period that remain important foundations of our law today.

Mr. Speaker, when Father Drinan declined to run for reelection in 1980 at the direction of Pope John Paul II, I was elected to succeed him. While I had been aware previously of the great respect and affection in which he was held by his colleagues, I came to appreciate that even more fully when I took the seat he had so ably filled in 1981.

In the years since leaving this body, Father Drinan has continued to be a leader in the application of religious teachings to important moral issues; in lecturing and teaching about the law; and of course in continuing his great work in the field of human rights. Georgetown Law School deserves recognition, Mr. Speaker, for establishing this Chair in Father Drinan's name. I congratulate Judge Thomas Buergenthal, who will be the first holder of the Chair, and I ask that the discussion of Father Drinan's work included in the program announcing the event be printed here so that people will understand how important his impact has been on the best traditions of our country.

ROBERT F. DRINAN, S.J., CHAIR IN HUMAN RIGHTS LAW

Today, Georgetown Law proudly announces the creation of the Robert F. Drinan, S.J., Chair in Human Rights. Priest, scholar, lawyer, politician, activist, ethicist, and one of the nation's leading advocates for international human rights, Father Drinan has dedicated his life to humanitarian causes and to improving the legal profession.

A member of the Law Center's faculty since 1981, Father Drinan teaches courses in international human rights, constitutional law, civil liberties, legislation, legal ethics, and professional responsibility. During his tenure at Georgetown, he has taught over 6,000 students.

Father Drinan earned his B.A. degree in 1942 and his M.A. degree in 1947 from Boston College and his LL.B. in 1949 and LL.M. in 1951 from Georgetown University Law Center. He entered the Society of Jesus while at Boston College, and in 1953, he was ordained a Jesuit priest. From 1956 to 1970, he served as Dean and Professor of Law at Boston College Law School. During the ten years between his deanship and joining the Georgetown Law faculty, he served in the United States Congress as a Representative from Massachusetts, where he was a member of various committees and chair of the Subcommittee on Criminal Justice of the House Judiciary Committee.

Throughout his career, Father Drinan has stood as a leading voice in the human rights movement. He serves on the boards of numerous organizations devoted to the furtherance of human rights, including the International League for Human Rights, Human Rights First, the Council for a Livable World Education Fund, Americans for Democratic Action, and the NAACP Legal Defense and Education Fund. He was a founder of the Lawyers' Alliance for Arms Control and the National Interreligious Task Force on Soviet Jewry. Father Drinan has traveled the globe, both as a member of Congress and as a private citizen, on human rights missions to Chile, the Philippines, El Salvador, Guatemala, Nicaragua, Argentina, France, and Vietnam to document human rights abuses and to work for their eradication. He is the author of several notable works on human rights, including The Mobilization of Shame, of which Elie Wiesel said, "Anyone interested in human rights will read Robert Drinan's informative, passionate and challenging book with deep concern and hope."

In 2004, Father Drinan joined such American legal luminaries as Oliver Wendell Holmes, Thurgood Marshall, and Sandra Day O'Connor when the American Bar Association awarded him its ABA Medal—the organization's highest honor which recognizes exceptionally distinguished service to the cause of American jurisprudence. The award citation notes, "For more than half a century, Father Robert F. Drinan has been an esteemed and beloved leader of the bar and a fearless advocate for the powerless and oppressed around the world. . . . Throughout his career, Father Drinan has heeded the call for human rights and social justice. With unparalleled passion and dedication, he has strived to improve the plight of the disadvantage and oppressed, and to advance the rule of law throughout the world."

Through the generosity of alumni and friends, Georgetown now recognizes and honors one of its greatest sons, Robert F. Drinan, S.J., L'49, L'51, with the creation of the Robert F. Drinan, S.J., Chair in Human Rights. This meaningful and lasting tribute will enable the Law Center to attract teachers, advocates, and scholars who share Father Drinan's passion and concern for liberty, equality of opportunity, and human dignity and who will inspire the next generations of Georgetown Law students to become leaders, protectors, and defenders of human rights.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 524; Expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who are wounded in service and are facing a transition to civilian life.

Had I been present, I would have voted "yea."

HONORING PAT WILLIAMS 45TH POSTMASTER OF DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Ms. Pat Williams, who was recently installed as the 45th Postmaster of Dallas, Texas. In the role of Postmaster, Ms. Williams will be responsible for the daily operations of 44 stations and branches in the Dallas City ZIP Code area. Notably, Ms. Williams is also the first African-American woman to hold the position of Postmaster in Dallas.

A graduate of Prairie View A&M University, Pat Williams began her career with U.S. Postal Service in 1981, where she held a number of positions in both operations and support for over 10 years in Plant Operations. In 1985, she was promoted to supervisor of mails. In 1992, she crossed over to Customer Service Operations where she was assigned as Superintendent of Mails at Richland Station. Ms. Williams went on to supervise and manage several Dallas Stations and branches, and became the Lead Customer Service Operations Manager overseeing three Customer Service Operations Managers and their 44 stations and branches. In 2004 she became the District's Manager of Operations Program Support; overseeing the development and implementation of all District programs and projects.

Pat Williams truly earned this position through hard work and a strong commitment to customer service and her fellow postal workers. She is well respected amongst the postal employees and managers, as well as, the clerks and carriers.

Pat Williams has always been dedicated to excellence, and I am certain that this pursuit will continue in the form of outstanding operations and customer service for the people of Dallas. I am confident that Ms. Williams will successfully serve Dallas in her new role as Postmaster.

HONORING THE SODUS LIBRARY RANKED #1 IN THE NATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today to recognize the Sodus Library and their #1 ranking among libraries nationwide. Every year a list of the Nation's top 100 libraries is published. Hennen's American Public Library Rating Index looked at over 9,000 libraries and ranked them on various traditional services. This year, the public library of Sodus, New York ranked number one in its population category.

As we all know, libraries are an integral part to all communities. We have all experienced the benefits of libraries; whether as a small child in a reading club or as a young adult working on a research paper. It is an honor for me and the people of Central New York to have the number one library in the Nation. I congratulate Sodus Librarian Carol Garland and her staff for all the hard work that has attributed to Sodus Library being considered the top in the Nation.

CONGRATULATING JACK McCROSKEY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Mr. Jack McCroskey for his exemplary public service to Colorado. Jack, with his foresight and strong leadership, has helped make the metropolitan Denver light-rail transit system a reality. His service in reviving public transportation is deserving of special recognition.

Mr. McCroskey, former Chairman of the Regional Transportation District, has long envisioned a regional transit system throughout the Denver metropolitan area. Today there are six lines in operation and more are expected to be built in the coming years. Initially Mr. McCroskey believed that the system could start small and move forward gradually as the public began to embrace it. In 2004 the public voted to expand the system with a region-wide sales tax increase.

I ask my colleagues to join with me in expressing our gratitude to Mr. McCroskey for his great contributions to Colorado. We recognize his leadership and vision in bringing public transportation to the Denver metropolitan area. I am proud to offer a long awaited recognition to Mr. McCroskey for his great accomplishments.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT LEGISLATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to be an original cosponsor of Mr. RADANOVICH's legislation to authorize implementation of the San Joaquin River Restoration Settlement.

Enacting this legislation will allow the San Joaquin River—the second-longest river in California—to once again have the water it needs to support a viable salmon fishery. If enacted, the San Joaquin River will be a living river decades after the Bureau of Reclamation built Friant Dam.

Putting water back into a dry river in California is a very complicated and controversial task. A number of "third parties" have now come forward to express concerns that their own particular interests may in some way be detrimentally affected by this settlement and its proposed legislation, and ask that this legislation be restructured to eliminate or minimize their concerns. It is entirely appropriate that this legislation addresses those concerns. As we consider the implications of enacting this restoration legislation for the San Joaquin River and the need to protect a variety of interests, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision and the Hoopa Valley Tribe's comanagement of the decision's important goal of restoring the fishery resources that the United States holds in trust for the Hoopa Valley Tribe.

The San Joaquin River Restoration Settlement legislation is tremendously important for all of California. The settling parties, along with Senator FEINSTEIN, Congressman RADANOVICH, and many other concerned and affected parties have worked long and hard to bring this settlement to Congress all making concessions, and deserve our recognition and appreciation. I will continue to work with my colleagues and do whatever I can to help ensure the enabling legislation is enacted.

H.R. 4954, THE SAFE PORT ACT UNLAWFUL INTERNET GAMBLING AND ENFORCEMENT ACT PROVISIONS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BACHUS. Mr. Speaker, I would like to address the recent enactment of the Unlawful Internet Gambling and Enforcement Act of 2006. Internet gambling legislation has been a priority for this Congress the last several years. In 2003, I sponsored H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act and have cosponsored Mr. LEACH's Internet gambling bills in each of the last three Congresses. The Conference Report for H.R. 4954, the SAFE Port Act, which was enacted into law, reflects Mr. LEACH's Internet Gambling Prohibition and Enforcement Act, H.R. 4411.

Five years ago, there were less than 50 Internet gambling sites. Today, there are close to 2,000 sites that will generate upwards of $5.9 billion this year alone. The legislation that was enacted into law addresses the problem of illegal internet gambling through an enforcement mechanism. The new law does not change the legality of any gambling activity in the United States. The sole purpose of this law is to enforce against activities that are already illegal under the Wire Act and other Federal and State statutes. It enforces illegal gambling by preventing the use of any bank instrument—such as a credit card, check or electronic fund transfer—for Internet gambling.

Though online gambling has been illegal in this country from its inception—under state law, not just federal law—we have had serious problems enforcing these laws. The advantage and the disadvantage of the Internet is that it has no borders. Nothing can stop bets and wagers from being placed using a Web site hosted in another jurisdiction. When that bet or wager causes a violation of our laws, we had no effective means of enforcement until now.

Congress reviewed a number of possibilities to better enforce the law on the books. One enforcement option was to prosecute the gambler. However, enforcement against individual gamblers is a State prerogative under our federalist system. The Federal government has never claimed the authority to prosecute gamblers. And though gambling online is a misdemeanor in most States, it would be impossible for States to effectively enforce this way. The State would have to monitor people's Internet usage, which raises serious constitutional issues.

Next, Congress considered "notice-and-take-down" measures to combat illegal Internet gambling. The Senate passed bills twice that would have authorized law enforcement to notify computer services when an illegal web site was using their services, and require them to take down or block the illegal site. Time has shown that blocking just about anything on the Internet simply does not work, though take-down orders do work for web sites hosted by domestic companies. So we have retained the notice-and-take-down option in the new law where it has a chance of being effective—for gambling web sites hosted or advertised by Internet companies based in the United States.

But take-down orders, and prosecuting gambling businesses that violate State and Federal laws, are completely ineffective for Web sites hosted offshore. The U.S. legal system cannot reach offshore companies, even though their Web sites can reach U.S. consumers. So the gambling operators deliberately locate in jurisdictions that will not cooperate with the U.S. Here, existing laws reach the end of the rope.

We concluded that the only real option, if we want to enforce our gambling laws in the age ofthe Internet, is to block the financial transactions that pay for illegal online gambling. Banks and payment systems located in the United States are fully within the reach of Federal law, and U.S. citizens usually have to go through them to send money over the Internet. So requiring payment systems to put in place blocking procedures allows us to effectively and efficiently stop the flow of money, even when the gambling business itself is beyond the long arm of our law. Without the money, gambling simply cannot happen.

We needed to pass this law because it is the only way we can effectively enforce State and Federal gambling laws when offshore Web sites offer illegal services to our residents. This is also why the Department of Treasury and the Federal Reserve Board need to write strong regulations that will not be easily evaded. I am proud to have supported this vital law, and I look forward to working with the regulators to ensure they properly reflect Congress's intent. My only regret is that my friend and colleague JIM LEACH will not be here to assist Congressman GOODLATTE and others in our continued efforts.

IN RECOGNITION OF JUDITH H. HOPE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Judith H. Hope, an outstanding New Yorker who has devoted herself to public service and to civic and political engagement. Ms. Hope's tremendous contributions to American civic life are being recognized this month by the well-known and widely respected public policy advocacy organization, Citizen Action of New York. At a ceremony on December 6, 2006, Ms. Hope is being honored by Citizen Action with its Progressive Leadership Award. Also being similarly honored are our distinguished colleague and the dean of the New York State congressional delegation, the Honorable CHARLES RANGEL, and Mr. Bob Masters, a dedicated leader of the Communications Workers of America.

A lifelong activist devoted to the highest ideals of the Democratic Party, Judith J. Hope has exhibited strong, effective and graceful leadership while holding a series of important positions of leadership in the world of politics and public policy. As a founder of the Eleanor Roosevelt Legacy Committee, an organization dedicated to promoting women's candidacies for local and public office, Judith Hope has encouraged and inspired new generations of women to become deeply involved in public policy and the political process. Since its founding in 2001, the Eleanor Roosevelt Legacy Committee has provided crucial financial, educational and political support to hundreds of women, of whom 285 were successfully elected to public office.

Judith Hope became immersed in public service at an early age. Born and raised in Arkansas, she learned critical lessons and insights from her father, the Speaker of the Arkansas House of Representatives, and her mother, a respected writer and journalist.

After moving to New York, Judith Hope became a civic and community leader and married Thomas A. Twomey, Jr., a Long Island attorney and environmental leader. In the face of tremendous political odds, she was elected Town Supervisor in East Hampton in 1973, the first woman ever to hold that office on Long Island, and the first Democrat to do so in modern history. In 1976, Governor Hugh Carey named her the first woman gubernatorial Appointments Officer in the history of the Empire State. In 1983 and 1985, she was again elected East Hampton Town Supervisor, a position that afforded her national recognition for her innovative and effective policies to preserve open space and environmentally sensitive land. In the political realm, she was elected to the Democratic National Committee in 1989.

Following the election of Mario Cuomo as Governor, Hope became an instrumental figure in the leadership of the New York State Democratic Committee. In 1995, Judith was elected chair of the State committee, becoming the first woman to head a major political party in New York State. She served in that capacity for 7 years and was justly celebrated for her tremendous abilities and effective leadership.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to our civic and political life made by Judith Hope, a true leader in the finest traditions of our great republic.

HONORING STEWART MANOR SCHOOL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MCCARTHY. Mr. Speaker, I rise today to recognize Stewart Manor School for having received the prestigious Blue Ribbon School award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels. Stewart Manor School has high expectations. It ranks in the top 10 percent in the State of New York in math and English scores. Stewart Manor School has proven it has outstanding instruction, teacher training and student achievement.

The future of this country depends on the hopes and dreams of its children, and our community and our Nation are enhanced by the contributions of high achieving students like those at Stewart Manor School.

Mr. Speaker, it is with pride and admiration I offer my thanks and recognition to Stewart Manor School.

SEARCHING FOR VICTORY IN IRAQ

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHADEGG. Mr. Speaker, I recommend to the American public an editorial by former Speaker of the House Newt Gingrich and request that it be included in the RECORD.

Published in the Weekly Standard on November 28, Mr. Gingrich's piece makes some very important points about the significance and necessity of our victory in Iraq. In comparing our current situation in Iraq to that which George Washington faced during the winter of 1776, Mr. Gingrich concludes that Washington's motto "Victory or Death" is the motto we must apply to Iraq.

As we review the Iraq Study Group's (ISG) recommendations, Mr. Gingrich is wise to urge that we examine them closely and ask questions. Most essentially, we must ask whether or not the suggestions will "make a real contribution in helping us win the war against the fanatical wing of Islam. Or will it be simply one more establishment effort to hide defeat so the American political system can resume its comfortable insider games without having to solve real problems in the larger world?"

As I have argued for some time now, Iraq is a pivotal juncture in the Global War on Terror. Iraq is about the larger global war against Islamo-fascists that want to destroy America.

Like our former Speaker, I realize that our current approach to Iraq is not working. However, we must disregard any ISG recommendations to abandon Iraq or set a timeline for withdrawal, both of which will only serve to inspire violence from our enemies and distrust from our allies. This is not the time, nor the place to try to save political face. A retreat at this time would have consequences beyond what we can imagine. This is the time and the place to decisively win, to work together as Americans, and defeat terrorists on their turf before they can return the fight to ours.

I urge my colleagues and the American people to read Mr. Gingrich's insightful piece.

[From the Weekly Standard, Nov. 28, 2006]

(By Newt Gingrich)

SEARCHING FOR VICTORY IN IRAQ—WHY THE BAKER-HAMILTON COMMISSION OUGHT TO VISIT MOUNT VERNON.

The Sunday before Thanksgiving Callista and I took some friends to Mount Vernon to see the new education center. It is an amazing tribute to George Washington and the creation of America.

We watched a movie about George Washington crossing the Delaware on Christmas Eve and surprising the Hessians (German mercenaries) on Christmas Day in Trenton. As I watched, I wa struck by the amazing difference between the attitude of the father of our country and the current attitudes in the city that bears his name.

General Washington had had a long and painful summer and autumn of defeat in 1776. His American Army had been defeated across New York—in Brooklyn, in Manhattan, and in White Plains—and then driven across New Jersey and forced to flee across the Delaware River into Pennsylvania.

Washington's Night Crossing: "Victory or Death"

Washington's forces had dwindled until he had only about 4,000 effective soldiers left. There were another 6,000 men present but they were so sick they were unable to go into battle.

Faced with declining morale, rising desertions, the collapse of political will in the country at large, and a sense of despair, Washington decided to gamble everything on a surprise attack. It would require a night crossing of an icy river against a formidable professional opponent.

But the most telling sign of Washington's mood as he embarked on the mission was his choice of a password. His men said "victory or death" to identify themselves.

What if There Had Been a Baker-Hamilton Commission Advising General Washington?

That night crossing, immortalized in paintings of Washington standing in the boat as Marblehead Fishermen rowed him across the ice strewn river, led to an amazing victory on Christmas Day. That victory led to a surge in American morale and a doubling in the size of the American forces under Washington within two weeks. And that gave Washington the strength to win a second surprise victory at Princeton.

Within two weeks, Washington had gone from defeated, hopeless bungler to victorious American hero and personification of the American cause.

Imagine there had been a Baker-Hamilton commission—the group charged with assessing our options in Iraq—advising Washington that cold Christmas Eve. What "practical, realistic," advice would they have given him? Eleven Key Tests for the Baker-Hamilton Report.

Will the Baker Hamilton Commission make a real contribution in helping us win the war against the fanatic wing of Islam? Or will it be simply one more establishment effort to hide defeat so the American political system can resume its comfortable insider games without having to solve real problems in the larger world? Here are some key things to look for in its report:

(1) Does the commission have a vision for success in the larger war against the dictatorships and fanatics who want to destroy us?

If Iraq were only a one-step process, the answer would be to leave. But the reality is that Iraq is a single campaign within a much bigger war and within a power struggle both over the evolution of Islam and over the rise of dictatorships seeking nuclear and biological weapons to enable them to destroy America and her allies. If the Baker-Hamilton commission does not take this into account, it is a dangerously misleading report.

(2) Does the commission recognize that the second campaign in Iraq has been a failure?

This is the hardest thing for Washington-centric bureaucracies to accept. There was a very successful 23-day campaign to drive Saddam out of power. It used America's strengths and it worked. The second campaign has been an abject failure. We and our Iraqi allies do not have control of Iraq. We cannot guarantee security. There is not enough economic activity to keep young males employed. If the Baker-Hamilton commission cannot bring itself to recognize a defeat as a defeat, then it cannot recommend the scale of change needed to develop a potentially successful third campaign.

(3) Does the commission recognize the scale of change we will need to be effective in a world of enemies willing to kill themselves in order to kill us?

We need fundamental change in our military doctrine, training, and structures, our intelligence capabilities, and our integration of civilian and military activities. The instruments of American power simply do not work at the speed and detail needed to defeat the kind of enemies we are encountering. The American bureaucracies would rather claim the problem is too hard and leave because being forced to change this deeply will be very painful and very controversial. Yet we have to learn to win. Learning to win requires much more than changes in the military. It requires changes in how our intelligence, diplomatic, information, and economic institutions work. It requires the development of an integrated approach in which all the aspects of American power can be brought to bear to achieve victory. Furthermore this strategy for victory has to be doubly powerful because for three years we have failed to build an effective Iraqi government and we now have a shattered local system with many players using violence in desperate bids to maximize their positions. The plan has to be powerful enough to succeed despite Iraqi weaknesses and not by relying on a clearly uncertain and unstable Iraqi political system.

(4) Does the commission describe the consequences of defeat in Iraq?

What would the withdrawal of U.S. troops in Iraq look like? Frederick Kagan of the American Enterprise Institute recently offered this chilling picture: "The pullback of U.S. forces to their bases will not reduce the sectarian conflict, which their presence did not generate—it will increase it. Death squads on both sides will become more active. Large-scale ethnic and sectarian cleansing will begin as each side attempts to establish homogeneous enclaves where there are now mixed communities. Atrocities will mount, as they always do in ethnic cleansing operations. Iraqis who have cooperated with the Americans will be targeted by radicals on both sides. Some of them will try to flee with the American units. American troops will watch helplessly as death squads execute women and children. Pictures of this will play constantly on Al Jazeera. Prominent 'collaborators,' with whom our soldiers and leaders worked, will be publicly executed. Crowds of refugees could overwhelm not merely Iraq's neighbors but also the [Forward Operating Bases] themselves. Soldiers will have to hold off fearful, tearful, and dangerous mobs."

(5) Does the commission understand the importance of victory? Winning is key. We are in a power struggle on a worldwide basis with dictators who want to defeat us (Iran, Syria, Venezuela, Cuba, North Korea) and with fanatic organizations that want to kill us (al Qaeda, Hezbollah, Hamas, etc.). In a struggle like this, the goal has to be to win. Anything less than victory is very dangerous because it allows our enemies to gather more capabilities and prepare for more dangerous campaigns. Time is not on our side. Time is on the side of those seeking nuclear and biological weapons to use against the civilized world.

(6) Does the commission define what it means to win or simply find a face-saving way to lose?

Winning is very definable. Can we protect our friends and hurt our enemies? Are they more afraid of us or are we more afraid of them? The recent Syrian assassination of a Lebanese Christian leader who was pro-Western is a signal that they are not afraid of us. The North Korean decision to launch seven missiles on our Independence Day and to set off a nuclear weapon were signs they have contempt for our warnings. The statements of Ahmadinejad and Hugo Chavez indicate how confident they are. Today the enemy thinks they are winning and our elites seem to be seeking face-saving cover behind which to accept defeat. Does the Baker-Hamilton commission have a proposal for victory or a proposal for accepting defeat gracefully? Will it offer a diplomatic deal allowing us to pretend we are okay while our enemies gather strength?

(7) Does the commission acknowledge that winning requires thinking regionally and even globally?

In Afghanistan we are engaged in an Afghanistan-Waziristan war in which our enemies retreat into Waziristan in northwest Pakistan and rearm, reequip, retrain, and rest before coming back into Afghanistan. We will never win that war by engaging only in Afghanistan. In Iraq, the problems may require much more direct confrontation with Iran and Syria. In Lebanon, it is impossible to create a stable democratic government and disarm Hezbollah as long as Syria and Iran are deeply involved in killing Lebanese leaders and supplying Hezbollah.

(8) Any proposal to ask Iran and Syria to help is a sign of defeat. Does the commission suggest this?

Iran and Syria are the wolves in the region. They are the primary troublemakers. You don't invite wolves into the kitchen to help with dinner or you become dinner. The State Department Report on Terrorism in April 2006 said: "Iran and Syria routinely provide unique safe haven, substantial resources and guidance to terrorist organizations." It went on to say, "Iran remained the most active state sponsor of terrorism." It noted that in Iraq the Islamic Revolutionary Guard Corps (an arm of the Iranian dictatorship) "was increasingly involved in supplying lethal assistance to Iraqi militant groups which destabilize Iraq." How can the Baker-Hamilton commission seriously suggest that two dictatorships described like this are going to be "helpers" in achieving American goals in the Middle East?

(9) Does the commission believe we can "do a deal" with Iran?

The clear effort by the Iranians to acquire nuclear weapons, and Ahmadinejad's assertion that it is easy to imagine a time in the near future when the United States and Israel have both disappeared, should be adequate proof that the Iranian dictatorship is the active enemy of America. Couple that with the fact that the Iranians lied to the International Atomic Energy Agency for 18 years while trying to develop a nuclear weapon. Either this is a dangerous regime we need to fundamentally change, or it is a reasonable regime with which we can deal. Presidential speeches and State Department documents clearly indicate it is a dangerous regime yet, there is a permanent Washington establishment desire to avoid conflict and confrontation by "doing a deal." In the 1930s, that model was called appeasement, not realism, and it led to a disaster.. We need a Churchill not a Chamberlain policy for the Middle East.

(10) Does the commission believe we are more clever than our enemies?

The al-Assad family has run Syria since 1971. Hafiz Assad arranged for his son Bashar to succeed him. This family and its Alawite supporters represent a small minority of the Syrian people, but they maintain a relentlessly tough internal dictatorship which keeps power in their hands. In some ways, there are parallels between Bashar Assad and Kim Jong Il—they both maintain family dictatorships with the support of a key system of internal controls. After 35 years of defying the United States, there is no reason to believe our diplomats are more clever than their ruthlessly survivor-oriented systems. Negotiating with them is an invitation to be taken to the cleaners and to extend the power and prestige and influence of our mortal enemies in the region. Recent talk of reaching out to Syria has been met by the assassination of a Lebanese minister and the intensifying of the Hezbollah blackmail tactics in Lebanon. Weakness from America leads to greater aggression from our enemies. The Baker-Hamilton commission should focus on how to contain or defeat Syria not on how to rely on them for help.

(11) Does the commission recognize the importance of working with the Democratic majorities on a strategy for victory?

The Democratic victory in the 2006 election should not be used as an excuse to do the wrong thing. The Democrats are now confronting the responsibility and burden of power. Given the right information about Iran, Syria, and Iraq there is every reason to believe a bipartisan majority can be formed in both the House and Senate for a rational strategy for victory. Opposition to continuing the failed second campaign should not be translated into opposition to an American victory. The Bush administration should reach out to moderate Democrats and forge a bipartisan agenda for victory and by March 2007 pass a bipartisan resolution for victory in Iraq and for stopping Iranian efforts to get nuclear weapons. That will then set the basis for appropriations to continue the effort. The passage of a solid bipartisan bill in March would send a signal to the world that Americans are overwhelmingly in favor of defeating terrorism and defending America. That will dramatically lower the morale and confidence of our enemies.

These 11 steps would be a powerful basis on which to move forward in Iraq and in the world. What's more, they reflect the spirit of General Washington when he chose "victory or death" as the motto of the campaign which led to the founding of America despite overwhelming odds.

STEVEN JACKSON, GOOD SAMARITAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. POE. Mr. Speaker, every day we hear of rising crime rates and countless acts of criminal activity. The question is often asked—Is there any good left in the world? On December 5, 2006, in the city of Humble, Texas, a man by the name of Steven Jackson showed us all that goodwill still exists.

On the evening of December 5, an evildoer, without regard for human life, went into a Humble gas station with a gun. This man robbed the attendant at gun point, took a few hundred dollars, and forced her to wait in the back room until he escaped.

After the robber left the gas station, the attendant went outside and saw him walking across the street to his getaway car. Upon this discovery, she started screaming that the man had robbed her and was getting way, which caught the attention of Steven Jackson.

Steven Jackson, a volunteer firefighter with the Kingwood and Porter volunteer fire departments, had been filling up his car that evening—a routine action we all do. On this evening, while doing an ordinary task, Steven decided to do something extraordinary. As the attendant pleaded for help, Steven got into his car and began following the robber while calling 911.

According to the Humble Police Department, it appears that the criminal knew Steven was following him. At some point, a few miles from the gas station, the robber stopped his car, approached Steven's car, and shot him twice in the torso.

As Steven's car left the road, he was able to tell the 911 dispatcher that he had been shot. Unfortunately, those words were the last this world would ever hear from Steven Jackson—his life cut short for a few hundred dollars.

The fine officers of the Humble Police Department are currently investigating this case. The outlaw who took Steven's life is still at large. It is my hope that he is brought to a swift and fitting justice.

That's Just the Way It Is.

IN HONOR OF HAROLD HURVERS AND THE 194TH LIGHT TANK BATTALION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor the bravery and determination of Minnesota men who served in the U.S. Armed Forces in the Philippines during World War II. In particular, I want to note the contributions of the 194th Light Tank Battalion.

On Easter Monday, 1941, 83 St. Paulites reported for induction into the U.S. Army, joining 163 men from Hennepin County. Seventy-seven of these men joined the 194th stationed at Fort Lewis, Washington. They were trained and deployed to the Philippine Islands.

At 12:30 p.m. on December 8, 1941, the day after the attack on Pearl Harbor, the Philippine Islands were attacked by Japanese planes, placing U.S. Armed Forces on wartime status. The air strikes destroyed U.S. airplanes stationed at Clark Field, leaving U.S. forces and Philippine Scouts trapped and with few supplies. Despite these great hardships, the 194th Light Tank Battalion fought on bravely for the next four months, delaying the Japanese offensive. Ultimately, U.S. forces were forced to evacuate to the Bataan Peninsula after relentless attacks by Japanese forces. April 9, 1942 marked the beginning of the notorious Bataan Death March.

Following heavy land attacks and after withstanding hundreds of raids from the air by Japanese forces, the Fall of Corregidor, forced American forces to surrender on May 6, 1942. Courageous American forces held out in spite of supply shortages, hunger, disease, and exhaustion. In the days that followed, many Minnesota military personnel from the Army, Navy, Marines, Air Corps, and the Nurse Corps were added to the rolls of prisoners of war. More than 75 percent of the men who were in service December 8, 1941 perished.

Those who survived faced 3½ years of imprisonment until they were liberated in August and September, 1945.

Many veterans of the Philippine Campaign, the Bataan Death March and Japanese Prisoners of War are known only to history, their individual identities lost in the aftermath of war, but I want to recognize Harold Hurvers of St. Paul, the last survivor of the draftees. Through his stories of this horrific ordeal, Americans can learn volumes about the great sacrifices made by our veterans. All Minnesotans, indeed, all Americans owe Mr. Hurvers and all veterans a debt of gratitude for their service.

Mr. Speaker, please join me in honoring Mr. Hurvers and the Minnesota Draftees of the 194th Light Tank Battalion.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 525, Nonprofit Athletic Organization Protection Act, had I been present, I would have voted "Yea."

HONORING WOMEN'S FEDERATION FOR WORLD PEACE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to honor and applaud the Women's Federation for World Peace, USA for their commitment to women and world peace. This extraordinary organization provides women with the opportunities to create peace around the world. Their remarkable work highlights and enhances the role of women in establishing a world without terror and violence.

In these troubling times, the cries for peace on Earth are needed more than ever. Women's Federation for World Peace continues their fight by bringing women from all walks of life together to conquer a common goal. Their outstanding dedication and strong will to the enhancement of the world's women and peace will no doubt serve as a valuable component throughout the world.

As women we must be persistent, vigilant, and a strong force to help rid the world of violence. Although change will not come from one group, gender, or political party, but from all who are interested in helping to create a better world. An organization as the Women's Federation of World Peace is just one illustration in helping to create a better world for all of us.

Mr. Speaker, I want to personally thank the Women's Federation for World Peace for their dedication and commitment they have put forth. I truly admire this organization for improving the world's women and peace throughout the world.

TRIBUTE TO RON HOLLIDAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Ron G. Holliday. Mr. Holliday will be retiring as County Manager of Summit County, Colorado, on January 5, 2007, after having served 4½ years in this position. Prior to his position in Summit County, Mr. Holliday served 5 years as the County Administrator for Jefferson County, Colorado. Before his county government experience, Mr. Holliday served over three decades as Director of State Parks in Texas, Colorado and Montana.

Together, these years of exemplary service by Mr. Holliday amount to nearly four decades working for the citizens and environment of many Colorado and other western communities.

As Summit County Manager, Mr. Holliday worked on issues related to forest health, the present bark beetle epidemic, increasing growth and development in this county along the critical Interstate 70 corridor, ski area and tourist management, as well as roadless issues in our national forests. He brought a collaborative spirit to all of these endeavors, and the citizens of Summit County have a thriving economy and a roadmap to help address future issues and needs.

As County Administrator for Jefferson County, Colorado, Mr. Holliday oversaw more than 1,200 employees and was responsible for daily operations and a $344 million annual budget. He was serving this county at a time of significant growth, resulting in challenging transportation needs. To address this, he structured a multi-agency intergovernmental agreement for crucial transportation planning. He also helped guide the $150 million open space acquisition program and helped win passage of a voter approved $160 million open space bond issue.

Mr. Holliday also helped coordinate the county's administrative response to the tragic Columbine High School shooting. This incident garnered worldwide attention, and Mr. Holliday was part of the county's coordination team to manage the fallout from this unfortunate incident.

Prior to his work with Jefferson County, Mr. Holliday was Director of State Parks for the State of Texas for 5 years. At this position he oversaw 140 State parks with natural, recreational and historic significance encompassing 600,000 acres. He developed strategic plans for these attractions and tripled the revenue in 3 years. He also worked to create three new parks under his management.

Mr. Holliday secured similar achievements as Director of Colorado State Parks where he worked for 7 years. He increased the revenue of this office and developed strategic plans and longrange visions to our State's impressive park system. He got his start in this work for open space protection and visitor enjoyment working as State Park Director for Montana prior to working for State Parks in Colorado.

Throughout his work for open space, parks and county government, Mr. Holliday has brought a keen appreciation of the importance of preserving a quality environment and thriving economy for the benefit of the local communities he served as well as the entire States and Nation. His dedication to public service and his communities stands as a model for future managers and directors who act as stewards of our lands and communities.

Mr. Speaker, I ask my colleagues to join me in thanking Mr. Holliday for his dedicated, collaborative service. I wish him the very best in his future endeavors and continued contributions.

A TRIBUTE TO GEORGE MANIAS OF PEORIA, ILLINOIS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LAHOOD. Mr. Speaker, I rise today to pay tribute to George Manias, a man who is a legend in my hometown of Peoria, Illinois.

Yesterday, George Manias celebrated the 60th anniversary of the opening of his shoeshine business in Peoria. George Manias is the true personification of the American dream. The son of Greek immigrants who spoke no English when he came to Peoria, he was just 16 years old when he opened his business. From that first day in the corner of a downtown barbershop, George has worked tirelessly to make his shop a great success.

George has shined the shoes of countless people, from his fellow Peorians to former Presidents Gerald Ford and Ronald Reagan. The walls of his shop are covered with photos and clippings of the more famous of his customers, but each customer is special to George. His pride in his workmanship and his love of people are evident no matter who walks through his door.

This week, the Peoria City Council honored George with a resolution commemorating his 60th anniversary, and tonight, there is a big celebration planned for him. I want to add my congratulations to George and his family on reaching this milestone in his career. George Manias is truly the pride of Peoria.

HONORING THE DEPARTING FLORIDA MEMBERS OF THE HOUSE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the four departing Members of the Florida Delegation. These Members, MIKE BILIRAKIS, JIM DAVIS, KATHERINE HARRIS, and CLAY SHAW, are leaving with a combined 64 years of congressional service. Our State is losing dedicated public servants who have worked on behalf of their constituents and the Nation. Their input will be sorely missed in the 110th Congress.

MIKE BILIRAKIS is a shining example of heartfelt dedication to veterans' issues and is someone whose passion for veterans is hard to duplicate. Having shared many flights back and forth to DC with MIKE, I can tell you that I learned a great deal from him during my time in Congress.

I always found JIM DAVIS to be a thoughtful, respectful, and thought-provoking Member of Congress. I enjoyed serving with him because of his southern genteel manner.

KATHERINE HARRIS brought an amazing amount of energy to the House. We served together on the Financial Services and Homeland Security Committees, where I saw her dedication to the issues and the people of Florida. She is especially known for helping those looking to join the ranks of homeowners by fighting to pass the American Dream Downpayment Act.

CLAY SHAW worked tirelessly to find alternative approaches for preserving Social Security for future generations. While never the most flashy Member, CLAY was instead known for his legislative accomplishments as a senior member of the Ways and Means Committee. Not only was he was the foremost proponent to save the Everglades, CLAY made America a better place by helping push welfare reform through Congress.

While each of these public servants will be replaced in the 110th Congress, their memories will not be forgotten. MIKE, JIM, KATHERINE, CLAY, we will miss you up here in

Washington and wish you the best of luck in your future endeavors.

TRIBUTE TO A DEMOCRACTIC TAIWAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Taiwan's democratic practices and respect for human rights.

For 20 years, Taiwan's promotion of liberty, the rule of law, freedom of the press, an independent judiciary, and associative rights have contributed to the creation and continuation of a mature democracy. Through electoral competition which expanded their rights and innovative legislation which improved the lives of the Taiwanese citizenry, over time democratic practices, institutionalized democracy, and fostered the Nation's emancipation from authoritarian rule; and ensured the Nation's allegiance to liberty and justice.

Mr. Speaker, over the years, Taiwan has been a staunch ally of the United States and a responsible member of the community of nations. Thus, today, I ask my colleagues to join me in commending the people of Taiwan for establishing a flourishing, multi-party democracy and for their dedication to democratic ideals and human rights.

IRISH-AMERICAN HERITAGE MONTH

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of the resolution calling for a month to remember the significant achievements and contributions that Irish-Americans have made to our Nation.

Throughout our more than 200 years of history as a Nation and during our colonial period, countless immigrants from the Emerald Isle have arrived on our shores. Irish-Americans have been instrumental in building up our strong, free, and prosperous Nation at every turn in our Nation's rich history. Despite initial discrimination, Irish-Americans used the freedom and opportunity of the United States to build strong communities and businesses and prove themselves great Americans.

Though many Irish came to American shores with little but the clothes on their backs, their hard work and integrity made them great American leaders. While we are all aware of President Kennedy's pride in his Irish heritage, 18 other presidents are of Irish descent including Andrew Jackson, Woodrow Wilson, and Ronald Reagan.

There is a great legacy of Irish-American service in our military with many recipients of the Congressional Medal of Honor claiming Irish heritage or birth. Irish immigrants have contributed significantly in our Armed Services as well, ensuring full freedom for all Americans.

While many Americans remember their Irish heritage on St. Patrick's Day, because of the great contribution of Irish-Americans to our Nation, it is fitting that we dedicate an entire month of ceremonies and celebrations to their achievements.

TRIBUTE TO BUSINESSES IN MARIN COUNTY, CALIFORNIA THAT DO NOT SELL TOBACCO PRODUCTS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the businesses in Marin County, California, that have stopped selling tobacco products in order to protect the health of the public.

Recently, I attended an event with the American Heart Association at Mollie Stone's Market in Greenbrae to officially announce the removal of all tobacco products in their Bay Area stores, including two in Marin County. At that time, Michael Stone, cofounder Mollie Stone's, said, "I don't think there's been a company our size taking this proactive action . . . we did it for health reasons for the community." The American Heart Association described this as "an aggressive, positive approach to help stop the spread of smoking."

Larry Meredith, Director of Marin County Health and Human Services, added, "Tobacco is the No. 1 cause of preventable death in the United States today . . . The decision by Mollie Stone's to go tobacco free is another jewel given to the community." A survey by this department found that other stores are considering the same move, citing concerns for general public health and youth smoking. Two years ago when United Markets, a small Marin independent chain, pulled their tobacco products, coowner Bill Daniels announced that "it's just the right thing to do."

Other Marin County stores that have decided it's the right thing to do are: AG Ferrari Foods, Golden Gate Pharmacy, Golden Point Produce/Tomales Bay Foods, Good Earth Natural Foods, Cornucopia Gourmet Deli, Elephant Pharmacy, Jack's Drug Store, Kaiser, Marin Medical Pharmacy, Pharmaca Integrative Pharmacy, Paradise Foods, Peoples Market, Pueblo Latino Market, Olema Liquor and Deli, Ross Valley Pharmacy, Royal Coach Car Wash, Target, Trader Joe's, Western Sport Shop, and Whole Foods.

The County of Marin is also setting an example in protecting public health. For example, with funding from a tobacco settlement agreement, the Department of Health and Human Services has developed a program to crack down on illegal sales of tobacco products to minors, and the Board of Supervisors recently passed an ordinance expanding smoking bans to outdoor public gathering spaces such as parks and ATM lines.

Mr. Speaker, we all know that smoking is a major cause of diseases that are hurting public health, straining our medical system, and putting millions of individuals at risk. I commend these businesses and the County of Marin for their courage and foresight in responding to this threat by limiting tobacco use and availability, and I honor all businesses that add their names to this growing list.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 526; Unborn Child Pain Awareness Act. Had I been present, I would have voted "yea".

TRIBUTE TO DON TALLEY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. THOMAS. Mr. Speaker, I rise today to pay tribute to my friend, Don Talley, who was both a nationally recognized leader in the agriculture industry as well as a local community leader. Sadly, Don passed away on Saturday, December 2, 2006, at the age of 66, and I extend my heartfelt sympathy to Don's wife, Rosemary, his son, Brian, and the rest of his family for their loss.

Don was president and a coowner of Talley Farms, a specialty crop operation in the Arroyo Grande area, which I represent. Founded in 1948, under Don's auspices, Talley Farms grew to encompass more than 1,150 acres. In 1982, he established Talley Vineyards, which produces a collection of fine wines. Over his lifetime, Don successfully worked to build Talley Farms and Vineyards into nationally respected entities. Talley Farms grew a variety of specialty crops and was especially renowned for growing the best bell peppers.

As president of Talley Farms, Don established and implemented environmentally sound farming practices, developed innovative agricultural techniques for growing, harvesting, and packaging produce, and was noted for treating his employees well. Moreover, Don served in leadership positions with the Western Growers Association, Ag Box, the Council of California Growers, the California Agriculture Leadership Foundation, and Farm Credit West.

One of Don's hallmark legacies was his strong personal leadership efforts to improve relations between the California agriculture industry and local communities. Notably Don was named Agriculturist of the Year in 1992 by the County of San Luis Obispo Farm Bureau and was voted Grower of the Year in 2004 by the Western Growers Association. In addition to Don's leadership in the agricultural industry, he served on the Arroyo Grande City Council and as mayor from 1974 to 1976. He also was a commissioner for the Parks and Recreation Commission and a member of the Cuesta College Board of Trustees.

Don will be remembered not only for his leadership and achievements, but also for his community service, selflessness, and compassion for his employees. California agriculture suffered a significant loss with the death of Don Talley.

TRIBUTE TO MRS. NANCY ROBERTS GARRITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mrs. Nancy Roberts Garrity, a teacher at St. John Fisher School and recipient of the National Catholic Educational Association's Distinguished Teacher Award. Mrs. Garrity will receive her award at the NCEA annual conference on April 10, 2007. She was selected out of a pool of more than 100,000 nominees.

The National Catholic Edocational Association (NCEA), the largest professional association in the world, offers guidance and educational services to its 200,000 members. During the Fall of each year, every member school is invited to nominate one teacher for the Distinguished Teacher Award. This award was established in honor of Sister Miriam Joseph Farrell, who served as executive secretary of the NCEA's Department of Elementary Schools. The NCEA divides the country into 12 geographic regions, with one teacher in each region receiving this award.

St. John Fisher School is located in Chicago's West Beverly neighborhood. This parochial school provides educational opportunities for preschool through eighth grade students, where teachers serve as influential figures in developing students' lives.

Mrs. Garrity is guided by the belief that each student uniquely contributes to her classroom. She utilizes creative teaching methods in order to cater to individual educational needs. For example, when teaching her class about A Christmas Carol, she plays the part of Jacob Marley's ghost, complete with chains and a ghostly voice. During the poetry section of her reading class she dresses up as a hippie. Mrs. Garrity's creative methods of teaching allow her students to reach their full potential.

Mrs. Garrity has been a teacher at St. John Fisher School since 1990. The Catholic educational system has given her the ability to influence her student's lives with her passion for teaching, which is evident in her students' drive to succeed.

It is my honor to recognize Mrs. Nancy Roberts Garrity as a recipient of the Distinguished Teacher Award. Teachers, like Mrs. Garrity, are key to our children's futures.

IN RECOGNITION OF CLINTON KIRK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay tribute to Mr. Clinton Kirk, a constituent of mine who has dedicated the past 20 years of his life to staying healthy and fit.

Mr. Kirk resides in Valley, Alabama, and is in his eighth decade of life. He is known around the area as "The Walking Man." Kirk says when he began his walking in 1982, he would walk around 5 to 6 miles a day in the early morning. Over 20 years later, he says he now walks about 1 mile a day and says he attributes his good health to his walking habit. Amazingly, Mr. Kirk has walked over 50,000 miles since 1982, and began keeping a daily log of the distance he covers in 1986.

I salute Mr. Kirk for his continued efforts to exercise and stay healthy, and commend him at this milestone for serving as an example for us all to take care of ourselves and stay fit.

HONORING THE CONTRIBUTIONS OF PAUL AND SYLVIA HOLLINGER

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. PITTS. Mr. Speaker, I rise today to honor the legacy and service of Paul and Sylvia Hollinger.

Fifty years ago, Paul Hollinger got his start in Christian radio as a singer for WMBI at the Moody Bible Institute in Chicago.

After leaving Moody, he continued his broadcasting career in Pennsylvania as a sales representative or WEZN in Elizabethtown, Pennsylvania.

In July 1961, Paul began with WDAC radio in Lancaster, Pennsylvania, and he's been capably serving that station ever since. In 1981, his wife, Sylvia, joined him at the station and continues to play a crucial role in its operations to this day. Together, Paul and Sylvia have grown WDAC into the tremendous success that it is today.

WDAC's consistently high ratings are a testament to the God-given talents that the Hollingers have brought to the station's leadership ranks.

With programs offering sound Biblical wisdom for living a life of integrity, as well as practical guidance for raising a God-honoring family, WDAC provides a wonderful resource to the Lancaster community.

Paul and Sylvia have also been active in the community outside of their roles at WDAC. They give charitably of their time and resources, serve as leaders in the pro-life movement, and are strong supporters of the conservative family values that Lancaster County holds so dear.

Paul and Sylvia's retirement this month from WDAC's daily operations caps more than four decades of distinguished service, and it's a legacy worth honoring.

We live in an age of eroding decency and growing vulgarity on our Nation's airwaves.

Under the leadership of Paul and Sylvia Hollinger, WDAC has consistently and successfully gone against this trend.

The high-quality, family-friendly Christian programming that WDAC has committed itself to is a wonderful influence on the surrounding community every single day.

Paul and Sylvia have played an enormous role in making this happen and their legacy of positively impacted lives grows with each new listener.

I congratulate the Hollingers on a wonderful life of service, and wish them all the best in whatever the future holds.

TRIBUTE TO FORTUNE "TINO" BOSCO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Fortune "Tino" Bosco, of Tampa, Florida, who lost his battle with cancer last month. Fortune described himself to many as "just a poor Italian immigrant," but to all who knew him, he was so much more—a grand story teller, a civil rights advocate, a political powerhouse, a bocce ball enthusiast and a dedicated family man.

Born in Lanciano, Italy, Fortune earned a degree in law and economics from the University of Rome, and went on to serve in the Italian National Police and at Interpol, the Paris based international police agency. Also a professional soccer player, in the 1950s, Fortune played on the Italian Olympic soccer team.

In 1954, Fortune arrived in the United States on the Andrea Doria. Later, when the famed ship collided with another cruise liner, Fortune worked as a translator for the rescued Italian passengers. It was during this time that Fortune met the love of his life, Marjorie Nettleton, who was also helping the accident victims. Marjorie and Fortune would go on to settle in Florida and start a family, which became the focal point of Fortune's life.

Fortune earned his second law degree at University of Miami. Afterwards, he was hired as a civil rights attorney by the U.S. Department of Justice and transferred to Tampa to serve in the Office of Economic Opportunity. His passion for protecting civil rights brought him to Selma, Alabama in 1965 to participate in the historic civil rights march.

Always proud of his Italian heritage, Fortune was also known for his weekly "La Pagina Italiana" column in Tampa's trilingual La Gaceta newspaper. Even as Fortune struggled with retinitis pigmentosa, which slowly robbed him of his eyesight, Fortune continued to write his column, play bocce ball and chess games and actively participate in local and state political campaigns.

Fortune was active in a host of local community groups including the Sons of Italy, Mona Lisa Lodge and the Italian Club of Tampa. He served on the Mayor's Alliance for People with Disabilities and was an honorary member of the Board of Directors at the Lion's Club.

In so many ways, Fortune represented the heart and soul of Tampa. On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to Fortune's family.

TRIBUTE TO HOWARD C. "CHIP" CONLEY

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. PETERSON of Minnesota. Mr. Speaker, I take this opportunity to honor Chip Conley's service to his country, to this House, and to our Nation's farmers and ranchers. Chip will retire from the staff of the House Agriculture Committee at the end of this Congress.

Mr. Speaker, Chip was hired as the Agriculture Committee's economist by Chairman E. (Kika) de la Garza in 1985. By all accounts, from the moment he got there, Chip was the go-to guy on nearly every bit of work in the Committee's jurisdiction. This was so much the case that on his birthday one year, Chairman de la Garza handed out buttons printed with the commonly uttered phrase: "Where's Chips?"

Mr. Speaker, the Agriculture Committee's big task that comes along periodically is the writing of a Farm Bill. Chip played an integral role in four farm bills—each one of which proved to be a more monumental undertaking than the last. In addition to casting policy for the production of food and fiber, the Farm Bill also includes provisions to update the food stamp program and other programs that are so important to the daily needs of our most vulnerable citizens. In addition to the tremendous expertise Chip displayed regarding the economics of these programs, he always demonstrated a thorough command of programmatic details. His diligence and abundant creativity through many sleepless nights have had an enormous impact, and he will be sorely missed.

Mr. Speaker, you don't have to work with Chip for too long to realize that his efforts are inspired by an enduring, true desire to improve the lives of others. Before he began his professional career, Chip served in India as a Peace Corps volunteer. He spent 2 years in Hissar from 1970–1972, providing extension services to dairy farmers.

Mr. Speaker, I should also express the gratitude of the House to Chip's wife—Jan Rovecamp. Jan herself served as a staff member and was working for the House when she and Chip met and they discovered their mutual interests in hiking and other outdoor pursuits. Jan also aided the Committee by her constant support of Chip and her tolerance for his long hours. They both have hearts of gold, and for nearly 15 years they have volunteered their time to Food and Friends. Each Friday, they spend the middle of their day delivering food and providing companionship to people living with life-challenging illnesses.

Mr. Speaker, I am saddened to see Chip go. Through his work on legislation, he has touched the lives of many Americans. In the city of Washington, he has gained the respect and admiration of countless colleagues from all philosophical backgrounds. To the Members and staff of the Committee, he is a true friend.

On behalf of the Agriculture Committee, I extend to Chip and Jan my deepest appreciation for their service, and wish them much happiness in retirement.

TRIBUTE TO ANDREA BOCELLI

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ISSA. Mr. Speaker, I rise today to recognize and honor the remarkable achievements of singer, writer, and producer Andrea Bocelli.

Growing up on his family vineyard in Lajatico, Tuscany, Mr. Bocelli displayed a talent for music from an early age. Andrea developed a passion for opera recordings and dreamed of following in the footsteps of celebrated Italian tenors. A graduate of the University of Pisa, Mr. Bocelli practiced as a state appointed defense attorney for a short time before leaving behind a legal career to pursue his musical dream.

The best-selling classical soloist of all time, Mr. Bocelli has experienced unprecedented international success. He has staged concerts at the Eiffel Tower, the Pyramids in Egypt, and the Statue of Liberty. Andrea has performed at Olympic closing ceremonies and over the devastation of Ground Zero. He has sung for kings, queens, princes, premiers, prime ministers, presidents, and Popes. The recipient of numerous awards, Mr. Bocelli has been globally recognized for his achievements in music and for his philanthropic efforts.

Andrea Bocelli has used his talents and stardom to bless many lives. Partnering with worthy charities like The Vision of Children Foundation, an organization committed to the eradication of hereditary childhood blindness, Mr. Bocelli has raised millions of dollars to help children all over the world. Funds raised by his benefit concerts have gone towards research to improve the lives of the visually impaired and aid the families of children who require organ transplants.

Mr. Speaker, whether influencing lives with his musical talents or inspiring countless individuals to overcome adversity, Andrea Bocelli is honored and admired for his many accomplishments. We recognize and commend him today for his extraordinary dedication and service.

HONORING CHICAGO ASTRONAUT JOAN HIGGINBOTHAM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to honor Astronaut Joan Higginbotham. Higginbotham is a member of the crew on the Space Shuttle Discovery that is scheduled to launch tonight from NASA's Kennedy Space Center. Additionally, she is a fellow Chicagoan, and I wish her the best of luck as she prepares for her first mission, STS 116.

Higginbotham graduated from Chicago's Whitney Young High School in 1982, and Southern Illinois University at Carbondale in 1987. She will be the third African-American woman aboard a NASA mission, and she and her fellow astronaut Robert Curbeam will make history this week on STS 116, the first Space Shuttle mission with two African-American astronauts.

Higginbotham previously worked as a payload engineer at the John F. Kennedy Space Center while also earning two master's degrees from the Florida Institute of Technology.

As a Mission Specialist on board Discovery, Higginbotham's responsibilities will include a complete rewiring of the International Space Station's power supply. She will also have the responsibility of operating the robotic arm to deploy several satellites and to direct payload transfers.

Higginbotham will be joined by mission commander Mark Polansky, as well as Robert Curbeam, Sunita Williams, Nicholas Patrick, William Oefelein, and Christer Fuglesang from the European Space Agency, who is the first Swedish astronaut.

Mr. Speaker, I ask my colleagues to join me in recognizing my fellow Chicagoan as well as her fellow astronauts, and to wish them all the best on their launch tonight and their 12-day mission.

HONORING THE LIFE OF CAROLE MANCHESTER PILLAY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I wish to submit for the RECORD the following tribute that appeared in the Winsted Journal on October 27, 2006. Mrs. Pillay began her career in fashion at Vogue, later becoming fabric editor at Glamour, and fashion director at Seventeen and Elle. Mrs. Pillay was also the author of French Tea and Tea in the East. I'm honored to submit this for the RECORD. My heart goes out to her entire family.

[From the Winsted Journal, Oct. 27, 2006]

CAROLE MANCHESTER PILLAY

WINSTED—Carole Manchester Pillay, author of two distinctive books on the preparation and drinking of tea and a former editor of leading women's magazines, died Oct. 21, 2006, in Manhattan. She lived in Manhattan and Winsted and was the wife of Shunna Pillay.

Mrs. Pillay started her fashion career with Vogue and later became the fabric editor for Glamour and then fashion director at Seventeen and Elle magazines. Her articles on fashion, the decorative arts and tea appeared frequently in national magazines.

Her two books are "French Tea" (Hearst Books, 1993) and "Tea in the East" (Hearst Books, 1996). The latter publication took her on journeys throughout Asia, where she met and interviewed "staunch devotees of tea—planters, pluckers, brokers, blenders, producers, promoters, and tea lovers."

She wrote that "there were many trying times rummaging through the obscure domains of tea, but at journey's end I look back on the adversities as fond adventures." More recently, she authored the book for the forthcoming musical, "Pansy."

Her friends regarded her as possessing an exquisite aesthetic sense, a wonderful joie de vivre, an indomitable spirit and a keen commitment to social justice. In addition to her husband of 33 years, Mrs. Pillay is survived by a brother, Dudley Manchester of West Hartford; a sister, Ann Shubert of Acton, Mass.; and several nieces and nephews. She was predeceased by a sister, Lois.

There will be a private service in late spring.

HONORING DR. JOHN CONDON, RECIPIENT OF THE 2006 SACRED HEART MEDICAL CENTER SISTER PETER CLAVER AWARD

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor Dr. John Condon, recipient of the 2006 Sacred Heart Medical Center's Sister Peter Claver Award. In receiving this award, Dr. Condon joins the ranks of many like himself who have gone out of their way to help and serve others, doing it humbly and without seeking recognition.

The Sister Peter Claver Award is given in honor of its namesake each year. Sister Peter Claver gave nearly thirty years of her life to Sacred Heart Medical Center in Spokane, Washington. She led this institution by her example of charity, service, and integrity. Today, Dr. John Condon exemplifies the mission and message of Sister Peter Claver.

Dr. Condon has maintained a pediatric dentistry practice in Spokane for more than 40 years. Because the community in which he works and serves is a rural one, Dr. Condon travels throughout the community, making a special effort to reach those who would not normally have access to such quality dental care. Dr. Condon has also devoted much of his time to providing dental care to underprivileged children and adults with mental and physical challenges.

Mr. Speaker, I rise today to acknowledge and thank Dr. Condon for his compassionate service to the citizens of Eastern Washington. I invite my colleagues to join me in congratulating Dr. John Condon on receiving the "Sister Peter Claver Award" and in thanking him.

IN HONOR OF SISTER JULIE HYER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FARR. Mr Speaker, I rise today to honor Sister Julie Hyer, O.P., whose uncommon mixture of faith, benevolence and business savvy has seen the Dominican Hospital of Santa Cruz through twenty-two years of exceptional service and growth.

As president and CEO of Dominican Hospital, Sister Julie sat at the helm of Santa Cruz County's largest health care facility. With 1,700 employees, 500 doctors on staff and more than 500 volunteers—to say nothing of the hundreds of patients Dominican Hospital serves daily in its 369 beds—Sister Julie has overseen a considerable operation and done so without compromising individualized care and treatment.

Under Sister Julie's leadership, Dominican Hospital has implemented numerous programs and services which address the particular needs of our community; from the Infant Hearing Assessment program, to Occupational Rehabilitation, to the ShareCare Health Plan for Older Adults, Sister Julie has ensured that Dominican Hospital is prepared to see patients through every stage of their lives. Other services, such as Dominican's Tattoo Removal Program which gives former gang members a chance to start a new phase of their lives, reflect Sister Julie's all-embracing approach to the health of our community.

To accommodate such a bold and comprehensive vision of health care, she has driven the hospital's steady institutional growth by continuously improving its facilities and establishing relationships with other distinguished healthcare organizations. Under Sister Julie's guidance, Dominican Hospital has seen three major building expansions, multiple remodels, and affiliation with Catholic Healthcare West, the eighth largest hospital system in the Nation.

The laurels of her tenure are as numerous as they are invaluable. They are the realization of Sister Julie's faith in action and a testament to the power of earnest and solemn goodwill.

Mr. Speaker, for all that she has done and all that she will undoubtedly continue to do, I extend my most sincere thanks and warmest wishes to Sister Julie in her retirement.

TRIBUTE TO MASSACHUSETTS HIGH SCHOOL FOOTBALL SUPER BOWL CHAMPIONS: EVERETT, WAYLAND, AND WINTHROP

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MARKEY. Mr. Speaker, I am proud to say that this weekend Massachusetts crowned three state football champions all from the Seventh Congressional District.

The Crimson Tide of Everett, led by Coach John DiBiaso finished the season a perfect 12–0 after a 35–6 win in the Division 1 title game to capture its second Super Bowl victory since 2003.

Later that afternoon, the Wayland Warriors, led by their coach Scott Parseghian took to the same field and knocked off their opponent with a convincing 28–0 victory to take home the Division IA crown, finishing the season with an unblemished 13–0 record.

Finally, the mighty Vikings of Winthrop, led by their coach Tony Fucillo, rallied to a 25–8 victory in the Division 2A championship game also finishing the season a perfect 13–0. This was a huge boost to a program and a school which only a few short years ago was facing possible elimination of high school athletics all together

Each of these teams finished the season ranked among the top three in Massachusetts polls.

Mr. Speaker, I offer my heartfelt congratulations to the communities of Everett, Wayland and Winthrop and their student athletes and coaches for their commitment to excellence in their sports and for their hard-earned, well-deserved championship seasons.

RECOGNIZING HON. PAULA L. FEROLETO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to recognize one of Western New York's State Supreme Court justices. Hon. Paula L. Feroleto will be presented with the 2006 Lawyer of the Year Award by the Women Lawyers of Western New York. Judge Feroleto has been on the State Supreme Court bench for 2 years and previously served as an attorney for over 20 years. Over this course of time, Mrs. Feroleto has quietly broken barriers within the legal field.

Judge Feroleto began her career at Brown & Kelly, in Buffalo, where she was the first woman attorney named as partner to the firm and acted as the firm's pro bono coordinator for several years. In addition, she was also the first woman president of the Western New York Trial Lawyers Association. Her humble demeanor sets her apart from many and she has undoubtedly been a quiet trailblazer for women. Judge Feroleto balances family, career, and community obligations including participation in the Lawyers for Learning program.

It is clear, this award is long overdue, and Judge Feroleto's accomplishments exemplify the great strides women have made within the legal profession and specifically within the Western New York community. The award will be presented to her on December 14 in Buffalo and I would like to extend my congratulations.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize the work of Hon. Paula L. Feroleto, a leader and admired community member of the Western New York region.

IN RECOGNITION OF THE FAYETTEVILLE-MANLIUS HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WALSH. Mr. Speaker, I rise today to give much deserved praise to the Fayetteville-Manlius High School Girl's Cross Country Team on their first place finish at the Nike Team Nationals, defeating 19 other teams and beating the second place team by 50 points to earn a national title.

The Nike Team Nationals put together a race of 20 teams of the highest caliber to compete in Portland Oregon in a 5-kilometer race. The young women of Fayetteville-Manlius worked extremely hard this year to put together a team that was capable of competing at this level, and their hard work paid off with a first place finish and two runners within 20 seconds of first place.

On behalf of all my constituents, I would like to congratulate this special team on their amazing athletic prowess, and especially Coach Bill Aris for leading them throughout the year. I wish them every success in the 2007 season, and look forward to watching them defend their national title.

The team members are: Mackenzie Carter, Kathryn Buchan, Jessica Hauser, Hilary Hooley, Courtney Chapman, Molly Malone, and Ashley Higginson.

A TRIBUTE TO AMY EDINGER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. ANDREWS. Mr. Speaker, today, I am proud to honor Amy Edinger, the recipient of the great state of New Jersey's No Child Left Behind 2006 American Star of Teaching award.

Throughout her distinguished career, Amy has worked with special education students at the James Fenimore Cooper Elementary School in Cherry Hill. Her efforts to improve the educational atmosphere of her students have earned her both admiration and praise from her colleagues, students, and parents. Her extraordinary innovation and commitment has enabled her to assist her students in moving forward both academically and through improvements in their social skills. Amy's expertise can be measured through the many achievements by the children in her classroom.

I would like to commend and congratulate Amy Edinger on this impressive honor. She is an example of excellence in the classroom, and she serves as an inspiration to us all.

TRIBUTE TO CHARLIE CAMPION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the patriotism and military service of Mr. Charlie Campion of Loveland, Colorado.

He joined the United States Navy on September 7, 1954, and was sent to Great Lakes, Illinois, for boot camp.

In 1958, Mr. Campion's ship, the USS *Summit County*, pulled into Chennai, Korea where Mr. Campion served as a gunner's mate during his first enlistment. Shortly after arriving, Mr. Campion and 2 other soldiers were ordered to drive a jeep from the base to pick up supplies at a different military supply location off base.

While on this mission Mr. Campion's jeep hit an explosive device throwing out the Lieutenant and the Seaman, flipping the jeep and himself upside down in the canal nearby. The jeep ended up landing on Mr. Campion and he sustained several injuries, including a broken back.

At the age of 21, Mr. Campion re-enlisted and started his studies at the Hospital Corps School in Great Lakes, Illinois. Mr. Campion went on to serve a total of 16 years in the United States Navy as Hospital Corpsman and FMF Corpsman with the Marine Corps.

For "conspicuous gallantry and intrepidity in action" while serving with Company C, 1st Battalion, 3rd Marines, 3rd Marine Division near the village of La Chau, Republic of Vietnam on 5 June 1965, Mr. Campion was awarded the Silver Star. While giving medical aid to several sick villagers, Mr. Campion was attacked by other villagers at the same time that his platoon was attacked by the Viet Cong Fighting his way free, he ran to the platoon position and immediately began medical treatment of two wounded Marines.

In order to protect the wounded men, Mr. Campion seized an automatic rifle from one of the men and turned it against the enemy, killing one Viet Cong and driving the others to flight. After the wounded men were evacuated he fearlessly exposed himself to heavy enemy fire so he could render aid to a critically wounded Marine and assist in his evacuation.

Additionally, he was awarded four good conduct medals and 12 further medals for his service to our country in the Korean War and in Vietnam.

Mr. Speaker, I am grateful for Mr. Campion's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, a true American hero, Mr. Charlie Campion.

THE SUZANNE GONZALES SUICIDE PROMOTION PUNISHMENT AND PREVENTION ACT OF 2006

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HERGER. Mr. Speaker, today I am introducing the Suzanne Gonzales Suicide Promotion Punishment and Prevention Act of 2006 on behalf of families across the United States who have lost loved ones to suicide through information provided on Internet forums.

On March 22, 2003, 19-year-old Suzanne Gonzales told her father, "I love you, Dad. I'll see you soon." Hours later, she was dead. As a student attending college thousands of miles from home, Suzanne had become involved in an online discussion group that promotes suicide as a personal choice and a "civil right." Other members of the group, using anonymous screen names, encouraged Suzanne to commit suicide and gave her step-by-step instructions on how to obtain and use potassium cyanide, a lethal substance used by jewelers to polish metal.

It is difficult for most of us to imagine the grief of Suzanne's parents when they learned of their daughter's death. Their distress was only increased when prosecutors told them that there was no law under which the members of the online group, who had given Suzanne the necessary information to commit suicide, could be charged. While many states have laws prohibiting assistance to suicide, the individuals responsible for Suzanne's death could be residents of any state.

Suicide is not just another personal choice. It is final and irreversible. Victims of suicide do not have an opportunity to learn from their mistake. And their actions have a lasting impact on their family and friends. The same Web site whose members encouraged Suzanne Gonzales to take her own life has been implicated in well over a dozen other suicides. Mr. Speaker, I believe it is time for Congress to take a stand. These sick and twisted individuals who prey on the despair and emotional distress of others ought to be held responsible for their actions.

The legislation I am introducing would make it a federal crime to use facilities of interstate commerce, including the Internet, to provide a particular person with information or material support to commit suicide. It is narrowly tailored to avoid infringing on speech protected by the first amendment. And it recognizes the role of state governments as the primary sources of laws relating to suicide.

This legislation is a sensible response to a real and growing problem, one that will bring wrongdoers to justice and hopefully help to prevent future tragedies like Suzanne Gonzales's. I urge my colleagues to join me in supporting it.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BISHOP of New York. Mr. Speaker, due to a previously scheduled commitment, I was not present in the House chamber to vote on rollcalls 526 or 527.

Please indicate as such in the appropriate place in the CONGRESSIONAL RECORD that I would have voted "nay" on rollcall 526 and "yea" on rollcall 527 had I been present.

Mr. Speaker, thank you for your attention to this request.

TRIBUTE TO DAYTONA BEACH MAYOR YVONNE SCARLETT-GOLDEN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to send my thoughts and prayers to the family of Yvonne Scarlett-Golden, the first black Mayor of Daytona Beach. She had been a very, very close friend of mine for many years, and she will be dearly missed by the community of Daytona Beach and the State of Florida.

I will always remember her for her persistence, her spirited willpower and determination, as well as her extreme dedication to public service. Her admirers and supporters included not just the African American community, but also by those with financial influence in the area. In particular, I will always remember her "respect" campaign, wherein she attempted to tranquilize the somewhat disorderly behavior of the city's special events.

Even though she entered politics somewhat late in life, at all times she devoted her energy to her native city of Daytona Beach. Ironically, this was the same city that disallowed her to go to the beaches because of strict segregation laws. Yet with the inspiration and tutelage of one of our nation's most famous civil rights leaders and founder of Bethune Cookman College, Ms. Mary McLeod-Bethune, who also hails from the city of Daytona, Ms. Scarlett-Golden learned the essence of public service.

Yvonne Scarlett-Golden went on to graduate from Bethune-Cookman College in 1950, where she received academic honors as well as special distinctions for performing as an outstanding athlete. It was in the halls and lecture rooms of this college where she became profoundly influenced by the teachings and philosophy of Ms. McLeod-Bethune. She went on to utilize these teachings in her career as an educator and as an elected official.

Ms. Scarlett-Golden will always serve as an inspiration not only to the local black community in Volusia County, but to African Americans throughout the State of Florida.

TRIBUTE TO BISHOP JOSEPH L. IMESCH

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WELLER. Mr. Speaker, I rise today to honor Bishop Joseph L. Imesch who will celebrate 50 years of priesthood on December 16, 2006.

On June 21, 1931 in Gross Pointe Farms, Michigan, Dionys and Margaret Imesch became the proud parents of Joseph L. Imesch. Bishop Imesch spent his early years in Michigan attending the following schools: St. Ambrose and St. Paul Elementary School, Sacred Heart Seminary High School and College. In 1953, the Bishop went to Rome where he attended the North American College and received his STL degree. He attended the Gregorian University from 1969 to 1970. On December 16, 1956, Bishop Joseph L. Imesch was ordained in Rome.

Most of the Bishop's pastoral ministry was spent in Michigan. From 1957 to 1959, he was the assistant pastor to the St. Charles Parish in Detroit, Michigan. From 1959 to 1971, the Bishop served as a secretary to John Cardinal Dearden, Archbishop of Detroit. In 1971, Bishop Imesch became the pastor of Our Lady of Sorrows' Parish in Farmington. On April 3, 1973, Joseph L. Imesch was ordained as Auxiliary Bishop of Detroit and was the Regional Bishop of the Northwest Region, Archdiocese of Detroit from 1977 to 1979.

On August 28, 1979, Bishop Imesch was installed as the third Bishop of Joliet. During his tenure, Bishop Imesch served on many committees including: Catholic Relief Services Board, Board of Trustees of Archdiocese of Chicago Seminaries, Chairman of the NCCB Committee on Women in Society and the Church, Chairman of NCCB Committee Writing the Pastoral on the Concerns of Women, the Marriage & Family Life Committee, Committee for Stewardship, Chairman of NCCB Committee for Pastoral Practices, the Retired Religious Grant Review Board, the Society of St. James Board, the USCCB Administrative Board, and Chairman of Bishops of Region VII. Bishop Imesch retired as Bishop of Joliet on June 21, 2006 shortly after his 75th birthday. According to Bishop Imesch his only regret is that he turned 75 much too quickly and could no longer serve.

The Diocese of Joliet was established in 1948 and has a Catholic population of approximately 636,862. It comprises the counties of DuPage, Kankakee, Will, Grundy, Ford, Iroquois, and Kendall.

Mr. Speaker, I urge this body to identify and recognize other persons in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

HONORING SANDRA E. ULSH, PRESIDENT OF THE FORD MOTOR COMPANY FUND

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today in honor of Sandra E. Ulsh. Sandra is president of the Ford Motor Company Fund, a philanthropic organization funded largely by Ford Motor Company profits. Ford Fund supports innovative programs that focus on education, American heritage and legacy, and safety. Under her leadership, Ford Motor Company Fund has also dedicated itself to celebrating cultural diversity and supporting programs that stimulate cross-cultural exchanges.

Sandra received a bachelor's in mathematics and economics from Gettysburg College and an MBA from Lehigh University. She joined Ford as an economic analyst in 1978. She held numerous positions in Finance, including vehicle pricing manager, vehicle program finance manager, manager of business analysis and business plans for Truck Operations, and manager of Investor Relations.

Sandra joined Ford's Governmental Affairs organization in 1996 as a strategic issues associate in the Corporate Economics and Strategies Issues office, and later became a legislative manager on Healthcare and Financial Service matters in Washington, DC. Prior to assuming her current position, Sandra was the director, Public Policy, Governmental Affairs.

Along with her work at Ford Motor Company Fund, Sandra serves on various other nonprofit and advisory boards, including the Council of Michigan Foundations, ConnectMichigan Alliance, Charles H. Wright Museum of African American History, U.S. Hispanic Chamber of Commerce Foundation Corporate Advisory Board, Dennis Archer Foundation, and America's Promise Leadership Council.

Sandra will be retiring from her position at Ford Motor Company Fund on December 31st. I'm sure I'm not the only one impressed with her professionalism, dedication and the achievements reached by Ford Motor Company Fund during her leadership tenure. I wish to thank her for her exceptional service and wish Sandra well on all her future endeavors.

FLORIDA DELEGATION FAREWELL TRIBUTE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to specially recognize 4 of my colleagues who have so honorably served the residents of Florida and the citizens of the United States over the past 4 to 26 years.

I applaud my friends, CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS for their admirable service. Over the years, each has made numerous invaluable contributions bettering the lives of their constituents and all Americans.

I've seen first hand how effective and committed these individuals are in serving their constituents. Our longest serving member with 26 years, CLAY SHAW has been one of seniors' and Social Security's greatest advocates. His expertise in Social Security, trade, and welfare issues will be sorely missed. Serving 24 years, MIKE BILIRAKIS has been one of Congress' primary supporters for veterans' issues. It has truly been my pleasure serving with MIKE on the VA Committee for the past 5 years. Over the past 10 years, JIM DAVIS has been one of the leading sponsors in trying to protect Florida's pristine coastlines and U.S. military missions from offshore drilling. His leadership and passion are lauded and will not be forgotten. KATHERINE HARRIS has left her mark as a strong leader in helping Florida toward its future as an international leader in economic and foreign affairs.

Mr. Speaker, Florida and the Nation have benefited from their leadership, and each will be truly missed. I would like to thank each for their service to our country and extend my best wishes for their continued success.

ETHICS IN THE 110TH CONGRESS

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HEFLEY. Mr. Speaker, as the 109th Congress ends and I prepare to leave the House of Representatives after 20 years, I wanted to speak with my colleagues about congressional ethics one last time. This is an honorable House and an ethical House. Most House Members desire to serve honorably and ethically, a few do not. Yet, as James Madison observed in the Federalist 51, "if angels were to govern men, neither external nor internal controls on government would be necessary . . . but experience has taught mankind the necessity of auxiliary precautions." The integrity of this House is important to our Nation and our integrity is not as it should be. As Members of Congress, we will never be perfect, but we can strive to be better. As Members of this House we must do better.

In 1952, Senator Paul Douglas of Illinois wrote a small book that had wide influence, "Ethics in Government." Douglas said the book grew out of his experiences on the Chicago City Council and in the Senate, where he served on a committee which investigated the Reconstruction Finance Corporation and chaired a Senate subcommittee which considered the entire range of ethics issues for those involved in public service. His book started with the following words, "[T]he American public has become increasingly uneasy in recent months about the moral practices of many government officials." Sounds familiar, doesn't it? More than 60 years later, Congress is still struggling with many of the issues identified by Senator Douglas. We have made significant progress since the 1950s, but as this past Congress has shown, we have a long way to go.

Before discussing ethics in the Congress while I have served and what I believe we need to do in the future, I think it would be helpful to review some of the conclusions and recommendations of Senator Douglas. After reviewing that state of ethics during the time of the ruling Florentine House of the Medici as described by Machiavelli in "the Prince," Douglas surveyed the state of ethics in Great Britain during the 18th and 19th centuries and of our own Congress during the period before the Civil War and during the Civil War. Despite the evidence of enormous corruption during those times, Douglas stated, "[M]y own conclusion is, therefore, that there has been an appreciable long-time improvement in the level of political morals." However, he also noted that there are frequent periods of "moral relapse," often after wars and that in his own time the standards of behavior were "by no means good enough and need radical improvement."

Let's look at what Douglas was concerned about. First, he identified six "difficulties which beset public officials and legislators." Leading the list was the items of gifts and entertainment. The next issue he described as the "lure of past and future employment." Next, he identified the problem of the use of public office as a means of making money through various private business interests engaged in by members in addition to their congressional duties, such as insurance or practice of law. Douglas was extremely concerned by what he called, "use . . . of public office to further . . . private business." Finally, Douglas identified the abuse of members of government resigning and "then almost immediately appear[ing] as well-paid legal representatives of private agencies which are doing business with the Government." Douglas also identified this issue as the sale of influence. Senator Douglas recommended 2 remedies to these issues; better pay and an ethical code for public officials.

Douglas went on to identify 3 sets of additional ethics issues important to legislators: (1) The expense of campaigning for office, (2) relationships between legislators and administrative agencies, and (3) the conduct of congressional investigations and the treatment of witnesses before congressional committees.

Douglas concluded with 2 final recommendations: disclosure of private income and the suggestion that stocks and investments be sold or placed in trusts not under the control of the owner. Finally, Senator Douglas stated that "more important than the institutional improvements which I have suggested is our need for a deeper set of moral values." He surmised that "since the state is but the individual writ large, perhaps the disclosures of the past years may reawaken within us a sense of our individual failure to live up to the standards we inwardly cherish." Institutional reform begins with self-reform, he suggested.

Since the time of Senator Douglas, we have come a long way towards fulfilling his recommendations and establishing a modern ethics process. The Ethics Committee was established in 1967. Through the years, the committee has provided oversight and enforcement, sanction recommendations and investigations, and importantly, advice and education to Members and staff. Congress adopted Code of Ethics for Government Service was in 1958 and the House adopted a Code of Official Conduct in 1968. Significant campaign finance legislation was adopted in 1971, 1974, 2002 and House Rules now limit personal use of campaign funds. A limited private financial disclosure system was put in place in 1969 and made public in 1978. In 1989, Congress adopted rules limiting outside income and employment, banned honoraria and established post-employment restrictions. Finally, in 1995, strong gift and travel rules were adopted by the House and Congress passed the Lobbying Disclosure Act to counter public perception that special interests groups maintain undue influence over the legislative process and that Members are granted perquisites and privileges unavailable to average Americans. Each of these steps was significant in and of itself. Taken together they represent real progress.

Through this modern ethics process an established ethics committee has sanctioned Members of the House for inappropriate conduct on a nonpartisan basis. More importantly, the Ethics Committee has provided thousands of letters to Members and staff advising them how to navigate the web of ethics rules and procedures. In my opinion, the advice and education process, though unsung, is the most valuable asset the House has received from the Ethics Committee.

Under the modern ethics system our constituents now have a good idea of our income and assets. Members are restricted from outside income and honoraria of the sort that concerned Senator Douglas and created the potential, the appearance and sometimes the actual existence of a conflict of interest. Gifts have been limited and official business funded by private groups is publicly disclosed.

The tide of power in Washington turned again in November. With power comes great responsibility. Knowing that Congress is an institution, we can find comfort in the fact that faces may change but purpose remains. During the years we as elected officials represent our home districts, our people, our values, we should hold ourselves to higher standards because we have been given the power to change law, to create law, and to fund our government. And when those standards weaken in the House, we monitor each other through the use of the Ethics Committee. Real ethics reform begins and ends with enforcement of the rules and advice and education by the Ethics Committee.

Since its inception in 1967, the Committee on Standards for Official Conduct, informally known as the House Ethics Committee, has been unique in the House of Representatives. It is the only standing committee in which membership is equally divided between each party. The make-up of the committee is intended to provide a fair procedural framework for the conduct of the committee's activities and to help ensure that the committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House.

I have been in the position to serve on the Ethics Committee as a member and as chairman. During my service, I have come to the conclusion that the process works if leadership allows it to. Having an equally divided committee encourages a working relationship that has rarely been equaled on other committees. While serving as chairman, all of our actions were consensus and most were unanimous. I told each new member to leave his partisanship at the door and they did.

I would be hard pressed to remember a time when Congress was not under scrutiny but in recent times, we have come under a direct dissection and search for credibility. To be a credible ethics process, bipartisanship must exist not only in committee deliberations and actions, but also in the development of the rules under which those deliberations and actions will occur.

I believe some of our credibility disappeared during the 109th Congress, when the House leadership fast-tracked legislation and called on party loyalty to pass rules changes for the Ethics Committee during a party-line vote. This is a misfortune that should be remedied in the 110th Congress.

The vote on the ethics process should be separate and apart from the vote on the House rules. The vote on the House rules is a party-line vote, the vote on the ethics process should not be. I see it as a duty for each member to make an individual vote not a party-line basis but on the basis of what would be the best ethics process for the House. The January 2005 vote signified a major detour from a bipartisan ethics process.

Besides the actual rule changes, which would have weakened the Ethics Committee both in its ability to do its job and as a bipartisan institution, I am troubled by the process leadership engaged in to fast-track the rules changes. Despite numerous requests by the Ethics Committee, leadership did not consult the committee on any of the changes they proposed and publicly released the text of these rules only a few hours before they were to be voted upon. As a result of protest by myself and others, some of the proposed rules changes were dropped immediately. Fortunately, the rest were dropped after months of unnecessary dispute. So the end result was that the rules were not changed permanently, but the process used by the House leadership damaged both the ethics process in the House and the House as an institution.

Prior to this misguided effort, the Ethics Committee has almost 40 years of bipartisan tradition. Sure, the process has not always been perfect, but the House has had a tradition of addressing any imperfections through the use of a bipartisan process. From its very beginning, the rules for the Ethics Committee were the results of a bipartisan panel composed of six Democrats and six Republicans. To continue working without undue influence, it is imperative to develop the rules in a bipartisan manner. All significant changes in the ethics process over the years, principally in 1976–77, 1989–1991 and 1997, were adopted after bipartisan task forces looked at the issues or a bipartisan consensus was reached before passage. As I have stated repeatedly, if the House is to have a meaningful, bipartisan ethics process, ethics reform can be made only after thoughtful, careful consideration on a bipartisan basis.

Why, at this time when partisanship dominates virtually every aspect of political life, is bipartisanship necessary in the ethics process? The reason, quite simply, is that if the ethics process were to be dominated by the majority party, whichever party that might be, it would have no credibility whatsoever. Such an ethics process would almost certainly degenerate into simply another tool of partisan warfare and thereby become a farce.

I also have to note, that both parties in the House are guilty of misusing the ethics process from time to time, most notably during what Norm Ornstein and Thomas Mann call the period of "the politics of scandal." During this period in the late 1980's and continuing through 1997, both parties alternatively used the ethics process to attack and eventually destroy one Democratic Speaker, Representative James Wright of Texas and one Republican Speaker, Representative Newt Gingrich of Georgia. During the 104th Congress, virtually every member of the Republican and Democratic leadership of the House had an ethics complaint filed against them.

As a result of broad dissatisfaction on both sides of the aisle regarding the Gingrich matter, the 1997 task force made positive recommendations that were adopted by the House. As a result both parties disavowed the "politics of scandal," with the result that between 1997 and 2004, only one ethics complaint was filed against a House member, down from a peak of over 26 filed between the Wright case in 1989 and 1996. In 2004, a complaint was filed against the majority leader, Representative DeLay, and in my opinion, the political use of the ethics process by both parties began again.

Some commentators have called the period between 1997 and 2004 an "ethics truce." I don't believe that is the proper term because the Ethics Committee was clearly engaged in aggressive investigation of misconduct during this time period, with many of the investigations self-initiated by the committee. During this period the Ethics Committee, while the House was under Republican control, followed the facts, investigated both Republicans and Democrats. For instance, the Ethics Committee conducted a thorough and exhaustive investigation of Representative Jay Kim of California during 1997 and 1998. While Representative Kim pleaded guilty to three misdemeanors in court regarding violations of Federal campaign laws, the investigative subcommittee charged him with numerous additional charges, including false statements, improper gifts, improper financial disclosure and an attempt to improperly influence a witness.

In the investigation against another Republican, Representative E.G. "Bud" Shuster, while the complaint had been filed in 1996, the Ethics Committee again conducted an exhaustive 4-year investigation into this powerful committee chairman, often working directly with the Department of Justice, which resulted in Representative Shuster being cited for "serious official misconduct."

A third investigation, involving Democratic Representative CORRINE BROWN of Florida, which was self-initiated by the committee, did not result in any charges, but the committee noted her actions demonstrated poor judgment and "created substantial concerns regarding . . . appearance of impropriety and the reputation of the House."

Also during the period of so-called "truce," the Ethics Committee self-initiated a second investigation against a Democrat, Representative Earl Hilliard of Alabama, in 1999. In 2001, Representative Hilliard admitted "serious official misconduct."

In 2001, the committee received the one complaint filed against a Member during this period. On July 16, 2001, Representative Peter Deutsch of Florida filed a complaint against Representative STEVE BUYER of Indiana, alleging improper use of official resources for political purposes. The committee unanimously dismissed the complaint on August 1, 2001.

On April 11, 2001, Representative James Traficant of Ohio was convicted in Federal court of conspiracy to violate Federal bribery and gratuities statutes, receipt of an illegal gratuity, obstruction of justice, defrauding the Government, racketeering and tax evasion. The committee self-initiated an investigation and after a 3-day public hearing, recommended expulsion. On July 24, 2002, the House voted to expel Representative Traficant. The peer review process contemplated by the Constitution was truly in play during this process, as a very close friend of Representative Traficant served on the Ethics Committee during this period and felt duty-bound to cast a vote to expel his friend. This member, a former county prosecutor and defense counsel, while voting to expel Representative Traficant, ensured the committee held meticulously to its rules and afforded the respondent every ounce of due process mandated by the committee's procedures. Another peer of Representative Traficant from Ohio, a former judge and county prosecutor, also judged her colleague in this process. The committee was ably served during this process by the experience of another member, who tried numerous death-penalty cases before coming to Congress.

Another matter investigated by the committee during this period was the investigation into allegation of bribery during the 2003 Medicare Prescription Drug Act. The committee also self-initiated this investigation. During this investigation the committee deposed the Speaker of the House, the House Majority Leader, the chairman of the Ways and Means Committee and numerous other senior Members of the House. The investigation ultimately resulted in the admonishment of three Republican Members, Representative Tom DeLay, Representative CANDACE MILLER of Michigan and Representative Nick Smith of Michigan on September 30, 2004. It is important to note that the committee admonished Representative Smith for public statements that threatened to impugn the integrity of the House and for failure to cooperate with the committee investigation.

In summary, during the period of so-called truce, the committee self-initiated serious investigations. To me, this demonstrates not a truce, but a return to a committee dedicated to the investigation of serious matters in a nonpartisan way. As an additional note, during the 108th Congress, the committee noted it either commenced or carried over 10 investigations from the 107th Congress.

From 1997, when I served my first term until 2004 while serving my last, we as a committee gave mostly unanimous or overwhelmingly bipartisan conclusions. The committee worked. Deadlock never reared its ugly head. Partisanship was left at the door. And careful deliberation carried us to our conclusions.

This was true even with the diverse nature of the committee's membership. While I served on the committee the chairmen were from Utah, Texas and Colorado and the ranking minority members were from California and West Virginia. Members of the committee were from Ohio, Washington, Arkansas, Illinois, Minnesota, Arizona, Michigan, Pennsylvania, Missouri, Texas and California. We had lawyers, non-lawyers, former judges, former prosecutors, former defense counsels, businessmen, big-city members and members from rural America. We also had liberals and conservatives. Still, almost every decision was unanimous and every decision was nonpartisan.

This past Congress was noted for scandal, further emphasizing the need for a strong ethics process in the House. While ultimately the criminal justice system and the voters addressed most of these cases, the lack of a functioning Ethics Committee during most of this Congress was glaring. At a time when Representative Tom DeLay of Texas was indicted and Representatives Duke Cunningham of California and Bob Ney of Ohio were convicted of bribery, the Ethics Committee was not functioning. This was also the period of the Abramoff scandal and the search warrant of Representative WILLIAM JEFFERSON of Louisiana's office. Only at the end of the Congress was the committee able to effectively investigate allegations involving former Representative Mark Foley of Florida. An ongoing investigative subcommittee inquiry into Representative JIM MCDERMOTT of Washington was also continued during the Congress but no result has been reached.

Finally, this past Congress lost credibility by failing to adopt significant ethics reform. The ethics and lobbying reform package proposed by the House leadership was so weak that I actually voted against it, believing it was designed to make people believe we were doing something when we really were not. Denying former Members access to the House gym and the House floor did not address the real ethical issues confronting the 109th Congress.

The Senate did little better. I believe the public took note of this failure.

H.R. 4975, the legislation narrowly adopted by the House, while addressing lobbying reform, did not go far enough, and was silent on reforming the rules that govern the ethics process in the House itself. We had a serious opportunity to implement comprehensive ethics reform in the House, but we did not take advantage of it.

The importance the new Congress places on ethics will define its character. Congress has the duty to protect the integrity of the institution and within that duty, every member must hold himself accountable for his own actions as well as those of our colleagues. I also recommend that once members on the Ethics Committee are appointed, the leadership should stay out of the ethics process.

I further urge the new Congress to use a different process than used in January 2005 to adopt the new ethics rules for the House. We have done a great disservice to ourselves by injecting partisanship in the ethics process and the consequences of that vote show in the form of stalemate during most of the last Congress. It is my hope that a real analysis of the rules is undertaken when deciding on changes.

Based on my experience on the Ethics Committee, I, along with Representative HULSHOF, have suggested reforms to the House ethics procedure that were not included in H.R. 4975. Our bill, H.R. 4988, did three things the passed legislation does not. Our proposal gave the Ethics Committee broader subpoena power during informal investigations, which is when the key decision is made whether to fully investigate a potential violation. Our bill would strengthen the independence of the chairman and ranking member by giving them presumptive 6-year terms like other chairmen. And our bill would strengthen the independence of the Ethics Committee staff by making this a career office, like the Parliamentarians office, yet with the accountability all staff should have.

The House should also consider the earmark reform adopted late in the 109th Congress. We need more accountability and transparency in the appropriations process.

Another unnecessary and unfortunate act by leadership during this past Congress was the replacement of two very good members of the committee before the end of their terms. One of them had chaired an investigative subcommittee that recommended the admonishment of Representative Tom DeLay, the majority leader, and both had participated in subsequent committee admonishments of Representative Delay. This gave the appearance and in my opinion, the reality of retribution. They, I believe, were being punished for doing the right thing.

The third unnecessary and unfortunate act in the past Congress was to weaken the independence and nonpartisanship of the Ethics Committee staff. One of the reforms instituted in 1997 was the requirement that the committee staff be assembled and retained as a professional, nonpartisan staff. From 1997 through 2005, the committee started the process of developing an independent, career staff. Many of the staff hired during that period of time were hired from off the Hill, including several with backgrounds at the Department of Justice, the U.S. Attorney's office for the District of Columbia, the Federal Election Commission, the District of Colombia Bar Association, and related agencies. While the staff of the committee has to have a strong understanding of how Congress works, I think it was a good tradition to include on the staff nonpolitical career attorneys who are able to step back from the intense political nature most congressional staff bring to their positions. In February 2005, the incoming chairman removed the committee's chief counsel and a member of the nonpartisan investigative staff. These actions, in my opinion violated the spirit and tradition of the Ethics Committee's charge to assemble staff in a professional and nonpartisan way. I hope the incoming leadership of the committee sees fit to return to the tradition of an independent and nonpartisan staff.

Turning to reform proposals again, one idea that is repeatedly suggested by many is the concept of an ethics commission or an ethics counsel. Some describe the office as an independent office of public integrity. As noted by Ornstein and Mann in their book, "The Broken Branch," the ethics bills passed in 2006 failed to include adequate enforcement mechanisms. These proposals are one way to fill this gap. Another way, is to strengthen the Ethics Committee itself. Under these proposals an outside group of non- members, most likely former members or retired judges or other "wise men" of some sort, would either make recommendations to the Ethics Committee or actually conduct investigations for the Ethics Committee. Certainly the names mentioned for these positions are the sort of people who would be fair and nonpartisan. Similar procedures are used by the House of Commons in London and by the Kentucky and Florida legislatures here in the United States. I have given this concept great thought. While I believe there is some merit to having a system where conduct is judged by officials who are removed from the political process, thus removing the temptation of partisanship from the ethics process, I am not convinced we need to do this. While peer review is extraordinarily difficult, in fact one of the most difficult duties I faced as a Member of Congress, I think only an internal policing system using fellow members judging the ethical conduct of members of the House is important. I believe this for two reasons. First, the Constitution requires it. Second, I believe it is important for fellow members to decide whether House rules have been violated and whether a specific act of conduct is appropriate or not. The Justice Department is the external mechanism when laws have been broken.

The source of the power of the committee to recommend and the House to impose sanctions on the conduct of members is in the Constitution, which provides that each House may "punish its Members for disorderly behavior, and, with the concurrence of two thirds, expel a Member." Art. I, &5, cl. 2. Unless the Constitution is altered, I can see no way Congress can place this responsibility on other shoulders.

The key provision in the Code of Official Conduct adopted by the House in 1968, is House Rule 23, clause 1. It states, "a Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives." Combined with House Rule 23, clause 2, which mandates Members to "adhere to the spirit and letter of the Rules of the House," these two rules have the practical effect of allowing Members to judge using the current standards of the House. While subjective, the standard is certainly one that every member should be able to meet. It needs to be subjective because what the House considers to be inappropriate conduct changes over time. For example, in the 1980's two Members were censored for sexual conduct with pages. I believe that a Member found to have committed the same conduct in the current Congress would be expelled.

Another component of standards of conduct used to judge Members is the appearance standard that has been used by the Ethics Committee with increasing frequency in recent Congresses. Based on rule 23, clause 1 and other standards of conduct, the committee has long cautioned members "to avoid situations in which even an inference might be drawn suggesting improper action." The primary concern regarding the appearance of misconduct is that it undermines public confidence in the integrity of the House. The committee has specifically endorsed a rule by the Senate Select Committee on Ethics directing that Senators should avoid the appearance that campaign contributors receive special access and instructed that members of the House should adhere to the same rule with regard of official access. In 1989, the Bipartisan Task Force on Ethics articulated the concern that gifts to Members may create an appearance of impropriety that may undermine the public's faith in government. The Ethics Committee has cited this concern in both the Ethics Manual and its Gift and Travel Booklet and members were publicly sanctioned or cautioned under this standard in 2004, 2000, 1996, and 1995. Any judgment of a Member under the appearance standard can only be done by another Member of the House. It would not be fair or right to have outsiders, even former members, judging a current Member for the appearance of their actions.

Finally, as Senator Douglas stated so long ago, and many colleagues and commentators have echoed since, we must clean up campaign financing. Thus, I introduced a bill in this Congress to ban leadership PACs. Watching our prospective committee leaders scramble for money in order to buy their positions demeans all of us. Fundraising is also nearly a full time job for many members of both parties. Lobbyists, the backbone of the process, are even tired of the obligation, the requirement, of giving, giving, giving to the politicians. The question of impropriety can not help but be raised when the amount of money solicited and poured into other's campaigns determines whether a Member attains a leadership position or committee chairmanship. Money cannot be the price of admission into leadership.

In concluding, I want to thank the Members of the House of Representative who served with me on the Ethics Committee while I was chairman. These include Representatives DOC HASTINGS of Washington, JUDY BIGGERT of Illinois, Representative HULSHOF, Representative LATOURETTE, former Representative Rob Portman of Ohio, former Representative Asa

Hutchinson of Arkansas, Representative TUBBS JONES, Representative GENE GREEN of Texas, Representative LUCILLE ROYBALL ALLARD of California, Representative MIKE DOYLE of Pennsylvania, Representative MARTIN SABO of Minnesota, and Representative ED PASTOR of Arizona. In particular I want to thank Representative ZOE LOFGREN of California, who served as the ranking minority on the Shuster investigative subcommittee and came back to serve on the investigative subcommittee for Representative Traficant. Finally, I must thank the two distinguished ranking minority members I served with, Representative HOWARD BERMAN of California and Representative ALAN MOLLOHAN of West Virginia. Each served with honor during difficult times and each never acted or mentioned a partisan issue to me while we were involved in committee matters.

I also want to thank the fine professional staff of the Ethics Committee. Starting with Joanne White, our administrative assistant who insured the committee functioned so efficiently; other assistants Christine Stevens, Sean Kelley, Preston Johnson, Peter Johnson, and Amelia Snider; our counsels Kenneth Kellner, Bernadette Sargeant, John Sassaman, Reed Slack, Susan Pohl, Stacey Duffey, Peter van Hartesfeldt, Susan Olson, and Carol Dixon. Special thanks goes to Representative BERMAN's counsel Bari Schwartz and Representative MOLLOHAN's assistant, Colleen McCarty. The committee was further assisted by two distinguished chief counsels during this period, Robert Walker and John Vargo. Finally, I want to thank my two counsel's while I was chairman, Virginia Johnson and Paul Lewis. Rob Walker and Virginia Johnson provided vital support and assistance during the Traficant matter and John Vargo and Paul Lewis did the same during the complaint filed against Representative DeLay at the end of my tenure.

When I began my service in this House 20 years ago, I never thought I would serve on the Ethics Committee. I certainly never thought I would serve as its chairman. Yet, I now believe it is my duty to speak to you one last time regarding ethics. Ethics advice in this House must be fair, impartial, and nonpartisan. Ethics reform in this House must be fair, impartial, and bipartisan. Ethics enforcement in this House must be fair, impartial and bipartisan. The leadership of both parties should keep their hands off the ethics process once the rules are adopted and the members are assigned to the Ethics Committee. I hope a strong ethics reform package is passed on the first day of this new Congress. But we must do more. I urge the next Congress on the first day to also establish a bipartisan task force to draw on proposals adopted on that first day but to do more and to do better. The work of the 1997 Bipartisan Ethics Reform Task Force is instructive on how major changes in the ethics rule should be made. The task force labored on its recommendations for 4 months, taking testimony from House Members and outside experts in public hearings as well as executive session. It is evident from the task force's final report that it spent hours and days in studying, discussing and voting upon a variety of rules changes. With so much at stake in the ethics rules for both individual Members and the House as an institution, such open, careful consideration of rules changes is absolutely necessary.

John Barry, the author of "The Ambition and Power," about ethics investigation of Representative Wright, described our Capital as the grandest building in this Nation. I believe our grandest building should also be a cathedral. A cathedral of integrity. Senator Douglas urged each member of Congress to consider the need for a deeper set of moral values. I ask each of my colleagues and the incoming Members of the House to consider the same.

* * *

HONORING THE SERVICE AND RETIREMENT OF MIKE LYNCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize a valued staff member—Mike Lynch—who retired this month from the House Science Committee. As one of our Committee Counsels, Mike's legal and parliamentary expertise touched many offices and issue areas during his tenure.

He was a dedicated and long-serving House staffer. Prior to joining the Committee, Mike served in the U. S. House of Representatives from 1977–1994 in several counsel positions. Most notably, he was the Staff Director and Chief Counsel to the Subcommittee on Accounts of the Committee on House Administration from 1985–1993. In each position, Mike honed his legislative skills to become a respected and much sought after Committee Counsel.

As the Science Committee Democrats' principal liaison with the Parliamentarian, Rules Committee and Leadership on parliamentary and legislative process issues, Mike's role was an important one. His mastery of the rules and procedures of the House and his advice to Members and staff on legal and legislative issues before the Committee were vital. No one worked harder than Mike did to protect the prerogatives of Members, the Committee and the Congress.

He loved this institution and that love was evident in his work each and every day. Without fail, his careful analysis of legal issues and sound judgment in rendering opinions and advice resulted in astute answers for the Committee. He also took great pride in mentoring junior Committee counsels and in explaining the intricacies of Committee procedure.

Mike will be missed by many, but we all understand that his retirement now clears his calendar for his other great passions in life—travel and sports, particularly rooting for Notre Dame and the New York Yankees.

The Science Committee's Members and staff wish him well as he moves on to new endeavors and a relaxing retirement. Thank you, Mike, for your many years of dedicated and loyal service.

19TH ANNUAL WORLD AIDS DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Ms. WOOLSEY. Mr. Speaker, on December 1, communities around the world came together to remember AIDS' more than 25 million victims and to renew our commitment to the 40 million people currently living with HIV/AIDS.

The 19th annual World AIDS Day was both an opportunity to reflect on the progress we've made combating this illness and a reminder of all of the obstacles we must still overcome. Since 1981, our battle to combat the myths associated with AIDS, the discrimination against people infected with HIV, and the virus and disease themselves have all improved. However, AIDS continues to devastate every region of the world as 6,000 people, half of which are between 15 and 24 years old, become infected with HIV every day.

This year alone, almost 3 million people have died from AIDS, while more than 4 million more were infected with HIV. In Sub-Saharan Africa, 12 million children have been orphaned as a result of AIDS. In California, 56,000 people are currently living with AIDS, making up 14% of our nation's total AIDS population. The AIDS pandemic has become so widespread in our country that it is thought to have killed more than ten times the number of American soldiers killed in Vietnam. We cannot afford to turn a blind eye as this disease takes its toll on the American public.

We must do more to address this global health crisis. Congress must increase its aid for treatment and educational programs to countries burdened by catastrophically high infection rates. The U.S. must support and implement programs that increase the public's knowledge about proper ways to protect against HIV transmission. More people must get tested and more people must receive treatment. Each year World AIDS Day is a wake-up call to the reality that we cannot be complacent with our accomplishments combating AIDS because so much more needs to be done.

That's why I have consistently supported measures to help poor nations get the medicines they need to fight AIDS, and have also joined efforts to fight for more funding for the Global Fund. We work to improve the care available to HIV/AIDS patients while ensuring that socioeconomic status does not limit a person's access to life-saving treatments. Additionally, it is essential that we continue to adequately fund the Ryan White CARE Act, which helps cities, states, and local community-based organizations provide services to HIV-positive individuals who otherwise couldn't afford medication, transportation, food or housing. The time and effort Congress spends on implementing programs that deal with HIV prevention, treatment, education, and support must be in line with the true priorities of the American people. In that respect, we still have a lot of work to do.

Mr. Speaker, I rise today to commemorate World AIDS Day because I believe we must take this opportunity to honor our commitment to those who have struggled with and continue to fight against this destructive disease. As we work to improve HIV/AIDS prevention and treatment, let us do so with the dedication and the drive that the American public demands of us. As we look forward to the new Congress, let us confront this disease head on, finally putting forward the resources we need to conquer AIDS.

DOWNINGTOWN WEST HIGH SCHOOL GIRLS SOCCER TEAM 2006 PIAA CHAMPIONS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown West High School Girls Soccer Team for their recent 2–0 victory over the Moon Township High School to win their second Girls Soccer PIAA Class AAA Championship in three years. If fact, this was the same score that Downingtown beat Moon Township in 2004 to become Pennsylvania State Champions.

The Downingtown West Whippets were led by five seniors: Colleen Flanagan, Katelyn Capps, Amber Werner, Christine Thurwanger and Sarah Halpin. This group of seniors boasts three District 1 titles and one Ches-Mont League title in four years.

The Whippets played the championship game against Moon Township in Hershey, Pennsylvania, and managed to shut out the opposition with their determined and aggressive play.

Mr. Speaker, I ask that my colleagues join me today in honoring all of the players, coaches, and supporting staff of the 2006 Downingtown West Girls Soccer Team. The skill, hard work, and commitment to excellence by the entire team led to this spectacular athletic achievement. Their display of character and sportsmanship brings honor to Downingtown West High School and the entire community.

The team is comprised of: Katie Bauer, Hallie Berger, Jessicca Bourroughs, Rae Bradley, Laura Call, Katelyn Capps, Sarah Cardamone, Bridget Coleman, Christie Coper, Nicole Dankanich, Madison Davenport, Brynn Evans, Emily Fenimore, Colleen Flanagan, Laura Flanagan, Kelsea Fortino, Sarah Halpin, Brittney Hamil, Ashley Harrington, Devan Hibbs, Alyssa Johnson, Michelle LaBricciosa, Amanda Marino, Stephaine Myers, Morgan Obendorfer, Kelly Peterson, Jenny Schleinitz, Katie Schneider, Courtney Sicinski, Jamie Tabor, Christine Thurwanger, Tori Viscuso, Amber Werner, Christie Werner, Lauren Wilson, Courtney Wylie, Head Coach Rob Smith, Assistant Coaches Kelly Cross, Wes Davis, Meredith Markle, and Mary Schanne, and Athletic Trainers Joe Iezzi and Jessica Korn.

RELIGIOUS COMMUNITY BULLDOZED IN KAZAKHSTAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, today I express my deep concern about the destruction of thirteen homes in a Hare Krishna commune outside of Almaty, Kazakhstan. It is a saddening development considering that Kazakhstan is a participating state in the Organization for Security and Cooperation in Europe and has been vigorously pursuing a bid to chair the OSCE in 2009. I am greatly troubled by the actions taken against this peaceful religious community, which is reminiscent of the "bad old days."

On November 21, 13 Hare Krishna homes were destroyed in the Sri Vrindavan Dham commune in the village of Seleksia, 25 miles from Almaty. Orders to bulldoze the homes reportedly came from the Karasai District Court, giving the residents only 24–hours notice to gather all their possessions. When the bulldozers arrived, they came under the escort and supervision of riot police. The belongings of some who refused to leave were thrown out in the snow, and their furniture and larger household items taken away to be destroyed. Families were left without a home and many others left without water and electricity in the cold of winter.

More damage could still be done—53 more homes (one of which houses a temple) could be demolished and their 116-acre communal farm could be seized. Making this outrage all the more disturbing, the Karasai District Court reportedly announced that it will charge the community for the demolition expenses! I appreciate the strong statement issued by the U.S. Embassy in Astana urging Karasai district authorities to "refrain from any further aggressive actions."

The conflict over the commune has steadily intensified since a regional court ruled in March to confiscate the farm without compensation. A special government commission was established in response to international criticism to negotiate with the Hare Krishnas, but this process was short-circuited when the bulldozers revved up. Authorities justify these heartless actions by citing legal problems with the purchase of the farm by Hare Krishnas in 1999, but most observers believe this is nothing more than a land grab dressed up as a legal proceeding.

Despite Kazakhstan's positive reputation for religious tolerance, I have been concerned by governmental actions against minority religious communities, such as the heavy fines (and sometimes arrests) during the past six months against Baptist ministers representing unregistered congregations. Also worrisome are increasingly harsh government policies toward Muslims who practice their faith independent of the government-controlled Muftiate. While President Nazarbayev's initiative to bring world religions together to promote tolerance is laudable, his government's harsh treatment of small and independent groups displays a sad absence of tolerance.

In short, I do not believe these actions befit a country that would be a leader of nations. I urge President Nazarbayev and the Government of Kazakhstan to end these practices, withdraw the court cases to seize the Hare Krishnas' land, and ensure that all individuals are compensated for their lost property.

TRIBUTE TO LOVELLA CRADDOCK

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Lovella Craddock of McLeansboro, Illinois for her many years of service to the citizens of Hamilton County, Illinois. Lovella began working part-time in the Hamilton County Clerk's Office in 1960, full-time in 1961 and was elected as Hamilton County Clerk in 1974. She will retire December 1, 2006 after 46 years of service.

For the past 46 years, Lovella has greeted not only me, but also the citizens of Hamilton County, with a smile as they entered her office to conduct business. Her friendly and courteous service will be missed. It is with gratitude that I thank her for her service and congratulate her on retirement. I wish Lovella all the best in the years to come.

COMMENDING THE IRAQ STUDY GROUP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, I rise to commend the members of the Iraq Study Group and to thank them for their dedication and service to our country.

I have been to Iraq three times, the first two times without military escort. I traveled all over the country. Upon my return I called for the creation of a high level, bipartisan panel to take an honest assessment of the situation in Iraq. To look forward, not back, and to report its findings to the American people.

On March 15, this bipartisan Iraq Study Group was established with co-chairmen former Secretary of State James Baker and former Congressman Lee Hamilton, who co-chaired the 9/11 Commission, leading the 10-member panel—five Democrats and five Republicans. Because of the importance of their task in finding consensus on assessing the way forward in Iraq, at that time, I said it was important to have as members of the group people who loved their country more than their political party.

The group undertook a serious, bipartisan, forward-looking assessment of the current and prospective situation on the ground in Iraq and its impact on the surrounding region, and its consequences on U.S. interests. It focused on political, military, security and reconstruction in Iraq.

In addition to co-chairs, the study group members were former U.S. Attorney General Ed Meese, former Clinton Administration adviser Vernon Jordan, former Clinton Administration chief of staff Leon Panetta, former Defense Secretary William Perry, former Virginia

Senator Chuck Robb, former Wyoming Senator Alan Simpson, former Supreme Court Justice Sandra Day O'Connor and former Secretary of State Lawrence Eagleburger. The group traveled to Iraq, and met with hundreds of experts.

Yesterday the Iraq Study Group released its much anticipated report on how we as a country can come together and move forward on Iraq. The report is a tough assessment of the current situation in Iraq and a blueprint for moving forward. Not everyone will agree with every recommendation contained in the report, but it should be given full consideration by the administration, the Congress, and equally important, the American people. Rarely do we see a report that has the full consensus of such distinguished Americans, men and women of honesty and integrity. I thank them for their service and a job well done.

I also would like to thank members of my staff who worked on this issue including Christine Kojac and Mike Ringler of the Science-State-Justice-Commerce appropriations subcommittee, and Janet Shaffron and Samantha Stockman of my personal staff. A special thanks goes to my chief of staff, Dan Scandling, who accompanied me on my trips to Iraq and served as photographer and writer for the trip reports.

THE SACRAMENTO RIVER NATIONAL RECREATION AREA ESTABLISHMENT ACT OF 2006

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HERGER. Mr. Speaker, today I am introducing the Sacramento River National Recreation Area Establishment Act of 2006.

This bill was drafted with the direct input and involvement of locally elected leaders in Tehama County, California. It is the product of a citizen-led initiative. Written exchanges, phone calls, meetings, and an on-site visit were all part of the process that has led up to today.

On two separate occasions the Tehama County Board of Supervisors endorsed the concept of creating a National Recreation Area at the Sacramento River Bend, including, most recently, a unanimous endorsement of this specific legislation, which was passed on December 6, 2006. The Shasta County Board of Supervisors and the City of Redding, California both have formally expressed support for the creation of a recreation area at the Bend Area. Various constituents and organizations have done so as well.

Local officials expressed support for a national designation that focused on recreation and respected the nearby communities' goals and priorities. They wanted a designation to build on existing popular outdoors opportunities, such as horseback riding, hunting, fishing, and hiking. They wanted management of the land to attract tourists to the area in order to help the local economy. And they wanted to make sure that neighboring landowners and land uses were protected in the process. It was argued that a national designation for the Bend Area should be a "win-win" for everyone in the community. Mr. Speaker, I'm pleased to say that this legislation accomplishes this important priority.

In carrying out the wishes of local officials, the Sacramento River National Recreation Area Establishment Act of 2006 focuses on three important local priorities: recreation, community involvement, and landowner protection.

The bill directs the BLM to manage the Bend Area in a manner that encourages and promotes public recreation. The bill lists, at a minimum, sixteen separate recreational activities that are to occur and be enhanced for public enjoyment of the recreation area and, in turn, help create new economic opportunities for local businesses. Specific language is also included to ensure that this popular destination point for deer, wild turkey, dove, and pheasant hunting, and trophy-sized rainbow trout and salmon fishing remain open and accessible to the public.

The bill also authorizes the Secretary to develop recreation related facilities, such as new trails, restrooms, parking areas, and campgrounds, all of which will help make experiencing the Bend Area more enjoyable for Northstate families. Additionally, the bill clearly states that no fees for same-day use or access to the recreation area may be charged by the BLM unless significant recreation services are provided. This provision will help the public access the Bend Area free of charge for activities like an afternoon hike or bike ride. Any modest fees that could be charged at the Bend Area would be developed in consultation with the public and proceeds would be reinvested in local recreation and safety facilities.

Local involvement and participation is also required in the bill. The legislation would establish an "Advisory Council" to ensure that the ideas and concerns of local citizens are incorporated into a management plan for the area. The Advisory Council would be appointed by locally elected officials, and would consist of concerned citizens representing diverse backgrounds and viewpoints. And to ensure that everyone in the community has a chance to participate in the drafting of the management plan for the Bend Area, each meeting of the Advisory Council will be open to public observation and involvement. This important provision will ensure transparency without the unnecessary paperwork burdens and expense associated with the Federal Advisory Committee Act.

Finally, Mr. Speaker, this bill protects private property rights. Local officials carefully drew the recreation area boundaries so as not to include private land. In addition, language was developed to ensure that landowners adjacent to the new recreation area are guaranteed full access to their property, and that efforts to improve or enhance such access are not limited in any way by this legislation. Existing water rights holders are also protected under this bill, as it plainly denies authority to the federal government to acquire water rights to further the purposes and needs of the recreation area. Lastly, livestock grazing, which is very important to the area I represent, is protected in this bill. Local officials supporting the legislation were clear: the right to continue to graze cattle in this area needs to be preserved.

Mr. Speaker, it has been a great pleasure for me to work with local officials and concerned citizens to develop this legislation. But our work is not over. In my view, you can never have too much local participation. Initiatives like this one succeed not because they were created in Congress or by national interest groups. They succeed because they are the product of an on-the-ground effort, led by those who live near and are the most familiar with this special area. I look forward to continuing to work with my constituents who have been involved in this legislation to this point, and urge anyone else with an interest to participate to do so.

This legislation is introduced in the spirit of local involvement and cooperation. It has been carefully written based on local needs and is worthy of the consideration and support of my colleagues in the House.

TRIBUTE TO GONZALES FAMILY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the memory of a family recently devastated by a tragic drunk driving accident. On Saturday, November 11, Paul Gonzales, Renee Collins-Gonzales, and their daughters, Alisha Garcia, Jacquelynn Gonzalez, and Selena Gonzales were killed in a horrific accident. Arissa Garcia, Renee's daughter, survived the terrible crash.

Paul was the co-owner of a small family-owned business in Las Vegas, New Mexico, a town he had lived in his whole life. Paul was well-known throughout his home town, especially as a strong supporter of youth sports and academics. A graduate of Robertson High School, he was continually involved in fundraising events for the high schools in the area. He was extremely active with the Robertson band and football team, even designing the 2006 District Championship t-shirts for the school. Extremely civic-minded, Paul was a member of the Las Vegas Fiesta Council and spent some of his spare time helping to restore historical buildings.

Renee, Paul's wife, was also a lifelong resident of Las Vegas. Renee spent her life caring for others, as a nurse at the hospital and in the West Las Vegas School System. Looking to increase her education, she was finishing her master's degree in nursing and was working towards becoming a nurse practitioner. Renee was extremely devoted to her family and always found the time to spend with each one of them.

Alisha, seventeen years old, was Renee's daughter and Paul's stepdaughter. She was a senior at West Las Vegas High School, and was scheduled to graduate in May 2007. Like her mother, she also was extremely dedicated to her family and enjoyed her role as the eldest sister, often putting the needs of her sisters ahead of her own. Alisha was continually active, participating in several sports and music programs, and also learning sign language.

Jacquelynn, the daughter of Paul and Renee, was eleven years old. A fifth grader, Jacquelynn enjoyed participating in her school's basketball and soccer teams, and also enjoyed other sports, camping, and fishing. She was thoughtful and giving, and enjoyed spending time with her family.

Selena, also the daughter of Paul and Renee, had celebrated her tenth birthday only three days before the tragic accident took her life. In fourth grade, Selena enjoyed school and was an honor student. She also enjoyed participating in sports and was known to be daring and to live life to the fullest. Like the rest of her family, she was considerate, thoughtful, and brought joy to all those around her.

While we remember these five extraordinary people, we must also show our support for Arissa, who was the only survivor of the accident. Arissa, who is fifteen, sustained injuries in the accident, but is slowly recuperating and is already back in school.

The members of this family have touched the lives of all members of the community, as was evident by the thousands of people who attended their services. I want to recognize the entire community for coming together to show their support to Arissa and her family. I also want to acknowledge the pledge that students, staff, teachers, friends, and other members of the community have made—that they will never drink and drive, that they will not let a friend drink and drive, and that they will not get into a vehicle with someone who is intoxicated. If more people were to take this pledge and stick with it, the number of drunk driving tragedies surely would decrease.

In recent years, New Mexico has taken many strides to curb drunk driving accidents throughout the State. In fact, recent figures have shown an 11 percent decrease in drunk driving accidents in the past year. However, this tragedy shows that even one drunk driver is one too many.

We all have our own horror stories of how our constituents have been affected by drunk driving accidents. Let's commit ourselves today to taking the necessary steps to truly attack this problem. I intend to work with local, State, and federal officials, as well as the families of the victims of this horrific crash and others that have been impacted by drunk driving to continue to attack this problem. We can only defeat this problem if we all work together.

PROPOSED RULE REGARDING THE MEDICARE PROGRAM AND REVISIONS TO PAYMENT POLICIES

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FORTUÑO. Mr. Speaker, I would like to express my concern over the proposed rule put forth earlier this year by the Department of Health and Human Services regarding the Medicare Program and revisions to payment policies under the physician fee schedule for calendar year 2007. This rule, as written, would have a negative impact on Puerto Rican doctors and their patients. While I fully support the overall objective of the changes—to ensure that HHS payment systems are updated to reflect changes in medical practice and the relative value of services—I am confident that can be achieved without inflicting another harmful financial burden on Puerto Rico. I would support legislative activity that would prevent further cuts from taking place.

First, it must be understood that the cost of living in Puerto Rico is at least the same, if not higher than in the U.S. mainland. As a matter of fact, the costs of transportation, water, electric power and housing are all notably higher on the Island. These cost differentials were not adequately considered in the proposed rule.

Under the proposed rule, Puerto Rico would be forced to assume two large losses. The first is on the elimination of the payment floor with slightly over a 2 percent cut, plus the cuts in each of the specialties. Radiology would suffer the most, with an average cut of 16 percent. This is an issue that affects doctors, patients and ultimately the quality of care that can be provided to those most in need. I strongly recommend that these proposed reductions be suspended for calendar year 2007, and that the impact of any further floor reductions be considered thoroughly before implementation.

As you know, Puerto Ricans are U.S. citizens and pay the same Medicare payroll taxes and deductibles as their fellow citizens in the 50 States. Thus, we must ensure that Medicare recipients in Puerto Rico have the same access to quality health care as those in the 50 States, and that health care providers on the Island receive satisfactory reimbursements for their services.

RECOGNIZING TAFT COMMUNITY COLLEGE'S "TRANSITION TO INDEPENDENT LIVING PROGRAM" FOR YOUNG AUTISTIC ADULTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. BURTON of Indiana. Mr. Speaker, as a Member of this House who has long voiced concerns about the lack of concerted federal action to deal with the growing epidemic of autism in this country, I was very encouraged by yesterday's passage of the "Combating Autism Act."

Although I believe that we missed an opportunity in this bill to resolve the problem of mercury in vaccines and its connection to autism, there is no denying that the Combating Autism Act represents a long overdue and significant expansion of the federal government's response to the autism epidemic. The bill commits an unprecedented $945 million in federal funds over five years to combating autism through research, screening, better interventions and education efforts.

But we should be under no illusion that the job is finished. Autism is a condition that has no known cure, which means that this is a crisis that is simply not going to "go away." What we have done is realistically only a small down payment on the vast resources that we must invest in order to deal with this terrible scourge. For example, in my own State of Indiana we experienced a 923 percent cumulative growth rate for autism from 1992–2003. The annual growth rate of autism in Indiana averaged 27 percent compared to an average of 7 percent for the growth rate of all disabilities. And Indiana's experience is by no means unique. In fact, as a Nation we have gone from roughly 1 case of autism for every 10,000 births in the 1980's to 1 in every 166 today.

What this means in practical terms is that we are now at the beginning of what can be considered a "bubble" of older children who have been diagnosed and treated for autism, who now must face the challenges of their disease in a post-secondary environment and beyond. The "No Child Left Behind Act" has given our schools the tools to do an excellent job of providing additional teachers, curriculum and individual educational programs for our students with autism. But this assistance is largely confined to the K–12 years and for the most part our schools are only just beginning to effectively meet the growing learning needs of that age group. We are therefore still woefully ill prepared for the unique problems our post-secondary young autistic adults will face as they transition from a relatively protected learning environment to the demands of our modern life. We must recognize the plight of these older children with autism and commit ourselves to providing the additional resources necessary to deal with their unique problems as we have done for younger children with autism.

Recently, I was privileged to meet with officials from Taft Community College, located in Kern County, California. Taft, I am told is one of only two institutions throughout the country currently exploring ways to dealing with this impending crisis. I understand that for the last ten years Taft has pioneered a "Transition to Independent Living Program" (TIL) which provides a structured environment for post-secondary special needs students to successfully meet the demands of our modern world. According to the statistics compiled by Taft Community College President, Dr. Roe Darnell, the achievements of these students and graduates are truly remarkable. I understand that fully 81 percent of the program's graduates are employed and 94 percent live independently. When you consider that the national employment average for all classes of people with a disability is only 37 percent, these results are noteworthy.

According to Dr. Darbell, other "Snapshots of Success" include: 93 percent of graduates receive no financial help; 90 percent of graduates use public transportation; 95 percent have a checking account; 80 percent have a savings account.

The Taft Community College curriculum teaches life skills and independent living strategies to its students, with TIL students receiving vocational training, ethics training and assistance in developing sound work habits. A moderately size dormitory in the middle of campus is utilized by Taft Community College as a "laboratory" to practice life skills, and Taft officials believe that one of the keys to the success of their TIL program is its emphasis on residential living.

Now I understand that the Taft program handles high functioning adults with autism, which means that the techniques and skills taught to these students may not be completely applicable to young adults, who are more severely autistic, but the pioneering efforts and achievements of President Darnell, his teachers, students and TIL program graduates should be applauded.

Programs like those at Taft will not solve the whole problem of how to deal with the impending boom of autistic adults, but I think it is certainly possible that they are a part of the solution. I sincerely hope that many of the approximately 2,000 community colleges around the country will also begin to recognize the growing educational needs of this underserved population and explore the idea of adopting programs like Taft's TIL, if appropriate, and if not, push the boundaries of what is possible for these victims of autism.

SOUTHEASTERN EUROPE: MOVING FROM ETHNIC CLEANSING AND GENOCIDE TO EURO-ATLANTIC INTEGRATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, when I was appointed chairman of the Helsinki Commission in early 1995, Mr. Speaker, the U.S. foreign policy establishment and its European counterparts were seized by a genocidal conflict of aggression against Bosnia-Herzegovina. Many here in the Congress were already deeply involved in bipartisan efforts to end the conflict by urging a decisive, international response under U.S. leadership. I can still recall the sense of horror, outrage, and shame when the Srebrenica massacre occurred and nothing was done to stop it and other atrocities committed against civilians. Slobodan Milosevic, meanwhile, was comfortably entrenched as Serbia's leader, with Kosovo under his repressive thumb. The situation was truly bleak.

Today, relative calm prevails throughout the Balkans region, though simmering tensions and other serious problems could lead to renewed crisis and conflict, if left unchecked. Overcoming the legacy of the past and restoring dignity and ensuring justice for the victims will require sustained engagement and vigilance. Integrating the countries of the region into European institutions can advance this process.

Slovenia has become a full-fledged member of both NATO and the European Union. Croatia is well on its way to similar membership, and Macedonia and Albania are making steady progress in the right direction. In a welcome development, Bosnia-Herzegovina, the epicenter of bloody carnage and mass displacement in the mid–1990s, was invited last week to participate in NATO's Partnership for Peace Program, along with Serbia and the newly independent state of Montenegro.

As a longstanding member and leader of the Helsinki Commission, I want to highlight some of the numerous initiatives we have undertaken in an attempt to draw attention to developments in the Balkans and to influence related policy. Since 1995, we have convened more than 20 hearings on specific aspects of the region as well as related briefings, legislation, letters, statements and meetings. These efforts have been undertaken with an uncommon degree of bipartisanship. In this regard, I particularly want to thank the Commission's outgoing ranking member, Mr. CARDIN of Maryland, for helping to make this a reality.

Among the Commission's most noteworthy accomplishments, I would include garnering the strong support that contributed to the establishment of the International Criminal Tribunal for the former Yugoslavia and pressing countries to cooperate in bringing those responsible for war crimes, crimes against humanity and genocide to justice. I would include the change in U.S. policy from relying on Milosevic to implement the Dayton agreement to supporting democracy in Serbia as the long-term and genuine partner in building regional peace and stability.

We have maintained a significant focus on elections, encouraging all the countries in the region to strive to meet international standards for free and fair elections as well as referenda. There has been tremendous progress in this regard.

The Commission's support for the OSCE, I believe, has helped the organization's field activities in southeastern Europe to be more successful in promoting respect for the human rights and fundamental freedoms of all the people, regardless of ethnicity. Finally, on the more controversial policy of NATO's action against Serbia in 1999, the Commission served as a forum to air differing views on the policy response while finding common ground in addressing the humanitarian crises, documenting human rights abuses and holding human rights violators to account.

Mr. Speaker, while welcoming this progress in southeastern Europe, I would caution against complacency as the region faces significant challenges. Maintaining positive momentum will require much from actors in the region as well as the international community, including the United States.

First and foremost is the situation in Kosovo. The pending decisions that will be made on Kosovo's status give rise to growing expectation as well as apprehension and concern. Despite the many debates on larger issues of sovereignty, territorial integrity, and self-determination, these decisions should and will ultimately be judged by whether or not they lead to improved respect for human rights, especially the rights of those people belonging to the Serb, Roma and other minority communities in Kosovo. The members of the minority communities deserve to be treated as people, not as pawns in a fight over territory and power. They should be allowed to integrate rather than remain isolated, and they should not be discouraged from integration when opportunities arise. I remain deeply concerned that these issues are not being given the attention they deserve. Whatever Kosovo becomes, OSCE and other international human rights standards must apply.

Similarly, there is a need to ensure that justice is vigorously pursued for the victims of horrendous human rights violations. Conditionality on assistance to Serbia, as well as on that country's integration, must remain firmly in place until Belgrade cooperates fully in locating at-large indicted war criminals and facilitating their transfer to the ICTY in The Hague. It is an outrage that Ratko Mladic and Radovan Karadzic remain at large. After refusing to take meaningful action on these cases, Serbia can not be let off the hook now, but should be pressed to comply with its international obligations.

A related issue is that of missing persons. Ten years after Dayton, additional mass graves continued to be uncovered, and the identification of the remains of relatives and loved ones is important for the survivors of past atrocities and their societies. The Commission recently held a briefing on identifying remains found in mass graves in Bosnia, and I hope that support for determining the fate of missing persons can be further strengthened.

While some progress has been made in combating trafficking in persons in the region, all countries there need to intensify their efforts to end this modern-day form of slavery. Political will and adequate resources will be required, including through enhanced efforts by law enforcement and more vigorous prosecution of traffickers while providing protection for their victims.

Religious freedoms also remain a cause for concern. Various laws in the region allegedly providing for religious freedom do more to restrict this fundamental right by establishing thresholds for registration, by discriminating against small or new religious groups through tiers of recognition with associated privileges for traditional faiths, and by precluding the sharing of creeds or limiting free speech. These restrictions are particularly burdensome to smaller religious groups and can lead to stigmatization, harassment, and discrimination against their members. For instance, Kosovo's new religion law singles out certain communities for special status while failing to address how other religious groups can obtain juridical personality as a religious organization, thereby creating a significant legal void from the start. I urge Kosovo authorities to follow the progressive Albanian system and create a neutral registration system of general applicability. Macedonia is considering a draft law now, and I hope authorities will fully adopt the recommendations of the OSCE Panel of Experts on Religious Freedom, as certain provisions of the draft regarding the granting of legal personality need additional refinement. I similarly call on Serbian officials to amend their current law and ensure all groups seeking registration receive legal status. Meanwhile, there is a need to step up efforts to respect the sanctity and ensure the safety of places of worship that have in the past been the targets of ethnically based violence in Kosovo, Bosnia, Serbia and elsewhere.

Mr. Speaker, concerted efforts by courageous leaders in the Balkans and elsewhere have helped move the region from the edge of the abyss to the threshold for a brighter and more prosperous future. I congratulate the countries of southeastern Europe on the progress achieved thus far and encourage them to make further progress to ensure that all of the people of the region benefit.

TRIBUTE TO WESTERVELT CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Westervelt Christian Church on the occasion of its induction into the National Register of Historic Places in February 2006. Westervelt Christian Church celebrated this special occasion with a ceremony on October 8, 2006.

The church was formed in 1921 after the Antioch Church families, living in Westervelt, felt they were traveling too far for services and desired that a new Christian church be built in Westervelt. It is believed that charter members of the First Christian Church were accepted on October 31, 1921 and that a list of these members was placed in the cornerstone of the church.

The church, built in classical revival style, was built during the years of 1921, 1922 and 1923. The lots for the church were donated by E.D. and Alpharetta Kerr and Charles and Minnie Donnel. The architect was Charles Harris and he designed the interior of the church to have outstanding acoustics while the outside of the building was designed to resemble a Greek temple. The building was dedicated on May 6, 1923. To this day, the church still uses the original theater seats, an original serving table in the basement as well as the original hanging lights.

In 1968, the congregation of First Christian Church decided to remove themselves from the Disciples of Christians Churches. The church formed new articles of incorporation and changed the name to Westervelt Christian Church, a now independent Christian church. Today, the church has the following mission statement, "The mission of the Westervelt Christian Church is to exalt and worship Almighty God by living, teaching and preaching the gospel of His Son and our Savior Jesus Christ as revealed to us by His holy word, the Bible."

I am pleased to congratulate Westervelt Christian Church on this special occasion. My prayers are with the church during this special time. May God bless the congregation of Westervelt Christian Church.

GAMBLING EXPLOSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor.

Mr. Speaker, I would like to share some comments from a recent speech delivered by Rev. Tom Grey, national spokesman and field director for the National Coalition Against Legalized Gambling and National Coalition Against Gambling Expansion. Rev. Grey gave these remarks to the Seventh Annual Commercial Real Estate Deal Maker Forum on October 24, 2006, in Cleveland, Ohio, as Ohio voters were considering the question on the Ohio ballot to legalize casino gambling. The proposal, which included money allocated for education, was dubbed the "Earn and Learn" initiative. Voters defeated the initiative 57–43 percent on election day, November 7.

Tom has worked to bring attention to the harm gambling can bring to families and communities. Excerpts of Tom Grey's speech follow:

Gambling is like a fungus. If it gets started in one region, it tends to spread. We saw this happening, and in 1994 we formed, from the bottom up, a national organization to fight it. We gathered local and state activists and formed the National Coalition Against Legalized Gambling. We started sharing information and we challenged the spread of gambling at the ballot box. We did that in the peak of hard times for states. State budgets were upside down all across the country, and the casinos were pitching gambling as 'the force of history, the wave of the future.' In the beginning there were bands playing while governors cut ribbons and welcomed the riverboats as economic salvation. The promoters declared that gambling was 'inevitable,' but a decade later we now know it isn't even desirable.

The wave of gambling hit a wall when we started exposing the product. Key votes in Ohio, Rhode Island, Missouri, and Florida surprised the gambling promoters. Voters turned it down. They burst the balloon of inevitability. The promoters lost. Ordinary citizens were successful. It's at the ballot box where we have our best results. They can buy legislators with their threats and big campaign contributions, but they can't buy elections.

Gambling is and always has been an 'other side of the tracks business.' Do you really believe that valued lakeside museums and gateway sports complexes are enhanced by having a casino next to them? In addition, there are terrible side effects with this product. Read the label. 'May Cause'—no—'WILL cause addiction, bankruptcy, crime and corruption.'

Well, most of you are here this morning because you are business people whose businesses rise with the tide of a flourishing Cleveland, the community where you live and do business. Let me use an example from one of America's most admired businessmen from the past named Herb Taylor.

For Taylor, a deal wasn't a good deal unless it was a good deal for everyone. Every deal, and every major business decision, had to pass these four questions, or tests:

Is it the truth?

Is it fair to all concerned?

Will it build good will and better friendships?

Will it be beneficial to all concerned?

IS IT THE TRUTH?

The casino crowd has made billions turning teachers, school kids and PTA parents into gambling lobbyists. They do this by promising money for education, and that's exactly what they're doing in Ohio. Gambling promoters need to pick education or some other worthy community cause to buy their way into our communities or states. They want us to overlook the fact that the lion's share of the money goes to them. In Ohio, it's 55 percent. They want us to think the money's not going to the gambling promoters; they want you to think it's going to the schools.

Gambling isn't new money. It's re-directed money. It's trading dollars. Gambling came to New Mexico in 1994, and by 1998 the state's Secretary of Taxation and Revenue reported roughly $1 to $1.2 billion per year in other taxable sales had fallen off the balance sheet. Entertainment, retail, restaurants, and services took huge hits from the casinos, and as a result, paid far less in taxes. The best the economists could say was the economy was playing a 'zero sum game.' The casinos were winning and the other businesses were losing.

Is the gambling sales pitch the truth? NO! No state has gambled itself rich, including Nevada—a state that should serve as a model for what a state can produce with gambling. Nevada recently passed the largest tax increase in that state's history. Republican Governor Kenny Guinn told his legislature in his inaugural address, 'Our revenue system is broken because it has relied on regressive and unstable taxes.' (Guinn understands that when you take money from the citizens to run the government, it's still taxes, even if you do it with a slot machine.) Guinn told his legislature, 'Implicit in this (gambling) tax strategy was a belief that the revenues from gaming and tourism could keep pace with our growing and diverse population. Unfortunately, this strategy has failed.'

Nevada ranks near the bottom in per pupil spending on education, and spends less per capita on Medicaid than any other state. If those two areas don't concern you, take a look at where Nevada ranks in high school dropout rates, teen pregnancy, and children living in poverty. If the epicenter of gambling can't gamble itself rich—if the poster-child of casino-gunded government can't balance the budget, and if the model of slot machine largesse fails its kids so miserably, why would Ohio want to follow Nevada on its downward path?

IS IT FAIR TO ALL CONCERNED?

The simple truth is that 30 to 50 percent of casino gambling money comes from problem and pathological gamblers. Can anyone think of anything more cynical than funding education on the backs of sick and troubled people?

There are about 400 of you here this morning. If casinos come to town, you can expect about 12 of you will become this kind of addicted gambler. You might not steal, but the addiction will likely cost you your home, your savings, your family, and your self respect. It could be you, your spouse, your siblings, your children. In the end, this addiction humiliates formerly great citizens to the point of desperation and even suicide. Gambling addicts think about suicide more than any other addictive group, and they act on those thoughts.

Inviting a casino to town is playing Russian roulette with your friends and neighbors; employees and business partners. At 3 percent, which is conservative in a casino town, it would be like giving you a handgun with 400 chambers, and 12 of them are loaded. Are you sure you want to pass that around the tables? Are you willing to pull that trigger?

New addicted gamblers cost more than $11,000 each—MINIMUM in 'externalities.' That's extra costs the society pays for law enforcement, incarcerations, lost worker productivity, divorce, health care and the like. Gambling isn't entertainment like shopping or the movies. It always brings with it a tide of what we call the ABCs of Gambling: Addiction, Bankruptcy, Crime and Corruption. These cost the state, and the taxpayers, and you, the businesses, money.

That's why gambling is a net loss to the economy.

So what's your share? Let's do the math. Park a casino in your town, and the addiction rate will hit 3 percent or higher. Each new addict costs the economy more than $11,000. That's about $33,000 for each hundred people, or $330 a year for each of you. And that's using the most conservative numbers available!

WILL IT BUILD GOOD WILL AND BETTER FRIENDSHIPS?

Well, I doubt it. Making slots promoters rich by turning citizens into losers isn't a friendly relationship. It's adversarial, predatory and parasitic. It doesn't build friendship. It builds cynicism and despair. Good will means the customer goes home and says I got a good deal.

Why does gambling have to keep expanding? Why do the casinos need to be open at 3 in the morning? Because that's what it takes to suck the addicted people dry. You just don't see many church-going college graduates that pay their credit cards on time yanking on slot machines at 3 in the morning. Did you notice this proposal has already set the stage for the conversion of slots parlors into full-blown casinos?

Corruption is government trying to make losers of its citizens by legalizing something that damages the very health of its citizens, all under the guise of a painless revenue stream. Take another look. The revenue stream is running backwards, and the pain is intense. History has proven this—over and over again. Gambling does not build friendships. It builds dependencies. It breeds corruption.

WILL IT BE BENEFICIAL TO ALL CONCERNED?

Beneficial to all means everyone should be better off, not worse off. John Kennedy once said a rising tide lifts all boats. If gambling made all winners, it would be beneficial to all concerned. Of course, gambling makes losers and the citizens are worse off because of that. Even the people who never gamble lose money: the citizens and taxpayers. They get stuck with additional costs that they didn't have before: those public health and crime costs that ALWAYS follow gambling.

In order to enrich themselves, these slots promoters are asking you to divert money from legitimate businesses, move jobs from real commerce to casinos, and give the taxpayers the bill for the social costs. Remember, the promoters openly admit they expect Ohio to sacrifice the health and lives of 109,000 of its citizens. They propose to make those people very sick, and then spend another $28 million to treat them. And even that sum isn't going to cover the bill. Not by a long shot. Do the math.

Multiply that 109,000 new addicts the promoters ADMIT they will cause, times the $11,000 each for social costs. That comes to $1,199,000,000 loss for the economy of Ohio. Why would we accept making 109,000 people sick, and then losing more than a billion dollars from the economy to boot?

The Pew Research Center just this year found three important changes in Americans' thoughts about gambling. First, they found that 7 in 10 Americans say that legalized gambling encourages people to gamble more than they can afford. That's up about 10 percent in the past 10 years. Second, a plurality, 42 percent of adults say casinos have a negative impact on their communities, while only about a third, 34 percent, say casinos have a positive impact. Third, and most revealing, the study found that only 23 percent of Americans actually enjoy gambling. That's down from 34 percent just 10 years ago. Think about that. If your product drops 11 percent in the people who enjoy it, you're in trouble.

HONORING DR. WILLIAM FELICE, FLORIDA PROFESSOR OF THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. YOUNG of Florida. Mr. Speaker, I rise to honor Dr. William F. Felice, a professor of Political Science at Eckerd College, who has been named the 2006 Florida Professor of the Year by the Carnegie Foundation for the Advancement of Teaching. Dr. Felice was honored here in Washington on November 16th along with professors of the year from 43 states,

It is my privilege to represent Eckerd College, a St. Petersburg, Florida college led by its President Donald R. Eastman III, which emphasizes quality undergraduate education. Dr. Felice is one of many outstanding members of the Eckerd faculty.

Motivating students in his international relations classes is Dr. Felice's principal goal as a professor. He is highly successful as since 1995 when he joined the Eckerd faculty, he has been awarded some of the college's highest honors by his students and his peers. He received the John M. Bevan Teaching Excellence and Campus Leadership Award in 2005. The students voted him the Professor of the Year in 2003 and the faculty voted him the Robert A. Staub Distinguished Teacher of the Year in 1999.

This latest honor though is not his first national recognition, as he earned the 1999 American Political Science Association (APSA) Outstanding Teacher in Political Science Award from APSA and Phi Sigma Alpha, the National Political Science Honor Society.

Mr. Speaker, following my remarks I would like to include for the benefit of my colleagues a profile of Dr. Felice published by Eckerd College. Clearly he has found a way to inspire his students to study more about the world around them and I commend him for this great honor and for the personal energy and enthusiasm he brings to the classroom.

"My primary pedagogical method is to teach international relations in a Socratic style, constantly questioning and interacting with the students in the class. I strive to motivate students to understand the importance of international relations by my example. With conviction and passion, I try to show students how central these issues are, both to my own personal intellectual journey and to world affairs."—William F. Felice

William F. Felice, Ph.D., Professor of Political Science at Eckerd College, has been named the 2006 Florida Professor of the Year by the prestigious Carnegie Foundation for the Advancement of Teaching. The U.S. Professors of the Year Program, administered by the Council for the Advancement and Support of Education (CASE), is the only national initiative specifically designed to recognize excellence in undergraduate teaching and mentoring.

Professor Felice was recognized on November 16, 2006 in a Washington, D.C. awards ceremony along with professors from 43 states, the District of Columbia, and Guam. The following day, also in Washington, Florida Congressman C.W. Bill Young extended personal congratulations to Professor Felice.

"It is a fitting tribute to Professor Felice to be recognized as the 2006 Florida Professor of the Year," said Eckerd College President Donald R. Eastman III. "Professor Felice epitomizes what is one of Eckerd College's greatest strengths in the academic program: the mentoring relationship between the professor and student. Professor Felice, who exudes passion in his teaching about human rights and social justice, motivates students to find the courage to address issues of poverty and despair with a sense of hope that their efforts will make a difference in this world."

"Not only has Prof. Felice distinguished himself as a truly outstanding teacher whose impact on students is profound," said Vice President for Academic Affairs and Dean of Faculty Lloyd W. Chapin, "he has contributed substantially to building an extraordinary undergraduate International Relation and Global Affair Program that offers students unique opportunities to study both here and abroad. They study at the United Nations in New York City and in Geneva, Switzerland, and complete domestic and international service learning projects. Highly respected also for his curricular leadership, he coordinated our capstone senior course, Quest for Meaning, from 2004–2006 earning rave reviews from the interdisciplinary team of twenty faculty who participate in the course.

"Repeatedly, students tell me stories of the transformative effect that Professor Felice has had on their intellectual and ethical lives."

HOW TWO FORMER STUDENTS REMEMBER PROFESSOR FELICE

Professor Felice's courses have included Ethics and International Relations, Introduction to International Relations, Quest for Meaning, International Political Economy, Geneva and International Cooperation, Human Rights and International Law.

"Dr. Felice inspires and motivates his students in many ways, but one of his greatest gifts as a teacher is his ability to teach about empathy toward the poverty-stricken and oppressed in our local community and on a global scale."

—Kathleen Deegan, B.A., Eckerd College, 2003

"One professor in particular sticks out in my mind as a humble hero whose passion and enthusiasm for life and education infuse his teaching with boundless energy, encourage his colleagues to aspire to higher levels of learning and teaching and inspire his students in ways admired by many and replicated by few. Though I honestly believe that Professor Felice could easily have led a life of fame, world travel and excitement as a politician or an international affairs consultant, I am selfishly grateful that he chose to dedicate so much of his time to teaching and I hope that he realizes just how great an impact he has made in that role."

—Taryn Fielder, B.A., summa cum laude, Eckerd College, 1999; J.D., Harvard Law School, 2002

TEACHING AWARDS

Professor Felice joined the Eckerd College faculty in 1995. Since then Professor Felice has received Eckerd College's John M. Bevan Teaching Excellence and Campus Leadership Award (2005), and he has been recognized by the students as Professor of the Year (2003) and by the faculty as the Robert A. Staub Distinguished Teacher of the Year (1999). In 1999, Professor Felice received the APSA Outstanding Teaching in Political Science Award, presented by the American Political Science Association (APSA) and Pi Sigma Alpha, the National Political Science Honor Society.

Professor Felice earned his B.A. in History from the University of Washington; his M.S. in Political Economy from Goddard College; and his Ph.D. in Political Science/International Relations from New York University. Prior to joining Eckerd College, he taught at Rhodes College in Memphis, Tenn.

SCHOLARSHIP AND PUBLICATIONS

Professor Felice has published two books that are highly regarded by scholars in the field, Taking Suffering Seriously (1996) and The Global New Deal (2003). In The Global New Deal, Professor Felice wrote, "There is nothing preordained by either the structure of the international system of states or the economic system of the market that makes economic and social human rights a dream. They are not a utopian fantasy. They can be achieved. The question is: Do we have the courage to walk the path?"

He has also published numerous articles and academic papers which address international issues and human rights, including, "Human Rights Disparities between Europe and the United States: 'Conflicting Approaches to Poverty Prevention and the Alleviation of Suffering," (Cambridge Review of International Affairs, Vol. 19, No. 1, March 2006) and "The UN Committee on the Elimination of all Forms of Racial Discrimination," (Human Rights Quarterly, Vol. 24, No. 1, February 2002). Professor Felice serves on the editorial board of the journal Human Rights and Human Welfare.

CARNEGIE COUNCIL ON ETHICS AND INTERNATIONAL AFFAIRS

During the 2004–05 academic year, in collaboration with the Carnegie Council on Ethics and International Affairs (CCEIA), Professor Felice led a four-part lecture series, "America and the World: Ethical Dimensions to Power." The series inspired a booklet distributed nationally, Ethical Dimensions to American Foreign Policy: A Study Guide to the Four Freedoms. From 1999–2005, he served as a CCEIA Trustee.

ENGAGING THE COMMUNITY IN CONVERSATION

In the 2006–07 Col. Christian L. and Edna M. March International Relations Lecture Series, which is also part of the Presidential Events Series, Professor Felice coordinates the program on "The Ethics of Economic Globalization." Invited speakers this year include Peter Singer, Jagdish Bhagwati, Micheline Ishay and Gita Sen. At The Studio@620 in downtown St. Petersburg, Professor Felice serves as co-facilitator of the 620 Round Tables on Social Justic, co-sponsored by Eckerd College.

TRIBUTE TO HENRY HYDE

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Representative HENRY HYDE. HENRY has been a devoted public servant to the people of Illinois and this Nation for many decades and it is hard to see him leave the Halls of Congress at the end of this session.

HENRY began his political career in the Illinois State House in 1966, rising to the rank of majority leader before turning his sights to Washington. Coming to Congress in 1975, HENRY is leaving Washington as one of the most distinguished and well respected Members to serve in the U.S. House of Representatives. He had the unique honor to serve as Chairman of two of the biggest committees, the Judiciary Committee and the International Relations Committee. Throughout his time here he has fought diligently for many worthwhile causes and led us through some of the most tumultuous times in our nation's history, but what I will remember HENRY HYDE most for was the way he carried himself while serving our citizens.

Always honest, passionate, and fair, HENRY HYDE is an example to us all about the ways we should carry ourselves in these hallowed halls. Mr. Speaker, this Congress will miss HENRY HYDE and his influence and I rise today to say thank you and God Bless.

HONORING KING COUNTY DEPUTY SHERIFF STEVE COX

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MCDERMOTT. Mr. Speaker, I urge all of my colleagues in the House, my constituents in Washington's 7th Congressional District, and First Responders across America to join me in honoring a fallen hero, King County Deputy Sheriff Steve Cox.

Last weekend, Steve Cox, an extraordinary public servant, was killed in the line of duty while interviewing witnesses to a shooting in the White Center neighborhood of Seattle, Washington. The tragic loss of this 9 year veteran of law enforcement has stunned and saddened our entire community.

Steve Cox had become the White Center neighborhood's Superhero. Area residents remembered Deputy Cox in The Seattle Times as the person "who was single-handedly making the streets safer and the neighborhood better. He became so deeply involved in community issues that he was elected president of the local Council. To his family, he was a man who had found new joy since he and his wife, Maria, adopted a baby, Bronson, who turned 1 in October."

Deputy Cox exhibited a personal and steadfast commitment to law enforcement and community safety that spanned varied sides of the law enforcement profession. The son of teachers, Deputy Cox was an attorney and served as a deputy prosecutor in Franklin and King Counties prior to becoming a King County Sheriff's Deputy 9 years ago.

I had the honor of meeting Deputy Cox in our community. I know that he touched the lives of so many that he so honorably served.

Deputy Steve Cox led by example. He was and will always be a role model of selfless public service. We mourn his passing, but we are grateful for the life he led on our behalf and the legacy of idealism and heroism we will never forget.

IN RECOGNITION OF THE SAINT JEAN BAPTISTE CHURCH ON THE OCCASION OF ITS 125th ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the Saint Jean Baptiste Church in New York City. The Church began celebrating its 125th anniversary year on Saturday, December 2nd. Founded by French-speaking residents of the Yorkville neighborhood in Manhattan, Saint Jean Baptiste began as a national church with special permission from the Holy See. Saint Jean Baptiste Church has since become a blessed sanctuary for Catholics of all backgrounds and a familiar and beloved institution on Manhattan's Upper East Side.

The Societé Saint Jean Baptiste, founded by Gabriel Franchère in 1850, first launched a project to establish a national parish for New York's burgeoning francophone Catholic community under the guidance of Father Peter Cazeneuve. At an organizing meeting held in 1881, local worshipers resolved to hold religious services in a central location and took a collection, raising twelve dollars. This was but the first drop in what was to become a torrent of generosity from supporters of Saint Jean Baptiste. Before the erection of its first church, parishioners held services in a rented hall located over a stable, affectionately known as the "Crib of Bethlehem." Because of their dedication to establishing their own congregation, John Cardinal McCloskey of New York granted Saint Jean Baptiste's parishioners permission to build their own church in 1882. Later that year occurred a groundbreaking and a ceremony blessing the cornerstone presided over by Archbishop Michael Corrigan.

A decade later, the Church became a shrine to Saint Anne when the Right Reverend J.C. Marquis of Canada bore the relic of Saint Anne from Rome to the Church en route to Canada. When news spread that the relic of Saint Anne was to be shown to the parishioners, a large crowd filled the church that evening. One parishioner, an epileptic, was suffering from convulsions that were said to have been cured immediately upon being touched by the relic. In the following days and weeks, crowds estimated in the hundreds of thousands visited the little church, with many traveling from as far away as New England and the Middle Atlantic states. Deeply moved by the outpouring of devotion, Monsignor Marquis arranged to divide the sacred relic of Saint Anne, and a novena was dedicated in her honor. The relic was soon joined by another bestowed by Pope Leo XIII that was sent from the Shrine of Sainte Anne d'Apt in France.

At the turn of the twentieth century, the Church of Saint Jean Baptiste opened another important chapter in its storied existence when it became the location of a Eucharistic shrine. Today, it is one of just two churches in all of New York City that are served by the Congregation of the Blessed Sacrament, an apostolic organization whose religious life centers on the power of the mystery of the Eucharist. Increasingly, Saint Jean Baptiste Church began to serve a diverse range of Catholics from all walks of life and backgrounds. A generous benefactor, Mr. Thomas Fortune Ryan, made significant contributions that allowed the Church to build a magnificent new building that could accommodate 1,200 worshipers. The international prize-winning design by Nicholas Serracino provided a church of the purest Renaissance style, constructed of Indiana limestone, with twin towers surmounting the edifice, arches and fluted pilasters supporting the rounded ceiling that covering three naves, a wide cornice extending around the nave and at the middle height of the apse, and an impressive approach of church-wide steps. The new building's cornerstone at Lexington Avenue and East 76th Street in Manhattan was laid in 1912, and the new Church was fully completed two years later.

Today, Saint Jean Baptiste Church remains a thriving institution, offering spiritual sanctuary, education, social services, and a wide range of other programs to the people of New York City. Under the able stewardship of the Reverend Anthony Schueller, S.S.S., the Saint Jean Baptiste Church continues to uphold its proud history and traditions.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the extraordinary contributions to the civic and spiritual good of the people of New York City made by the historic Saint Jean Baptiste Catholic Church and its parishioners, past, present and future.

TRIBUTE TO SGT. MARION RAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Sgt. Marion Ray on the book signing release for his book, Damn Cold and Starving, which tells his story as a prisoner of war. He was part of the 106th Infantry Division, 424th Regiment, First Battalion.

Sgt. Ray and fellow infantrymen were captured on December 17, 1944, by two German soldiers in Winterspelt, Germany, and were held until the spring of 1945. This was the first day of the Battle of the Bulge. During his time as a POW, Sgt. Ray was held in three different internment camps. He uses his book to describe the main hardships and difficulties he encountered.

It is a pleasure to thank Sgt. Marion Ray for his service to our great Nation. I appreciate his service and sacrifice and know his book makes a great contribution to our Nation's history.

HONORING GARY STEWART OF DUCKS UNLIMITED

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mr. Gary Stewart for his decades of work as one of North America's finest waterfowl biologists, and to thank him for all that he has done to mobilize a diverse group of interested parties to further the goals of conservation. His leadership has aided conservationists throughout the Pacific Flyway in maintaining viable waterfowl populations and protecting key landscapes. He is retiring from a prestigious career with Ducks Unlimited Canada in December 2006.

Mr. Stewart began his efforts with waterfowl on the Prairies of Manitoba studying blue-winged teal. His career with Ducks Unlimited Canada ignited in 1979 as a young, energetic Area Biologist starting a program in New Brunswick. After 5 years, he traveled west to take on the challenge of Alberta Provincial Biologist. In that role, Gary advanced many important scientific and program delivery components of the vital Alberta landscape for over a dozen years, including critical planning and delivery of early NAWMP activities.

From his knowledge of the key waterfowl breeding areas, Mr. Stewart stimulated Flyway concern and support for conservation in the Prairies and Boreal Forest. This conservation outreach extended to the western U.S., major donors, industry partners, First Nations, and governments. A key linkage was established among Ducks Unlimited, Pacific Flyway waterfowl biologists, and especially the State of California. He was instrumental in coordinating the first Flyway biologist meeting with Ducks Unlimited Canada staff, and he built a strong cross-border working relationship with the Western Regional Office of Ducks Unlimited, Inc. and U.S. partners.

In 1997 Mr. Stewart pioneered work in the Western Boreal Forest as Manager of Conservation Programs, a task at which he excelled. Under his leadership, the Western Boreal Forest readily became known across the continent as "the other duck factory," with a unique set of values and challenges. His entrepreneurial spirit, passion, energetic approach and strategic thinking have resulted in a greatly increased understanding of the landscape and several specific examples of critical conservation.

Mr. Speaker, over the years, Mr. Stewart has earned a great deal of personal and professional respect from those who have had the pleasure of knowing and working with him. He readily shared his knowledge with younger staff and partners. I would like to personally thank Gary for working with me, and extend the thanks of all who have benefit from his leadership.

TRIBUTE TO DAVID AND DOLLY FIDDYMENT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to thank and congratulate my friends, David and Dolly Fiddyment of Roseville, California, for their generous contributions to furthering the field of education. They have made an extraordinary gift of $1.09 million to establish the first endowed chair at the University of California, Davis (UC Davis) School of Education. With this contribution, they are furthering their family's heritage as education pioneers in Northern California.

The Fiddyment Family's roots in the greater Sacramento area predate both the advent of railroad and the founding of the City of Roseville—which the family helped to start. David's greatgrandmother, Jane Fiddyment, acquired an 80-acre parcel in 1856. The parcel eventually grew to encompass 2,200 acres of livestock, grain, and pistachio farms. David and Dolly themselves have been growing pistachios at Fiddyment Farms in Roseville since 1969 and have helped shape the State's vibrant pistachio industry.

Mr. Speaker, the Fiddyment Family's commitment to education runs as deep as their rich history in agriculture. Great-grandmother Jane Fiddyment gave a portion of her land for one of the first schools in the Roseville area in the 1880s. She felt that the school building and playground were essential so that children in the area could receive needed instruction. It was a one-room structure with an oblong iron wood stove in the center of the room, a tall pine flag pole in the front, a good well, and a shed for stabling the horses ridden by youngsters from near and far. It was known as the Pleasant Grove School, and Jane became its first teacher. The school continued in operation until 1911.

Continuing the tradition, the mothers of both David and Dolly taught school in the early 1900s, and Dolly was a teacher in the San Juan Unified School District for 25 years.

Like the Fiddyments, UC Davis has a long history of working to strengthen schools, dating back to the first teacher-training program held on the University Farm in 1918. With the founding of the School of Education in 2002, the university revitalized its commitment to K–12 education.

The Fiddyments' financial gift will enhance UC Davis' leadership position in preparing the next generation of teachers to respond to the critical issues facing our schools. This is the largest private donation made to the School of Education and one of the few in the Nation given to support an endowed chair in teacher education.

Mr. Speaker, as Harold Levine, Dean of the School of Education said, "This gift is a milestone in our growth and signals the importance of teachers and teacher education to all of us. We are honored to have the Fiddyments as partners in our mission to strengthen teaching and learning for all."

David added, "It is such a joy for us to be able to stand up and take a position on something of such importance. With this gift, we are hoping to make a difference in the education of children everywhere." They were inspired, in part, by a visit to the classroom of one of UC Davis alumna, Dawn Imamoto, a 2004 California Teacher of the Year. Dolly Fiddyment said that, "Dawn embodies the kind of teacher we'd like every child to have."

Today, I am proud to honor my friends and constituents, David and Dolly Fiddyment. They are truly pioneering the way to a brighter future for the next generation of students.

TRIBUTE TO AVONDALE, ARIZONA ON ITS 60TH ANNIVERSARY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. GRIJALVA. Mr. Speaker, I stand today to honor the city of Avondale, Arizona on its 60th anniversary. Avondale is a vibrant city, ranked as one of Arizona's fastest growing communities, and it is my great privilege to acknowledge this important milestone.

Avondale began as an agricultural community, as many in Arizona. William Moore built the community's first establishments. As the area attracted more settlers through its pleasant climate and favorable farming conditions, a post office was built at the Avondale Ranch in the early 1900's, lending the town its current name. On December 16, 1946, Avondale was incorporated as a city, and by then was an important part of the state's capitol.

Today, Avondale has reached a population exceeding 70,000, and has much to offer its residents. To keep up with the population's demands, the city offers a wide variety of academic establishments, arts festivals, among other cultural attractions, and is a favored destination of NASCAR fans. Because of these draws and the accomplishments of residents, Avondale enjoys a growth rate among the Nation's highest, and expects to reach 120,000 residents by 2020.

Avondale has come a long way from its agricultural beginnings. It is my great pleasure to congratulate them on this landmark.

A TRIBUTE TO LIEUTENANT GENERAL JERRY SINN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to the leadership and dedication to public service of Lieutenant General Jerry Sinn, who has provided exemplary stewardship of the Army's resources and budgeting for the past 7 years. Beginning as a "tunnel rat" in Vietnam, Lieutenant General Sinn has retired as the Army's budget chief after 39 years in uniform.

After being drafted in 1968, Jerry Sinn was soon commissioned as a second lieutenant in the Corps of Engineers. The Army sent him to Vietnam shortly thereafter, where he fought as a tunnel rat—one of the deadliest missions in that conflict—and led a Rome Plow team. Throughout his career, he has never stopped inspiring, guiding and teaching soldiers—whether as a company commander in Korea, a mathematics instructor at West Point, a battalion commander with the Big Red One, an assistant chief of staff of VII Corps, a brigade commander in the 3rd Infantry Division, or commander of the Corps of Engineers' North Atlantic Division.

Lieutenant General Sinn has spent the last 7 years of his military career in the Pentagon as the Army's top uniformed budget official. His ideas, acumen, finesse and good humor were essential to guiding the Army from being a force at peace to a force at war. General Sinn oversaw the unprecedented growth in resources and mission since 2001, dedicating himself to ensuring that every soldier was properly equipped and trained. He looked after families, initiating and pushing numerous programs to improve their quality of life. And he made sure that everyone involved in financial management understood the importance of their work. General Sinn inspired the civilians and the uniformed members of Army financial management to do their very best and approach their tasks with the same vigor as the soldier on the battlefield. He also provided counsel to the Army leadership, the Defense Department, the Office of Management and Budget and many members of Congress.

General Sinn earned a Purple Heart and two Bronze Stars, both with oak leaf clusters and one with a V Device, among many other medals and awards. He lived the Soldier's Creed with great pride and dignity. He always placed the mission first. He never accepted defeat. He never quit. And though he could have, he never left a fallen comrade.

Mr. Speaker, throughout his youth in North Dakota, Jerry Sinn thought he would follow in his parents' footsteps, raising cattle and growing wheat. The U.S. Army, and his many supporters in Congress, are grateful that he devoted his life to public service instead. Please join me in thanking him for those 39 years of selflessness, and wish him well in his future endeavors.

TRIBUTE TO GRACE CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Grace Church in the Borough of Madison, Morris County, New Jersey, a vibrant community I am proud to represent! On November 4, 2006, the good citizens of Madison celebrated Grace Church's 150th Anniversary.

Grace Church, the oldest building in Madison, New Jersey still being used for its original purpose, is one of the largest congregations in the Episcopal Diocese of Newark. The first church service was held on April 13, 1856. When completed, the building, including bell and organ, cost about $9000 and seated two hundred persons. One hundred and fifty years later Grace Church is undergoing a $3,000,000 capital campaign to enlarge the existing structure to meet the needs of a still growing congregation.

The earlier years in the history of Grace Church were marked by building and consolidating, participation of a wide segment of the community: black and white, abolitionist and slave owners, recent immigrants and colonial heirs. A new era for Grace Church arrived when more than ninety millionaires moved to Morristown and neighboring towns, many of whom were Episcopalian. Their generosity enabled the church to enlarge, but, unfortunately, membership did not grow as there was no need to broaden the financial base with increased membership. That changed after World War II, with the population explosion that followed the war and the resulting exodus to the suburbs. This brought Grace Church to a new era in its history and in the 1950's the church underwent a major expansion.

Today Grace Church's congregation includes parishioners from all the neighboring towns and its primary focus is outreach. A wonderful choir, with members of all ages, a large and active youth program, and many adult ministries fill the church 7 days a week. Under the leadership of the Reverend Lauren Ackland, the membership continues to grow.

Mr. Speaker, I urge you and my colleagues to join me in congratulating Grace Church of Madison on the celebration of its 150 years serving its parishioners County.

TRIBUTE TO THE DEDICATED STAFF OF THE SUBCOMMITTEE ON SPACE AND AERONAUTICS FOR THE 109TH CONGRESS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group of patriots whose dedication and contributions to the United States space community has been exceptional. For the past 2 years I have served as the Chairman of the Science Subcommittee on Space and Aeronautics and have had the honor to work with a staff comprised of some of the best and brightest in the fields of space and earth science, aeronautics and space exploration.

In the 2 years that I've been Chairman, the staff has worked diligently to implement the President's Vision for Space Exploration, maintain robust science and aeronautics programs and open opportunities for the private sector and space entrepreneurs. In short, they have tried to give America's space-farers the "Rules and Tools" to succeed in the Second Space Age. Last year, the President signed into law the first NASA Authorization Act in 5 years. Anyone can tell you how difficult it is to draft legislation that must balance the many needs of the Agency's various stakeholders while keeping the original Vision intact. The majority subcommittee staff worked tirelessly to secure passage and I commend their hard work and dedication. It certainly has paid off—NASA is charging full speed ahead with the Vision for Space Exploration and a commitment to ten healthy centers.

The subcommittee completed several resolutions commending successful shuttle launches and their crews; conducted hearings on a wide range of topics including "The Future of Aeronautics at NASA," "Future Market for Commercial Space," and "The NASA Workforce"; and conducted several legislative mark-up hearings on other relevant bills. The subcommittee even conducted the first hearing in Congressional history with a witness testifying from space when NASA astronaut John Phillips, a member of the crew aboard the International Space Station in June 2005, participated via satellite. The efforts of the subcommittee staff also enabled me to visit all of

NASA's Centers, including the Jet Propulsion Laboratory and the Applied Physics Laboratory, during the 109th Congress. None of this would have been possible without the intelligence and perseverance of the staff.

At this time I would like to recognize the individuals responsible for the subcommittee's many accomplishments:

Bill Adkins, former Staff Director. Bill was a thoughtful advisor and an influential force in the passage of the NASA Authorization Act during the 18 months we worked together.

Johannes Loschnigg, current Staff Director. Johannes has done a terrific job and has offered solid leadership to the subcommittee.

Ed Feddeman, Professional Staff. Ed is the resident expert on aeronautics and space science. I have appreciated his depth of knowledge on these issues and his expertise during several NASA Center visits.

Ken Monroe, Professional Staff. Ken is the subject matter expert on the space shuttle program and financial management at the Agency. His first-hand experience, and strong attention to detail has been a true asset during the last 2 years.

Tind "Shep" Ryen, Professional Staff. Shep is the go-to-guy on the space exploration agenda being implemented by NASA, including the Constellation Systems program, NASA Workforce and Commercial Space issues. As one of the more recent additions to the staff, Shep has not wavered from delving deeply into his work and has exercised excellent oversight over these exciting new programs.

Tom Hammond, Professional Staff. Tom handles a long list of issues including the International Space Station, Earth Science, Remote Sensing, and International and National security programs. I appreciate Tom's dedication and know he will continue to excel in all his future endeavors.

Devin Bryant, Staff Assistant. Devin is the support system to all of the staff and has done an incredible job. As a fellow Californian, I appreciate his enthusiasm for America's space program as it reminds me of the ripple effect of NASA's achievements—inspiring the next generation of explorers.

Roselee Roberts, Chairman's Designee/Professional Staff. Roselee has been a tremendous asset to my chairmanship and the subcommittee. It was an honor to designate her as my representative. It has been a pleasure to work with her these past 2 years. She has been a trusted confidant to me and my staff and I appreciate her dedication and loyalty. She will always be a part of the Calvert team.

I would be remiss if I did not also mention my deep gratitude to David Goldston, Chief of Staff of the Science Committee. David impressed me with his intelligence, tireless work ethic, and his love of science policy. During the past 2 years we have shared some great conversations and debates and I believe I have been a better Chairman for them. I appreciate the tremendous support and expertise he has provided me and my staff during my Chairmanship.

To all of the subcommittee staff, I would like to express my deepest gratitude for your hard work, diligence, passion, and service. I salute your dedication and wish you all the best of luck.

KYRGYZSTAN IMPROVES ITS DEMOCRACY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SMITH of New Jersey. Mr. Speaker, as this Congress comes to a conclusion, I rise to make some remarks on the state of democratic development in Central Asia. I am inspired to do this by the very significant recent events in Kyrgyzstan, where last month, a new constitution was adopted that limits the power of the presidency and enhances the authority of the legislative branch.

The Kyrgyz should be congratulated for peacefully negotiating a delicate political situation that could have turned violent. The outcome resulted in the strengthening of Kyrgyzstan's democracy at a time when its neighbors are moving in the opposite direction.

Throughout post-Soviet Central Asia—and all over the former USSR—the defining feature of political development has been the emergence of super-presidents, while parliaments and courts languish under executive control. As a result, the balance of powers, though constitutionally mandated, has remained a dead letter, and corruption has become endemic.

But Kyrgyzstan has always differed from other regional states by virtue of its strong civil society and relatively combative legislature; former President Askar Akaev was never as powerful as his counterparts in Central Asia. Moreover, there is a well-established tradition of "people power" in Kyrgyzstan—Akaev was almost forced from office by a countrywide protest movement in 2002. He managed to keep his seat, however, until last year's "Tulip Revolution" of 2005, which led to his ouster and his replacement in July by Kurmanbek Bakiev. By all accounts, the presidential election of July 2005 marked a real improvement in elections held in Kyrgyzstan, and particularly in Central Asia.

Since then, however, Kyrgyzstan has struggled with major problems, among them: uncontrolled criminality, high-level corruption, economic decline and a general sense of disappointment at unfulfilled promises. By this fall, discontent had risen to such a degree that a political movement, "For Reforms" led largely by President Bakiev's former associates, was able to mobilize protesters to pursue their agenda by peaceful rallies. Though the demonstrators originally called for Bakiev's resignation, in the end a compromise was reached in the form of a new constitution.

The document represents a real achievement, primarily for limiting the executive's powers—a first in Central Asia. Bakiev will remain in office until 2010 but his successor will not appoint the government, Prosecutor-General, the head of the Central Election Commission and the holders of other important posts. Whichever political party gains 51 percent in elections has that responsibility—an incentive for traditionally fractious political parties to align themselves in coalitions and work together.

Naturally, the heads of neighboring states have been displeased. State-controlled media in those countries have portrayed these events in the worst possible light, emphasizing "chaos and anarchy," and hoping thereby to discredit the Kyrgyz experiment by linking popular demonstrations with instability. But while crowds gathered in the streets of the capital Bishkek, the new constitution was adopted almost without violence, solidifying a tradition of politically effective peaceful protest. Most important, a framework has been created for developing all branches of power and resolving political disagreements.

I believe Kyrgyzstan's experience has genuine significance for the possibility of democratization in Central Asia, simply because the Kyrgyz political class, cooperating with civil society, has shown that it is possible without bloodshed to reach compromise solutions to fundamental political problems. Whether Kyrgyzstan's experience can or should work in other countries is a different issue. But it is clear that all post-Soviet states need to find a way to limit the power and authority of their presidents if they are to escape the trap into which they have fallen. When people feel they have no representation or possibility of addressing grievances through state institutions, they will be tempted to find other methods. If this happens in other, more repressive countries with few or no democratic traditions, the outcome may not be so peaceful or positive.

So far, there is little evidence that this realization has penetrated elsewhere in Central Asia, where presidents continue to jealously hoard power. Sapannurat Niyazov remains the all-powerful "Turkmenbashy," or leader of all Turkmen, whom he continues to subject to his capricious campaigns, while running a permanent purge of the political class and making sure Turkmenistan remains the only one-party state to survive the Soviet bloc. Uzbekistan's Islam Karimov, who allows no opposition, has cracked down even harder and cuddled up to Russia since the international community reacted with outrage to the slaughter of hundreds in Andijan in May 2005. Tajikistan's Imomali Rakhmonov won re-election last month; constitutional amendments adopted last year will potentially allow him to remain in office until 2020. And Kazakhstan's bid to chair the OSCE in 2009 has been resisted by the United States and the United Kingdom for failure to improve its poor human rights record.

What happened in Bishkek is quite noteworthy, especially for the region—opposition groups were allowed to protest, the government did not respond with violence, and both sides agreed to a new constitution that actually decreases presidential powers and introduces a parliamentary system. Nothing like this is happening for thousands of miles in any direction.

All in all, Mr. Speaker, 15 years after the collapse of the USSR and the emergence of new states, it is hard to summon up much optimism for the prospects of democracy. Still, Kyrgyzstan has given me a bit of hope.

TRIBUTE TO LINDA CROTCHETT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Linda Crotchett for her many years of service to the citizens of Jersey County, IL as County Clerk. Linda will retire this year after 44 years of service as the Jersey County Clerk.

For the past 44 years, Linda has greeted the citizens of Jersey County with a smile as they entered her office to conduct business. She has always lived up to her motto, "Happy to meet you, eager to serve you." Her friendly and courteous service will be missed. It is with gratitude that I thank her for her service and congratulate her on retirement. I wish Linda all the best in the years to come.

TRIBUTE TO THE HONORABLE HENRY J. HYDE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. WOLF. Mr. Speaker, I rise today with our colleagues to pay tribute to the distinguished gentleman from Illinois, Mr. HYDE, as he prepares to retire from the U.S. House of Representatives.

I cannot imagine this, the people's House, without HENRY HYDE being here. He is the conscience of this House. His eloquence, his honesty, his integrity, his passion, his dedication have filled this chamber on so many occasions when issues of the highest and most significant importance to this country were being debated.

I say to HENRY, your words have stirred this House time and time again. Colleagues always have looked to you for wise counsel. It was almost automatic that during a vote, I would always look up to see how you were voting.

I am so grateful that my years of being a member of the House have allowed me the privilege of serving with and being a colleague of Mr. HYDE.

The people of the Sixth Congressional District of Illinois, the people of the United States, and indeed freedom-loving people around the world can say to HENRY HYDE, "Well done, good and faithful servant."

May God bless you, HENRY.

HONORING THE GREATER CHICAGO FOOD DEPOSITORY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize and honor the Greater Chicago Food Depository for its enduring commitment to providing food for hundreds of thousands of hungry people in Cook County. In addition to addressing immediate needs, the Greater Chicago Food Depository strives to end hunger throughout the region by empowering people to break the cycle of poverty.

The Greater Chicago Food Depository, founded in 1979, is one of the largest not-for-profit food distribution systems in the nation, distributing donated and purchased food through a network of 600 pantries, soup kitchens and shelters to more than 91,000 adults and children every week. Last year, the Food Depository distributed more than 40 million pounds of non-perishable food and fresh produce, dairy products, meat, poultry and fish—the equivalent of more than 84,300 meals per day.

In addition to its food distribution programs, the Greater Chicago Food Depository runs Chicago's Community Kitchens, a chef-training program designed to empower unemployed and underemployed Chicago residents. Featured on November 28th in a front-page article in the Wall Street Journal, this free twelve-week program teaches participants the basics of food preparation and employment skills, enabling them to develop a successful career in the food service industry. Students create nearly 2,000 meals a day for delivery to the Kid's Cafes, an after-school program also run by the Food Depository that provides children with a daily hot meal, a safe haven, tutoring, and other educational programs.

Chicago's Community Kitchens is an innovative program that empowers graduates looking for "a new lease on life", and inspires them to give back to the community themselves. Many of the students in Chicago's Community Kitchens are soup kitchen regulars or homeless shelter residents and, after graduating and securing a full-time job, have returned to volunteer at a soup kitchen themselves.

Mr. Speaker, I commend the Greater Chicago Food Depository for its tireless, efforts to provide food for hungry people, to provide people with the tools necessary to break the cycles of poverty, and to end hunger in our community. I wish its staff, volunteers, and supporters every future success in their continuing work toward meeting the needs of Chicago's hungry men, women and children.

TRIBUTE TO GILBERT LESSENCO

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize the distinguished career of Mr. Gilbert Lessenco and to congratulate him on his retirement. Mr. Lessenco has dedicated his half century of legal practice to not only his clients, but his community and his country.

Mr. Lessenco's superior performance as a lawyer was recognized early in his career when he received the "Outstanding Young Lawyer of the Year" from the District of Columbia Bar in 1965. Mr. Lessenco has been in private practice for 50 years, but prior to that he served in the United States Air Force as chief, legal officer at Hanscom Air Force Base in Lexington, MA. He continues to serve his community to this day as a member of the faculty at Johns Hopkins University School of Professional Studies in Business and Education, teaching marketing and business law. His commitment to his students was honored publicly when he received the "Above and Beyond" faculty award from the Department of Marketing. Mr. Lessenco earned his J.D. from Harvard Law School in 1953 and his B.S. from the Johns Hopkins University in 1950.

Mr. Lessenco has also had an active civic and political career. He has been an active supporter of the Democratic Party since 1958. From 1970–74, Mr. Lessenco was a member of the Montgomery County Democratic Central Committee and has been engaged in Democratic Party politics ever since. He served as a commissioner of the Washington Suburban Sanitary Commission from 1987–92 and as its chairman from 1989–90. He has also served as chairman of the International Visitors Service Council, 1962, trustee for the Meridian House Foundation, 1970–80, president of the Mental Health Association of Montgomery County, 1980–82, and president of the Jewish Social Service Agency of Greater Washington, 1984–86, and currently serves as the co-chairman for St. Luke's House Building Fund.

Mr. Lessenco is also a dedicated husband, father and treasured mentor.

Mr. Speaker, I extend my sincere congratulations to Gil Lessenco as he celebrates a distinguished career and lifetime of learning and serving our community. I ask my colleagues of the U.S. House of Representatives to join me in recognizing the many accomplishments of this extraordinary man.

MOURNING THE DEATH OF MAJ JOSEPH "TRANE" McCLOUD

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I wish to mourn the death of Major Joseph "Trane" McCloud, 39, who was planning to celebrate his 40th birthday next week, but instead tragically died on Sunday, December 3, when the CH–46 helicopter he was riding in crash-landed in a lake in the Anbar province of Iraq. Additionally, I urge my colleagues to mourn the deaths and honor the lives of all of our soldiers who have died defending our country.

Major McCloud was a career marine who had been in Iraq for 3 months as the operations officer with the 2nd Battalion, 3rd Marine Regiment. Major McCloud was described by his family as "a Marine's Marine." He sacrificed the most active years of his life while in armed combat as a platoon and company commander defending the United States of America.

This was the second war in the Middle East that Major McCloud had served in. His service in the Persian Gulf war in 1991 was equally commendable. During the Persian Gulf war in 1991, McCloud served on the USS *Missouri*, as part of the final group of Marines to work aboard the ship before it was decommissioned.

Major McCloud's tremendous service to his country was not limited to the Armed Forces. He also worked at the Pentagon, completed a fellowship here in the U.S. House of Representatives, and served as an instructor at the Marine Corps Officer Candidate School in Quantico, VA. His dedication to teaching was just as strong as his dedication to the protection of this Nation. When Major McCloud worked for Representative JOE WILSON (R–S.C.), he assisted on military issues and took a special interest in a loan forgiveness program for inner-city teachers. This gentleman was the absolute prototype of the compassionate and dedicated soldier.

Shortly after President Bush declared the war on terrorism, McCloud was deployed to Zamboanga, in the Philippines, in charge of a small Marine unit during a time of intense violence and bombings.

McCloud was remembered yesterday as a good-natured man with a wonderful sense of humor who cherished his family above anything else.

A 1989 graduate of the University of Tennessee, Major McCloud leaves behind his wife Maggie and three children: Hayden, 7, Grace, 5, and Meghan, 2.

Mr. Speaker, I urge my colleagues to mourn the death of a great soldier, husband, and father, MAJ Joseph "Trane" McCloud, and all the soldiers who have fallen while defending our Nation's freedom.

IN RECOGNITION OF THE BIOGRAPH THEATER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of The Biograph Theater, recently acquired by the Victory Gardens Theater, and located in the vibrant and multicultural neighborhood of Lincoln Park.

Since 1914 the Biograph Theater has been a symbol of art in a dense metropolitan area, and thanks to The Victory Garden Theater, it will remain in operation as the new main stage for theater company that has been in business since 1974.

After 90 years as a movie theater, under various owners, in July 2004, Chicago's Victory Gardens Theater announced it had purchased the Biograph for use as a live venue. The theater has been completely renovated by architect Daniel P. Coffey, who constructed a large state-of-the-art stage, with seating for 299 people.

The Biograph Theater will house a state-of-the-art stage guaranteeing the intimacy for which Victory Gardens' performances have become known, while providing greatly enhanced technical production capabilities. The new theater will have the very latest lighting and sound equipment as well as generous wing-space, dressing rooms, and a trap system under the stage, allowing for all kinds of theatrical magic.

In a city with such a rich history in the arts, The Biograph Theater is just one more example of thriving theater in the nation's Second City.

Mr. Speaker, as a member of the Congressional Arts Caucus I believe that it is important to support and recognize The Biograph Theater, Victory Gardens Theater and the Arts in Chicago. The Biograph Theater is an example of a new breath in an old Chicago landmark. I am proud of the storied history of The Biograph Theater and the work that the Victory Gardens Theater does and I wish them continued success in the coming years.

TRIBUTE TO THE INTERNATIONAL SYMPOSIUM ON DEMOCRACY CONGRESS TAIPEI, TAIWAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to commend the legislators from Pacific Rim countries who will assemble this weekend in Taiwan to explore the role of Congresses in democratic governments. Representatives from 20 Pacific Rim Countries are meeting under the auspices of the Democratic Pacific Union (DPU).

The DPU is a regional organization of Pacific nations that is promoting democracy and peace within that region, in addition to enhancing the multilateral relationships of the participating nations. I applaud the Taiwanese who took the initiative to establish the DPU and its sister organization, the Pacific Congress, I wish the DPU much success in continuing to strengthen the democracies and the vital regional alliances of its Member countries.

TRIBUTE TO THE 2006 CRYSTAL FALLS FOREST PARK HIGH SCHOOL TROJANS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor the 2006 Crystal Falls Forest Park High School Trojans. This high school football team has made the entire Upper Peninsula (U.P.) community proud by once again beating the odds and advancing to the Division 8 State Finals game at Ford Field in Detroit.

This was the third straight year that the Crystal Falls Forest Park Trojans advanced to the Division 8 state high school football championship game. These players, their coaches and the entire Crystal Falls Forest Park community should be commended for representing the U.P. at Michigan's state football championship.

In many ways, the Trojans' advancement to the state finals again this year was a classic Cinderella story. Some "inside" football experts had predicted that 2006 would be a rebuilding year for the Trojans, as this year's roster included only 2 seniors. However, what the Trojans lacked in size and experience, they made up for with dedication, heart and teamwork. These 34 young men brought an unselfish attitude to the game that many college and professional players could learn from.

The team's moment of truth for this year's season came on October 13, when they played Bessemer High School. The shorthanded Trojans suffered a 14–6 loss, dropping their record to 6–2 for the season and jeopardizing their chances at the playoffs. While many teams might allow a dispiriting loss such as this to derail their playoff ambitions, the Trojans came together as a team to overcome this challenge and rally in the face of adversity. The Trojans followed their setback in Bessemer with 5 straight wins, including 4 in the postseason.

Assistant Coach Dave Graff summed up the winning attitude of this year's Trojans when he said, "We might not be the best team, but we're good enough to get where we're going. They believe in themselves and anything is possible."

The community of Crystal Falls Forest Park and the U.P. truly united behind the Trojans, giving 110 percent of their support. Some of the supporters of the team traveled a long distance—in a short period—to cheer on their team. Crystal Falls Forest Park fans loaded up three buses at the high school at 10:00 p.m. Thanksgiving night and trekked more than 500 miles, arriving at Ford Field at 7:30 a.m. the Friday morning of the game. That gave the fans just a few hours to stretch before the 10 a.m. kickoff!

Mr. Speaker, each member of this team deserves to be recognized and I want to take a moment to share their names: Fred Hubbard; Jim Freeman; Dustin Basirico; Bob Reid; Zach Sawyer; Kyle Roberts; Justin James; Calix Sholander; John Grandahl; Levi Oleksy; Kyle LaVacque; Tony Grandahl; Andrew Bortolini; Matt Sundquist; Bryan LaChapelle; Erik Peterson; Josh Siler; Tim Wheeler; Ethan Uren; Justin Process; Jim Wheeler; Tony Renner; Marcus Smithson; Kevin Takala; Chris McCarthy; William Bortolini; Bill Fennick; Travis Hoenig; Bill Paige; Ed Zam; Paige Armstrong; Pat Bredy; Ben Shuck; Jake Jacobson; Jeff Sartori; and Andrew Gussert.

I would be remiss if I did not also salute the Trojans' talented coaching staff. Head Coach Bill Santilli and Assistant Coaches Dave Graff, Gerard Valesano, Gene Giuliani, Jeff Chernach and Dan LaPoint should all be commended for helping lead the Crystal Falls Forest Park Trojans to a third state championship game. Managers L.J. Burns, Dan Ballo-Shuck and Lee Graff should also be recognized for their contributions, as should their trainer, Mark Nylund. Together, this talented coaching staff shepherded this year's young team to the state finals.

Mr. Speaker, the Crystal Falls Forest Park football team knew what the late, great Green Bay Packers coach, Vince Lombardi always said, "Winning isn't everything, but wanting to win is." The Trojan team wanted to win more than the so-called "inside" football experts predicted!

Mr. Speaker, I ask the U.S. House of Representatives to join me in congratulating the Crystal Falls Forest Park Trojans football team, their classmates, parents and the community on their exceptional season and in wishing the Trojans well when they retake the field for the 2007 season.

HONORING CHICAGO ASTRONAUT JOAN HIGGINBOTHAM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, today I rise to honor Astronaut Joan Higginbotham. Higginbotham is a member of the crew on the Space Shuttle *Discovery* that is scheduled to launch tonight from NASA's Kennedy Space Center. Additionally, she is a fellow Chicagoan, and I wish her the best of luck as she prepares for her first mission, STS 116.

Higginbotham graduated from Chicago's Whitney Young High School in 1982, and Southern Illinois University at Carbondale in 1987. She will be the third African-American woman aboard a NASA mission, and she and her fellow astronaut Robert Curbeam will make history this week on STS 116, the first Space Shuttle mission with two African-American astronauts.

Higginbotham previously worked as a payload engineer at the John F. Kennedy Space Center while also earning two master's degrees from the Florida Institute of Technology.

As a mission specialist on board *Discovery,* Higginbotham's responsibilities will include a complete rewiring of the International Space Station's power supply. She will also have the responsibility of operating the robotic arm to deploy several satellites and to direct payload transfers.

Higginbotham will be joined by Mission Commander Mark Polansky, as well as Robert Curbeam Sunita Williams, Nicholas Patrick, William Oefelein, and Christer Fuglesang from the European Space Agency, who is the first Swedish astronaut.

Mr. Speaker, I ask my colleagues to join me in recognizing my fellow Chicagoan as well as her fellow astronauts, and to wish them all the best on their launch tonight and their 12-day mission.

HONORING MARILYN W. GROUNDS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize Marilyn W. Grounds for over 10 years of extraordinary service on the board of the Planned Parenthood Association of the Mercer Area.

Ms. Grounds is best described as a "professional volunteer." Active in her children's schools and the community, she was at first focused in serving the arts community. It was the great fortune of the Planned Parenthood Association of the Mercer Area to have her join their board in 1995.

The Planned Parenthood Association of the Mercer Area provides comprehensive reproductive health care which contributes to both individual well being and community stability. These services are provided in settings which preserve and protect the essential privacy and rights of each individual. The organization advocates public policies which guarantee these rights and ensure the understanding of the individual and societal implications of human sexuality. The Planned Parenthood Association encourages research and the advancement of technology in reproductive health care and the understanding of inherent bioethical, behavioral, and societal implications. In addition, the agency employs trained educators who conduct extensive community outreach and educational programs, offering comprehensive, age-appropriate sex education and health programs to thousands of New Jersey residents every year. Everyone is welcome, regardless of race, age, income, sexual orientation, or disability. Fees are based on the ability to pay and no one is turned away.

First as board vice president in 1997, then as board chair, Ms. Grounds successfully led the PPAMA through several managerial transitions. She has had leadership roles on Development, Finance, Facilities, Personnel, and Public Affairs Committees. She was an incentive for the board to re-evaluate its own role in the organization. A modest, exceptionally organized woman, Ms. Grounds excels at "the big picture," keeping the board cohesive and efficient, while recruiting extraordinary leaders.

Ms. Grounds is a phenomenal fundraiser. Through both Annual and Capital Campaigns, she has made possible the improvement of services offered to clients, and during her tenure the number of patients treated has significantly increased. This is no small task. The annual budget of the PPAMA is about $2.8 million, making possible the service of about 15,000 clients per year.

Ms. Grounds has been an editor, writer, fundraiser extraordinaire, and tireless worker for the Planned Parenthood Association of the Mercer Area. She leaves a legacy of fund raising skill, governance expertise, and strong board leadership that benefits not only the organization, but also the individual, community, and State.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in thanking Marilyn W. Grounds for her service on the board of the Planned Parenthood Association of the Mercer Area.

POLISH AMERICAN MONTH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, this month I proudly join the thousands of Polish-Americans living in Chicago in a national celebration of Polish history, culture, and pride during Polish American Heritage Month.

Celebrated in October, Polish American Heritage Month includes General Pulaski Memorial Day, which honors the American Revolutionary War patriot Casimir Pulaski. In 1777, General Pulaski attended his first meeting with Benjamin Franklin, to champion the freedom of the American people. This early partnership has been mirrored by the present-day alliance between Poland and the United States.

Polish-Americans have made strong contributions to American culture in virtually every field, including literature, technology, and music. My hometown of Chicago has more people of Polish descent than any other city outside of Poland. I am dedicated to continuing the strong record of cultural and economic ties between our two nations.

The United States is grateful to Poland for its friendship and commitment to the democratic ideals of liberty and human rights. Poland has also proven to be a strong ally of the United States, assisting in global efforts to combat terrorism, and providing troops and resources for Operation Iraqi Freedom.

Mr. Speaker, I am honored to join the citizens of my district, as well as those of Polish decent around the country in recognizing, remembering, and celebrating Polish American Month.

REMEMBERING SYDNEY TALLY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in remembrance of Sydney Tally for her tireless commitment to better the lives of active duty servicemembers, retirees, veterans, and above all their families through a distinguished career with the National Military Family Association.

Widely known and beloved in military circles, this Air Force daughter and Navy spouse trained as a nurse and pursued her specialty in public health nursing before becoming a full time mother and volunteer after the birth of her first child. Among many service endeavors, she freely devoted her time serving as teaching assistant, Brownie and Girl Scout leader, Red Cross pediatric nurse, and president of four naval officers' wives clubs.

In 1983, she joined the NMFA government relations staff and served as vice president of the department from 1987 to 1990 before rising to the position of first paid professional staff member and director. She also sat on the NMFA's board of governors until her recent passing. Mrs. Tally used her leverage through this organization to benefit military families everywhere. Her focus on the military family drove her in creating the Military Coalition. Women, infants, and children found nourishment after her advocacy secured legislation for an overseas nutrition program targeted specifically for military families.

Mrs. Tally received numerous awards and recognitions for her altruistic work, including the Military Coalition's Award of Merit, a Certificate of Appreciation from the Defense Commissary Agency, 1993 Defense Transition Services Award from the University of Central Florida, and recognition of her outstanding citizenship by the Military Chaplains Association.

Mr. Speaker, in closing, I would like to thank Mrs. Tally for her life's work and continuing legacy that brought forth significant awareness of the needs of military families. I call upon my colleagues to join me in recognizing her accomplishments, and in sharing our condolences with her family and friends.

A CALL TO ACTION THE POLITICS OF DISEASE ADVOCACY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I want to bring to my colleagues' attention an October 10, 2006 article in the Wall Street Journal by Amy Dockser Marcus, entitled "Advocacy Overload?" The article reviews the current state of disease-funding advocacy, and specifically cites the efforts of the Princeton-based Melanoma Research Foundation to coordinate the advocacy activities of a wide variety of melanoma organizations. In the past year, MRF has worked to organize a coalition of these groups in order to develop a coordinated message to Congress and the National Institutes of Health. The goal of this "One Voice" for melanoma research is to develop a common agenda, focused on securing the additional resources to fund the research into better treatments and cures for melanoma.

The Melanoma Research Foundation (MRF) was founded 10 years ago and has become the leading research foundation for melanoma. The Foundation has worked closely with the research and medical communities encourage dialogue and education about melanoma through their research congresses; participated in National Cancer Institute initiatives; organized the first steps of a melanoma coalition for advocacy; and hosts an interactive website for patients and caregivers. Their three part mission—supporting basic and translational research, education of patients and caregivers, and advocating for the melanoma community—is funded primarily through community fundraisers across the United States organized and managed by MRF volunteers. Other primary sources include memorial donations, individual gifts, and unrestricted grants from pharmaceuticals.

The need for a coordinated attack on melanoma is more critical now than ever before. Here are some of the facts about melanoma: It's the fastest growing cancer currently in the U.S.; It's the most common cancer in young adults aged 20 to 30; For women, age 25 to 30, melanoma is the primary cause of cancer death; For women, age 30 to 35, it's the second leading cause of cancer death, after breast cancer.

One of the primary causes of melanoma is UV exposure, most of which comes from too much time in the sun. Melanoma is survivable, if diagnosed early. When a superficial melanoma is found and diagnosed early, the 5 year survival rate is 100 percent. But at the opposite end, when the melanoma advanced to what's called Stage IV, when it's disseminated to major organs, the 5 year survival rate drops as low as 7 percent. Yet, despite these figures and the growing incidence of melanoma, no significant advances in medical therapies (or survival) for patients with advanced melanoma has occurred in the past 30 years.

Clearly, there's a great need for public awareness of the dangers of overexposure to the sun. There's also a need for increased research in identifying the causes and potential cures for melanoma. Once again, I commend the good work of the Melanoma Research Foundation in bringing greater public awareness to this disease, and advocating for more public and private sector funding for melanoma research.

[From the Wall Street Journal, Oct. 10, 2006]

ADVOCACY OVERLOAD?

ACTIVISTS SEEK TO UNIFY EFFORTS OF GROUPS TARGETING DISEASES; A BRAIN-TUMOR COLLABORATIVE

(By Amy Dockser Marcus)

At the national Brain Tumor Foundation, executive director Rob Tufel has a standard reply for well-meaning families and patients who want to set up a patient-advocacy group: "Please don't start another organization."

There are 141 patient-advocacy groups that cover brain tumors, according to Mr. Tufel, while 43,000 people in the U.S. are diagnosed every year with primary brain tumors, benign or malignant. That's roughly one group for every 305 new patients. "It just doesn't make sense from the point of view of funding, or from the point of view of patients and families," who must sort through the numerous organizations and Web sites for information, Mr. Tufel says. "Competition is good because it keeps us on our toes, but at some point . . . it becomes ineffective."

Competition is an issue that many patient-advocacy groups wrestle with as they struggle to raise funds for research, attract greater interest in their diseases, and speed up the search for a cure. Increasingly, advocates are asking: When it comes to a disease like cancer, is it possible to set a common agenda and speak with a unified voice?

Now some groups have begun to debate whether the large number of organizations may be hindering as much as helping in their efforts. Many diseases—including AIDS, autism and Parkinson's disease—have more than one group that lobbies Congress for more funding and reaches out to patients and families. With cancer, in particular, there has been an explosion in the number of foundations and advocacy groups in recent years, as the Internet allows patients to connect with one another more easily. It's particularly true in rarer cancers such as brain tumors or melanoma, where the ratio of the number of groups to the number of people who actually get the disease is especially high. There are an estimated 40 groups in the U.S. for melanoma—a disease that will see about 62,190 new cases and 7,910 deaths in 2006, according to the American Cancer Society.

Many of these groups wind up competing with each other for the same donors and the same researchers to sit on their boards. There is the chance that groups will duplicate one another's efforts, wasting resources by offering the same programming or services. And busy legislators find themselves uncertain about what the greatest need is for patients because each group emphasizes different issues or aspects of the disease.

There is also recognition that as cancer research increasingly focuses on using costly, cutting-edge technology to identify genes and cellular changes as an avenue to new treatments, progress is going to take huge sums of money that small patient-advocacy groups are unlikely to be able to raise on their own.

Advocacy groups need to ask, "Couldn't we better leverage some of these resources that you're all spending?" says Paula Kim, whose Translating Research Across Communities consulting group in Green Cove Springs, Fla., and Fallbrook, Calif., works with patient advocates. Many times, groups end up "recreating the wheel" in doing very similar work, she says.

Different strategies are being tried in order to organize the patient-advocacy community. Some advocacy groups for major cancers, such as breast cancer and prostate cancer, have formed coalitions that have been effective in lobbying on common issues. Others end up merging; two separate lymphoma patient-advocacy groups decided to join forces and create one organization instead, the Lymphoma Research Foundation. "One Voice Against Cancer" is a coalition of many public health groups that lobbies Congress for more federal funding for cancer research. Eight brain-tumor foundations, including Mr. Tufel's group in San Francisco, formed the Brain Tumor Funders' Collaborative to pool money to fund large projects. Earlier this year, they announced their first joint funding initiative, giving grants of $2 million to each of three scientific projects.

Not all smaller groups see the proliferation of foundations as a problem that needs fixing. Many advocates started their work because they lost someone to the disease, and want to focus on highly personal goals or local projects. Small groups also sometimes worry about having to divert too much of their meager funds to big projects. "I don't agree with the idea that there are too many melanoma groups," says Colette Coyne, who founded the Colette Coyne Melanoma Awareness Campaign in New York with her husband, Patrick, after their daughter died of melanoma. "Many work in their community. I think it is a healing thing for people to create a foundation when they have lost someone."

The Coynes concentrate their efforts in New York, where they live. They have helped promote shade coverings in playgrounds and helped push through tough legislation regarding the use of tanning salons by minors. But they rely mainly on volunteers and raise around $50,000 through a yearly walk and dinner dance. "I'd be concerned about being committed to large amounts of money for a coalition when we're never very sure what our income will be," says Ms. Coyne. Nonetheless, Ms. Coyne says she believes a coalition is necessary, and she wants to find a way for her group to join.

It is within the melanoma community that one of the most interesting and important debates is going on regarding advocacy groups, amid growing attention to the disease. Steven A. Rosenberg recently announced that he and other National Cancer Institute scientists genetically engineered advanced melanoma patients' own white cells to recognize and attack their cancer cells. In a report published about 15 of the patients, two of the patients saw their disease regress. Translational Genomics Research Institute in Phoenix and the H. Lee Moffitt Cancer Center and Research Institute in Tampa, Fla., are working together to create a kind of map of the human melanoma genome for researchers. These are the kinds of projects that a coalition of melanoma advocacy groups could help by lobbying for more federal funding and generating greater public awareness about the projects and the need for support.

Nineteen different melanoma groups came together in Bethesda, Md., in late March for a meeting planned by the Melanoma Research Foundation in order to debate whether they should form a "One Voice Melanoma" coalition to increase the impact of the community on a federal level. At the melanoma coalition meeting, one of the key speakers was Connie Mack, who was the U.S. senator from Florida from 1989–2001, and is a melanoma survivor. Sen. Mack, who now serves as chairman of the board of the Moffitt center, told the patient representatives that their organizations could do much more, especially on Capitol Hill, if they joined together. "Our challenge is to see that our voice is heard," he told the advocates, "but the only way that this will occur is if we speak with one voice."

In an interview later, Sen. Mack said that the individual organizations were all doing important work, but that members of Congress and officials at the NCI were constantly meeting with patient advocates, including melanoma groups with different ideas and requests. Congress has limited resources available to give these groups, says Sen. Mack, and without a common agenda, "funding levels haven't achieved the level where they can accomplish anything of significance."

Linda Pilkington, a melanoma survivor who is executive director of the Melanoma Research Foundation in Princeton, N.J., says that the coalition talks had already made a difference. In the wake of the meeting, the groups agreed on some common goals. While discussion about the coalition's structure and mission continue, as a result of the group's discussion, the Melanoma Research Foundation was able to work with a lobbyist and Ms. Kim to craft language that was included in the current Senate Labor, Health and Human Services, and Education appropriations report for fiscal 2007. It calls on the National Cancer Institute to convene a group of patients and researchers to develop a five-year strategic plan for melanoma research, including focusing on the issue of how to speed up the development of new therapies.

The effort hasn't been easy. "Putting groups together is like having your children work together," says Valerie Guild, president of the Charlie Guild Melanoma Foundation in Richmond, Calf., and part of the steering committee working on the melanoma coalition. It seems to make sense because they're all siblings, "but try to get someone to decide what movie to go to on a Sunday night." Despite the challenges, a coalition can work, says Ms. Guild, who started her group in 2004 after her daughter died of melanoma. "Everybody really wants to get to the same place at the end of it all—a treatment for the disease."

Ms. Kim, the consultant, who is helping the melanoma groups create a coalition, says there are a number of models that can help small or financially strapped organizations contribute to a coalition. Among them: sliding-scale dues based on the size of a group's budget, or a program for helping coalition members raise additional funds. Ms. Kim—who herself co-founded an advocacy group called the Pancreatic Cancer Action Network in 1999 after her father died of pancreatic cancer—argues that "for rare diseases, coalitions are vital. It's a lot harder to make noise when there are not a lot of people to advocate for you. It's harder to get people on the bandwagon."

HONORING REVEREND ROBERT MOORE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize The Reverend Robert Moore for twenty-five years as Executive Director of the Coalition for Peace Action.

The Coalition for Peace Action began in 1980 when a group of religious congregations in the Princeton area joined together to sponsor a Teaching Conference and Interfaith Service on the theme "Can We Reverse the Nuclear Arms Race?" At a follow-up meeting several weeks later, a decision was made to form an ongoing organization dedicated to nuclear disarmament—the Coalition to Reverse the Nuclear Arms Race. Rev. Moore served as Steering Committee Chair of the NJ Nuclear Weapons Freeze Referendum in 1982 and was instrumental in its successful passage by two-thirds of New Jersey voters.

As the Cold War drew to an end in the late 1980's, the Coalition's goals expanded to include the related goals of reaping a major peace dividend—a peace economy—and halting weapons trafficking, both internationally and domestically. In 1993, to reflect this broader agenda, the members voted to change the name of the organization to the Coalition for Peace Action. As other peace-seeking organizations have come into existence and faded away over the years, the Coalition for Peace Action has remained vibrant because Rev. Moore has created an organization that is relevant, well informed, committed and practical.

Rev. Moore has been instrumental in the Coalition's efforts to motivate and mobilize peace and non-violence activists. As an example, in the late 1980's, the Coalition's "Target Congress" project recruited and trained over 500 citizen letter-writers to regularly write to US Representatives. Those contacted showed significant movement toward pro-peace voting records.

Rev. Moore co-chaired the NJ Coalition Against War in the Middle East in 1990–1991, opposing the first Persian Gulf War, and later the N.J. Coalition Against War in Iraq from 2002 to the present. Under his direction, the Coalition successfully lobbied Congress, as part of a national effort, to stop funding for U.S. nuclear weapons testing. Despite an initiative engineered by the National Rifle Association to rescind the New Jersey ban on assault weapons, the law was preserved by an intensive lobbying effort led by the Coalition. In 1995 the first Peace Voter campaign in the country distributed tens of thousands of voter guides comparing candidates on peace and gun violence issues. In 2000, the Coalition provided the first-in-the-nation "NonPartisan Candidate Briefings" to five of six major party candidates in New Jersey's U.S. Senate primary, and to 3 of 4 major party candidates in two House races.

Rev. Moore is hailed nationally for his ability to educate and mobilize citizens in the name of peace and disarmament. He is an outstanding example of a committed citizen taking action for what he believes. Rev. Moore is a teacher, advisor, and motivator.

Mr. Speaker, I ask you and my colleagues to join me in congratulating The Reverend Robert Moore on his twenty-fifth anniversary with the Coalition for Peace Action.

TRIBUTE TO CONGRESSMAN LANE EVANS: A GREAT MAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. MEEK of Florida. Mr. Speaker, I am happy to join with Congressman COSTELLO and all of my colleagues in honoring a truly great man—Congressman LANE EVANS of Illinois, who will be leaving Congress after a quarter-century of service to our country.

When I was a freshman Member of Congress, and a new member of the House Armed Services Committee, LANE EVANS, a veteran himself, a senior member of Congress and the ranking Member of the House Veterans Affairs Committee, learned of my interest in veteran's issues and took the time to show me ways to improve my service to veterans in my District and in our state. They were lessons from a master, and they have left an indelible impression on me.

His expertise is legendary. He knows the needs of veterans; their programs, history, problems and concerns. He forged alliances across the aisle and put together coalitions to pass legislation to keep this Nation's promise to our veterans. As a Vietnam Veteran himself, he never forgot what it meant to serve this country in the military. His ability is so great that he can even make those who have never served also understand the military and its culture.

I will also never forget the fun we had when Mr. EVANS managed our Congressional basketball team. We played games to help raise funds for charity, and even though he was stricken with Parkinson's disease, which prevented him from participating, it was obvious how much he loved the team and the good-natured competition. He is a joy to be around, and an inspiration.

Mr. Speaker, we need only look at the walls of the Speaker's Lobby or our committee rooms to appreciate that the House of Representatives will continue on long after we are gone, and there is a certain comfort in the realization that this great institution, in which it is our honor to serve, will endure.

However, I want Mr. EVANS to know how much he has touched me and the other Members of this Congress; to thank him for his friendship, his leadership and for his service to our Nation; and to let him know of our commitment to build on the foundation that he laid down over his 24 years in Congress.

HONORING THOMAS PRITZKER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Thomas Pritzker on being named Chairman of the Art Institute of Chicago, and to honor him on his many years of service to the people of Chicago.

For more than a century, Chicago's Art Institute has served as one of America's premier centers for art education and exhibition, nurturing the abilities of talented young artists, and bringing important works of art to the people of Chicago and the nation.

This great Chicago institution has been home to great American artists such as Grant Wood, Georgia O'Keeffe, and Orson Welles. I have no doubt that under Mr. Pritzker's lead, it will continue to contribute profoundly to the American cultural landscape.

A lifelong Chicagoan, and graduate of The University of Chicago's Schools of Law and Business, Mr. Pritzker has tirelessly supported the city's institutions of higher learning throughout his career.

Mr. Pritzker's dedicated service includes years of philanthropic work with The University of Chicago, where he sits on the Executive Committee of the Board of Trustees, and 18 years as a Board Trustee for the Art Institute.

Mr. Pritzker's important philanthropic gifts have enabled The University of Chicago and The Art Institute of Chicago to consistently operate at a high degree of excellence, and remain at the forefront of education and innovation.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois, I congratulate Thomas Pritzker on his new title of Board Chairman of The Art Institute of Chicago, and thank him for his many outstanding contributions to the city of Chicago.

A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS LEADERSHIP

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. OWENS. Mr. Speaker, in the past I have often had the delight of saluting my departing colleagues with a tribute in Rap poetry. At this point, however, circumstances have been reversed and I am departing. As I leave, it will be my pleasure to offer some brief portraits in words describing the very able women and men I leave behind.

Today I would like to highlight three outstanding members—EDDIE BERNICE JOHNSON, DONALD PAYNE, and MAXINE WATERS—who have served as President of the Congressional Black Caucus, CBC. The continually improving effectiveness of the CBC is due to the fact that it is able to benefit from the talent and know-how of a pool of very dedicated and competent leaders. They also have unique personalities that can be appreciated with a few light-hearted verses, see three attached RAP poems.

TEXAS MONA LISA

Power and mystery
In generous portions mated;
Fair time she allots
For any issue debated
But her moods are rapidly rotated
Her anger can be swiftly escalated;
Mess with Eddie Bernice's pride
And she'll quickly invite you outside.
Once great goddess of reapportionment,
Her lines drawn in stone would stay,
Through ten years would never fray,
Untouched by rustler Tom DeLay.
Slow sly smile
Magnetic style
Great resource of charm and stealth
But on the side also some Texas wealth.
Struggle focused credo uniquely excited,
Power and mystery tightly united,
Beneath the strict no nonsense fashion
Run deep wells of cosmic compassion.

SPECIAL ENVOY PAYNE

Female agents fondly remember his name—
Tireless globetrotting fearless Don Payne.
Stealth master across the globe
Always on the probe;
Quiet in his command
But tightly holds leader's lives
In the palm of his cool hand.
When Donald says move
Charles Taylor hops into the groove;
Liberia from Jersey must learn
To let rule from Newark
Take its empire turn.
Don travels
With the proud and brave,
Somalia he single-handedly
Sought to save.
Always on the probe
Stealth master across the globe
But at home he still holds power,
Email orders cross Newark every hour;
In each Jersey county
A Payne relative rules.
Most powerful political tools.
Tireless globetrotting crafty Don Payne,
Lady agents fondly remember his name.

MEAN MAXINE

Queen Maxine
Can act hard and mean,
She can fertilize
Any Congressional Record page
With unforgettable rage.
Queen Maxine
Can act hard and mean
When the CIA deals dope.
But her career fills with tears
When hungry African kids
Are offered no help and no hope.
Soft candy at the core
But like nails when there's a need;
With California flash
And Southern mother wit
She's a rare dynamite breed.
With Hollywood skills
She makes political thrills,
One foot in the palace of influence
The other planted on the street,
Mistress of coalition magic
She makes power methods meet.
CIA drug selling she labeled a fact
Iran Gate caught traitors in the act:
To save Contras zealots were
Selling weapons and flags
Who could doubt they had
Peddled drugs in little brown bags.
Outrageously right
Maxine makes moderates uptight;
Radicals suspect her elegant style
Cause she got arrested for Haiti
Wearing expensive stuff;
Never mind the clothes,
Just a few weeks later
Clinton told the Haitian dictators
That the CBC had enough.
Soft candy at the core
But like nails when there's a need;
With California flash
And Southern mother wit
She's a rare dynamite breed.

MOURNING THE PASSING OF DEARBORN MAYOR MICHAEL GUIDO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. CONYERS. Mr. Speaker, today I rise to mourn the passing and commemorate the life of Dearborn, Michigan's Mayor Michael Guido. Mayor Guido, 52, passed away Tuesday night at his home surrounded by his family.

The son of Italian immigrants, Michael Guido got his start in politics in 1978 when he was elected as the youngest Councilman in Dearborn history. Eight years later, in 1986, Councilman Guido followed up this historic first by being the youngest person in Dearborn history to be elected mayor—a capacity in which he served until his last days.

Despite being diagnosed with cancer in February 2006, Mayor Guido remained on the job every day, continuing to work long hours at City Hall and around town, attending public events throughout his outpatient treatment. He even found the strength to serve as 64th President of the United States Conference of Mayors, proving himself many times over as the leader of this bipartisan force for our nation's mayors.

Mayor Guido initiated outstanding improvements to City services, especially in public safety areas, directed the construction or renovation of notable city facilities, and oversaw the completion of dramatic private developments that improved the city's tax base and long term viability.

He was serious about his commitment to exceptional public service. He set high standards, and initiated many programs that were innovative upon their implementation. Among those are curbside recycling and composting, loose leaf collection, and a myriad of public safety initiatives—advanced life support, an emergency warning system, and an automated notification system. As a believer in technology to provide efficient public service, he knew that there is no replacement for personal contact and required employees to not just follow-up with residents, but to solve their problems.

During his tenure as Mayor, he changed the facade of Dearborn by initiating development projects that revived the critical downtown areas, including West Village and West Village Commons in the west end, and Georgetown Commons in the east end. His drive to keep Dearborn attractive for families and young professionals in the face of competition from newer communities culminated in the construction of the Ford Community and Performing Arts Center in 2001.

Other significant projects included the expansion of the Dearborn Ice Skating Center, the construction of a new Police Headquarters, the expansion of the Robert Herndon

Dearborn Hills Golf Course, the redesign of Ford Woods Park, improvements to Camp Dearborn and neighborhood pools and parks, and expansion of Esper Branch Library.

While he will be remembered for his accomplishments, he will also be remembered for his humor and ability to relate to people. As an accomplished speaker, he adeptly incorporated jokes into formal presentations, and his conversation was pointed yet entertaining with quips and impersonations.

Mayor Guido's impact upon the City of Dearborn and will continue to be recognized within his community and nationally. During an interview years ago, he said he wanted his epitaph to be "He loved the people of Dearborn, and they loved him . . ." We will all miss his leadership and will remember his legacy in the City of Dearborn.

NUREMBERG TRIALS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. HOLT. Mr. Speaker, I rise today to reflect on the Nuremberg trials.

After the unspeakable horrors that occurred during the Holocaust, the United States joined the international community in upholding the rule of law and created the International Military Tribunal. Unique in the history of the world, the Nuremberg Tribunal honored our commitment to law and an honest, open trial process.

I was reminded of all of this when I heard a recent NPR story that told the personal experience of Sergeant Clancy Segal, an American Jew, during the trials at Nuremberg. As Mr. Segal recounts, the members of the Nazi party sentenced at Nuremberg underwent a fair and objective trial process. Despite the atrocities they committed, they were afforded due process.

Remembrances such as these emphasize the need for restraint and upholding the rule of law when dealing with war criminals. Regardless of the circumstances, we must exercise the same due process when investigating and prosecuting suspected terrorists and war criminals today.

I ask unanimous consent that the full transcript of this story from National Public Radio be inserted into the CONGRESSIONAL RECORD.

National Public Radio: Morning Edition, October 2, 2006: Sixty years ago, the International Military Tribunal at Nuremberg handed down its first verdict against Nazi war criminals. The Nuremberg trials were structured as a blueprint for something new in international law . . . "crimes against humanity" and "crimes against peace".

The evidence presented was the first account to the world of the Nazis' atrocities and mass murders. Commentator Clancy Segal was a sergeant in the American army of occupation in Germany.

I was the only Jew in my unit. I told no one when I put my .45 automatic in my holster and sneaked away to the International War Crimes trial at Nuremberg.

I wanted to look Herman Goering in the eye and shoot him dead.

Next to Adolf Hitler, Goering was the most powerful man in the Nazi Third Reich. He created the first concentration camps and he was the driving force behind the decrees which stripped Jews of their civil rights.

In the foyer of the court building, Furtherstrasse 22, military police made me check my weapon. At first I was angry. I'd stored up a lot of hatred for the top Nazis like Goering who'd operated the "Final Solution" to kill Jews.

But inside the courtroom I felt something like relief. Suddenly, it was unthinkable to add one more act of violence to the solemn, businesslike presentation of evidence. Evidence which included the shrunken heads of tortured prisoners and lamp shades made of human skin. It moved me beyond tears to a sort of numbness.

The U.S. War Department was determined that Goering and the other Nazis leaders would receive a fair trial. At Nuremberg, there would be no secret evidence or closed proceedings. The Allies believed that would betray their ideal of restoring democracy in Germany.

For three days, I couldn't take my eyes off Goering, who lounged in the dock like a bored Roman emperor. Minus his sashes and medals, he looked slightly naked in a white uniform jacket, even emaciated down from his former huge bulk.

As concentration camp survivors testified, I sometimes caught Goering's cold, unblinking stare, which was full of contempt for the Tribunal and the witnesses.

When the prosecution showed films of piled-up corpses at Auschwitz, Goering kept turning his head away, sometimes in my direction. I'm ashamed to say he stared me down, because I'd never before felt myself in the presence of such unmitigated evil.

I returned to my unit and didn't see Goering testify on cross-examination. Newspaper and radio correspondents like Walter Cronkite told us of his brazen lack of repentance in the witness box.

On Oct. 1, 1946, the Allied judges handed down their sentences. Most of the accused were found guilty and sentenced to death. Goering swallowed a cyanide pill just hours before he was to mount the gallows.

Today, in the midst of a national debate on how to treat captured terror suspects, my mind flashes back to Room 600 at Furtherstrasse 22. We gave Goering and the other war criminals a chance not only to defend themselves but in some cases, preach hate and violence.

In a ruined Germany, where so many corpses still lay buried in the rubble, and life seemed so very fragile, we found it in ourselves to give the worst of men due process.

JUDGE THOMAS RUSSELL JONES GREAT POINT-OF-LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2006

Mr. OWENS. Mr. Speaker, Judge Thomas Russell Jones was appropriately described as an activist, soldier, assemblyman, civil rights lawyer, and judge at a memorial service held in Brooklyn, NY, at the Plymouth Church of the Pilgrims on Tuesday, December 5, 2006. My personal recollections of Judge Jones compel me to describe him as a Great Point-of-Light for all Americans. He was a rare leader with a great gift for inspiring others. He was an extrovert, outgoing, always giving advice freely, always offering encouragement generously. It is not exaggerating to call Tom Jones the Father of the Brooklyn Empowerment Spirit. All aspiring candidates could look up to Tom Jones and his independent record and see a clear standard for their future performance. He broke ground and ran for the Assembly without the endorsement of the powerful Brooklyn political machine. As a result of the bold moves of Tom Jones, civil rights activists for the first time began to examine electoral politics as a possible effective instrument for change. To the picketing and the sit-ins we added voter registration and voter participation. Without Tom Jones and the pioneering Unity Democratic Club there would have been no successful election of Congresswoman Shirley Chisholm. His unblemished record of integrity and wisdom on the bench are outstanding recent memories. Both his judicial career and his political trailblazing are sparkling legacies which justify the citation of Judge Thomas Russell Jones as a Great Point-of-Light for the people of Brooklyn and for all Americans.

CREDIT REPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TOWNS. Mr. Speaker, my esteemed colleagues, thank you very much for the opportunity to talk to you about an important issue involving credit reports that will disproportionately harm low-income homebuyers and put most small independent credit reporting agencies out of business within a month. The issue involves the "joint use" of credit reports for mortgages.

"Joint use", "secondary use" or "reissue" refers to the long-standing practice (recognized in the FCRA, by the Federal Trade Commission, and by the Office of the Comptroller of the Currency), which allows a credit report to be jointly used by multiple entities legitimately engaged with the origination of a mortgage at no additional cost. Joint use of credit report information is essential for the proper functioning of the mortgage banking, brokerage and financing industries and is an important process by which consumers shop for and obtain mortgage credit.

Recently, two of the credit repositories, Equifax and Experian (E&E) have announced new mandatory fees and burdensome requirements for joint use of credit reports starting January 1, 2007. Consumers will now be burdened with paying multiple charges for the one-time access of their credit report in order to originate a single mortgage transaction. Unlike other credit industries, the mortgage credit reporting industry is required to depend on three-file merged credit reports provided by E&E and TransUnion. The proposed new policy will significantly increase mortgage origination costs. Costs for joint use of credit reports potentially increase by 100–300%. E&E will significantly increase their revenues while end users, resellers, and ultimately, consumers will pay the costs. In addition, consumers facing the highest cost increases will be those with credit challenges such as low-income and first-time homebuyers.

Further, about 90 percent of the independent credit reporting agencies will be unable to meet the additional contractual requirements being dictated by E&E. These credit reporting agencies will be unable to access the credit data from E&E and therefore unable to provide the mandatory three-file merged credit reports. They will quickly be forced out of businesses due to these changes.

There is no new legislation, court case, regulatory decision or other external event to justify such action except to increase the revenues of these large companies at the expense of the consumer and to the detriment of small credit reporting companies.

The other repositories, TransUnion and Innovis, have not chosen to drastically alter the joint use procedure. TransUnion is evaluating its position and CBC Companies, the parent of Innovis, is challenging E&E's proposed new guidelines in federal court as a violation of U.S. antitrust laws.

The end-user disclosure (joint use) requirements have been working well since they were enacted as part of the FCRA in 1997. The recent actions by E&E do little to combat the incidence of identity theft and increase data security. The main reason for these policies is to raise revenue and decrease competition. The effort to implement these new reissue/joint use procedures and fees needs to be stopped in order to maintain a level playing field, continue effective competition in the marketplace and provide fair and equitable access to capital for all Americans.

Any efforts by the major credit repositories to change the reissue process should not restrict competition. In order to protect both consumers and small, independent credit reporting agencies, E&E should make the following changes to their proposed reissue policies.

Continue to classify the GSEs, HUD and any other ancillary technology system that is part of the mortgage origination process as joint use, not the new created "reissue" or "secondary use" classification.

Allow credit-reporting agencies, at the direction of the end-user of record, to reissue to any firm on one of the approved mortgage seller or servicer lists of Fannie Mae, Freddie Mac, or HUD without end-user documentation and site inspections.

Designate a reasonable flat fee for reissue. Note: The changes to the 2003 FACT Act which included a free credit report to every American on an annual basis only required an $.11 per file price increase while E&E's proposed policy changes attempt to justify the charge of $1.05 to $3.50 per file.

Thank you very much for the opportunity to address this important topic. I strongly suggest that E&E reconsider the policies they plan to implement on January 1. Such policies will ultimately hurt the consumer and will have a disproportionate effect on low-income individuals. All Americans deserve the right to pursue the American dream of homeownership and should not be restricted to access to loans because of a policy intended solely to raise revenue for two large credit repositories.

HONORING MARIANNE McGUIRE OF ST. RENE CATHOLIC SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor an outstanding educator in my district, Marianne McGuire, who has been nominated for entry into the 2007 edition of Who's Who Among American Teachers. For over 20 years, Mrs. McGuire has tirelessly served her students and the community at-large.

Currently, Marianne McGuire teaches the fourth and fifth grades at St. Rene Goupil, a Catholic elementary school in Chicago's Clearing neighborhood. A graduate of Quincy University and a veteran teacher, Marianne brings valuable insight and perspective to the classroom. She has the reputation of being an excellent academic instructor who is involved in the lives of her students before and after school—tutoring, assisting with the TerraNova tests, and coordinating the Geography Bee.

Who's Who Among America's Teachers, first published in 1990, gives exceptional students an opportunity to honor the teachers who have positively contributed to their lives and invested in their futures. It is a great privilege to be included in this publication, which is meant to let teachers know that they truly make a difference. Mrs. McGuire's impact has given her a nomination to be included in this publication.

It is my honor today to recognize Marianne McGuire for her achievements as an outstanding teacher. She and countless other educators serve to enhance our overall education system, while impacting one student at a time. I thank Marianne, along with all of our Nation's teachers, for their hard work, dedication, and noble service.

HONORING MONTEREY HIGH SCHOOL AS A NO CHILD LEFT BEHIND BLUE RIBBON AWARD WINNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor the students, faculty and staff of Monterey High School for earning a 2006 No Child Left Behind Blue Ribbon Award for academic superiority.

No Child Left Behind Blue Ribbon schools are selected by the U.S. Department of Education as a way to recognize schools across the country that show either high achievement or dramatic improvement.

Monterey High School is a rural high school with only 18 full-time teachers. Forty percent of the school's 373 students come from disadvantaged backgrounds. Despite this, the students consistently rank in the top 10 percent on state achievement tests.

This award is evidence of the hard work put forth by the faculty, students and staff at Monterey High School. I am truly proud of them for their efforts, and I commend them on this achievement.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT CECILIA'S SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize Saint Cecilia's School, located in Greenpoint, Brooklyn, as it celebrates 100 years of academic excellence. This institution has served the educational needs of countless students in the community, and it is with great pleasure that I recognize its strident efforts on this momentous occasion.

Since its inception, Saint Cecilia's has fostered both the intellectual and spiritual development of local students, providing them with the resources they need for success in the classroom. Through the leadership and dedication of its first rate faculty, this institution boasts a commendable record of academic achievement, thereby enriching the lives of school age children throughout our community.

St. Cecilia's School has a longstanding tradition of promoting a culture of community-oriented citizens that are devoted to the interests of Brooklyn, as well as our Nation. Its comprehensive approach to education has contributed to the ongoing revitalization of our neighborhoods, inspiring a new generation of informed, engaged activists committed to real change and, ultimately, a more prosperous future.

Therefore, Mr. Speaker, please join me in congratulating the students, faculty and parents of Saint Cecilia's School as they celebrate 100 years of educational distinction in the Greenpoint community and extending best wishes for further success in the years that lie ahead.

USNS COMFORT

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. McKINNEY. Mr. Speaker, I submit the following for the RECORD:

In an effort to save both U.S. and Iraqi lives by adhering to International War and common decency, I sent the following letter to the Captain of the Navy's top hospital ship. Thomas J. Nagy, Ph.D., Postdoctoral Fellow in Public Health, Johns Hopkins, '77–'79.

NOVEMBER 12, 2006.

TO THE CAPTAIN, USNS COMFORT: Would it not be to the benefit of all if the USS Comfort were to return immediately to the Persian Gulf to provide life-saving health care to Iraqi infants and children who are dying in huge numbers for the lack of medical services and supplies.

Further, does not the Geneva Convention on the Responsibilities of Occupying Powers require that the U.S., as the de facto if not de jure Occupying Power in Iraq furnish life-saving health care to Iraqis?

Finally, please forward my note to the U.S. Navy's Judge Advocate General as well as the captain of the USN HOPE and the captains of any other USN Hospital Ships.

I request a written reply.

Sincerely,

THOMAS J. NAGY.

From: Shimkus, Albert J CAPT
To: Thomas J. Nagy
CC: Herden, Mary J CAPT
Subject: Your Email of 12 November
Date: 14 Nov 2006

DR. NAGY: Thank you for your email note of 12 November.

I will forward your email note as you have requested.

Sincerely,

A. SHIMKUS,
Commanding Officer, Medical Treatment Facility, USNS COMFORT (T-AH 20).

HONORING ROBERT "BOB" LAYHER OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MORAN of Kansas. Mr. Speaker, today I rise to express my admiration of a Kansan's life—a life filled with honor and service to country, community and family. Mr. Robert "Bob" Layher of Hays, Kansas, a member of the Greatest Generation, lived life with integrity, passion and enthusiasm.

Like so many young Americans of his generation, Bob put country before self and joined the U.S. military. Bob proudly fought for freedom during World War II, though he began serving prior to the start of the war. He was among those who resigned their U.S. military positions in order to volunteer for a covert operation with the Chinese Air Force before the U.S. entered the war. For his service in China as a member of The Flying Tigers, Bob was awarded the Distinguished Flying Cross.

Bob's dedication to those he served with and his preservation of their memories was unsurpassed. While the history and service of The Flying Tigers is well known in China, few in our country know about the courage and heroism of these men. Bob took a lead role in making certain that his community knew about The Flying Tiger's mission of protecting China's important Burma Road from Japanese attacks.

He was also involved in national education of The Flying Tigers. Appearing in stories and presenting at schools, he shared the history of this brave group of volunteers. During trips back to the area where they were stationed, members of The Flying Tigers found the need for education about their group was much less necessary in China. The idea that Americans would volunteer to defend another country all for the sake of freedom made a great impression on the Chinese.

While Bob was born and raised outside of Kansas, our state was lucky to have him settle here and begin farming after his military service. Bob was born in Dallas, Oregon, on September 3, 1916. He graduated from the University of Colorado where he also met his wife, Marian. In 1941, 4 days before he left for China, he and Marian were secretly married. This was also the same day as his birthday, so this way Bob would never forget their anniversary.

A very involved member of his community, Bob participated in several civic groups. After he moved to Hays in 1952, Bob became a member of the First Presbyterian Church and the Order of the Eastern Star. He was also a member of the ISIS Shrine and the Masonic Lodge in Salina.

Most important to Bob was his family. Over the course of their 65 years of marriage, he and his wife were committed parents and grandparents. Bob's son, R.F. "Bobby" Layher Jr., followed in his father's footsteps and served as a pilot in Vietnam. Even though Bobby went on to be a civilian pilot, Bob and his son were still able to fulfill their dream of farming together.

In the many important roles Bob filled in his life, he served out of a sense of duty and not out of selfish ambition. He helped make his community better and his nation safer. I join his many friends and admirers in paying tribute to a great man. My thoughts and prayers go out to Marian and her family during this time of loss.

CONGRATULATING ALABAMA STATE SENATOR HARRY E. "HAP" MYERS FOR 12 YEARS OF DISTINGUISHED LEGISLATIVE SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Alabama State Senator Harry E. "Hap" Myers for 12 years of leadership and service to the citizens of Mobile and the entire state of Alabama.

Hap is a distinguished member of the Mobile, Alabama, community and a tremendous advocate for all of south Alabama. During his career in the Alabama State Legislature, he worked tirelessly on behalf of south Alabama and served as chairperson of the Senate Agriculture Committee, Local Legislation Number Three, and the Senate Veterans Military Affairs Committee.

Hap has been a professional consulting engineer since 1961 and is presently vice president of Malcolm Pirnie, Inc., a national firm with over 50 offices, where he concentrates on municipal long range planning, finance, and operations.

Mr. Speaker, the faithful service of outstanding Americans like Hap Myers has aided in an immeasurable way to the well being of our community. I would like to offer my congratulations for his many personal and professional achievements. I know his wife, Toni, his 3 children, his grandchildren and other family and many friends join with me in honoring his accomplishments and extending thanks for his many efforts on behalf of the people of Mobile and the entire state of Alabama.

WEYERHAEUSER COMPANY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. FOXX. Mr. Speaker, I rise today to recognize the Weyerhaeuser Corporation and its wonderful community service in assisting in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying what community service is.

The Weyerhaeuser Company was incorporated in 1900 and is one of the world's largest integrated forest product companies, headquartered in Federal Way, Washington, employing 5,000 people in over 40 locations in 18 countries. In 2005, they recorded sales of $22.6 billion and the company manages more than 2.4 million acres of timberlands in three States. I am pleased to note that of the many locations of the Weyerhaeuser Company, two are in the Fifth District of North Carolina.

In recognition of their outstanding community service and dedication to helping those who need it most, Weyerhaeuser Corporation has been recognized with the Ron Brown Award. This is the only Presidential award to honor companies "for their exemplary quality of their relationships with employees and communities," This award is presented to companies that have set forth strong initiatives to strengthen their employees and the community that surrounds them as well as promote pioneering business initiatives. The Ron Brown Award was originally established by President Bill Clinton after the late Secretary of Commerce, Ron Brown, who believed that "businesses do well by doing good." In my opinion, there is no better choice for this award than the Weyerhaeuser Company for its outstanding work and dedication to our country.

On December 4, 2006, the chairman, president and CEO of Weyerhaeuser accepted the Ron Brown Award from U.S. Secretary of Commerce Carlos M. Gutierrez at a ceremony in the White House. Mr. Rogel accepted the award and dedicated it to Weyerhaeuser's Disaster Relief Coordinator Katy Taylor, along with the partners and volunteers who attended the ceremony.

Also recognized in the White House ceremony was the North Carolina Baptist Builders, with whom Weyerhaeuser teamed up in the gulf coast relief efforts. The North Carolina Baptist Builders is a faith-based organization that set forth a large mission to rebuild 600 homes along the coast. To the credit of the Baptist Builders, the Weyerhaeuser Company recognized their "smoothly-run rebuilding operation to keep projects moving." It is this kind of forward thinking and teamwork that makes the Weyerhaeuser Company so deserving of the Ron Brown Award.

I am honored to have such a wonderful and dedicated company that operates in North

Carolina in places such as Charlotte, Greensboro, Newton and many other places, including Elkin and Winston-Salem in the Fifth District. Weyerhaeuser Company has been operating in North Carolina since 1957 with approximately 3,090 employees.

The dedication of Weyerhaeuser to the community is astounding and sets a shining example to other businesses about the importance of community service and helping the less fortunate. To date nearly 300 employees and retirees from across the United States and Canada have volunteered more than 42,000 hours of their time and helped rebuild 50 homes. Weyerhaeuser has a truly generous policy of allowing employees 2 to 4 weeks paid leave to help volunteer in the rebuilding efforts of the gulf coast. Not only does it pay its employees while they are volunteering their time, but it also pays their way and their spouses' way down to the coast for the rebuilding efforts. Now, over a year later, Weyerhaeuser employees are still participating in reconstruction efforts and have contributed a combined disaster relief to date totaling more than $2.8 million. This is nothing short of extraordinary.

While I can mention some of the accomplishments of the Weyerhaeuser Company's contributions, it is the people Weyerhaeuser has touched and the response it has received that truly shows the difference it has made not just to individuals, families and the community as a whole. As one family wrote in response to the help from Weyerhaeuser volunteers, "Because of all of your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyerhaeuser family." This shows how the assistance of strangers can truly touch one's spirit, make their life better and give true meaning for caring in the community.

A sign of the high caliber of individuals Weyerhaeuser employs is some of the comments of the volunteers that went to the gulf coast to help. One man noted, "The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget." Another volunteer employee commented, "This experience was such a blessing. I got so much more from it than I felt I gave." Even Weyerhaeuser's retirees participated and one reflected of the occasion to assist those in need saying, "Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again!"

Testimonies such as these speak volumes of Weyerhaeuser Company and its dedication to its employees and others. It goes beyond helping those who are under its employment, but it extends a helping hand to strangers to make the world a better place to live. I am pleased that Weyerhaeuser has had a long standing tradition in North Carolina and especially in the Fifth District. It is without question an admirable and outstanding company that lives up to the highest meaning of community service.

Weyerhaeuser's dedication to helping others is immeasurable and I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized by the administration. The work of its employees and retirees shows that there is no one more deserving.

TRIBUTE TO JOE EDMISTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my close friend of more than 30 years, Joe Edmiston, recipient of he Environmentalist of the Year Award at the Coalition on the Environment and Jewish Life of Southern California (COEJLSC)'s 7th Annual Awards Reception. COEJLSC could not have chosen a more deserving person to receive this honor.

Joe is a remarkable man whose accomplishments are legion and whose passion and commitment to the environment is unparalleled. He has literally and figuratively transformed the landscape of southern California for the better. He has also, through his infectious enthusiasm, his innovative work with professional associations and his formal academic teachings, helped change the way we think about environmental protection and stewardship. He epitomizes COEJLSC's guiding principles and his work is perfectly aligned with COEJLSC's mission and purpose.

I first met Joe in December 1976 when he interviewed for the position of executive director of the Santa Monica Mountains Comprehensive Planning Commission, a State agency created by legislation that I authored as majority leader of the California State Assembly. He was then a young member of the conservation staff of the Sierra Club, but his ideas impressed everyone and ultimately Governor Edmund G. Brown, Jr., appointed him to the commission directorship.

His decision to implement the plan through the establishment of the Santa Monica Mountains Conservancy was an insightful—but risky—decision to forego traditional approaches. I carried the legislation, and it was a tough fight. Looking back, it was pretty audacious of Joe to think that market forces could be used to control the market, and more audacious still to think that his band of planners and ecologists would be the ones to do it. But the gamble paid off. Now, 26 years later the Santa Monica Mountains Conservancy has expended close to $550,000,000 and acquired and preserved more than 55,000 acres of park and open space lands—much of it accessible and regularly enjoyed by the urban population that surrounds it.

Serving his fifth Governor, Joe is close to being the longest serving State agency head in modern history. For a plodding bureaucrat that would not be so remarkable an accomplishment, but he is anything but that. Dynamic, sometimes controversial, he has taken the Santa Monica Mountains Conservancy to the forefront of conservation leadership in California and the Nation by his innovative approaches and his impact has even been felt in other countries that are attempting to model his success.

I am proud to know Joe. He and his wife Pepper are great friends and they have a wonderful family. I ask my colleagues to join me in honoring Joe Edmiston and congratulating him for receiving COEJLSC's Environmentalist of the Year Award.

SUPPORTERS OF S.S. MANN BEATEN UP IN TARN TARAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TOWNS. Mr. Speaker, on December 3, supporters of the former member of India's Parliament, Simranjit Singh Mann, were beaten up in the town of Tarn Taran in Punjab, which Mr. Mann used to represent in parliament.

Mr. Mann was burned in effigy. He has blamed former Chief Minister Parkash Singh Badal for the incident. Badal's party is aligned with the Bharatiya Janata Party, BJP, the former ruling party, which is under the umbrella of the fascist, Hindu militant Rashtriya Swayamsewak Sangh, RSS.

The Hindu extremists attacked Mr. Mann's supporters and Mann's supporters were the ones who got arrested.

Tarn Taran is a central place in Sikhism, built by the fifth of the Sikh gurus, Guru Arjun Dev, and there is a historic Gurdwara—Sikh place of worship—in the town. The fact that supporters of the RSS are able to beat Sikhs in Tarn Taran is distressing. It shows the need for Sikh independence in a sovereign Khalistan.

According to SS News online, at least six people were injured in the clash, which broke out after one of Mann's supporters wrote an article critical of Shiv Sena, one of the militant branches of the RSS.

Mr. Speaker, Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, has issued an excellent press release on tbe incident. He notes that a free, sovereign Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987, would help put an end to incidents like this. As long as Sikhs are under Indian subjugation, the RSS and its allies are going to be able to run roughshod over Sikhs and other minorities. Remember that last year, 35 Sikhs were arrested simply for making pro-Khalistan speeches and raising the Khalistani flag. Since when are making speeches and raising a flag crimes in a democracy?

India has killed more than a quarter of a million Sikhs, over 90,000 Kashmiri Muslims, 2,000 to 5,000 Muslims in Gujarat, over 300,000 Christians in Nagaland and tens of thousands of other minorities such as Assamese, Bodos, Dalits, Manipuris, Tamils, and others. If India is the democracy that it claims to be, how can it do such things?

America is the beacon of freedom, Mr. Speaker. That is why we need to act. Incidents like this must not be allowed to continue. We should stop our aid to India and end our trade with that country until human rights are respected for all people there. And we should put the Congress on record in support of a free and fair plebiscite on independence in Khalistan, Kashmir, Nagalim, and wherever else it is sought. That is the best way to help bring freedom, security, safety, dignity, and prosperity to all the people of South Asia.

Mr. Speaker, I would like to put the Council of Khalistan's press release on the beating of Mann supporters in the RECORD at this time.

WASHINGTON, DC, Dec. 7, 2006.—Supporters of former Member of Parliament Simranjit Singh Mann were beaten up in Tarn Taran by members of the Bharatiya Janata Party (BJP) and Mr. Mann's effigy was burned. Mann has publicly blamed former Chief Minister Parkash Singh Badal, who is allied with the BJP, a branch of the fascist Rashtriya Swayamsewak Sangh (RSS), for the beating. Mann was elected to represent Tarn Taran in the Indian Parliament with 95 percent of the vote while he was in jail in 1989.

Tarn Taran is the center of the Sikh religion. Guru Arjun Dev Ji, the fifth Sikh Guru, established Tarn Taran and there is a historic Gurdwara there. Captain Amarinder Singh, the chief minister of Punjab, is establishing a Guru Arjun Dev Ji University there.

"It is outrageous that supporters of Mann could be beaten up and his effigy burned in a place so central for the Sikh Nation as Tarn Taran," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "We hope that Badal is not behind the incident," said Dr. Aulakh. "If he is, shame on him. Ultimately, the Indian government is behind this act and both Badal and Mann are under the control of the Indian government, as their letters published in Chakravyuh: Web of Indian Secularism demonstrate," said Dr. Aulakh. In one letter, Mann pledges, "I reiterate my allegiance to the Constitution and I stand by the integrity of the country." On his trip to the United States in 2000, Mann attended a Sikh event and said, "Close the offices of the Council of Khalistan, headed by Dr. Gurmit Singh Aulakh in Washington DC."

"If the BJP can carry out its nefarious activities in a place as central to the Sikh Nation as Tarn Taran, then the handwriting is on the wall for the future of the Sikh Nation. They cannot protect their respect and honor and they are salves in India. This shows why we must liberate Khalistan from Indian occupation and oppression," said Dr. Aulakh. "That is the only way for Sikhs to protect ourselves from India's brutality."

After human-rights activist Jaswant Singh Khalra exposed the Indian government's policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated, the police kidnapped him. Khalra was murdered in police custody. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. Rajiv Singh Randhawa, who was the only witness to the Khalra kidnapping, has been repeatedly subjected to police harassment. This includes being arrested for trying to hand a piece of paper to then-British Home Secretary Jack Straw in front of the Golden Temple. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him.

In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs. A report by the Movement Against State Repression (MASR) quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

The MASR report states that 52,268 Sikhs are being held as political prisoners in India without charge or trial, mostly under a repressive law known as the "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984! There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. Last year, 35 Sikhs were charged and arrested in Punjab for making speeches in support of Khalistan and raising the Khalistani flag. "How can making speeches and raising a flag be considered crimes in a democratic society?" asked Dr. Aulakh.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "if Kashmir goes, India goes." History shows that multinational states such as India are doomed to failure. "Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. There is nothing in common in the culture of a Hindu living in Bengal and one in Tamil Nadu, let alone between them and the minority nations of South Asia," Dr. Aulakh said.

"Freedom is the God-given right of every nation and every human being," said Dr. Aulakh. Sikhs must be allowed to have a free and fair plebiscite on the issue of Khalistan. In a democracy, you cannot continue to rule against the wishes of the people. As former Senator George Mitchell said about the Palestinians, 'the essence of democracy is the right to self-determination.' We must reclaim the sovereignty of the Sikh Nation," Dr. Aulakh said. "Currently, there are 17 freedom movements within India's borders. It has 18 official languages. A country having 18 official languages cannot hold its people together for very long," he said. "We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's," Dr. Aulakh said. "Earlier this year, Montenegro, which has less than a million people, became a sovereign country and a member of the United Nations," he said. "Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent."

Dr. Aulakh stressed his commitment to the peaceful, democratic, nonviolent struggle to liberate Khalistan. "The only way that the repression will stop and Sikhs will live in freedom, dignity, and prosperity is to liberate Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said. 'If a Sikh is not a Khalistani, he is not a Sikh'," Dr. Aulakh said. "We must free Khalistan now."

HONORING CATHERINE LAMY, RECIPIENT OF THE ART PORTFOLIO SILVER AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Catherine Lamy, an outstanding young artist from my district and recipient of the Art Portfolio Silver Award. This award, presented by the Alliance for Young Artists & Writers, recognizes outstanding talent and creativity displayed by young artists and writers.

Under the guidance of her instructor at Stagg High School, Mr. Wesley Gonzalez, Catherine has created a remarkable portfolio, including eight award-winning pieces that are acclaimed by the Alliance. These pieces clearly demonstrate her incredible ability and potential as an up-and-coming artist. As a recipient of this award, Catherine serves as an example to other young students who aspire to advance their creativity as a life path.

This year, the Alliance for Young Artists & Writers recognized a total of 1,448 students in the organization's Scholastic Art & Writing Awards in New York City. The students were honored by their peers at Carnegie Hall, where they had an opportunity to review the work of other students and meet with professional artists and writers.

It is my honor today to recognize Catherine Lamy as one of the outstanding young creative minds in our country, I am also pleased to acknowledge the Alliance for Young Artists & Writers for their work in encouraging the talent of young people. We must continue to encourage, foster, and recognize the skills and abilities of our Nation's youth not only on special occasions, but on a daily basis.

* * *

HONORING HOLLOWAY HIGH SCHOOL AS A NO CHILD LEFT BEHIND BLUE RIBBON AWARD WINNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor the students, faculty and staff of Holloway High School for earning a 2006 No Child Left Behind Blue Ribbon Award for academic superiority.

Located in Murfreesboro, Tennessee, Holloway High School serves 176 Rutherford County students who have fallen behind academically but have a sincere desire to catch up and graduate. The school was named a Blue Ribbon school by the U.S. Department of Education for scoring in the top 10 percent of all schools in Tennessee for 3 consecutive years.

No Child Left Behind Blue Ribbon schools are selected by the U.S. Department of Education as a way to recognize schools across the country that show either high achievement or dramatic improvement.

Principal Ivan Duggin says the school will continue to evolve and do whatever it takes to remain one of the top schools in the state of Tennessee and the country. Mr. Duggin has said, "We will not rest on success. We will constantly be focused and seeking to find the best people, practices and strategies which will yield superior results."

This award is evidence of the hard work put forth by the faculty, students and staff at Holloway High School. I am truly proud of them for their efforts, and I commend them on this achievement.

IN RECOGNITION OF RIDGEWOOD PROPERTY OWNERS AND CIVIC ASSOCIATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the 75th anniversary of the Ridgewood Property Owners and Civic Association (RPOCA), a not for profit organization committed to the development of a more vibrant place to live, work, and play.

Since its inception, RPOCA has served countless property owners and residents in the Ridgewood community of Queens, New York. This first rate organization has been instrumental in the ongoing restoration of our historically rich community, proactively supporting beautification projects throughout Ridgewood and advocating against redevelopment that threatens the livelihood of our neighborhoods.

RPOCA has taken a leadership role in supporting the revitalization of our neighborhoods, educating homeowners and spearheading initiatives that protect affordable housing for working families in Ridgewood. This unwavering commitment to civic participation in local preservation efforts is commendable and has strengthened the foundation upon which the community continues to grow.

Therefore, Mr. Speaker, I rise with my colleagues in the House of Representatives to congratulate the RPOCA, its Board of Directors, membership, and this year's honorees—Angie Tantillo and Frank Cicero—upon celebrating 75 years of service to Ridgewood residents.

TRIBUTE TO THE FELIX FAMILY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. KIND. Mr. Speaker, I rise today to pay tribute to the Felix Family of Viroqua, Wisconsin. On December 16, 2006, after 100 years and three generations, Felix's Men's and Women's Clothing will be closing. This store has been a pillar of Viroqua's downtown business district and an integral part of the community. Thanks to Felix's and other small businesses, Viroqua continues to have a vibrant downtown.

Steve Felix has owned and operated Ted Felix's since the early 1970s. Steve is a good friend who is not shy in imparting his advice on me during my frequent visits to Felix's. Steve told me once that back when Senator Proxmire served the people of Wisconsin, he would often stop at Felix's and shake Steve's hand. On one of these occasions, Steve scolded the Senator and told him that he needed to start dressing better in order to look like a United States Senator. Senator Proxmire bought a suit from Steve that very day, and during every occasion when he saw Steve he would ask Steve how he looked to ensure his dress was appropriate. As my wife Tawni can attest, Steve has continued this tradition by selling me suits so I am more appropriately dressed.

Small businesses like Felix's are vital to the well-being of rural America because of the unique spirit, personal service, and character they impart on small towns. They are what make shopping on our main streets an enjoyable and personal experience.

Steve's leadership and dedication, along with his wife Betty and their two children Randy and Erica, has made Viroqua and Vernon County a better place to live, work, and raise a family. I commend Steve, the Felix family, and all of the other small businesses that continue to serve America and drive our economy. I wish them well and Godspeed in their future ventures.

THE McKINNEY AFFAIR—RAMPAGING RACISM AND A COWARDLY CAUCUS

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. McKINNEY. Mr. Speaker, I submit the following for the RECORD.

[From the Black Commentator, Apr. 13, 2006]

THE McKINNEY AFFAIR—RAMPAGING RACISM AND A COWARDLY CAUCUS

(By Glen Ford and Peter Gamble)

There are profound lessons to be learned from the ongoing travails of Congresswoman Cynthia McKinney (D-GA), under siege by white America at large, the leadership of her own party, and the chairman of her own caucus.

In the aftermath of McKinney's run-in with a Capitol Hill police officer, we have witnessed an orgy of unadulterated defamation that is actually directed at Black women in general. In rejecting and denouncing McKinney's defense, her tormentors demonstrate that the very concept of racial profiling was never sincerely accepted among most white Americans, and that 9/11 is just an excuse for undoing decades of legal and political struggles against the abominable practice.

So virulent and shameless have been the attacks on McKinney—spewing caricatures of the six-term lawmaker that reflect whites' own hallucinatory visions of Black people—it leads us to conclude that racists are conducting a kind of ritual, an exorcism to cast the "militant Black" out of the national polity, once and for all. Disgustingly, a number of Black voices have joined mob, in order to prove that they are reasonable and trustworthy Negroes who won't intrude on white folks' illusions of innocence.

Most distressingly, the McKinney affair dramatically demonstrates that the Congressional Black Caucus has been eviscerated as a body. The CBC is revealed as collectively gutless, devoid of any semblance of Black solidarity, without which it has no reason for being.

CBC HITS NEW LOW

We at BC had previously believed that April, 2005, when 37 percent of the 42 Black House members voted for Republican bills, was the lowest point in Congressional Black Caucus history. A year later, the CBC has found a new nadir. On the evening of April 5, undoubtedly on orders from House Minority Leader Nancy Pelosi, CBC chairman Mel Watt gathered twenty or so members to browbeat McKinney into firing her legal team and cease appearing before the media. Watt absented himself from the beat-down, so that it would not appear to be an "official" CBC event.

As congressional aides wandered in and out of the room, some Members dutifully echoed Pelosi's demand that McKinney not frame the March 28 confrontation with the policeman as a "racial" incident, and that she issue an apology on the House floor the following morning. According to several sources who spoke with BC on condition of anonymity, and based on an account given by McKinney staff assistant Faye Coffield to a weekly Atlanta meeting of the Georgia Coalition for the People's Agenda, a "consensus" was reached that McKinney would deliver the apology and abandon efforts to defend herself in the media (although not her legal team).

The next morning, at the appointed hour, McKinney was prepared to offer her apology to the House. But Mel Watt had already put the word out that CBC members were to renege on their part of the deal. The Caucus must not stand with McKinney when she stepped to the microphone. Mel Watt, Nancy Pelosi's poodle, attempted to enforce his Mistress's wish that McKinney appear utterly isolated and alone. Nothing should distract from the Democrats' non-strategy of doing and saying nothing until mid-term elections in November. The Republicans must be allowed to self-destruct without interference. McKinney's charge of racial profiling was a distraction from the Democratic non-strategy—so she must be shunned. Mel Watt was the enforcer—the designated shunner-in-chief.

Pelosi appears to harbor a deep hatred for McKinney, whom she cannot control. Most recently, the 51-year-old Georgia lawmaker defied the Leader's orders, voting in favor of a Republican bill, cynically modeled on Democrat John Murtha's measure for a quick exit from Iraq. She was among only three Democrats, and the only CBC member, to do so. McKinney also ignored Pelosi's order that Democrats boycott hearings on Katrina and leave the field to Republicans.

However, Pelosi has been the aggressor all along, bent on bringing the CBC and other progressives to heel as she pursues her spineless non-strategy for victory by default over the GOP—a scenario that by definition requires African Americans to mute their own demands, to be quiet and compliant. When McKinney returned to congress in January 2005 after a two-year hiatus, Pelosi denied her seniority, bumping her down to freshman status despite her previous ten years on The Hill. Not a peep from the CBC, cowed by their Leader and, recent events have shown, packed with members who are themselves fearful that McKinney's militancy will raise the bar of constituent expectations for their own performances on Black people's behalf.

On the House floor, the morning of April 6, Pelosi/Watt had set McKinney up for further humiliation. Not only would she be required to deliver an apology that would be seen as an admission of guilt (by those who had already condemned and defamed her), but the absence of CBC members at her side would mark her as a lone "extremist," a "loon" whose politics could be dismissed out of hand. Why, even McKinney's own colleagues won't stand with her. She's crazy (like the rest of those darkies who cry racism).

According to several congressional sources, McKinney confronted a gaggle of CBC members, reminding them of the consensus agreement of the night before, in which they had promised a display of physical solidarity at the microphone in return for her concessions. White Congresswoman Marcy Kaptur (D–OH), seeing the commotion, hurried over to the Black circle: "I'll stand with you, Cynthia." Others stepped forward to fulfill their pledge, despite CBC chairman Mel Watt's treacherous machinations.

Here is a partial list of those who were videotaped standing with McKinney when she read the words of apology that had been demanded of her:

*Elijah Cummings (MD), *Carolyn Cheeks Kilpatrick (MI), *Barbara Lee (CA), *Alcee Hastings (FL), *Maxine Waters (CA), *Bobby Rush (IL), *Corrine Brown (FL), *Major Owens (NY), *Sheila Jackson-Lee (TX), Marcy Kaptur (OH), Dennis Kucinich (OH), Jose Serrano (NY), Bob Filner (CA), (*CBC members).

Only nine of the 20-plus CBC members who had reached "consensus" on standing with their sister the night before, bucked Pelosi's petty dictatorial edict—and straw-boss Mel Watt's attempt to enforce it.

Once upon a time, the CBC could collectively call itself "the conscience of the congress." No more.

MULTI-PROFILING AND SHEER MALEVOLENCE

By bowing to Pelosi, Black congresspersons reinforce her and other white's belief that they can pick and choose the African American leaders and representatives they deal with, and isolate the rest, while still retaining mass Black support for the Democratic Party. Such Blacks are enablers of racism, and must eventually pay the price at the hands of their constituents, who are no different than the Black Georgia voters who sent McKinney to Washington six times. Worse, in urging McKinney to drop the "racial" aspect of her defense—to pretend that she was not racially profiled, when they know that police profiling is near-universal—they do grave injury to fundamental Black interests.

Days after his attempt to pound McKinney into dust, the duplicitous Mel Watt related to the Charlotte Observer his own scary run-in with Capitol police "a year or so ago":

"I was running to the floor to vote and an officer said, 'Can I see your ID?' and I said, 'No' and kept running. I looked back and he had his hand on his gun. Then another (Capitol) police officer said, 'Member.' He recognized me (as a House member). It just so happened that the first (officer) was white and the other one was black . . . I was probably very rash. In retrospect, I thought to myself, 'You had to be out of your mind.' I was trying to get to a vote and he had a job to do."

Watt understands very well that the Black officer, who didn't go for his gun, but instead called his white partner off, was intervening in a case of racial profiling. Yet Watt's desire to stay in the good graces of his Leader, Pelosi, drives him to conspire against a fellow Black congressperson, Cynthia McKinney, whose recent hair makeover is said to have made her fair game to be accosted by Capitol police. Said McKinney:

"Do I have to contact the police every time I change my hairstyle? How do we account for the fact that when I wore my braids every day for 11 years, I still faced this problem, primarily from certain police officers."

Nobody knows better than Black officers that racism is rampant in the Capitol Police force. Of the 1,200 officers, 29 percent are Black, and many still have racial bias suits outstanding. "You have, basically, a renegade police department up here, that's been operating under the protection of Congress," said Charles J. Ware, an attorney representing the Capitol Black Police Association.

But it's not just race. Police officers, like workers in any organization, spend much of their time talking shop. For Capitol police, the subject of their shop-talk is the members of congress they are hired to protect. Cynthia McKinney is famous—no less so on Capitol Hill. She is the Black woman viciously branded as a friend of "terrorists," the most uppity African American in the federal legislature. The cops are quite aware of what she looks like, new hair-do or not.

A McKinney lawyer got it right when he told a Howard University press conference that his client was targeted for reasons of "sex, race and Ms. McKinney's progressiveness."

The cops know who McKinney is—they have profiled her politically. Michael C. Ruppert, former Los Angeles cop and current honcho of the popular web site From the Wilderness, has felt the police hostility directed at his longtime friend, Cynthia McKinney:

"I have walked the halls of Congress with Cynthia McKinney maybe eight to ten times. I have walked into and out of the Cannon and Longworth house office buildings with her. I have walked to hearings in the Rayburn house office building with her. I have walked the underground tunnels from one of those office buildings directly to the edge of the House floor and its anteroom with her. I can tell you one thing for certain because I have seen it and I have felt it. Cynthia McKinney and her staff get treated differently from just about anyone else on the Hill. It's subtle, but so is the taste of dirt when it's in your mouth."

Although the Capitol police have failed to produce a surveillance tape of McKinney's confrontation with their officer, the congresswoman captured one incident in the movie, "American Blackout," now being screened at sites around the country. The film depicts McKinney's investigation of voting irregularities in the 2000 elections. One segment shows the congresswoman being accosted by police as she and her party approach the Longworth building of the Capitol. McKinney turns to the camera and reports that police subject her to such treatment "all the time."

Does that happen to 535 members of congress "all the time"? Not hardly.

California Rep. Tom Lantos, according to the web reference site Wikipedia, "ran over a teenager in the Capitol parking area and refused to stop despite screams from the crowd. He never apologized for the hit-and-run either." The Boston Globe reported that Lantos was not charged with hit-and-run, but was only fined $25 for "failure to pay full time and attention." However, a teacher accompanying the student was threatened with arrest by Capitol police when she chased Lantos' car, demanding that he stop.

Apparently Capitol police are quite zealous in protecting their lawmakers—if they are white.

In an otherwise inane, anti-McKinney article, Black columnist Earl Ofari Hutchinson gave some historical perspective to recent events:

"In past years, the Caucus raised heck when a white Republican Congressman punched a black Capitol police officer and a year later Ohio Democratic Representative Louis Stokes was hassled by Capitol police. And the Congressional Black Caucus rushed to their defense."

Not this time, not for Cynthia McKinney. The Congressional Black Caucus is broken.

SEX AND THE FEDERAL CITY

Around midnight on April 8, Saturday Night Live's Kenan Thompson performed a grotesque, bewigged skit in which he conjured up a fat, sloppy, dull-witted, belligerent, loud-talking, no-listening, from-deep-in-the-ghetto character who was supposed to be—Cynthia McKinney. Of course, this TV minstrel's interpretation bore no resemblance to the congressperson—daughter of one of Atlanta's first Black policemen, a former faculty member at Clark Atlanta University, world traveler and sought-after speaker, six-term legislator. But that did not matter. Although SNL does superb work caricaturing public personalities, its usual standards did not apply in McKinney's case. The skit was a dehumanizing assault on Black women as a group, with "Cynthia" standing in for the female gender of her race.

A specific profile of Black women exists in the minds of vast sections of white America. As Dr. Abdul Karim Bangura relates in this issue of BC, in "an analysis of White students" stereotypes of Black women by professor of women's studies and sociology Rose Weitz at Arizona State University and Wakonse fellow Leonard Gordon at the same university, the students primarily characterize Black women as loud, aggressive, argumentative, stubborn, and bitchy."

White men (and women, and some Black men) on and off Capitol Hill are eager to vilify and diminish McKinney, to call her a "bitch," a "racist," "crazy" and all manner of epithets. This abuse is actually directed against the defamers' twisted idea of who and what Black women are. So diseased are their minds, they see only their sickness-induced delusions. White supremacy allows them to translate their delusions into public policy. September 11 gave them a free pass to run buck wild, with no apologies, under the umbrella of "homeland security."

BLACK VOTERS WILL DECIDE

It can be no consolation to Rep. McKinney, that she is just a convenient target for what we now recognize as a great resurgence of racism in the United States. The South rules a South that is not defined geographically but socio-politically. White Americans have become much more homogenous in the electronic and high-mobility age—to the detriment of sanity. Their never-forsaken dreams of domestic and planetary racial conquest were given a Frankenstein-like jolt and boost by the Bush regime, which spoke directly to the predatory core of American myth and historical practice. Emboldened, they have snared Cynthia McKinney in one of their IRTs: Improvised Racist Traps. She awaits the decision of a grand jury.

The moral and political collapse of the Congressional Black Caucus could not come at a worse time—but it has occurred. Corroded by corporate money dependent on corporate media—with the near extinction of independent Black media—adrift in the gulf between the needs of the Black masses and the narrow aspirations of the minuscule hyper-mobile Black classes and still steeped in rank male chauvinism much of Black "leadership" cannot abide a genuinely progressive, charismatic female in their midst. Many also look on in sulking jealousy at the burgeoning unity and militancy of Latinos, whose grassroots are on the move and whose media support their cause.

The CBC cannot even support each other.

When CBC members urged Cynthia McKinney to forsake the truth, to hide the ugly fact of racial (and political, and sexual) profiling they gave enormous aide and comfort to the enemy. If there was one victory that African Americans had achieved in the post-Civil Rights era it was to make racial profiling legally, politically and socially unacceptable. This victory was the fruit of countless suitor demonstrations—all manner of political struggles—and the legacy of the legions of dead, maimed, jailed and humiliated victims of profiling who became the focus of sustained Black action.

September 11 provided the excuse to undo decades of anti-profiling victories. Profiling is reckoned to be a good thing. Now the racists seek to reestablish arbitrary and capricious white supremacy, with legislation that would de facto deputize every police officer as an agent of "homeland security" who need not respect the constitution in the case of "suspected" undocumented immigrants. At that point, all persons of color become grist for the suspicion mill. Just as the Capitol policeman chose not "recognize" Cynthia McKinney as a congressperson, any cop could willfully fail to recognize his fellow Americans and strip them of their rights. Such a regime already exists in designated "drug zones" in urban America where everyone is suspect.

Yet the CBC allows Republicans and racist Democrats to jeer and bully Cynthia McKinney into a legal cul-de-sac because she dares to cite profiling.

The masses of African Americans know the deal—they are profiled constantly in stores, when observed outside their neighborhoods, on the highways, when breathing while Black. McKinney's version of events does not seem bizarre to them. Although the laughing racist hyenas convince each other—with the tacit help of be chair Mel Watt—that McKinney is on the ropes, it is the Black constituents of Dekalb County who will decide if she is "crazy" for standing up for her (and our) dignity and rights.

When McKinney arrived back in Atlanta shortly after her confrontation with the uniformed profiler, State Representative Tyrone Brooks, president of the Georgia Association of Black Elected officials, was among those to greet and support her: "It's really not about Cynthia McKinney," said Brooks. "It's about African-Americans in America who are victims of racial profiling every day."

Much of the Congressional Black Caucus seem to have lost touch with this reality. As a body, they have lost their moorings, and must be rehabilitated, surgically. A bunch of them have got to go.

BC Co-Publishers Glen Ford and Peter Gamble are writing a book to be titled, Barack Obama and the Crisis in Black Leadership.

HONORING OTTO W. "BILL" MEYER OF MARION, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize a man who is a legend in Kansas journalism and his community, a man not afraid to challenge an issue even if it rocked the boat, man who let his readers know what they needed to know, a man who served his country and community with strong will and strong opinions, and a man who will be missed throughout Kansas. I am here today to honor a respected leader and friend—Bill Meyer.

Bill may best be known as the editor and publisher of the Marion County Record. During his 55 years of service to this weekly paper, he brought a fire to the paper establishing it as a challenge to the status quo. After graduating from the University of Kansas in 1948 with a bachelor's degree in journalism, he began his five and a half decade career. Bill didn't stop at just reporting the news. His active role in civil issues, including the construction of Marion Reservoir and the local football stadium, helped create good news for the city of Marion.

Bill's weekly column, "Mostly Malarkey," gave voice to his strong opinions. These challenging positions often led to productive dialogues, but for others it led to violent reactions. On occasion his property and the newspaper office were vandalized. This past president of the Kansas Press Association has woken to slashed tires, egg-covered vehicles, and even a bullet hole in his office window. It takes a tough man to withstand the attacks he endured defending his fiery positions.

Bill also endured attacks while serving our country in World War II. He earned the Purple Heart for permanent injuries suffered from freezing temperatures during the Battle of the Bulge and the liberation of concentration camps in Bavaria. Bill was decorated by several European countries and his own for his service during the war. He continued to be honored after the war for serving his comrades and their memory by editing Checkerboard, a World War II newspaper, and facilitating tours of European battlefields.

It has been said that Bill was part of a dying breed in journalism—journalists who didn't write for the good of their career, but for the good of their community. Bill enjoyed success in career and community. Among others, he received awards from Kansas State University, the Kansas House of Representatives, and the International Society of Weekly Newspaper Editors. In 2004, he was inducted into the Kansas Newspaper Hall of Fame. In Marion, Bill gave back while serving as school board president, Kiwanis president, and president of the Marion County Hospital District. Bill became even more connected with his neighbors as an ambulance and bus driver.

Despite his many activities, family came first. Bill was a devoted husband to his wife, Joan, and a proud father, grandfather and great-grandfather. Our thoughts and prayers go out to the Meyer family. May the strength and courage demonstrated in his years of service help inspire us. We will not only remember Bill the way we saw him through our own eyes, but also by the way we saw the world through his eyes. The world is a better place because of him, and he will be greatly missed.

CONGRATULATING THE HONORABLE OTHA LEE BIGGS ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, it is with a tremendous amount of pride—and personal pleasure—that I rise today to honor one of the most outstanding public servants south Alabama has ever known, the Honorable Otha Lee Biggs, on the occasion of his retirement after serving his beloved Monroe County for over three decades.

Mr. Speaker, it was just a few years ago that I stood on the House floor to recognize Judge Biggs for being honored by the Coosa-Alabama River Improvement Association as the recipient of the Dr. R.F. Henry Outstanding Service Award, the highest award this respected organization can give.

For over three decades, Judge Biggs has been the leading advocate on behalf of the critical river system that runs throughout southwest Alabama and for the continued funding of necessary maintenance and dredging along this important artery of commerce.

Without question—and I would suggest that perhaps without equal—Judge Biggs deserves our eternal gratitude for a lifetime of public service. His dedication to the people of Monroe County is truly legendary.

In 1961, Judge Biggs got his first taste of public service when he served as Clerk of the Monroe County Commission following the death of Mr. L.L. Hendrix, who had served in that capacity for a number of years. He served on the commission for ten years. Even as a young man in high school, Judge Biggs worked in both the County Commission and Probate offices. No one will ever serve Monroe County in the future, in either of these two important positions, who came to the job better trained or more experienced than Judge Biggs.

On January 18, 1971, Judge Biggs took the oath of office as Probate Judge and Chairman of the County Commission for the first of what would turn out to be many consecutive six year terms. Immediately following his election to office in 1970, Judge Biggs, along with members of the County Commission, secured commitments from several large-scale corporations and businesses to build, relocate, and expand existing facilities in Monroe County, including Alabama River Pulp, FDR Plastics, Stayfast, Inc., Vanity Fair Intimates, and B & B Cabinet Doors, LLC.

At the time—and as a direct result of his tireless work and tremendous leadership as well as the support from everyone else involved in the county's economic development programs—Monroe County led the entire state of Alabama in new job creation.

In addition to Monroe County's economic life, Judge Biggs has also been instrumental in helping the area preserve and promote its strong literary and historic heritage.

As the birthplace and home of such internationally known writers as Nelle Harper Lee, Truman Capote and Mark Childress, Monroe County has been firmly established as the "Literary Capital of Alabama."

For his part, Judge Biggs has done yeoman's work to ensure this reputation extends beyond county and state lines to reach an international audience. Recent publicity has brought a significant increase in the number of tourists to the area.

Judge Biggs was also instrumental in the creation of annual performances of the stage adaptation of Miss Lee's To Kill a Mockingbird. His work on behalf of the county museum and theater troupe has resulted in the production securing permission to perform on stage at the Kennedy Center in Washington, D.C. and at festivals in Great Britain and Israel, as well as a host of other U.S. cities.

Mr. Speaker, to list all of Judge Biggs' many accomplishments would take literally an entire volume of the CONGRESSIONAL RECORD unto itself. That said, no list of "accomplishments" would be complete without mentioning three key projects for which Judge Biggs deserves special commendation.

First, he has played a lead role in developing the Monroe County Airport into a 6,000 foot runway which gives it the capability of landing almost any size corporate jet. More recently, he has advocated working with the FAA in formulating a long-range plan for airport growth and development.

Second, Judge Biggs deserves considerable recognition for his efforts at saving the Old Monroe County Courthouse. Working with a committee established in the late 1980s, Judge Biggs oversaw the efforts to obtain state, federal, and private funds to restore this Alabama landmark to its new-found glory and home to a permanent exhibit of celebrated Monroe County authors.

And third, no one in southwest Alabama has been more persistent—or more deserving of credit—for the four-laning of US. Highway 84 from 1-65 westward to the Mississippi line than Judge Biggs. While Senator SESSIONS and I, along with Governor Bob Riley, have been pleased to play a small role in getting the initial funding to begin this massive project, the person who has worked over the past several decades to keep this a regional and state priority is none other than Judge Biggs.

Judge Biggs served for many years on the board of trustees for the University of South Alabama and fought tirelessly for the interests of thousands of students, faculty members, and staff who have been involved in the life of that institution since its founding in the early 1960s. In addition, he has been an active member of the Monroeville Civitan Club, the Monroe County Cattleman's Association and the Monroe County Conservation Club, to name just a few of the other groups that have benefited from his leadership.

Mr. Speaker, I have met few public servants as committed and dedicated to the well-being of their community as Judge Otha Lee Biggs.

His tenacity and work ethic are matched only by his kindness and generosity. It goes without saying but I am proud and deeply honored to have developed a strong friendship with him, as did my predecessors, Congressman Jack Edwards and Sonny Callahan.

Monroe County and, indeed, all of south Alabama have benefited greatly from his experience and wisdom. He is a true friend to many people, and it is a pleasure for me to ask my colleagues to join me in praising Judge Otha Lee Biggs for his accomplishments and extending thanks for his many efforts over the years on behalf of the citizens of the First Congressional District and the state of Alabama.

WATAUGA HIGH SCHOOL FOOTBALL TEAM

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. FOXX. Mr. Speaker, today I want to pay tribute to the Watauga High School football team of 2006. The Pioneers of Watauga High School in Boone, North Carolina set out with modest expectations and ended up just one game away from the state championship for 4A football. Along the way, they won 12 games and lost 3, and they set an example of character and perseverance that made a lasting impression on their school and their community.

This team frequently came from behind in the second half to win their games. Three times in the playoffs for the state championship, they won by one point. By scores of 20–19, 24–23, and 15–14, they advanced further toward that championship than any team from Watauga County in 28 years.

Watauga County, home to the Pioneers of Watauga High School, is a place that is used to taking pride in the academic quality of its schools but that has not often enjoyed similar success in team sports. On the academic side, the Watauga County School system is one of just three school systems in the state where all schools made Adequate Yearly Progress under No Child Left Behind last year. At Watauga High School, students achieve proficiency levels that are better than over 92 percent of high schools in the state, and average SAT scores are consistently well above the state and national average.

The football team, however, had not enjoyed a winning season in several years. They won just 4 games the previous season and only 2 the year before that. Success on the football field had to be built from the ground level. And as the success of the team gained momentum in this special season, it brought a new spirit and energy to Watauga High School and indeed to the whole community.

At the school, art students and teachers created designs for giant "W's" on the football field, and the w's appeared on every door at the school. The local Touchdown Club—which is not affiliated with the high school—fed the players and their families each Thursday night. Local businesses announced their support for the Pioneers on the marquees outside restaurants and hotels. In churches and stores, you could hear excited conversations about the team's success.

In the end, they did not capture the state championship, but they did achieve something of greater and more lasting importance: they demonstrated the values of determination, hard work, and courage in the face of adversity. They showed that a past of limited success does not stand in the way of a bright future. In proving that history does not have to be destiny, they provided a very real example of the best of the American dream and they lived at the heart of the American experience. Their school and their community are the better for it.

PROFESSOR EXPOSES FAKE SIKH SCRIPTURES, HINDU PLAN TO DESTROY SIKH RELIGION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TOWNS. Mr. Speaker, Professor Gurtej Singh JAS is a Professor of Sikhism and a very widely respected intellectual leader in the Sikh community. Recently, he wrote an article exposing the Dasam Granth, which is alleged by some Hindus to be a Sikh scripture. What apparently was done was to take a few of the writings of Guru Gobind Singh, the last of the Sikh gurus, and combine it with some sexually explicit material from a Hindu sect known as Shakat. The aim is to discredit Guru Gobind Singh and bring the Sikhs into the Hindu fold, according to Professor Gurtej Singh.

The authors of the Dasam Granth identify themselves within the text, yet many insist that the work was written by Guru Gobind Singh and should be equal to the Sikh holy scripture, the Guru Granth Sahib.

Professor Gurtej Singh commented that a leader of the militant Hindu fascist operation known as the Rashtriya Swayamsewak Sangh (RSS), which was formed in support of the Fascists, had commented that all the Sikh "high priests" including Akal Takht Jathedar Joginder Singh Vedanti are on the RSS payroll. Thus, they are cooperating in this effort by the Brahmins to destroy the Sikh religion. Nice trick in a supposedly secular country!

Also cooperating in this effort is former Chief Minister Parkash Singh Badal, who led the most corrupt government in the history of Punjab. These are the kinds of people with whom the Brahins choose to ally themselves.

This kind of control over the leadership of the Sikhs is one reason that they need their independence, to protect their identity and their safety before the Indians wipe them out, as they seek to do. Over a quarter of a million Sikhs killed since 1984 proves that. In addition, the Indian regime has killed over 300,000 Christians in Nagaland, more than 90,000 Muslims in Kashmir and 2,000 to 5,000 in Gujarat, as well as Christians and Muslims elsewhere in the country and Tamils, Manipuris, Dalits, Bodos, Assamese, and other minorities. Tens of thousands of people are held as political prisoners, according to Amnesty International. The Movement Against State Repression reported that India acknowledged holding 52,268 Sikhs as political prisoners. Many of these have been in illegal detention since 1984.

These political prisoners must be released at once and those who violate human rights must be brought to justice or we should stop all of our aid and trade with India. And we should put the U.S. Congress on record in support of freedom everywhere in South Asia in the form of a plebiscite on the subject of independence, under international supervision to ensure its fairness. Isn't that the democratic way to do things?

While Professor Gurtej Singh's article is too long to put in the RECORD, the Council of Khalistan did an excellent press release on it. Mr. Speaker, I would like to add that press release on the Dasam Granth fraud to the RECORD at this time for the information of my colleagues.

PROFESSOR GURTEJ SINGH EXPOSES DASAM GRANTH FRAUD

WASHINGTON, DC, DECEMBER 7, 2006—Professor Gurtej Singh, a leading Sikh scholar, Professor of Sikhism, and an advisor to the International Journal of Sikh Affairs, has published an extensive article exposing how Hindu fundamentalists have promoted the Dasam Granth, which contains very little of the work of Guru Gobind Singh, as his writing and as genuine Sikh scripture, parallel to the Guru Granth Sahib. He exposes the fact that "the Hindu plan to drag the Sikhs back to the Hindu fold" requires promoting the Dasam Granth and that this plan has received the support of such allegedly Sikh leaders as former Punjab Chief Minister Parkash Singh Badal and the high Sikh "high priests" led by Jathedar Joginder Singh Vedanti. Badal led the most corrupt government in Punjab's history, selling jobs for money, and regularly visits Hindu and other anti-Sikh places of worship, according to Professor Gurtej Singh.

Professor Gurtej Singh writes that Jathedar Vedanti "was given the task of actually dragging the Sikh panth into the fold of Hinduism." He notes that Jathedar Vedanti, like Mr. Badal, succumbed to the temptations of money. In order to carry out this nefarious plan, Professor Gurtej Singh writes, Vedanti embraced the Dasam Granth as genuine Sikh scripture, claiming that it was written by Guru Gobind Singh and was to be treated as scripture and canon. The Dasam Granth includes vivid, lewd descriptions of sex acts and other pornographic and obscene references that were added to Guru Gobind Singh's writing to make him look bad.

Professor Gurtej Singh notes that the authors of the Dasam Granth identified themselves in the text. Yet the Hindus insist that Guru Gobind Singh is the author and that the book is Sikh scripture. According to Professor Gurtej Singh, it is a scripture of the Shakat sect, who are worshippers of the Hindu goddess Shiva, as it reflects their mode of worship and their practices. "It has been a long standing Hindu desire to bring the Sikhs under the umbrella of the Shakat sect," he writes. "This involves getting them to accept some of the rituals of that sect as modes of worship." He goes on to write, "To propagate the dasam granth as Sikh scripture at par with Guru Granth, has been the aim of a section of the Hindu zealots and a section of the Media mostly controlled by such Hindus."

According to Professor Gurtej Singh, Mr. Sudarshan of the fascist, Hindu militant Rashtriya Swayamsewak Sangh (RSS), parent organization of the Hindu fundamentalist BJP, stated that all of the Sikh "high priests" including Vedanti are on the payroll of his organization.

"We appreciate and commend Professor Gurtej Singh for doing this outstanding work for the Sikh Nation," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "He is doing his job as Professor of Sikhism. The Sikh Nation commends him," Dr. Aulakh said. "Only about 60 pages of the Dasam Granth is the writing of Guru Gobind Singh," he noted. "The rest is later writings that were added and changed. Guru Gobind Singh gave guruship to the Guru Granth Sahib and ordered Sikhs to consider the Guru Granth Sahib as the living Guru," Dr. Aulakh noted. "The Guru Granth Sahib is the living Guru which Sikhs accept with reverence and respect. Recitation of the Dasam Granth should not take place in any Gurdwara," he said. "Sikhs should practice Rehat Maryada which was published in the 1940s by the SGPC after a long review and discussion by the Khalsa Panth."

Dr. Aulakh said that it is very disturbing that most of the Sikh leadership is under the control of the Indian government. "This campaign to destroy Sikhism by means of the Dasam Granth could not be taking place if we had our own homeland. We could more effectively stand up to India's ongoing effort to destroy the Sikh religion," he said. "Without political power, nations perish and religions are destroyed," he said.

India is on the verge of disintegration. Kashmir is about to separate from India. As L.K. Advani said, "if Kashmir goes, India goes." History shows that multinational states such as India are doomed to failure. "Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. There is nothing in common in the culture of a Hindu living in Bengal and one in Tamil Nadu, let alone between them and the minority nations of South Asia," Dr. Aulakh said.

"Freedom is the God-given right of every nation and every human being," said Dr. Aulakh. Sikhs must be allowed to have a free and fair plebiscite on the issue of Khalistan. In a democracy, you cannot continue to rule against the wishes of the people. As former Senator George Mitchell said about the Palestinians, 'the essence of democracy is the right to self-determination,' We must reclaim the sovereignty of the Sikh Nation," Dr. Aulakh said. "Currently, there are 17 freedom movements within India's borders. It has 18 official languages, A country having 18 official languages cannot hold its people together for very long," he said. "We hope that India's breakup will be peaceful like Czechoslovakia's, not violent like Yugoslavia's," Dr. Aulakh said. "Earlier this year, Montenegro, which has less than a million people, became a sovereign country and a member of the United Nations," he said. "Now it is the time for the Sikh Nation of Punjab, Khalistan to become independent."

Dr Aulakh stressed his commitment to the peaceful, democratic, nonviolent struggle to liberate Khalistan. "The only way that the repression will stop and Sikhs will live in freedom, dignity, and prosperity is to liberate Khalistan," said Dr. Aulakh. "As Professor Darshan Singh, former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh.'," Dr. Aulakh said. "We must free Khalistan now."

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE GREENPOINT YMCA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor in honor of the Greenpoint YMCA as it celebrates its 100th anniversary. This first rate organization enriches the lives of Brooklyn residents every day, and it is with great pleasure that I recognize its efforts on this momentous occasion.

The Greenpoint Branch stands as the second oldest YMCA building in Brooklyn and boasts a strong history of upholding its admirable mission—to promote positive values through programs that build spirit, mind, and body, welcoming all people with a focus on youth. This unwavering commitment to the tenets of community service and outreach sustains an engaged, more active citizenry, facilitating a culture of civic participation that will surely define our neighborhoods for generations to come.

Thanks to the leadership of the YMCA—its Founders, Board Members, Executive Director, staff, and supporters—local residents have access to a variety of educational and recreational activities that enable them to lead more fulfilled lives. From after-school programs to various health and wellness initiatives, the YMCA plays an integral role in the development of a more vibrant place to live. I commend its countless contributions toward the betterment of Brooklyn.

Mr. Speaker, I would like to express hearty congratulations to the Greenpoint YMCA in commemoration of its 100th anniversary and express best wishes for a successful future.

HONORING GERALD W. TOMANEK OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the life of Gerald W. Tomanek of Hays, Kansas, and honor his accomplishments and character.

Jerry was many things to many people—an educator, a comrade, a scientific expert, a husband and a parent. To me, Jerry was foremost a trusted friend.

Jerry and I met when I was a college student at Fort Hays State University. From the beginning, I was struck by his humble spirit and the genuine care he showed in his interaction with me. Not too many years after we first met, Jerry became President of Fort Hays State University. Years earlier, Jerry had attended the same institution when it was Fort Hays Kansas State College. As President, in 1977, he successfully led the effort to change the school's status to that of university. Today, thanks in large part to his vision, Fort Hays State University is one of the leading academic institutions in the Midwest.

In addition to serving as university president, Jerry was extensively involved in research and instruction. Growing up on the Great Plains, he was familiar, as all Kansans are, with the prairie. First as a student and then as a professor, Jerry learned more and more about this ecosystem and became one of the most renowned experts in the world on prairies. His expertise was sought by foreign governments and leading U.S. news organizations. The intimate knowledge and love he had of the prairie helped others appreciate and understand this unique landscape.

Since our first meeting, Jerry and I stayed in contact and developed a friendship. In our many conversations, I was always impressed with his knowledge, wisdom and kindness. I valued his advice. When my family and I decided I would run for the Kansas State Senate, I asked Jerry to be my campaign chairman. He kindly accepted and helped guide me to victory, despite a close race.

Jerry was not only a friend to me, but to most everyone who met him. He was one of those rare individuals whose warm personality and authentic care for others left all who met him better off. He had a way of affirming the worth of others that inspired them to achieve their best. Despite all of his academic and professional achievements, when friends share stories of Jerry, their message is the same: he was a good man who put others before himself.

It is this example of a life well lived that is his greatest contribution. I can think of nothing more honoring than to say that Jerry lived a life that called me and those who knew him to be better people.

HONORING THE MEMORY OF MR. WILLIAM N. YEAGER, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, Mobile and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

William N. Yeager, Jr., known simply as "Bill" to his many friends and family, was a devoted family man and dedicated community leader throughout his entire life. At the time of his death, he was the president of Timbes and Yeager, Inc., one of the most respected names in advertising in the entire State of Alabama.

Bill's company, although small in size, was both experienced and highly successful in all areas of advertising, public relations and marketing. Using his 50-plus years in the industry, Bill Yeager was one of those rare masters of his trade who, as the old saying goes, could truly sell ice to an Eskimo. And in so doing, Bill quickly earned the reputation as the "go to" man both in the world of business and the world of politics, especially throughout southwest Alabama.

To know Bill Yeager was to like Bill and to like him was to respect him, even if, on occasion, you found yourself on the opposite side of his talent and genius.

But make no mistake, Bill was also a teacher in every sense of the word and those who worked with him learned much. Moreover, the more you were around Bill the more you found him to be a kind, generous person who, while strong in his personal views and convictions, was also willing to make room for other thoughts and ideas that were not his own.

Those who worked with Bill, as I had the pleasure of doing for more than 22 years, came to know him as a man who wore many different hats. He had his hand in everything, and he was constantly in motion because he simply didn't have time to slow down; he had too many things yet to accomplish, too many friends yet to help.

And help he did.

Over the years, Bill served as president of Sales and Marketing Executives of Mobile, Junior Achievement, and Mobile Toastmaster Club. He was also a past board member and senior member of the Mobile Kiwanis Club.

But perhaps few things in life meant more to Bill Yeager than his beloved University of Alabama. Without a doubt, Bill was crimson and white through and through. He was one of the real leaders in the Red Elephant Club, as well as serving as president of the Mobile Chapter and district vice president of the University's National Alumni Association. Bill was also a member of the President's Cabinet.

This past football season was the first time in memory that Bill was not up in the stands of Bryant-Denny Stadium, pulling the Crimson Tide through to another victory.

Ralph Waldo Emerson once said, "The greatest gift is a portion of thyself."

Well, Bill Yeager was constantly giving . . . giving of his energy, his ideas and his talents to the people—and the things—that he loved.

First and foremost, Bill loved his work. He loved the people with whom he worked in his trade, and he considered both his clients, and the associates with whom he came in contact every day, a part of his extended family.

And Bill worked his heart out—every day he was at his office—trying to think of some new way, some better way he could help his friends succeed.

Fortunately, for those of us who knew Bill professionally, we also knew he was a master of his art, the best of the best. Without question, Bill Yeager was truly an institution, the likes of which we may never see again. And make no mistake, Bill's legacy of success—and goodness—will most certainly stand the test of time.

Bill Yeager loved Mobile; he loved Alabama; and he loved his Country. He was as patriotic a man as I ever knew and he was never ashamed to tear up when Old Glory was presented or the Star Spangled Banner was played.

Finally, there is not a person who ever sought public office in south Alabama not one—whether they were the beneficiary of Bill's brilliant mind or on the "receiving end" of his considerable talents—who loved Mobile—or was willing to do more to help Mobile and south Alabama move forward—more than Bill Yeager. That list includes congressmen, senators, mayors, governors and practically every other elected position on the ballot.

In life, there are always the givers and the takers.

Well, without a doubt, Bill Yeager was a giver.

But not only was he generous in spirit and good to the core, he had an unmistakable quality that is, sadly, becoming more and more rare with each passing day.

You see, Bill treated each and every person equally—with the same degree of courtesy and respect—from the people who sweep the floors, to the president of the company.

Moreover, he made everyone feel that their contribution—be it large or small had value and worth.

Finally, Bill Yeager loved his friends, his church and his family, and not necessarily in that order.

He was grounded in the faith of his salvation, and he had a twinkle in his eye whenever he talked about his beloved Betty and their children and grandchildren.

That, Mr. Speaker, is what made Bill Yeager so special and it is why I am using this opportunity to honor him today. In the end, he was a great teacher, a man with an endless amount of energy, one who had an amazing mind and an awesome spirit and finally, a man who was the epitome of a true friend.

Mr. Speaker, one of Bill's many admirers, Chip Drago, a longtime writer with the Press-Register and currently the editor of the Mobile Bay Times, penned the following tribute to Bill shortly after his death. With your permission, I would like to add Chip's piece to the CONGRESSIONAL RECORD.

BILL YEAGER, R.I.P.

(By Chip Drago)

"Many, many times at one political gathering or another, the scene was identical. Bill Yeager was easy to spot. Tall, thin guy. Dark suit. Red tie. Eyeglasses. Every hair in place. Standing on the fringe of the crowd. Right arm across his chest, hand tucked under the armpit, other hand against his left cheek, Jack Benny-like.

'Where's Rochester?', I'd say.

It got to be a standing joke. For a quarter of a century, half my life, a third of his.

Yeager positioned himself on the periphery purposely, usually on the highest ground available. To see, not to be seen. He perched like a bird of prey surveying a field or a river. He wanted to see it all while his client/candidate was being seen. His production, not his performance.

Yeager could be forceful and he could dominate a scene but rarely in public. He had enthusiasm, confidence and energy which were the byproducts of his success over more than 50 years in advertising and political consulting. As a consequence, he held strong opinions about campaign strategy. Most candidates gladly followed his advice. Others gradually adopted it. Some resisted. Yeager strove mightily to win them over to his view, not because his ego required him to be the boss but because he wanted the candidate to win. He wanted it for the candidate, for his family, for his friends and supporters and, yes, for himself. Sometimes, not often, the candidate could not be persuaded and Yeager accepted it, reluctantly because he knew he was right but also willingly because he never forgot that it was the candidate's campaign, not the consultant's.

He lost some. He won most.

Yeager was probably as or more competitive than any candidate he ever represented. And that list is truly breathtaking. From U.S. Rep. Jack Edwards in the 1960s to City

Councilman Ben Brooks' state Senate District 35 campaign this fall. What fell in between and Yeager touched in one way or another represents the history of politics and government in the Mobile area since the closing of Brookley Field.

Yeager had one quality that some thought endearing and others found amusing. He could have a dubious view of one elected official or another, particularly if the person was causing problems for another official who was a Yeager client. But let time pass and the suspect official become a Yeager client, well, the transformation was remarkable. What was once tawdry and dull suddenly shone.

As seriously as he took the needs of his clients, Yeager could laugh at himself a little bit, especially as he got older. But make no mistake; if you were a media person, Yeager was all about advancing the best interests of his clients. He believed that what he saw and what he heard filtered through the knowledge gained over the years was ultimately what gave weight to whatever he might say or recommend. Two eyes, two ears, one mouth. Use them in that proportion, in that order.

So there he is on the edge of the crowd, arm across his chest, hand captured under the armpit, other hand pressed to his cheek, eyes intent on the flow of folks in and out, here and there, who's with whom, sometimes leaning in to the person standing next to him, half listening, his eyes not leaving the crowd. But say something worth hearing and there were subtle changes. His neck craned in a little closer. His eyes left the crowd and focused on the speaker. His lower lip jutted out. You had his attention.

Time will pass. Candidates will come and candidates will go. Campaigns will be run. There will be fundraisers, receptions, kickoff announcements, press conferences and election nights. It is hard to imagine that Yeager won't be there just outside the frame taking it all in.

"Where's Rochester?"

Mr. Speaker, William N. Yeager, Jr. is survived by his wonderful wife, Betty; three daughters, Sherry Yeager, Susan Coffey and Cynthia Hilburn; one brother, Dr. Charles Yeager; six grandchildren and countless other relatives and friends. Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO USS "HYMAN G. RICKOVER" SSN 709

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to recognize the contributions of the crews, past and present, of the Submarine USS *Hyman G. Rickover* (SSN 709). On the 14th of December, this vessel will be inactivated, and its name struck from the rolls of U.S. warships. The contribution of this vessel to the defense of this Nation has been second to none, yet somewhat unheralded. From the Cold War through the current War on Terrorism, she and her crew have stood the watch. The *Rickover* served as a testament to the standards of excellence inspired by her namesake, the late Admiral Rickover. The father of the nuclear Navy, Admiral Rickover instilled a culture of technical excellence and individual responsibility in the Navy Nuclear Propulsion Program that continues to this day.

I would also like to commend the sponsor of this ship—Mrs. Eleonore Rickover, for her years of faithful support to the crew. She struck a chord at the ship's christening, when she said, "In the name of the United States, I christen thee *Hyman G. Rickover*. May God bless her and all who sail in her, and may God bless their families and loved ones, for they also serve who only stand and wait." Mrs. Rickover lived up to those words in the years since that day with generous and heartfelt support of the sailors and families of *Rickover*. Going far beyond an occasional appearance, she embraced the ship and her crew—interested, involved and caring. Her service was a fitting testament to the legacy of pride and service left by her husband, ADM Rickover, to the Naval nuclear power program, and the entire U.S. Navy.

Mr. Speaker, I ask my colleagues to join me in commemorating this exceptional Naval warship; her crew and their families; their sponsor, Mrs. Eleonore Rickover, and the man who brought our Navy nuclear propulsion, Admiral Hyman G. Rickover.

TRIBUTE TO THE REVEREND WILLIAM AND MARJORIE BUEHLER

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GRIJALVA. Mr. Speaker, I stand today to recognize 50 years spent together by Rev. William and Marjorie Buehler in marriage and in service to those in need.

Since their marriage to each other began, the Buehlers have shown complete dedication not only to themselves but to several communities of central Mexico. As Presbyterian missionaries, William and Marjorie worked tirelessly to bring schools, running water, and inoculation centers to those who previously had absolutely no access to these resources, living in isolated villages in the State of Oaxaca.

Upon their return to the United States, the Buehlers established themselves close to the heart of Arizona, in Superior, where they soon became favored residents of the area. Reverend Buehler worked admirably as the pastor of two churches in the community, and for his efforts to improve the health of residents and the local environment, was honored with Superior's Man of the Year award. Marjorie Buehler also served Superior at that time as an elementary educator.

Even after retirement, the list of achievements accumulated by the Buehlers continued to grow and bring optimism and hope to those they served. Recognizing critical issues rising along the border of Arizona and Mexico, the Buehlers endeavored to establish border missionaries to address the needs of workers facing tragic conditions in maquilladora factories located in the dangerous region.

To this day, they continue to do volunteer work at Tucson's Primavera Homeless Shelter, and the Tucson Historical Society. It is a fitting tribute to honor these two lives dedicated to the less fortunate of the world, while cultivating a lasting marriage and family.

PERSONAL EXPLANATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. NORWOOD. Mr. Speaker, on rollcall No. 528: waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, and for other purposes, had I been present, I would have voted "yes."

WILLIAM GREEN NOTES VITAL IMPORTANCE OF COMMUNITY COLLEGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, on November 23, William D. Green, chairman and CEO of Accenture, published a very important article in the Boston Globe on the vital role of two-year colleges. As Mr. Green notes, "America's system of junior and community colleges has proved to be powerful and very effective in preparing students for success at 4-year colleges and beyond." Mr. Green speaks from very relevant experience, both as someone who himself attended Dean College, a 2-year school in Franklin, Massachusetts, and as a leader in American business. He thus understands the importance of community colleges both as one who benefited from a community college education and one who now draws on community college graduates, among others, to staff his important company.

Mr. Speaker, Mr. Green does note one trend that I think we should all be trying to overcome—namely, that "state support (of community colleges and junior colleges) continues to decline." Many people with whom I have discussed the problem of inequality in America have noted that the most important thing to do to help close that gap is to increase educational opportunity. I profess to be somewhat skeptical that this is going to do as much as many argue, but that is no reason not to go forward with increased educational opportunity as much as we can. And this will not happen if we allow "state support (to) continue to decline" for these schools. They are an essential avenue for young people from families that are not affluent to begin achieving a college education.

Mr. Speaker, I hope my colleagues will read Mr. Green's words and accept the relevance of what he says to our job of increasing public support for higher education. I am grateful to Mr. Green for sharing his experiences with us on this important point.

[From the Boston Globe, Nov. 23, 2006]

THE VITAL ROLE OF COMMUNITY COLLEGES

(By William D. Green)

Americans finally have an issue on which they can all agree. If the country hopes to sharpen its competitive edge, it will take a significant investment in education, especially math and science. America must also boost their analytical thinking to address challenges and innovate in business and society.

Often overlooked and under appreciated, not unlike the people who attend them, these colleges can help enhance the Nation's competitiveness, improve the skills of the workforce, and contribute to a more fulfilling life for millions of citizens.

The son of a plumber and a school secretary in western Massachusetts, I had the good fortune to attend Dean College, a two-year residential college in Franklin. My two years at Dean focused me, taught me to appreciate the value of continuing my education, and provided me with the foundation for building a career in global business.

America's system of junior and community colleges has proved to be powerful and very effective in preparing students for success at four-year colleges and beyond. The potential of these institutions to raise the game of those who attend and to enhance our Nation's competitiveness is clear.

The challenge is to keep community colleges and junior colleges strong at a time when State support continues to decline. Many who have chosen to attend a junior or community college have found that the experience can lead to exciting places. Graduates can be found in Congress and on the judicial bench. They've flown aboard the space shuttle, commanded troops, and written for major publications. Some, like me, run large corporations.

These colleges mirror the communities they serve. They enable students to continue their education at an affordable cost, develop careers in a range of fields that is expanding all the time, and, more frequently nowadays, change careers to find greater job satisfaction and fulfillment.

In healthcare alone, nearly two-thirds of the industry's new workers have studied at community colleges. As the number of baby boomers who are near or at retirement age swells and the need for healthcare services grows, community colleges will fill an important gap in the workforce.

In addition to teaching people new skills, junior and community colleges often help students learn how to learn—to gain the kind of solid footing it takes to continue their education. Research shows that students who transfer from a two-year institution to a four-year college or university are often more successful than those who start at a four-year institution.

As a society we need to applaud the accomplishments of two-year college graduates and encourage baccalaureate institutions to accept transfer students who have proved they can be successful students.

In the long run, junior and community colleges not only help students gain confidence in their ability to learn, but they also provide them a foundation for achieving better jobs.

The potential ripple effect on the economy is obvious. As the world becomes flatter and we're faced with new global competition, we must redouble our efforts to ensure that future generations of Americans enjoy a standard of living that matches or surpasses our own.

A strong system of junior and community colleges with stepped-up support—financial or otherwise—from business leaders, legislators, and educators can go a long way toward making that goal achievable.

If junior and community colleges win, we all win.

TRIBUTE TO DEMARIS MARSH

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of DeMaris Marsh of Brandon, Florida, a tireless advocate for America's seniors. Dee's passing last week is a tremendous loss to our community.

Dee devoted countless hours to helping improve the lives of seniors. She was an extremely dedicated volunteer for the AARP, serving the organization and its members in numerous ways. She volunteered as State Director of the AARP in Arkansas and served on the AARP National Legislative Council and the Florida State AARP Legislative Council.

As a Member of Congress, Dee was an invaluable resource to me because she was a strong voice for Florida's seniors. As a member of my Long Term Care Advisory Board, Dee provided important insight into many of the issues and federal programs affecting seniors. I know she advised numerous other legislative and political officials as well.

Dee was also committed to providing direct assistance to her fellow seniors. She taught AARP Driver Safety courses and volunteered as an AARP Tax-Aide counselor, helping seniors complete their federal tax forms. Jeff Johnson, AARP Florida's Grassroots and Community Outreach Manager said it best, "Dee Marsh was a wonderful human being, an impassioned advocate for Floridians 50 and older, and a devoted volunteer for AARP. Through her many years of advocacy efforts, she was a part of helping improve the lives of millions of older Americans. We at AARP Florida will miss her kind heart, sharp mind and gracious Southern charm."

I too will miss Dee and her devotion to helping legislators, like me, better serve the needs of our community. On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to Dee's family.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BECERRA. Mr. Speaker, on December 5 and 6, 2006, I was unable to cast my floor vote on rollcall numbers 524, 525, 526 and 527. The votes I missed included a motion to suspend the rules and agree to as amended, H. Res. 1070; a motion to suspend the rules and pass, as amended H.R. 1176; a motion to suspend the rules and pass H.R. 6099; and a motion to suspend the rules and agree to H. Res. 1082.

Had I been present for the votes, I would have voted "yea" on rollcall votes 524 and 527, and "nay" on rollcall votes 525 and 526.

CONGRATULATING HASBROUCK HEIGHTS HIGH SCHOOL ON RECEIVING A PACEMAKER AWARD

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ROTHMAN. Mr. Speaker, I rise to congratulate the dedicated students and faculty at Hasbrouck Heights High School who have made The Pilot's Log an award-winning and exemplary newspaper year after year.

This November, students earned top honors from the National Scholastic Press Association by capturing a Pacemaker Award—the third in four years. Widely considered the Pulitzer Prize of high school journalism, this award is a testament to the outstanding writing, photography, layout, and management skills that students learn at Hasbrouck Heights High School. Journalism is a difficult profession and learning to meet deadlines and juggle priorities is challenging at any age.

I am extremely proud of the 2006 Pilot's Log editorial staff: Matthew Connors, Wade Friedel, Harvir Kaur, Brielle Marino, Joseph Marino, Kaitlin Olcott, Russell Piazza, Prachi Prachi, Nishit Raval, Robert Spindler, Caitlyn J. Walsh, and Nicole Weingartner. I also applaud their teachers and families, who encouraged and helped them along the way. Pilot's Log advisers Lora Geftic and Gary Pankiewicz deserve special recognition for the quality of their teaching.

It is an honor to represent so many individuals dedicated to the values and ideals of journalism. I am especially pleased that a Pacemaker Award has gone to a student newspaper written, printed, and distributed in my own Congressional District. I again offer my congratulations to the award-winning students and teachers at Hasbrouck Heights High School for the consistent, first-rate reporting in The Pilot's Log. Keep up the good work!

IN RECOGNITION OF THE LYNDON BAINES JOHNSON SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to congratulate the Lyndon Baines Johnson Public School 151K, located in Brooklyn, New York, on its centennial anniversary. Since its inception, Lyndon Baines Johnson School has maintained a standard of academic excellence, thereby enriching the lives of elementary schoolchildren throughout Bushwick.

Originally known as Public School 151K, Lyndon Baines Johnson School exemplifies Bushwick's historical dedication to establishing a community-oriented school system. Its name honors the significant achievements of President Lyndon Baines Johnson—from fighting poverty and promoting urban renewal to investing in education and social programs. It is ultimately through upholding the legacy of its namesake that this institution has fostered the personal progress of countless students and, moreover, the growth of a more vibrant place to live, work, and play.

Lyndon Baines Johnson School is a community public school with a dedicated staff that continues to nurture the intellectual development of hundreds of students. Its partnerships with the private and public sectors have strengthened this institution's programs thereby enabling comprehensive support services, encouraging parent participation, and connecting families. Additionally, through the exceptional leadership of Principal Jeanette Sosa and Assistant Principal Stuart Spector, this award-winning school has effectively advanced a culture of civic, socially-minded students devoted to the interests of Bushwick—and our Nation.

This unwavering commitment to advocacy and respect for individuals has been the cornerstone of this remarkable learning institution throughout its 100-year existence. Therefore, Mr. Speaker, please join me in congratulating the students, faculty, and parents of the Lyndon Baines Johnson Public School 151K on this momentous occasion.

RECOGNIZING ALABAMA STATE SENATOR GARY TANNER FOR HIS DEDICATED, FAITHFUL PUBLIC SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize Alabama State Senator Gary Tanner for his dedicated, faithful public service to the citizens of Mobile County.

Senator Tanner is a distinguished member of the Mobile, Alabama, community and a tremendous advocate for all of south Alabama. He began his public service career as a Mobile County Commissioner in 1992 and was elected to the Alabama State Senate in 2002.

During his career in the Alabama State Legislature, Senator Tanner worked tirelessly on behalf of south Alabama and served as chairperson of the Energy and Natural Resources Committee.

Of particular significance, Gary was awarded the Tillman's Corner Citizen of the Year award in 1980 by the Tillman's Corner Area Chamber of Commerce. In 1989, he was selected as Business Associate of the Year by the Mobile Bay Chapter of the American Business Women's Association. He has also received the Able Helmsman Award in 2000 by the Mobile Labor Council, the State Employee's Rusty Hook Award in 2002, and the Mobile Democratic Executive Committee's Award of Distinction in 2004.

Mr. Speaker, the faithful service of outstanding Americans like Gary Tanner has aided in an immeasurable way to the well being of our community. I would like to offer my congratulations for his many personal and professional achievements. I know his daughters, Bonita Tanner and Dawn Tanner-Smith; his grandchildren, Benjamin, Sarah, Will, and Drew; and his other family and many friends join with me in honoring his accomplishments and extending thanks for his many efforts on behalf of the people of Mobile and the entire State of Alabama.

TRIBUTE TO DETECTIVE JACK BRASHEAR

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. BERKLEY. Mr. Speaker, I rise today to ask you and all of my colleagues to pause for a moment to listen to a story about an everyday American who died before we could thank him for his selfless service to others.

Police homicide detective Jack Brashear, is like so many who walk among us each day. They quietly protect and defend us and are rarely noticed or thanked before they are gone.

Detective Jack Brashear was such a man. Just months ago, he lost his life. But his legacy lives. His story continues to touch others as it is spread by those who only learned of it while he lay in a hospital fighting for his life.

Baltimore, Maryland Police Department Homicide Detective Jack Brashear had a full life of his own. Last January, off-duty and en route to a celebration with a loved one, he stopped on the side of a highway to help a woman with a flat tire.

He was struck by another car while aiding a woman he'd never met. Detective Brashear spent the next 7 months hospitalized in intensive care trying to recover and return to those he loved.

He never left the hospital. But while he was there . . . his name, and the kind of selfless man he was, became known to hundreds and thousands more, as his struggle began to touch more lives each day, moving beyond the hospital walls—even beyond state lines.

Jack had not followed his father and brother into their family's law practice in Texas. He chose the less compensated and lower profile path of fighting for those who could not defend themselves when he became a detective in the Violent Crime Child Abuse Section of Houston's Police Department.

He moved to the Baltimore Police force saying he wanted to continue to "do something that mattered; to help people by keeping the world safer", which is what he did for the last 26 years until the day he noticed one more person in need of his help—someone stopped on the side of the highway hoping someone would notice her despair.

And that's why we stop what we're doing right now and reflect on Detective Jack Brashear. Because he and thousands of other Americans like him, notice every day the people around them who are wounded or helpless. They do not turn their backs on them. And they do not ask for pats on their own backs.

Today, may we give back to Detective Brashear what he did not ask for or get in life: his country's recognition of his service, of his humility, and his invaluable role in our society. We give him our deepest thanks.

I ask you to join me in offering that same recognition to all the "Jack Brashears" who daily walk unheralded among us. We do not know your names, but we know you are there.

If no one has thanked you, if no one has noticed the depth of your personal commitment or sacrifice—consider it noticed today. And consider that our thanks to you, and to Jack, will never be enough for all you have done.

TRIBUTE TO MGM BRAKES ON ITS 50TH ANNIVERSARY

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WATT. Mr. Speaker, I rise today to honor MGM Brakes, headquartered in Charlotte, NC, on its 50th anniversary.

MGM Brakes is a division of Indian Head Industries, Inc., also headquartered in Charlotte, NC, and maintains manufacturing facilities in Cloverdale, CA and Murphy, NC.

MGM Brakes was founded in 1956 and is a leading U.S. manufacturer of spring parking brakes and actuators for vehicles with air brakes. Fifty years ago the company's founders (Miller, Gummer and Meyers) invented the spring brake actuator to prevent air braking failures in heavy, over-the-road vehicles that usually resulted in runaway vehicles. MGM Brakes is now a leading world-wide supplier to the commercial vehicle industry and its actuator products have become standard equipment on more than 125 makes of commercial vehicles currently manufactured in over 40 countries.

Mr. Speaker, I am proud to pay tribute to MGM Brakes and its employees for 50 years of pioneering technology and innovative products that have helped increase the safety of commercial vehicles, transit buses and school buses across the states and around the country.

HONORING JEANETTE L. STERNER OF HOLLY LAKE RANCH

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to recognize the outstanding contributions of COL Jeanette L. Sterner of Holly Lake Ranch in Wood County, Texas. Colonel Sterner has spent a lifetime in service to her country in the United States military and in the process has earned a multitude of honors including: the Meritorious Service Medal; an Army Commendation Medal; an Army Achievement Medal; an Army Reserve Component Achievement Medal; a National Defense Service Medal; a Global War on Terrorism Service Medal; an Armed Forces Reserve Medal; an Army Service Ribbon; and a Sharpshooter Badge.

During her years of service to the United States, she also earned five State awards: the Oklahoma Meritorious Service Medal; the Iowa Achievement Medal; the Iowa Commendation

Medal; the State of Texas Medal of Merit; and the Texas Adjutant General Individual Award.

Jeanette's service to her country does not end with her military heroism. She has also served her local community in a variety of ways including youth involvement. She has worked as a school psychologist for Sacred Heart Catholic School, for Mount Saint Mary's High School, for Christ the King School, and has even managed to find time to serve as a youth director for her church.

She has earned numerous civilian awards and memberships for her efforts, including Who's Who in American Universities and Colleges, Who's Who in America, Who's Who in the South and Southwest, Biographee for the Directory of Distinguished Americans, and Personalities of the South.

Jeanette currently serves as president of the Homeless Veterans Services of Dallas, working diligently to obtain single residence housing for homeless veterans. In addition, she serves as president of the Women's Auxiliary of the Greater Hawkins Veterans Association, maintaining a memorial in honor of local veterans.

Without a doubt, Jeanette's service to her community is extensive, and on behalf of the people living in the 5th District of Texas, I applaud her for her commitment to both her community and her country.

THANKING MR. WILLIAM CHAMP FOR HIS SERVICE TO THE HOUSE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. EHLERS. Mr. Speaker, on the occasion of his retirement this month, we rise to thank Mr. William Champ for his long career of outstanding service to the U.S. House of Representatives.

William Champ has been an employee of the Furniture Division, Cabinet Shop of the Office of the Chief Administrative Officer of the House for 30 years. During that time, he has earned the respect and admiration of his fellow co-workers. Bill is a person of great character and will leave behind a legacy of professionalism, hard work and dedication to the institution. His list of accomplishments is far too lengthy to include in this tribute, but includes the lecterns in the House Chamber of the U.S. Capitol Building that every Member of Congress uses during each session, a key fixture seen by millions of people all over the world. Bill was a key member of the team that designed and constructed the lecterns. He was also instrumental in the renovation of the audio/video upgrade of the Ways and Means Committee Room.

Bill's retirement is bittersweet; the House will lose an individual who from day one of his employment made a long term commitment to excellence. His performance has always been exceptional and above and beyond expectations. His legacy will live on in the Chamber of the U.S. House of Representatives as we wish him many wonderful years of happy retirement.

PRAISING THE GOALS OF THE 2006 NATIONAL RAIL SYMPOSIUM

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LYNCH. Mr. Speaker, on November 15, 2006, I had the opportunity to address the 2006 National Rail Symposium, presented by Citizens for Rail Safety, Inc. at the National Press Club in Washington, DC.

Attended by rail worker union representatives, rail industry experts, transportation scholars, and local and Federal political leaders, the symposium served to further highlight the glaring gaps in America's rail security and specifically, bring attention to the lack of basic emergency and antiterrorism training for our Nation's rail workers.

Notably, the symposium marked the release of a key rail security study prepared by the National Labor College (NLC) entitled: "Training in Hazmat and Rail Security: Current Status and Future Needs of Rail Workers and Community Members." As noted by the NLC, our Nation's rail workers currently lack basic and necessary emergency prevention and response training, particularly with respect to Hazmat incidents, and must work in rail cars and on rail tracks, yards, and basic infrastructure that are poorly secured.

The NLC's study comes on the heels of a 2005 rail worker safety report prepared by the International Brotherhood of Teamsters Rail Security Conference, entitled "High Alert: Workers Warn of Security Gaps on Nation's Railroads." Based on over 4,000 surveys completed by members of the Brotherhood of Locomotive Engineers and Trainmen and the Brotherhood of Maintenance of Way Employees Division, the report reveals that 84 percent of the rail workers surveyed indicated that they had not received any or additional terrorism prevention and response training within the last year and that 64 percent indicated that they had not been trained on their role in their railroad's Emergency Action or Emergency Response Plan.

Mr. Speaker, I would like to associate myself with these reports, as well as the goals of the National Rail Symposium, given the importance of providing our rail workers with adequate emergency, anti-terrorism, and security training. For this reason, I have also urged my colleagues to adopt H.R. 4372, the Rail Worker Emergency Training Act, which I have introduced in the 109th Congress. This bill would require the Secretary of Homeland Security to develop comprehensive rail worker training guidelines that address several key areas, including critical infrastructure and equipment security inspection, hazardous material storage, transport, and monitoring, and evacuation procedures. In addition, the bill would require rail carriers to develop a rail worker training program based on the Secretary's guidelines and to train all of their workers within 1 year.

In closing, I would like to commend Citizens for Rail Safety, Inc. and the National Labor College for their efforts to heighten security and preparedness on our Nation's railways.

TRIBUTE TO JUSTIN WHITEFIELD

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BOREN. Mr. Speaker, I rise today to honor Justin Whitefield, successful attorney, dedicated father, tremendous leader, and tireless advocate for agricultural development throughout Oklahoma and the Nation.

A native of Pauls Valley, Oklahoma, Justin Whitefield attended Oklahoma State University, earning a degree in Business, excelling in his studies and regularly recognized for his campus-wide leadership. Later attending the University of Oklahoma Law School, Justin Whitefield earned his Jurist Doctorate, repeating his academic excellence and class leadership.

Throughout his career Justin Whitefield was a forward thinking individual, helping better the community through his dedication to helping others and his commitment to youth and agriculture. Examples of his initiatives and contributions are the growth of scholarship programs through the Oklahoma Youth Expo to young people, the development and implementation of collegiate programs such as the Oklahoma Agricultural Leadership Encounter program, and the Oklahoma Youth Expo College 101 and the Academic All State Scholarship Program. While his primary focus was to bring recognition to others by honoring individuals through the Oklahoma Youth Expo Exhibitor Hall of Fame, he was also progressive in his ideas for events such as the Western Art Exhibition, the Master Showmanship Contest and the Cattle Fitting Contest.

In his most recent assignment as Executive Director of Oklahoma Youth Expo, Justin Whitefield's accomplishments were far-reaching. Prior to joining Oklahoma Youth Expo, he served as General Counsel for the Oklahoma Farm Bureau, served as an Attorney specializing in Government Relations for Derryberry, Quigley, Solomon and Naifeh Law Firm and served as President and Chief Lobbyist for Capital Resource Group.

As a result of an airplane accident, Justin Whitefield lost his life on November 4, 2006. He was not only a leader in Oklahoma, but he was my friend. We worked together during my service in the Oklahoma Legislature. I always found him to be a man of character, faith, and honor. We will truly miss him.

I am proud, Mr. Speaker, to thank him for his contributions to others, specifically the young people of Oklahoma.

USS "OKLAHOMA"

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BOREN. Mr. Speaker, I rise to commemorate the groundbreaking of a memorial to the USS *Oklahoma,* which sank 65 years ago today in the 1941 attack on Pearl Harbor.

Commissioned in 1916, the 583-foot USS *Oklahoma* escorted President Woodrow Wilson to and from France at the conclusion of

World War I. She served in both the Atlantic and Pacific fleets through the 1920s and 1930s, and when the Spanish Civil War erupted in 1936, she steamed to Bilbao to ferry American citizens to safety in Gibraltar and French ports. One year and a day before the Japanese attack, the *Oklahoma* was assigned to Pearl Harbor.

The casualties aboard the USS *Oklahoma* represent the second-largest loss of life aboard any Pearl Harbor ship. Yet neither memorial nor marker exists to commemorate her and her crew. With today's groundbreaking at Pearl Harbor, we mark a significant step toward the creation of a lasting memorial to honor the 429 sailors, officers and Marines who perished on the "Okie," many of whom until 2002 rested in unmarked mass graves.

I am proud to have worked with Congressman COLE and the other members of the Armed Services Committee to pass language in the 2005 Defense Authorization Act providing a site for the memorial. But the real credit for making this project a reality goes to the *Oklahoma*'s remaining survivors, the people of the State of *Oklahoma* and the USS Oklahoma Memorial Committee, which is raising private funds for the memorial.

I hope that this long-overdue tribute provides some comfort to the *Oklahoma*'s survivors and their families, knowing that their sacrifices that day will never be forgotten.

IN MEMORY OF ARMY SGT. FIRST CLASS WILLIAM R. BROWN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. GRANGER. Mr. Speaker, I rise today to honor the courage of a young hero from my district. November 6, 2006, Army Sgt. First Class William R. Brown (1st Battalion, 3rd Special Forces Group) was killed in the line of duty when a roadside improvised bomb exploded near his Humvee vehicle in Sperwan-Gar, Afghanistan, which is part of the Panjwayi District of Kandahar. He was in support of Operation Enduring Freedom. Brown enlisted in the Army in June 1994, 2 weeks after graduating high school.

Sgt. Brown's family and friends remember him as a person with integrity and a strong desire to service his country through a career in the military. He is also remembered for his devotion to his wife, Audra, and two children.

A native of White Settlement, Texas, Sgt. Brown graduated from Brewer High School and began Army basic training 2 weeks later at Fort Benning, Georgia. His first assignment was with the 3rd Battalion, 75th Ranger Regiment. With that unit, he rose to the rank of squad leader and operations sergeant. After serving 7 years with the 75th Ranger Regiment, Sgt. Brown was transferred to Dallas, Texas, where he was an Army recruiter for 2 years.

Following the 9/11 terrorist attacks, Sgt. Brown decided to join the Army's elite Special Forces. In 2004, he completed the rigorous Special Forces Qualification Course and was assigned to the 1st Battalion, 3rd Special Forces Group (Air Borne) which is based at Fort Bragg, North Carolina. After becoming a Special Forces member, he served with great distinction and valor one tour of duty in Iraq and was on his second tour of duty in Afghanistan when he was killed. Sgt. Brown volunteered for both tours of duty in Afghanistan.

During his career, Sgt. Brown earned the Bronze Star Medal for Valor, an Afghanistan Campaign Medal, a Global War on Terrorism Expeditionary Medal, a Global War on Terrorism Service Medal, a Meritorious Service Medal, an Army Accommodation Medal, an Army Achievement Medal and a National Defense Service Medal.

It is the qualities of incredible courage, strength, and pride in service of country which we see in young heroes like William R. Brown that makes us appreciate the freedoms we have here at home. I am proud to honor Sergeant Brown's service to the State of Texas, where he entered the service, and to the United States of America. He will not be forgotten.

ON THE CENTENNIAL OF TRINITY BAPTIST CHURCH IN RICHMOND, VIRGINIA

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to honor an institution in the City of Richmond, VA. This year, Trinity Baptist Church is celebrating its centennial and I would like to take some time to recognize its history of service as a house of worship in Richmond during the last 100 years.

The church that we know as Trinity Baptist began in 1906 as the Sixth Mount Zion Sunday School class, which met at the home of Marcellus Waller, Sr., and Nannie Waller at 1007 West Leigh Street in Richmond. As this faith community grew, the idea was put forth to formally organize a church, and Brother Charles Thompkin suggested they call it Trinity. After a consultation with a representative from the Baptist Churches, Trinity Baptist Church was established on August 6, 1906, with Rev. James Williams as its first Pastor.

Under Pastor George Carrington, who led Trinity from 1915–1919, a new sanctuary was built at 1630 Rose Avenue. In 1960, Trinity had again outgrown its building, and Pastor King David Turner appointed a Planning Committee to find a new home for the church. Pastor Turner's work was continued by Pastor Welford David Adkins, who led the church through the purchase of land and construction of a new 1,000 seat sanctuary in 1972.

For the last 26 years, Trinity Baptist has been ably led by Rev. A. Lincoln James. Under his stewardship, Trinity has increased its staff to include Ministers of Fine Arts, Economic Development, Christian Education, and Children and Youth. Trinity's daily bag lunch feeding program and clothes closet literally feed the hungry and clothe the poor. The church's work with Caritas Charities Prose Ministry helps the homeless, and its Angel Tree program ministers to prisoners. Rev. James has also licensed or ordained over 60 sons and daughters of Trinity into the gospel ministry, and he oversaw the ordination of the church's first female deacons in 2004.

I would like to once again congratulate Rev. James and the members of Trinity Baptist on their centennial and wish them another century of continued service to their community.

HONORING THE DECENNIAL SEASON OF THEATRE HUNTSVILLE

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. CRAMER. Mr. Speaker, I rise today to congratulate the members, staff, volunteers, and patrons of the Theatre Huntsville during their decennial season. The 2006–2007 season will include performances of Noises Off, Proof, Romeo and Juliet, Crossing Delancy, To Kill a Mockingbird, Nunsense, and A Midsummer Night's Dream.

Theatre Huntsville is the second-oldest performance organization in the city of Huntsville, presenting its first performance in 1950 as the Huntsville Little Theatre. In 1979, the Huntsville Little Theatre merged with the Twickenham Repertory Company to form today's performance group.

Mr. Speaker, Theatre Huntsville strives to foster, encourage, and strengthen interest in the dramatic arts. In addition to its yearly performances, the Theatre's volunteers mentor others in the community in areas of acting, directing, and all other aspects of community theater through discussions, lectures, workshops, apprenticeships, and tutorials.

Mr. Speaker, throughout the 2006–2007 season, Theatre Huntsville will celebrate their decennial season. I rise today to join in their celebration.

IN MEMORY OF MAYOR TIM LESLIE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Tim Leslie, Mayor of Aubrey, in the 26th District of Texas. Mr. Leslie was a courageous leader devoted to the best interests of his community.

Mayor Leslie dedicated his life's work to the citizens of Aubrey. During the 1980's, he was elected to two terms as Mayor. Mr. Leslie's commitment to local children led him to serve on the school board for over a decade. When Mr. Leslie was elected Mayor again in 2003, he championed modern improvements to community and school facilities, and promoted cooperation between the city and schools of Aubrey.

As Mayor, Tim Leslie directed projects for the building of a new library and a water treatment facility. After being diagnosed with pancreatic cancer this year and enduring intensive chemotherapy treatments, Mr. Leslie courageously continued to fulfill his obligations as Mayor.

In addition to his career in local government, Mr. Leslie served as editor and publisher of the City of Aubrey's weekly newspaper, The Town Charter. As a founding member of the Aubrey Lions Club, he was also active in the Aubrey Chamber of Commerce and Aubrey Education Foundation. His legacy of public service will long benefit the City of Aubrey.

Mayor Leslie is survived by his wife, Allison, and their three children.

Mr. Speaker, I am proud to honor the memory of such a courageous individual. Mayor Tim Leslie was a dedicated public servant, and serves as a role model to all citizens. I extend my sincerest sympathies to his family and friends. He will be deeply missed and his service to his community will always be greatly appreciated.

HONORING THE LIFE OF DEARBORN, MICHIGAN MAYOR MICHAEL A. GUIDO

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. DINGELL. Mr. Speaker, I rise today with a heavy heart to honor the life of a great friend and wonderful public servant, Dearborn Mayor Michael A. Guido, who passed away December 5, 2006 after losing his battle with cancer.

Mayor Guido was elected the youngest person to ever serve on the Dearborn City Council, and then became the youngest mayor in the City's history in 1986. While Michael's 52 years on this earth were far too short, he did much of which to be proud. He exhibited great passion in a job he considered to be the greatest in the world.

To many, Dearborn is renowned for the great services offered by the City. It is to Michael's credit that these services were provided with great fiscal responsibility. It should be noted that the state of the art $43-million Ford Community & Performing Arts Center, the largest municipally owned recreation center in North America, was the crowning achievement of an impressive career.

Our Nation will also feel the loss of Mayor Guido's leadership as he was the 64th President of the U.S. Conference of Mayors. I am glad that mayors around the nation had the opportunity to witness the passion he had for the people he served, and the competence he exhibited in carrying out his duties. I know he was very proud to be a member, and serve as President, of this fine organization.

It is with great sadness that we say goodbye to our "friendly Mayor." The prosperous years he stood at the helm of Dearborn will remain his enduring legacy, but he will also always be remembered for his sense of humor, vigor for life, passionate leadership and charismatic demeanor. Michael Guido wasn't a man who bragged about the great things he did, he just went out and did them. Dearborn will miss its Mayor and I will miss a friend and a wonderful partner. I ask that all of my colleagues join me in remembering the life of this wonderful man, and extend our condolences to his wife Kari, and sons Michael and Anthony.

TRIBUTE TO MR. AND MRS. CLYDE STEPHENS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. BLACKBURN. Mr. Speaker, it is a privilege today to honor Mr. and Mrs. Clyde Stephens as they celebrate 50 years of marriage. This is a tremendous milestone that embodies the enduring love and profound commitment they have for one another. For those of us who know the Stephens, their marriage is a celebration of life and an inspiration to us all.

On December 12, 1957, Clyde and Nellie were married in Corinth, MS. Clyde and Nellie were blessed with three wonderful children, Pam Stephens Kelly, David Stephens and Gary Stephens, six grandchildren and two great-grandchildren. Tonight their family and friends are gathering in Middle Tennessee to celebrate this occasion.

Mr. Speaker, a 50th wedding anniversary is truly worth commemorating, and I ask my colleagues to join me in congratulating Clyde and Nellie Stephens.

TRIBUTE TO HEATHER MONTGOMERY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor Heather Montgomery upon her retirement as District Director for the Eighth Congressional District of Texas.

I've had the privilege of working alongside Heather for many years as co-workers at the South Montgomery County Woodlands Chamber of Commerce, as colleagues while she led the North Houston-Greenspoint Chamber of Commerce, and re-united again in 1998 in service to the constituents of the 8th Congressional District of Texas.

Heather brought to my district offices her wealth of knowledge and experience from leading communities and helping small businesses, as mother of three children, a grandmother, and devoted leader and volunteer of many volunteer efforts in The Woodlands, Montgomery County and north Houston area.

For the past nine years Heather has managed an extensive district staff, day to day operations of three offices, and served as direct extension of myself throughout the community. Heather always manages to find a personal connection with each of our constituents and the challenges they face.

Extremely hard-working, painstakingly fair, exceedingly knowledgeable—these are qualities Heather has not only honed, but also put at the disposal of constituents. She is gracious at all times and simply a class act.

Heather's retirement comes at a time when she and her husband Gary are the proud grandparents of nine grandchildren. I know her family is eager to have more of her time.

In the years I have worked with Heather, I have come to know a civic minded leader and a woman of broad and varied interests which I hope she will pursue in the time afforded by retirement.

Mr. Speaker, I know you join with me in saying "thank you" and "job well done" to Heather Montgomery for her years of loyal service to myself, but most of all, to the people of Southeast Texas whom she has served with distinction. She is one of my closest friends.

IN HONOR OF SPECIAL AGENT IN CHARGE MARK L. LOWERY, U.S. SECRET SERVICE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the exceptional career of Mark L. Lowery, Special Agent in Charge of the United States Secret Service Dallas Field Office.

Special Agent Lowery began his career with the Secret Service in 1983 in the St. Louis Field Office, following a 6 year tenure with the St. Louis County Police Department. With the U.S. Secret Service, he served in the Washington Field Office, the Presidential Protection Division, Special Investigations and Security Division, and the Financial Crimes Division.

Under the leadership of Special Agent Lowery, the Dallas Field Office tackled many complex issues plaguing the Dallas community including identity theft, counterfeiting of currency and cyber crimes. Special Agent Lowery's leadership in these cases was instrumental, leading to the successful arrest and prosecution of many criminals in the Dallas area.

Special Agent Lowery has received numerous awards and commendations during his twenty-three year career, including the highest Secret Service award, the Medal of Valor in 1985. The legacy he leaves will speak loudly of the impact he made on our community and his peers and his devotion to the betterment of our community. His tenure at the U.S. Secret Service Dallas Field Office is marked by his dedication, work ethic and public service.

I am grateful for Special Agent Lowery's service to our nation, and I wish him all the best on the occasion of his retirement.

THE INTRODUCTION OF COMPROMISE LEGISLATION TO FULLY IMPLEMENT THE LEGAL OBLIGATIONS OF THE UNITED STATES OF AMERICA UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, POPS, THE ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT, PIC, AND THE AARHUS POPS PROTOCOL TO THE GENEVA CONVENTION ON LONG RANGE TRANSBOUNDARY AIR POLLUTION, LRTAP

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GILLMOR. Mr. Speaker, I am glad to join Chairman BARTON and Chairman BOEHLERT in introducing H.R. _____, compromise, consensus legislation to fully implement the legal obligations of the United States of America under the Stockholm, or POPs, Convention; the Rotterdam, or PIC, Convention; and the Aarhus POPs Protocol to the Geneva LRTAP Convention. This is solid public policy that I urge my colleagues to support because it reasonably implements the POPs and PIC Conventions and the LRTAP Protocol.

Over the past 4 years, and even as recently as a few months ago, I have heard people ask many questions about this bill. Why is it necessary for this legislation to become law? If the United States is already attending these meetings, isn't that enough—why do we need to move on this bill? What does being a full partner mean to these agreements and what does it give the United States Government and its people in terms of rights and opportunities that we do not already have? These are all good questions, but persistent repetition of these inquiries shows a fatal misunderstanding of these agreements and exactly why it is in the interest of the United States to become a party with "full" rights under these accords.

At a minimum, the failure of Congress to pass implementing legislation—thus securing Senate ratification of these treaties—leaves the United States Government in the position of defending its interests and sharing its expertise only when other countries welcome it, not when we wish and need, for our own national purposes, to offer it. The U.S. Environmental Protection Agency has testified before the House Energy and Commerce Subcommittee on Environment and Hazardous Materials that it has been forced to wait long periods of time to be recognized because the leaders of the treaty-related meetings did not consider our delegation important enough to be recognized sooner. This situation presents a radical departure from the leadership role our country took in building the consensus for these pacts to exist. Our delegations should not be welcomed at the receptions for these international meetings, but barred from being integral players in the technological discussions and final decision-making processes in these treaties. Failure to support this legislation is a clear signal that Congress misunderstands the sophistication of our nation's chemical knowledge base and regulatory experience and instead wishes the United States to cede its traditional leadership role in international toxic chemicals management.

Mr. Speaker, in 2001 the Bush administration pledged the commitment of the United States of America to join the Stockholm Convention on Persistent Organic Pollutants. That date marked the culmination of 10 years of bipartisan cooperation and leadership concerning global protection of the environment and public health. These efforts included not just POPs, but the Aarhus Protocol on Long Range Transboundary Air Pollution, LRTAP, of POPs, and the Rotterdam Convention on Prior Informed Consent, PIC. These were not the triumphs of Republican or Democrat White Houses, they were the victories premised on the various needs and hopes of all Americans. Sadly, the benefits of these agreements have not been actualized because of the policy and political agendas of the interested stakeholders as they relate to chemical management. It is unacceptable that those private parties that are subsets of the interests in our country, whether they are businesses or nonprofits, have as much, if not more, input than our own Government officials at these meetings. We must put these matters behind us and focus solely on making the U.S. a full partner.

Before I go into the specifics of this legislation and address some of its broader themes, I want to briefly further explain why this legislation is being introduced and why it is different from my bill, H.R. 4591, which also would totally implement and make the United States a full partner in these agreements. First, this bill is being introduced as a consensus position of the majority of stakeholders who have testified before the House Energy and Commerce Subcommittee on Environment and Hazardous Materials that they want the United States to pass implementing legislation. Second, this legislation is different from H.R. 4591, as introduced, because it represents a good-faith compromise among Members of Congress who actively sought to sit down with me and work out mutually acceptable provisions. I have always been willing to work with any Member of Congress on compromise provisions despite the fact that some Members' delay in getting back to me on whether they wanted to work out a compromise made enactment of this legislation nearly impossible. Finally, this legislation is a collaborative work of elected officials with input from others. Some people think that this kind of legislation needs to be delegated to interest groups to forge. Not only am I dubious about punting our constitutional responsibility to legislate to unelected persons, but history has shown that the same people who have called for a consensus stakeholder process have twice killed the resulting bills.

Regarding the specifics of this bill:

First, this bill is a targeted legislative fix that fills the existing legal gaps and only does what is important for us to become a full partner in these agreements. It does not repeal any part of Federal environmental law, but rather adds a new section to the Toxic Substances Control Act to ban the manufacture, processing, distribution in commerce, use, and disposal of agreed upon POPs and LRTAP POPs chemical substances and mixtures. This new section also grants separate, new authority for the United States to enact new regulations for future additions of POPs chemical substances or mixtures to the Stockholm Convention or LRTAP POPs Protocol. Because there has been concern from a number of persons about the difficulty existing TSCA provisions present in the way of regulating existing chemicals, this bill creates a distinct and different process within TSCA that couples similarly rigorous and sound scientific analyses, but with a more deferential regulatory standard and the elimination of procedural hurdles that many argue have hindered EPA from taking action regarding chemical protection. This is not the TSCA overhaul that many critics of the chemical manufacturing world have wanted, but it is a solid middle ground that relies on science rather than emotion to address these very insidious chemicals, while also keeping these treaties out of governing American manufacturing processes and decisions.

In addition, while many political opponents of past POPs legislative efforts have argued that the language in this legislation makes regulation of POPs more difficult and places profits of chemical companies over the protection of human health, a reading of the plain language of this legislation would prove how wrong and intentionally inflammatory they are to insist on this interpretation. Specifically, this legislation sets its regulatory standard at "protecting human health and the environment" and intends that while exercising this legal authority, the EPA Administrator, in choosing the means to provide that protection, is to balance costs and benefits. In other words, costs and benefits are to be taken into consideration in determining how to regulate a substance, not whether to regulate a substance.

Lastly, on this point, and to further buttress the point that this bill is a deliberately different way of handling chemicals than the way they are now treated under existing Federal environmental law, the sponsors of this bill and I recognize that implementation legislation for these international agreements is a distinct context in which to amend U.S. law. Recognizing that the underlying statutes being amended address the very broad and powerful reach of the Federal Government into U.S. manufacturing, this legislation is solely intended to allow the United States to be able to participate fully in these agreements to the extent that it wishes. The sponsors and I do not intend for the regulatory standards outlined in this bill, whether singularly or as a package, to be a blanket precedent for other environmental legislation. Future Congresses should be very careful in assessing the environmental, public health, and other social and economic needs of the country before copying this standard because of the unique circumstances and purposes to which this legislation is tied.

Second, consistent with the structures and rules of the POPs Convention, this legislation, places U.S. officials, laws, and standards—not those of an unelected and unaccountable international body—in charge of determining what specific control measures the United States should take. Treaties—just like allies—change and it is hard to predict their future. As the newly elected vice president of the NATO

Parliamentary Assembly, I see countries use environmental and safety laws as non-tariff trade barriers. In fact, we need not look any further than the World Trade Organization case involving Genetically Modified Organisms, or GMO, crops for an example of how the European Union tried to use its laws to bar market access for our farmers. I believe it is reasonable to suggest that in the same way that environmental and labor groups argued that added environment and labor considerations must not be divorced from trade agreements, such as NAFTA and GATT, you also cannot ignore that economic and labor issues need to play a role when countries enact environmental laws.

A minority of stakeholders in this country are unhappy with the chemicals policy of the present administration and support using a legal standard in this country that flows straight from these treaties and has the control measures also directed by the international treaty parties, not the United States. This type of effort not only removes the executive branch from involvement—the State Department has testified in opposition to this type of regime—but also the legislative branch from the process of considering the impact on U.S. interests and laws. Ultimately, in this construct, the judicial branch becomes the sole arbiter of rights and interpreter of obligations under these agreements—a place the framers of the U.S. Constitution never intended. In addition, these same persons want to use a judicial review standard that merely ratifies rather than questions the regulatory decisions of the executive branch. This circular argument on their part not only diminishes judicial review—which their proposals pose as the supreme avenue to set and resolve policy—but further reinforces a desire to have U.S. environmental and manufacturing policy set in foreign capitals. The legislation I am introducing today rightfully recognizes that these agreements will be law long after the current president is out of office and Congress should not and cannot pass reactionary legislation simply to hem in one leader. It is our obligation to pass the best legislation that will serve our country and its interests under every leader; this bill does that.

Third, the public should be fully informed about actions being taken under these agreements and Congress should be informed when conflicts with existing environmental statutes occur. Neither the public nor Congress should be prevented from providing input to our Government about structures that are going to affect our lives simply because it is inconvenient. History will show that cooperation between parties has allowed our treaties to function more successfully than when either Congress or the public is cut out. This contains public notice and comment throughout the entire treaty process, including the regulation of chemicals as part or our country's desire to "opt-in."

Fourth, this legislation preserves the existing public petition process under the Administrative Procedure Act and provides certainty to all Americans as to what rights and obligations they would have. We must not forget that we have both a mature chemical industry and a well-established set of legal rights and responsibilities that are the envy of most countries. This bill draws on—not adds to—the well-founded petition processes in all environmental laws and maintains—unamended—the current Federal-State dynamic in all environmental laws. Most importantly, nothing in this bill affects any other environmental statute, or State delegated programs under those other statutes, or any other environmental board constituted outside of TSCA.

Fifth, sound, objective, peer-reviewed science should be at the core of any decisions made by the United States under these treaties. I believe we need to focus our finite resources on the most pressing problems, not disproportionately or fully on every problem we face without regard to context. Currently, an assessment of "risks and effects" is called for in other environmental statutes and is not unprecedented.

In addition, the legislation being introduced today amends a provision contained in section 2 of H.R. 4591 that created a new TSCA section 503(e)(4) that relied on a determination by the EPA Administrator of the "weight of the evidence" when making a regulatory determination regarding restrictions on newly added POPs chemicals. It requires the EPA Administrator to use sound and objective scientific practices, the best available science, and to describe in the rulemaking record the quality of the scientific information on which the Administrator based a decision to take action against a POPs or LRATP POPs chemical substance or mixture.

Sixth, this legislation alters no existing rights and responsibilities of the States under Federal chemicals laws. First, every right, obligation, and opportunity of the States that exists under TSCA are still available to the States. Some, including several Democrat State attorneys general who were up for reelection, have argued that States would be precluded from legislating or litigating around the Federal Government in a way that they can do now. Nothing could be further from the truth. Second, even if one were to accept the argument that States should be able to act any way they want, we should not forget that this is a treaty and that States should not unwittingly put the United States out of compliance with its obligations under these agreements through their own enactments and the State Department has written to me that we should not allow that to happen. Finally, to clarify concerns raised about potential pre-emotion possibilities in the face of long-standing State Department practice—that the United States not agree to new treaty obligations unless our country has the legal authorities in place to comply with those obligations, section 6(e) of this legislation provides that any Federal pre-emption of State laws cannot occur unless a rule or order implementing our obligation has been issued under this act and has gone final or become effective. Concurrently, section 2 of this bill requires, in new TSCA section 506, that no regulation issued under this authority can become effective unless the United States consents to be bound to a treaty obligation regarding that chemical substance or mixture.

Seventh, and finally, while this legislation is careful to ensure that only U.S. officials are the drivers of decisions affecting our Nation and its citizens—a feature expressly guaranteed by these treaties—I also want to point out that this legislation also recognizes the global nature of this treaty and the important contributions that other countries may make to inform our decisions. Section 2 of this legislation establishes a new TSCA section 503(e)(2)(B) that allows the EPA Administrator to use internationally generated information or scientific studies, so long as they meet the scientific soundness and objectivity criteria in this legislation, in assessing the statutory considerations regarding the domestic regulation of a new POPs or LRTAP POPs chemical substance or mixture.

Furthermore, new TSCA section 503(e)(2)(v) of section 2, requires domestic consideration of "national and international consequences that are likely to arise as a result of domestic regulatory action (including the possible consequences of using alternative products or processes)." In doing so, this provision's use of the word "consequences" is not meant to automatically imply negative connotations, but rather that the EPA Administrator is to look at the national and international positive and negative benefits that would flow from domestic regulatory action. That being said, the inclusion of this provision is in no way meant to give new legal rights or standing to foreign-based entities in U.S. courts regarding U.S. domestic regulatory actions under this legislation or the international environmental accords that this legislation implements.

Mr. Speaker, this legislation is a true compromise that represents the middle ground on treaty implementation legislation and a place where most Americans believe our policy should be. If the United States is to remain a leader in the global environmental debate it must have legislation that fully implements these treaties. The time has come for us to make a difference in global environmental protection from the most toxic of chemical substances and mixtures. I urge Congress to pass this legislation as soon as is practicable and make a strong statement of our national resolve to tackle these matters rather than place mere words behind our commitments.

THE INTRODUCTION OF COMPROMISE LEGISLATION TO FULLY IMPLEMENT THE LEGAL OBLIGATIONS OF THE UNITED STATES OF AMERICA UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, POPS, THE ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT, PIC, AND THE AARHUS POPS PROTOCOL TO THE GENEVA CONVENTION ON LONG RANGE TRANSBOUNDARY AIR POLLUTION, LRTAP

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BOEHLERT. Mr. Speaker, I am pleased to join Mr. BARTON and Mr. GILLMOR in introducing this compromise version of treaty implementation legislation, which reflects many long hours of serious negotiation between our staffs.

I entered into those negotiations because I believe it is important for the U.S. to be a party to these important treaties to help protect the global environment. This is a view shared by both the environmental community and the chemical industry. The U.S. ought to maintain its traditional leadership role in this area, first, to protect our own national interests and to protect our citizens from hazardous pollutants that circulate globally, but also to improve health and the environment around the world.

The bill we are introducing today is a genuine compromise. It's not what I would write if I were drafting a bill alone, and it reflects movement by Mr. BARTON and Mr. GILLMOR away from their original vehicle, H.R. 4591. No doubt further improvements could be made to it, but it should serve as a marker to show the way in the next Congress. This bill should demonstrate that it is possible to write worthy implementation language without opening the "can of worms" involved in rewriting all of the Toxic Substances Control Act, TSCA. But the regulatory mechanisms created by this bill should not be seen as a precedent for other environmental statutes.

Let me make one more general point before getting into the interpretation of specific sections: I am cosponsoring this bill because I believe it will enable and facilitate the regulation of pollutants, not stymie that regulation. Quite properly under this bill, the U.S. cannot be forced to regulate a chemical by any international body. But the bill should pave the way for the U.S. to regulate additional dangerous pollutants. If the processes set out in this bill are used primarily as barriers to regulation, then that will mean that the bill is being misinterpreted or abused. The bill does require thoughtful and thorough analysis, but that is not intended to prevent any regulation from moving forward.

With that general precept in mind, let me focus on the important language in the new section 503(e)(1) of TSCA. The language calls for regulation "to the extent necessary to protect human health and the environment in a manner that achieves a reasonable balance of social, environmental, and economic costs and benefits." There are two distinct ideas and processes encapsulated in that language. First, the Environmental Protection Agency, EPA, is to determine whether a substance needs to be regulated "to protect human health and the environment." Then, separately, it needs to determine precisely how to regulate that substance—i.e, the "manner" of regulation"—taking into account "social, environmental and economic costs and benefits." I want to say this directly here to clarify language that was intended to make the same point in the Committee report that was filed on H.R. 4591.

The sponsors also want to make clear that the consideration described in the new section 503(e)(2)(A)(v) of TSCA is meant to direct EPA to consider, among other things, both the domestic and international benefits that would flow from U.S. regulation of a substance.

Now let me turn to two important differences between this bill and H.R. 4591. First, we have entirely rewritten the new section 503(e)(4) of TSCA to clarify its intent, to drop the controversial and contested notion of "weight of the evidence," and to remove any implication that that paragraph was creating a new legal or scientific standard of review. Language in the committee report on paragraph (4) does not apply to this bill.

The paragraph (4) in this bill is designed primarily to ensure transparency by requiring EPA to describe the information that was used in its decision-making and the quality of the information on which the agency based its decision.

Second, this bill clarifies when State preemption occurs. Section 6(e) now makes clear that no State preemption occurs unless and until a regulation that has been promulgated under the new section 503 of TSCA has gone into effect. No action short of that and no action under any statute other than TSCA can trigger preemption under this bill.

I greatly appreciate the openness the Energy and Commerce Committee has demonstrated during the negotiations on this bill and the courtesy they have extended to me and my staff. I hope this bill paves the way to U.S. full participation in the important treaties covered by this bill.

THE INTRODUCTION OF CONSENSUS LEGISLATION TO IMPLEMENT THE LEGAL OBLIGATIONS OF THE UNITED STATES OF AMERICA UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPS), THE ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT (PIC), AND THE AARHUS POPS PROTOCOL TO THE GENEVA CONVENTION ON LONG RANGE TRANSBOUNDARY AIR POLLUTION (LRTAP)

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BARTON of Texas. Mr. Speaker, I am glad to join Chairman GILLMOR and Chairman BOEHLERT in introducing H.R. ___, consensus legislation to implement the legal obligations of the United States of America under the Stockholm, or POPs, Convention; the Rotterdam, or PIC, Convention; and the Aarhus POPs Protocol to the Geneva LRTAP Convention.

This legislation represents an enormous effort that started in the Energy and Commerce Committee over 2 years ago to bring the United States into compliance with 3 multilateral chemical agreements that have already gone into effect. It is vitally important that the United States be full-fledged participants at these Conventions and this legislation, along with ratification by the Senate, enables us to be a full and active party. More importantly, it allows our country to contribute its vast database of knowledge on chemical substances and mixtures as new chemicals are added to these agreements. Without implementing legislation, the United States government participates at a level akin to that of an NGO: permitted as "outside lobbyists," but not permitted to vote on important decisions where our expertise and scientific knowledge will be critical.

How is this bill different from H.R. 4591, the bill that was reported favorably by the Energy and Commerce Committee on Wednesday, July 12, 2006? While both bills give full, legal consideration to costs and benefits through a strong and transparent rulemaking procedure characterized by rigorous scientific analysis, the consensus bill eliminates the requirement to utilize a "weight of the evidence" approach in assessing risks and effects.

This bill also clarifies concerns raised about potential state preemption possibilities. In accord with long-standing U.S. practice to not agree to new treaty obligations unless our country has the legal authorities in place to comply with those obligations, section 6(e) of this legislation provides that any Federal preemption of state laws cannot occur unless a rule or order implementing our obligation has been issued under this Act and has gone final or become effective. Additionally, section 2 of this bill provides that no regulation issued under this authority may become effective unless the United States consents to be bound to a treaty obligation regarding that chemical substance or mixture. This modification will end the misguided criticism of H.R. 4591 on preemption issues, while preserving and codifying State Department practice.

Mr. Speaker, this legislation does not represent an overhaul to the Toxic Substances Control Act, which could take years to debate. Instead it represents a broad consensus to enact the limited legislative fixes to bring the United States into full compliance with its obligations under these agreements, and authorizes discretion to the Environmental Protection Agency to regulate additional chemicals that combines a deferential regulatory standard with rigorous and practical sound scientific analysis. As decisions are currently being made that affect American interests, the legislation represents the responsible thing to do and I would urge our colleagues in both bodies to pass it as soon as practicable.

Mr. Speaker, on a personal note it's my pleasure to offer our colleague from New York, Mr. BOEHLERT, my best wishes as he leaves this body to pursue new endeavors. His collaboration on this bill, and others, has had a real impact.

TRIBUTE TO DAVID HERMANCE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ISSA. Mr. Speaker I rise today in remembrance of a talented Californian, David Hermance, who passed away on November 25, 2006 at the age of 59. David was both an innovator of technology and an admired friend of the environment.

Although best known for his recent work with hybrids, David championed advanced-technology vehicles throughout his four decades in the auto industry. After 26 years of dedicated service to General Motors, David joined Toyota in 1991 to become the North

American Executive Engineer for Advanced Technology Vehicles.

Through his dedicated work, he became known as the "father of the American Prius." His efforts have educated Americans and Congress alike on the enormous potential of advanced technology vehicles, such as hybrids. David's unique ability to explain the inner workings of complex technologies to all audiences made him the most respected American voice on hybrid technology. Today, consumers and environmentalists alike laud the products he has advocated for years.

On this day, Congress should remember David Hermance's vision for a better tomorrow. May God bring peace to David's family, friends, and colleagues during this difficult time.

TRIBUTE TO MY COLLEAGUES OF THE 109TH CONGRESS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TIAHRT. Mr. Speaker, I rise today to offer a tribute to my colleagues. In the waning days of the 109th Congress, it is a time of reflection and reminiscing. We will miss our colleagues, who will not be returning in January as Members of the 110th.

I have many fond memories of the heady early days of the 104th Congress. My colleagues GIL GUTKNECHT, J.D. HAYWORTH, and JOHN HOSTETTLER helped keep the spirit of 1994 alive, and I will never forget their steadfast commitment to serve and, above all, their friendship.

I have enjoyed working with my colleague. ERNEST ISTOOK on the House Appropriations Committee. He is a good friend and I admire his hard work on behalf of American families.

Other fellow colleagues on the House Appropriations Committee are ANNE NORTHRUP and CHARLES TAYLOR. I had the opportunity to spend a lot of time with these fine Members and their absence will be felt throughout the halls of Congress.

MARK GREEN and BOB BEAUPREZ worked hard for their constituents each and every day. Their dedication to the constituents they represented was unparalleled.

SUE KELLY, NANCY JOHNSON, and ROB SIMMONS have each played an important role in supporting our Republican principles. They have served their districts impeccably and will be missed.

My colleague, CHRIS CHOCOLA, fought each and every day for the American people. He worked diligently on behalf of American values and used his business knowledge to help keep and create jobs in the United States. He is a true patriot.

And finally, my good friend, MELISSA HART, with her bright smile and tremendous energy, she worked tirelessly on behalf of her district. She fought each day for the conservative cause and she will be sorely missed. I look forward to seeing her again in Congress.

CELEBRATING THE ABINGTON TOWNSHIP POLICE DEPARTMENT'S CENTENNIAL ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today to honor and congratulate the Abington Township Police Department on an important milestone—its 100th anniversary. Since 1906, the officers of Abington Police Department have proudly served and protected our community, and I am honored to represent them in Congress.

Beginning with only four patrolmen and a handful of bicycles, the Abington Police Department has blossomed into a modern, diverse and professional police agency. Under the leadership of Chief William J. Kelly, the Department now counts 163 law enforcement professionals, including an undercover drug investigation unit and SWAT team in its ranks.

Over the last century, the Department accomplished many significant achievements. In 1906, it established the first fingerprint laboratory in the region. Later that year, it used this facility to close the first criminal case in Pennsylvania using only fingerprint evidence. Ten years later, the Department traded in its bicycles and horses to become the first fully-motorized police department in the United States—an achievement that was motivated by the need to patrol a region that was originally very rural, but is now a fully-developed suburban community.

In recent years, Abington became the first police department to achieve statewide accreditation from the Pennsylvania Law Enforcement Accreditation Commission and one of three municipal police departments in Pennsylvania to achieve international accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Abington Police Department's record of excellence has been recognized by its peers, who have paid tribute to many of its law enforcement initiatives and appointed it to serve on a number of regional taskforces.

While successfully fulfilling its mission to serve and protect, the Department has also successfully established strong community ties. It has partnered with Abington residents to implement innovative programs like D.A.R.E, the Police Athletic League, Kids in Safety Seats, and Town Watch—demonstrating its commitment to building a strong community that is free of crime, violence, and substance abuse.

Mr. Speaker, once again I congratulate Chief Kelly and all of the men and women of the Abington Police Department for their service, dedication, sacrifice and accomplishment. I look forward to continuing our work together and ensuring another 100 years of success, safety, and security for all Abington residents.

PAYING TRIBUTE TO THE LAKE ORION REVIEW

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of the Lake Orion Review newspaper on the occasion of its 125th anniversary of service to the Oakland County community of Lake Orion, Michigan. The Lake Orion Review is also the oldest surviving business in Lake Orion.

The Review was established on December 24, 1881, known simply as the Orion Review with the original slogan: "Independent in Everything—Neutral in Nothing."

At that time, the community was home to only 400 citizens. Today, the Review circulates to about 35,000 readers and the community continues to grow and prosper, with numerous new businesses and families calling Lake Orion home.

The weekly newspaper was originally published by John Neal, Joseph Patterson and Frank Sutton, in the rear of Lou Warner's store on North Broadway Street. When hard times hit during the Great Depression, the newspaper's demise seemed written on the wall.

Apparently someone erased the premature obituary, because today the Lake Orion Review, published by Sherman Publications, is regarded as a beacon and trusted friend of the community. The Review has received multiple honors from the Michigan Press Association over the years, and enjoys a positive relationship with its readers and local news sources.

Mr. Speaker, I ask my colleagues to join me in honoring the Lake Orion Review on its 125th anniversary and congratulating the staff for its continuing dedication to integrity, fairness and balanced news coverage for the community and its people. They are truly deserving of our respect and admiration.

HONORING THE MEMORY OF MAUREEN KEATING TSUCHIYA

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to honor the legacy of my constituent and good friend Maureen Keating Tsuchiya of Chappaqua, NY, an extraordinary community activist and advocate for the disabled.

Maureen was born in Atkinson, Nebraska, the second of eight children of John and Dolores Keating. As a toddler, she survived a severe strain of polio. Her lifelong disability, which worsened over time, was a focus of her advocacy efforts on behalf of persons with physical challenges. With each cause she championed, she used an unstoppable blend of passion, energy, dignity, perseverance, forcefulness, honesty and wit to accomplish her goals.

While in college in Minnesota, Maureen started a campaign to get the city of Minneapolis to lengthen the time of the green traffic lights so that she and other persons with disabilities could cross the streets safely. Later, she worked tirelessly for the passage of the Americans with Disabilities Act and attended the signing ceremony at the White House.

After living in New York City and Tokyo, Maureen, her husband Takashi, and their daughter Hannah moved to Chappaqua in 1997. She quickly became involved in civic and political organizations, often accompanied by her young daughter to whom she was totally devoted. Maureen Keating Tsuchiya worked with Westchester Disabled on the Move on a voting rights lawsuit by testing polling places for their accessibility. She also spearheaded an effort to increase access to the Chappaqua train station.

Maureen Keating Tsuchiya, although taken from us and her valiant causes prematurely, leaves a rich legacy of principled activism and involvement for all of us to emulate.

Mr. Speaker, I urge all of my colleagues to join me in offering condolences to her husband, her daughter, and her entire family.

HONORING JACK FINNEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, today I rise to honor my friend Jack Finney. Jack recently celebrated his 90th birthday by donating more than $1 million to the Hunt Memorial Hospital District Charitable Health Foundation. Jack's generous donation will ultimately enhance the soon-to-be-built cancer center on the campus of Presbyterian Hospital of Greenville.

Jack has a long history of making generous gifts to the community, having donated land, money, and his time to a variety of institutions such as Texas A&M University at College Station, Audie Murphy/American Cotton Museum, Greenville YMCA, Greenville Chamber of Commerce, Paris Junior College, Texas A&M University-Commerce, the Greenville schools and many others. Other institutions that have benefited from his leadership include the local Rotary, Chamber of Commerce, and Board of Development as well as Texas A&M University, the Texas Baptist Foundation, and the U.S. Small Business Administration.

Jack's efforts have led to multiple honors from Texas A&M, including his selection as a Distinguished Alumnus and election to the Hall of Honor of the A&M Corps of Cadets. Jack has also been honored with Greenville's "Worthy Citizen" Award, for which he donated $50,000 establishing an endowment to maintain the annual award in perpetuity.

In appreciation of Jack's latest gift, the Hospital District's Board of Directors have decided to name the new cancer center the Lou and Jack Finney Cancer Center in honor of Jack and his late wife, Lou House Finney. Lou and Jack were married for 68 years prior to her death in 2005.

During the reception honoring Jack's gift, Mayor Tom Oliver of Greenville proclaimed August 15th Jack Finney Day in the City of Greenville.

It has been speculated that Jack's gift is the largest single gift that an individual has ever made to a non-profit organization in Hunt County, and that certainly speaks volumes about Jack's generosity. Having given his time, money, and energy to so many worthy causes it is not surprising for Jack to have celebrated his 90th birthday with so large and charitable a gift. The community is fortunate indeed to have so generous a benefactor. Jack has spent his life serving and enriching the community, and his latest gift only further reinforces this legacy.

Mr. Speaker, as we adjourn today, let us do so in appreciation of the benevolence of this fine man and my friend—Jack Finney.

INTRODUCTION OF H. RES. 1106

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. McKINNEY. Mr. Speaker, I come before this body today as a proud American and as a servant of the American people, sworn to uphold the Constitution of the United States.

Throughout my tenure, I've always tried to speak the truth. It is that commitment that brings me here today.

We have a President who has misgoverned and a Congress that has refused to hold him accountable. It is a grave situation and I believe the stakes for our country are high. .

No American is above the law, and if we allow a President to violate, at the most basic and fundamental level, the trust of the people and then continue to govern, without a process for holding him accountable—what does that say about our commitment to the truth? To the Constitution? To our democracy?

The trust of the American people has been broken. And a process must be undertaken to repair this trust. This process must begin with honesty and accountability.

Leading up to our invasion of Iraq, the American people supported this Administration's actions because they believed in our President. They believed he was acting in good faith. They believed that American laws and American values would be respected.. That in the weightiness of everything being considered, two values were rock solid—trust and truth.

From mushroom clouds to African yellow cake to aluminum tubes, the American people and this Congress were not presented the facts, but rather were presented a string of untruths, to justify the invasion of Iraq.

President Bush, along with Vice President CHENEY and then-National Security Advisor Rice, portrayed to the Congress and to the American people that Iraq represented an imminent threat, culminating with President Bush's claim that Iraq was six months away from developing a nuclear weapon. Having used false fear to buy consent—the President then took our country to war.

This has grave consequences for the health of our democracy, for our standing with our allies, and most of all, for the lives of our men and women in the military and their families—who have been asked to make sacrifices—including the ultimate sacrifice—to keep us safe.

Just as we expect our leaders to be truthful, we expect them to abide by the law and respect our courts and judges. Here again, the President failed the American people.

When President Bush signed an executive order authorizing unlawful spying on American citizens, he circumvented the courts and the law, and he violated the separation of powers provided by the Constitution. Once the program was revealed, he then tried to hide the scope of his offense from the American people by making contradictory, untrue statements.

President George W. Bush has failed to preserve, protect, and defend the Constitution of the United States; he has failed to ensure that senior members of his administration do the same; and he has betrayed the trust of the American people.

With a heavy heart and in the deepest spirit of patriotism, I exercise my duty and responsibility to speak truthfully about what is before us. To shy away from this responsibility would be easier. But I have not been one to travel the easy road. I believe in this country, and in the power of our democracy. I feel the steely conviction of one who will not let the country I love descend into shame; for the fabric of our democracy is at stake.

Some will call this a partisan vendetta, others will say this is an unimportant distraction to the plans of the incoming Congress. But this is not about political gamesmanship.

I am not willing to put any political party before my principles.

This, instead, is about beginning the long road back to regaining the high standards of truth and democracy upon which our great country was founded.

Mr. Speaker, under the standards set by the United States Constitution, President Bush—along with Vice President CHENEY, and Secretary of State Rice—should be subject to the process of impeachment, and I have filed H. Res. 1106 in the House of Representatives.

To my fellow Americans, as I leave this Congress, it is in your hands—to hold your representatives accountable, and to show those with the courage to stand for what is right, that they do not stand alone.

TRIBUTE TO CONGRESSMAN MIKE SODREL

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BUYER. Mr. Speaker, it has been an honor and privilege to serve with MIKE SODREL during his tenure in the U.S. House of Representatives. Plain spoken and determined, MIKE spent his time in Congress working hard for Indiana's Ninth Congressional District.

MIKE's success in the trucking industry was brilliantly translated into a multitude of valuable contributions during his tenure on the Transportation and Infrastructure Committee. His vast knowledge of transportation issues served him well to promote needed for roadway improvements and expansion throughout the district and the Nation.

MIKE SODREL's expertise and service was not limited to transportation, but extended to three other committees—befitting not only his past experiences but the interests of Indiana—

Agriculture, Science, and Small Business. MIKE played a crucial role as a member of each committee, using his keen insight to promote issues important to Indiana, such as research and development projects, alternative energy sources such as E–85, and hosting two successful job fairs with me in Bloomington.

Although his time in Congress was short, MIKE SODREL's imprint on the 20 counties comprising the Ninth District will be felt for years to come. His heart and mind were always in tune with the Hoosiers back home and in concert with the welfare of this great Nation that he had the great honor and responsibility of representing.

TRIBUTE TO CHRISTOPHER A. ANDERSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise with a very heavy heart and I wish to ask the Members in this Chamber to join me before we end the 109th session of Congress tonight in honoring a fallen sailor from Longmont, Colorado.

This week, Hospitalman Christopher A. Anderson was killed in action while serving our Nation in Iraq. He was a patriot that believed strongly in the freedoms we enjoy here in America and he joined the Navy to help defend the rights of citizens in Iraq.

I have contacted his family, and they are heartbroken about their loss, undoubtedly. They are to be admired for their courage and continued dedication to America's military forces who are fighting terrorists in the Middle East. As a mother of an enlisted sailor, my heart goes out to Christopher's family.

I would like to take a solemn moment to reflect on the life of Christopher and share the thoughts of his parents Rick and Debra Anderson. They released the following statement:

> Christopher was a son of which any parent would be proud. He was a natural leader in the truest sense: warm, giving, thoughtful and caring. He went well out of his way to assist family, friends and neighbors with everything from the sweat of his brow to sound advice that many commented held wisdom beyond his years. He was consistently elevated to leadership positions by his actions.
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> This same thought process was at work when he chose to join the U.S. Navy. Chris comes from generations of Navy men and women. I myself am retired Navy. The Navy is, in general, an exciting career, however Christopher was not content to settle for anything less than being at the tip of the spear. He chose the career path of Hospital Corpsman (the Navy equivalent to a Medic in the other services). He requested the additional training of a Combat Medic, and to be assigned to the front lines with the United States Marine Corps. The Marine Corps does not have their own medical personnel, and Navy Sailors fill that role on a voluntary basis.
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> He was an "encourager", and "uplifter" with a truly unique ability to empower others to rise to success they themselves did not think possible. He attracted many, many close friends into his circle. These are fine young men and women, who I was proud to be introduced to and invite into my home.
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> In August of 2005, Christopher joined the Navy. While in Longmont awaiting his formal Navy school start date, he aggressively pursued high visibility leadership positions within his group of peers attached to the Longmont Navy Recruiting Office. Chris was already a good athlete, but chose to compete with the Navy SEAL candidates for even greater athletic excellence. He additionally excelled in his Navy-oriented academics, and was ultimately promoted from E–1 to E–3 before ever leaving for the Recruit Training Center (Boot Camp).
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> Once at Boot Camp he again excelled in academics, athletics and leadership, completing the program as the "Honor Graduate" the number one person in his class, as voted on by both his peers and the senior staff. He then attended his actual Hospital Corpsman medical training, "A" School, followed by Advanced Combat Medical Training, "C" School. Working with experienced combat veterans, he reaffirmed his desire to provide a critical service to those in harms way. He knew full well that he too would be at the forefront of the action.
>
> Christopher deployed to Iraq in September of this year. The moment his aircraft's door opened to the 120 degree heat, he knew this would be the start of his greatest challenge. He loved the people of this country, however he began to see immediate action, and was soon credited by senior medical staff for saving the life of a Marine sergeant seriously wounded on patrol by an improvised explosive device (IED).
>
> Christopher earned the affectionate title of "Doc." This title is only given to Navy Hospital Corpsmen who have impressed their U.S. Marine Corps counterparts with medical excellence under field combat conditions. His colonel also credited him with the compliment, "The most squared away 'Marine' we have in this Unit."
>
> Christopher gave his life in the defense of his nation, his local community, his Marine brethren and his family. Christopher wanted all his life to make a difference in this world and in his short 24 years accomplished more than most will ever accomplish in a lifetime.

Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country that honors citizens for their spirit, their ideas, their individuality, and their courage. We can maintain the blessings of our freedoms only because we have citizens like Hospitalman Christopher A. Anderson who are willing to fight to defend them for us. My most sincere condolences go out to Rick and Debra and the entire Anderson family for loss of their beloved son.

PAYING TRIBUTE TO MITCH FOX

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Mitch Fox for his outstanding career and innovative contributions in broadcast and print journalism.

Mitch began his broadcasting career at KABC–TV Los Angeles as an intern and later apprenticed there as a cameraman. Less than 2 years later in 1976, Mitch relocated to Las Vegas where he began his first on-air reporting position with KTNV Channel 13. During his tenure in Las Vegas he has also served as a freelance writer for the Las Vegas Review-Journal, the Las Vegas Sun, Newsweek and Nevada Magazine.

Mitch began covering the Nevada State Legislature in 1979 and currently produces a weekly series entitled "Capitol Issues" during Nevada's biannual legislative session. He has also moderated several candidates' debates, some of which air nationally on C–SPAN. Mitch initiated collaboration with the Las Vegas Review-Journal where RJ readers were able to post candidate questions on the newspaper's website for use during Channel 10's election debates and since 1996, he has brought KLVX and the NBC affiliate KVBC together to produce prime-time election coverage.

It was 1978 when Mitch embarked on his long broadcast career in public television at KLVX Channel 10. He began as senior news and public affairs producer and was later promoted to news and public affairs manager in November 1997. Five years later, in June 2002, Mitch was further promoted as director of production services at KLVX where he supervised the entire programming department, including the oversight of 30 full-time and part-time employees. In this position he has also managed oversight of Channel 10 and Cox Cable Channel 70 programming schedules. In July of 2005, Mitch became director of programming at KLVX and has helped to ensure that the station remains well-versed in use of digital media such as video-on-demand, multicasting, podcasting and online streaming.

For 11 years Mitch produced the award-winning documentary series called "Real to Reel" and won an Emmy nomination in 1993 for a documentary on nuclear waste. And now for nearly 20 years Mitch has been host and producer of the popular public affairs talk show, "Nevada Week in Review" providing viewers with insightful debate, discussion, and analysis of the most important Nevada news stories of the week. One of his goals in serving as a leader in public television has been to creatively provide a quality alternative to commercial television. Not only has Mitch Fox worked to build bridges within the broadcast community, but he has also helped lower the high school drop-out rate over the past 20 years by assisting the Clark County School District in developing distance learning programs for K–12 students.

Mr. Speaker, it is my privilege to pay tribute to my friend Mitch Fox for his longstanding service and dedication to the public broadcasting system and to the communities of Nevada. I wish him the best in all of his future endeavors.

HONORING ALBERT RANDEL HENDRIX

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PICKERING. Mr. Speaker, an enduring member of Mississippi's healthcare community will soon be retiring from his position as Executive Director of the Mississippi Department of Mental Health. Dr. Albert Randel Hendrix has contributed decades of time, energy, and passion into serving his community, State, and individuals with mental heath needs. Mississippi will miss his service.

Dr. Randy Hendrix is a native Mississippian, born and educated in Panola County. He served in our armed forces in Vietnam from 1969 to 1970. Following his Army discharge, Dr. Hendrix returned to Mississippi to complete graduate studies at the University of Mississippi, where he completed his Master's Degree in 1971, and at the University of Southern Mississippi, where he completed his doctoral degree in 1979. Dr. Hendrix has completed the Executive Education Program at Duke University, the Executive Development Institute of the John C. Stennis Institute of Government at Mississippi State University, and the Certified Public Managers Program.

He began his professional career with the Department of Mental Health at Ellisville State School in 1971. In 1975, Dr. Hendrix was appointed Director of the North Mississippi Regional Center in Oxford, Mississippi. At the age of 28, he was the youngest director of a major facility in the Nation. While in Oxford, he was also a professor of Special Education and an adjunct professor in Healthcare Administration at the University of Mississippi. In November of 1986, Dr. Hendrix assumed responsibilities as Executive Director of the Mississippi Department of Mental Health, the State's largest agency. Dr. Hendrix is the longest serving Executive Director of Mental Health services in the Nation and will be retiring soon.

During his career with the Department of Mental Health, Dr. Hendrix has served on many Boards and Commissions including Chairman of the Mississippi Developmental Disabilities Council, member on the Governor's Council on Aging, and is currently the chairman and longest serving member of the mississippi Board of Rehabilitative Services, past chairman and member of the State Interagency Coordinating Council for Children and Youth with Severe Emotional Problems, Member of the Mississippi Disability Resource Commission, Children's Trust Fund Advisory Council and Statewide CDC Bioterrorism Preparedness and Response Planning Advisory Committee. He is a member and former officer of the Mississippi Chapter of the American Association on Mental Deficiency, Board Member of the Association of Mental Health Administrators since 1987, and has served as Executive Director for the Mississippi Arts Fair for the Handicapped since 1980.

Dr. Hendrix was selected as State Administrator of the Year, Herman C. Glazier Award Winner in 1990, recipient of the Agency Leadership Award of the National Association of Superintendents of Public Residential Facilities for the Mentally Retarded in 1992, recipient of the Governor's Stennis Award for Excellence in Government in 1994, and selected for Honorary Membership in Pi Alpha Alpha in 1997. Dr. Hendrix is also a member of the Honorary Scholastic Organization of Phi Theta Kappa, Phi Kappa Phi, and Phi Delta Kappa.

Dr. Hendrix and his wife, Sandy, are the parents of 4 children, Jo Ellen Hendrix Townsend, Sarah, Randel, and Sandra and the grandparents of Grace, Jessica and Jeffrey Townsend.

For over 30 years, Dr. Hendrix has used his talent, knowledge, and skills to make Mississippi a better place and enhance the care of individuals with mental health concerns. We thank him for his service and know that even after his retirement, he will continue to be a pillar of his community and his State.

HONORING DR. PATRICK McKIERNAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dr. Patrick McKiernan, a remarkable public servant and advocate from my home State of Kentucky. Dr. McKiernan presently serves as Outreach Coordinator to Homeless Veterans for the Kentucky Department of Veteran Affairs.

Tragically, more than 1,000 veterans will be sleeping on the streets of Kentucky tonight. Dr. McKiernan recognizes that there is something fundamentally wrong when individuals who once wore the uniform of the United States are forced by circumstances to live on the streets. Under his compassionate leadership, the Kentucky Department of Veteran Affairs continues to work to establish special assistance programs to help get veterans off the streets and into housing or treatment facilities.

Dr. McKiernan represents his agency on the Kentucky Council on Homeless Policy, advising the Governor and his staff on homelessness and housing issues across the state. He also represents Kentucky Department of Veteran Affairs at the annual conference of the National Coalition for Homeless Veterans in Washington, DC, and the Homeless and Housing Coalition of Kentucky.

In addition to his current work and responsibilities, Dr. McKiernan is developing plans to establish the Homeless Veterans Coordination Committee to provide additional guidance and support to help homeless veterans.

Dr. McKiernan's colleagues, and countless veterans touched by his exemplary work, note his unique ability to navigate bureaucracy and successfully resolve casework with unusual expedience. Recently, Dr. McKiernan intervened in a case involving a veteran afflicted with esophageal cancer who nearly became homeless due to the financial challenges of his illness. Because of his efforts, an American hero is receiving the care and assistance that he deserves. This is but one example in a long career of helping others.

It is my great honor to recognize Dr. Patrick McKiernan today before my assembled colleagues in the U.S. House of Representatives. His leadership and service make him an outstanding American worthy of our collective honor and appreciation.

RECOGNIZING MARK CLEMONS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise to recognize a business in my district that is taking a positive step forward to assist families and our troops overseas.

Mark Clemons operates the PakMail facility in my district in Newnan, and he has taken up a special project for our troops and their families overseas. Any time anyone wants to send a package to Iraq to a soldier, Mark makes sure that they do not have to pay for it.

Mark has taken it as a special project to ensure our heroes overseas receive the care packages and support they so desperately need. Our men and women in combat need the touch of home, and Mark is doing something amazing to ensure that they are able to hear from all of us who support them here.

Mark sets an example that everyone should follow—doing what they can to help and support our men and women. Everyone has a way they can help, and Mark has found that way and is implementing it.

Mr. Speaker, we are grateful for all of our men and women, and those who "hold the ropes" for them back home, and we are grateful for Mark's service.

CERCLA

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, I rise today to express my regret that the 109th Congress was unable to address an issue of importance to hard-working Americans across the country. Some groups are misinterpreting the Comprehensive Environmental Response Compensation and Liability Act, also called "CERCLA," by seeking to apply Superfund liability to traditional agriculture as it relates to the use of animal manure as a fertilizer and soil conditioner. I was in Congress when CERCLA was passed, and I assure you that this is a misapplication of that law.

Congress did not intend this law to apply to animal manure returned to the soil as a fertilizer and did not intend this law to make every farm a hazardous waste site.

This misuse of CERCLA attracted attention from the Energy and Commerce Committee's Subcommittee on Environment and Hazardous Materials, which held a hearing in November 2005. That hearing prompted me to introduce a bipartisan bill, H.R. 4341, along with distinguished co-sponsors, to specifically clarify CERCLA's definition of "hazardous waste" to make clear that animal manure is not included. This became necessary because some have lost sight of CERCLA's purpose. CERCLA was designed to fund the cleanup of dangerous abandoned industrial sites and chemical landfills, such as the infamous Love Canal site in New York. It was not written to cover ongoing agricultural operations.

I am very proud that 191 of my House colleagues have signed on as cosponsors of this bipartisan legislation. This level of support is a testament to the strength of our arguments and the threat that a misapplication of CERCLA poses to America's farmers. H.R. 4341's cosponsors represent all regions of this great country. The common thread is a dedication to U.S. agriculture.

Critics of farming claim that CERCLA has always applied to animal manure and should be broadly interpreted to fill gaps in the environmental laws. But, CERCLA was never intended to cover farming and agriculture, and it specifically excludes the normal application of fertilizers, such as animal manure. American farms already are subject to many federal and state environmental laws. Applying CERCLA to manure expands it beyond anything its drafters imagined. Critics believe that by targeting so-called "factory farms" their disregard for the law's language is legitimate. Unfortunately, these critics fail to understand modern agriculture. Today, integrated farming techniques allow large companies to work together with small, family farmers—they rely on each other. Driving these large companies out of business, as some seem intent on doing by misinterpreting CERCLA, will devastate the family farmers working closely with them. And, all have seen how an exaggerated interpretation of CERCLA liability can doom small businesses. Interpreting the law to include animal manure creates liability for every farmer in the country, big or small.

Mr. Speaker, for generations, animal manure has been used as a healthy, natural, organic fertilizer. It is not waste, but a commodity that is bought, sold and bartered for in small farming communities across America. Partly because of the use of this organic fertilizer, farmers have an outstanding track record as environmental stewards. They do not deserve to be treated like polluters or criminals. H.R. 4341 will remedy this situation and I look forward to returning to this issue in the 110th Congress.

TRIBUTE TO CONGRESSMAN JOHN HOSTETTLER

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BUYER. Mr. Speaker, for 12 years, JOHN HOSTETTLER served the people of southwest and west central Indiana with an abiding faith and determination to do that which is right. Defeating an incumbent in 1994, he carried with him to Congress his steadfast belief that this nation must ever stray from the Constitution for its governing principles.

Holding to his convictions, JOHN served with distinction on both the House Armed Services and Judiciary Committees. His ideological values guided him through difficult decisions. From legislation on gun control, to abortion and fiscal restraint, JOHN never wavered from his convictions. His principled leadership and dedication to service will always be referenced as an example to his colleagues and countrymen.

JOHN's strength of character led him throughout his years in Congress, often being the lone voice speaking out on an issue. It was this commitment that made him a valuable and esteemed member of Indiana's delegation. This nation should boast the patriotic efforts of this great Hoosier. His selfless dedication to service and continued demonstration of leadership while helping to govern this country is to be applauded. I wish him all the best in his future endeavors.

TRIBUTE TO KASEY M. FEAUTO

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the patriotism and military service of Specialist Kasey M. Feauto of Norfolk, NE.

Kasey was born in Sioux City, Iowa on September 9, 1982. He is the son of Michael Feauto and Joy Kleinberg and the brother of Amy.

Kasey graduated from Westwood Community High School in Sloan, Iowa in 2002 where he was an honor roll student and played on the football team. After graduation he joined the Army National Guard in 2003.

Mr. Feauto was deployed to Iraq on October 7, 2005, with the Charlie Battery, 1st Battalion, 147th Field Artillery. On December 4, 2005, Kasey was driving the lead truck of a three vehicle convoy when a roadside bomb exploded and hit the second truck in the convoy causing the truck to cross oncoming traffic and crash into a concrete wall. After realizing what had happened, Kasey turned his truck around to go help. The third truck was called to lend medical assistance but was hit by another roadside bomb.

SFC Richard Schild, the gunner in the second truck, was killed instantly. SGT Allen Kokesh, the driver of the second truck, was seriously injured. Kasey pulled Kokesh out of the truck and performed life-saving medical attention, putting a tourniquet on his wounded arm and leg. This medical care saved Kokesh's life long enough for him to return home and see his family. SGT Kokesh passed away in February 2006 from other wounds sustained that day. SSG Daniel Cuka, the truck commander in the third truck, was also killed from the explosion. SPC Corey Briest, the gunner in the third truck, was wounded.

Private First Class Kasey M. Feauto, of Charlie Battery, 1st Battalion, 147th Field Artillery was awarded the Bronze Star Medal for exceptionally meritorious heroism in support of Operation Iraqi Freedom and the life-saving aide he performed on SGT Allen Kokesh. His exemplary selfless service and outstanding dedication to duty during combat operations in Iraq contributed to the overwhelming success of the Command's mission. His actions are in keeping with the finest traditions of military service and reflect great credit upon himself and the United States Army.

Through this entire trauma Kasey has maintained his heart and sense of humor and his ability to be there for his family and friends in their time of need. He maintains that the real heroes are those who have given their lives for this country. Specifically the men of Charlie Battery who gave their lives: SGT Allen Kokesh Jr., SSG Daniel Cuka, SFC Richard Schild, and SSG Greg Wagner.

Home from Iraq, Kasey is living in Norfolk, NE with his fiancée Maria Vandersnick.

Mr. Speaker, I am grateful for Mr. Feauto's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, Specialist Kasey M. Feauto.

PAYING TRIBUTE TO MICHAEL AND VALORIE ODETTE WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Michael and Valorie Williams in celebration of their 25th anniversary on December 18, 2006.

Michael and Valorie, both native Nevadans, were married in Las Vegas, Nevada, at Pentecostal Temple Church of God in Christ by the late Bishop E.N. Webb. Since that time, they raised their blended family of four children—Jason, Shawn, Jamaal, and Courtney—with unending love and support and have taught them to have respect for God and their country.

Valorie, a graduate of Rancho High School and veteran of the United States Army and Michael, a graduate of Valley High School and retired employee from the Department of Energy, share a view of life that makes their union special—God is first in everything that they do and everything they are and from that realization, true love exists. They translate this view either to the children they minister to as youth pastors and advisors for their church or with the children they work with on a daily basis as employees of the Clark County School District.

Their home is a place of peace and refuge for the families they have adopted, fed, or cared for as their own and it can never be said that when you enter their home that you did not feel love and happiness from the many laughs and fellowships they have shared with so many throughout the years. Some come to them for advice. Others come to them for support. But all recognize that their marriage is one to admire—for it is built upon a foundation of mutual respect, truth, love, admiration, laughter and faith in God.

Mr. Speaker, it is indeed an honor to celebrate Michael and Valorie today as they prepare to celebrate their anniversary of 25 years. I wish them all the best this year and hope they are able to celebrate another twenty-five.

HONORING LLOYD C. HILLARD, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Lloyd C. Hillard, Jr., an exemplary community leader, businessman and citizen from my congressional district. Lloyd received this year's Hardin County Distinguished Citizen Award from the Boy Scouts of America during ceremonies earlier this month.

A native of Kentucky, Lloyd grew up on a farm in Pine Grove and earned college degrees from the University of Kentucky and the University of Wisconsin. Lloyd has distinguished himself as a business leader, serving as President and CEO of First Citizens Bank, and a good neighbor, through his active involvement in many community and charitable organizations.

Though never a scout himself, Lloyd's lifelong example of honesty and devotion to his family and community parallel ideals championed by the Boy Scouts. He first became involved with the Scouts as a young adult, running a school recruitment program.

Lloyd has been an especially active member of our community, having served as past president and director of the Bluegrass Council Boy Scouts of America, past chairman of the North Central Kentucky Education Foundation, and former treasurer and director of the Cavalry Armor Foundation.

Lloyd was also past chairman of the Hardin County Community Foundation, Helping Hand of the Heartland, and the Hardin County Fund for the Arts. He remains an active member of the local United Way and the Elizabethtown Rotary Club.

It is my great privilege to recognize Lloyd C. Hillard, Jr. today, before the entire U.S. House of Representatives, for his example of leadership and service. His unique achievements make him an outstanding American worthy of our collective honor and respect.

RECOGNIZING THE SERVICE OF BOB POYDASHEFF

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to recognize the service of a veteran and mayor in my district, Bob Poydasheff, the former Mayor of Columbus, Georgia.

Bob Poydasheff knows what service to our Nation means. He served our Nation in the Army during a combat tour in Vietnam, along with service as counsel for the Secretary of the Army and other officers. He retired with the rank of colonel and many awards, including the Bronze Star.

Bob Poydasheff began serving in the community in the city of Columbus through a variety of non-profit organizations, including the Columbus Symphony, and he worked to help ensure the right direction for our young people through his involvement with the Boy Scouts of America. He has served as the mayor since 2003 and served on the Columbus Council for 6 years prior to his election as mayor.

Bob is also committed to his family, raising two children with his wife Stacy, and enjoying his time with his five grandchildren.

Mr. Speaker, we are all grateful for the service Bob Poydasheff has rendered to our Nation through his time in the military and to our state through his service as mayor of Columbus. We wish him well in all of his future endeavors.

RECOGNIZING WILLIAM "BILL" BRADFORD

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, I rise to recognize Bill Bradford of Sulphur Springs, TX, whose distinguished work in radio recently earned him the dedication of a city street in Sulphur Springs in his honor. In recognition of his many years as a radio owner, operator, and pioneer, Radio Road was recently renamed Bill Bradford Road.

Outgoing Sulphur Springs Mayor Clay Walker began pursuing the renaming of Radio Road at the suggestion of long-time Sulphur Springs resident, Jeff Massey. The idea for this change was well-received by the City Manager and members of the City Council who unanimously voted for the change. Indeed, the idea was so popular that many community leaders expressed surprise that the idea had not been thought of before.

As incoming Sulphur Springs Mayor Freddie Taylor's first official act, a framed city resolution changing the name from Radio Road to Bill Bradford Road was presented to Bill along with the first street sign to bear the name "Bill Bradford Road." Sixty days later street signs were erected on August 2nd and 3rd making the name change effective.

Bill began his radio career as a radio operator in the military during World War II and afterward became owner of radio station KSST in Sulphur Springs. In 1992 he was named Texas Association of Broadcasters' "Pioneer of the Year," and he was installed into the Texas Radio Hall of Fame's "Hall of Honor" in 2005.

Bill has contributed his time and talent to the radio industry and to the residents of Sulphur Springs. Having lived in Sulphur Springs for nearly 60 years, Bill has been a pivotal and influential voice in chronicling the city's growth. Today I am proud to recognize a beloved and legendary citizen of Sulphur Springs, TX—Bill Bradford.

TRIBUTE TO CONGRESSMAN CHRIS CHOCOLA

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BUYER. Mr. Speaker, my colleague CHRIS CHOCOLA of Indiana will be leaving Congress at the end of this session. I was impressed by the dedicated service offered during his tenure in the House of Representatives. His background as a lawyer and successful businessman was instrumental as a constant champion of fiscal restraint by the Federal Government. His extensive experience of managing a large public corporation proved invaluable to his vision of how the Federal Government should operate. It inspired his advocacy that government should be run like a business, efficient and effective, always with the customer and our fellow citizens.

As a member of both the Ways and Means and Budget Committees, he introduced legislation to streamline the budget process with the hope of reining in excessive and unfocused spending. CHRIS sought a reformation of the tax code so that hard working Americans could keep more of their paycheck. He introduced legislation so that families could continue to make tax free withdrawals from an education savings plan, as well as legislation to allow individuals to make tax free deductions of medical expenses without a gross income limitation. His boundless leadership and bold initiatives will always be looked upon as an asset to a grateful nation.

As a member of the Transportation and Infrastructure Committee, he secured $12 million in Federal funding needed to make historic improvements to U.S. 31, a roadway connecting South Bend to Indianapolis. In addition, his work on the committee also helped to complete the Hoosier Heartland Corridor, a transportation project that after over a decade is in its final stage of construction.

CHRIS CHOCOLA's service to this Nation and to Indiana's Second Congressional District will leave an indelible mark for years to come.

PAYING TRIBUTE TO GEORGE ANN RICE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my dear friend, Dr. George Ann Rice, for her outstanding service and continued contributions to our society.

Dr. Rice has been an invaluable asset to the Las Vegas community throughout the years. Throughout her many years of service, she has committed herself to improving our schools as the Associate Superintendent of the Clark County School District. Her responsibilities included recruiting and selecting licensed teachers, administrators and support staff as well as securing changes in Nevada Law and Nevada Administrative Codes related to employment and licensure issues. Dr. Rice served on the Clark County School District Investment Committee for 15 years and as Executive Board Director to the Silver State Schools Credit Union for 9 years. She has also judged regional and state debates for We The People, a national high school government competition promoting civic competence and responsibility.

Dr. Rice received the Council of Great City Schools Annual Award for Distinguished Service in February of this year. She chairs the Nevada Governor's Commission on Educational Excellence, serves as a member of the Nevada Teacher Quality Task Force and as a member of the Workforce Housing Taskforce Subcommittee. She implemented the first national Board for Professional Teaching Standards effort in Nevada as well as created a special department of the Strategic

Plan called Human Resources Development Department, which focuses upon pre-service development for teachers, administrators, and support staff as well as provides support and in-service development opportunities.

Dr. Rice has also aided the U.S. House of Representatives in passing H.R. 2649, Schools Safely Acquiring Faculty Excellence Act, a bill which I sponsored that prohibits the Secretary of Education from making funds available to a State under any educational program unless the Secretary determines that the State has in place a criminal information sharing system. It aims to make public the identity of any individual in an educational setting who has been arrested, charged, or convicted of a felony involving violence, statutory rape, or any type of sexual abuse. Dr. Rice participated in a hearing held by the Subcommittee on 21st Century Competitiveness under the Committee of House Education and the Workforce.

Mr. Speaker, it is my pleasure to honor my friend, Dr. George Ann Rice, for her years of dedication and hard work. Her commitment and energy will be missed after her forthcoming retirement. I thank her for all her service and I wish her luck with all her future endeavors.

RECOGNIZING ARMANDO DE LA CRUZ

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PICKERING. Mr. Speaker, Armando de la Cruz has been inducted into the Starkville Education Hall of Fame and was recognized for his education, community leadership, and national academic achievements at a recent event in Starkville. De la Cruz taught 15 different undergraduate and graduate courses at Mississippi State University for 30 years and remains professor emeritus of biological sciences at MSU. He has received 26 research and educational competitive grants, published four laboratory manuals, seven study guides and more than 100 research papers. He has earned 12 scholarships and fellowships including the Guggenheim and Fulbright Fellowships and was presented with 15 professional awards at MSU.

His research and teaching have taken him to about 70 countries but, his time and attention continued to focus on his local community where he founded the Sustainable Future Roundtable and wrote a column for the Starkville Daily News entitled "Focus on the Environment."

He has served on the Board of Directors for Helping Hands Ministries, the Red Cross, the Starkville Community Theater, and Habitat for Humanity. He served on the board and as president of the Starkville Area Arts Council in 2004, and served as chairman of the Cotton District Arts Festival in 2003 and 2004.

He is the recipient of the Southwire Community Environmental Award in 1999 and the T.E. Veitch Community Service Award in 2004.

I hope this Congress joins me in recognizing Armando de la Cruz as he adds the Starkville Education Hall of Fame membership to his long list of achievements and honors.

RECOGNIZING THE SERVICE OF POSITIVE RESPONSE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to recognize the service of a wonderful organization in my district, Positive Response, and their work in the continuing battle against HIV/AIDS.

HIV/AIDS is an epidemic that has run rampant in our Nation since its discovery in the U.S. in 1981. Today, over a million people in our Nation live with HIV/AIDS, with more than 40,000 people each year learning they have the virus.

On December 1, 2006, we all recognized World AIDS Day, to bring attention to the threat facing many individuals, and to continue to promote efforts at preventing and ending the spread of the AIDS virus.

Organizations like Positive Response have taken positive steps to do just that—in my district, Positive Response helps prevent the spread of HIV/AIDS both through education and testing. Of the million people who have HIV/AIDS today, up to a quarter of them still do not know they have the virus. Education and testing are necessary to help stop the spread of this virus.

But the efforts do not end when someone contracts HIV/AIDS. Positive Response works hard to provide human and compassionate support for people living with HIV/AIDS, helping them understand their disease, and how they can continue their life. The abundance of treatments today help those with HIV/AIDS maintain a normal life, and Positive Response helps ensure they are able to continue to live a healthy and full life.

Mr. Speaker, we need more organizations like Positive Response. On the somber note that is World AIDS Day, we are grateful for the dedication and commitment of Positive Response to fighting HIV/AIDS and helping those who are so much in need.

CELEBRATING THE LIFE OF DR. STANLEY E. MONROE, SR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, it is an honor to remember the life of my friend Dr. Stanley E. Monroe, Sr., longtime physician from Sherman, TX, whose passing last year was mourned by family and his many friends.

Dr. Monroe was the first specialist in Internal Medicine to settle in Grayson County, where he joined the Essin Clinic with Dr. E.M. Essin, and, later, Dr. Harry Shytles. Dr. Monroe joined the staff of the Wilson N. Jones and St. Vincent's Hospitals, where he remained active for 35 years. He also donated the first ECG machine to Wilson N. Jones Hospital and started their first medical library.

Dr. Monroe was President of the Grayson County Medical Society the year Medicare started and was a life member of the American Medical Association. He volunteered his services treating students at the Adams Health Center of Austin College five days a week for eight years after coming to Sherman. He was known for making house calls to patients in Sherman, other towns, and in the country. After closing his office, he served as Medical Administrator of Shady Oaks and Chapel of Care Nursing Homes for 10 years.

A sports enthusiast, Dr. Monroe participated in track, basketball, softball, tennis, and golf and had the opportunity to play at some of the best courses in the world. He was an active member of the First Baptist Church since 1948.

He also was an avid amateur photographer and 16-mm filmmaker. After his parents died, he organized reunions with his siblings every spring, and in 2002 he published his autobiography, which included 48 pages of pictures as well as genealogical facts and important historical and medical events.

Dr. Monroe studied at the University of Missouri Medical School, and after achieving a Bachelor of Science in Medicine, transferred to the University of Arkansas Medical School, where he received his MD degree in 1943. He spent five years after Medical School in specialized medical training and research. As an intern and resident at the University of Arkansas Hospital, he was a part of a national experiment on the value of Penicillin. Dr. Monroe gave the first dose of Penicillin in Arkansas to a "hopeless" patient who survived, and he contributed two scientific papers before accepting a three-year Fellowship at Lahey Clinic in Boston, where he contributed two additional papers.

Dr. Monroe is survived by his wife, Minnie; son, Stanley, Jr. and wife Jeani; son, Alan and wife Baceliza; son, Ronald and wife Nancy; daughter, Kathie Buchanan and husband John; daughter, Elizabeth (Betsy) Woodard; sister, Geraldine McCurry; 13 grandchildren, eight great-grandchildren, and other family members.

Dr. Monroe's long life was spent as a pioneer in medicine and a respected physician and member of the community. He was a loving husband for over 68 years and a doting father who insisted on education. He leaves behind many colleagues and a loving family who will miss him, and I will miss him, too. I am honored to pay tribute to this great American—Dr. Stanley Monroe.

TRIBUTE TO THE ALTOONA CURVE BASEBALL CLUB

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Altoona Curve Baseball Club of Altoona, Pennsylvania, for winning the Minor League Baseball's 2006 John H. Johnson President's Trophy. This award, given annually since 1974, is the highest honor given by Minor League Baseball each year to one of their 176 member clubs for being the top franchise in the league. This award is Minor League Baseball's equivalent of college football's Heisman Trophy. The President's Trophy was presented to the Altoona Curve on December 7, at Minor League Baseball's annual awards banquet.

The presentation of the John H. Johnson President's Trophy marks the third occasion that the Altoona Curve Baseball Club has received one of Minor League Baseball's most important awards. In the last two years, the Altoona Curve has also received the Larry MacPhail Promotional Trophy, as well as Baseball America's Bob Freitas Award. The Curve Club is just the 11th franchise to have received all 3 awards, and is also the first team to receive these awards in just 3 year's time.

The Altoona Curve's commitment to the communities of central and western Pennsylvania has been impressive from day one. In the short 8 years since their establishment in 1999, The Altoona Curve has certainly become a significant and positive part of our region's identity. Living up to their slogan as "Everybody's Hometown Team", the Altoona Curve's accomplishments will surely make them a great part of the memories of the three million fans who have cheered for them at the Blair County Ballpark. Next year, the Altoona Curve will open their season on April 12, 2007, to do what they do best—play ball.

CONGRATULATIONS TO THE APPRAISAL INSTITUTE ON ITS 75TH ANNIVERSARY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LAHOOD. Mr. Speaker, I rise today to voice congratulations to the Appraisal Institute on its 75th Anniversary and for its advancement of the real estate appraisal profession. Established in 1932 to bring clarity to the real estate appraisal and valuation process in those turbulent times, the Appraisal Institute, with its national office in Chicago, Illinois, is the largest professional association of real estate appraisers, representing more than 21,000 real estate appraisal practitioners in the United States and abroad.

Serving as an impartial third party in real estate transactions, members of the Appraisal Institute play an important role in maintaining integrity in the real estate market. Their unbiased and professional opinions are used everyday by builders, developers and financiers of commercial, industrial and residential properties. Armed with extensive knowledge and expertise, members of the Appraisal Institute assist federal, state and local governmental agencies that acquire, manage and dispose of real property throughout the country.

Founded on the premise that superior education and adherence to high ethical standards are central to the profession, the Appraisal Institute established professional designation programs to recognize achievement in these areas. Today more than 11,000 members of the Appraisal Institute hold its prestigious MAI, SRA and SRPA designations. They have demonstrated their knowledge, skill and ethical performance through a stringent program of examinations and work product review. Through its education, publishing and membership designation programs, the Appraisal Institute positions its members as the preferred choice for real estate solutions.

The Appraisal Institute has a long history of supporting initiatives consistent with the public good that promote the use of competent appraisers, including the licensing and certification of appraisers. The organization was instrumental in the development of national uniform appraisal standards recognized by Congress in 1989. The Appraisal Institute continues to advocate for important public policy issues affecting consumers and homebuyers, including laws that would strengthen oversight and enforcement mechanisms designed to prevent mortgage fraud.

The Appraisal Institute supports equal opportunity and nondiscrimination in the appraisal profession and is committed to promoting diversity within its membership and throughout the real estate profession. Through scholarships, training and advocacy the Appraisal Institute's diversity program seeks to enhance opportunities for minorities, women and those individuals new to the profession.

For 75 years the Appraisal Institute has been a beacon of integrity for the real estate appraisal profession and for those it serves. In recognition of its theme for 2007, Celebrating Our Past, Valuing the Future, I congratulate the Appraisal Institute and its members for their years of service, and I wish them continued success in their mission.

RECOGNIZING M. HOLLIS CURL ON A LIFETIME ON ACHIEVEMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to a good friend and a great Alabamian, M. Hollis Curl, in recognition of his lifetime of achievement and service to the profession of journalism and the people of Alabama.

Hollis, a native of Red Bay, Alabama, is the long-time editor and publisher of The Wilcox Progressive Era in my hometown of Camden, Alabama.

He began his career in—as he calls it—"newspapering," by selling copies of The Red Bay News from his shoeshine stand outside the hotel in Red Bay.

During World War II, his family moved to Oak Ridge, Tennessee, which did not have a newspaper at the time. However, Hollis was able to get a paper route carrying the Knoxville News Sentinel. He has often recounted the day the WWII ended, and his customers crowded around his "drop spot" so they could get their papers without waiting for him to walk his route to their house.

It was also in Tennessee that a young Hollis Curl began his career in journalism. He started his own neighborhood publication—in the form of a single sheet—which he sold for five cents a copy.

In the late 1940s, Oak Ridge began its own newspaper, and Hollis became one of the first with a paper route for The Oak Ridger. As he became older, he was given various jobs at the paper, but in 1949, Hollis took a break from "newspapering" to serve as a congressional page for the late Congressman Albert Gore, D-Tennessee.

Hollis attended Ole Miss and while there, he worked at the student newspaper. Following college, he returned to The Oak Ridger, and in 1958, he became the advertising manager for the Clinton Courier-News in Clinton, Tennessee.

He returned to Alabama in 1960 to work in the advertising department at The Dothan Eagle. From there, he moved to Butler, where he served as publisher for The Choctaw Advocate and quickly began winning awards from the Alabama Press Association (APA) in various categories. He purchased The Choctaw Advocate in 1968, and later, he and John Jones purchased The Demopolis Times.

In 1969, he and his wife, Glenda, bought The Wilcox Progressive Era in Camden, which is where they reside to this day. Hollis and Glenda recently celebrated their 50th wedding anniversary.

Throughout the years, Hollis Curl has owned newspapers in Butler, Demopolis, Montevallo and Marion, but today his sole paper is the award-winning Progressive Era.

Of particular significance, Hollis gained national recognition in 1997 when he was selected by Sigma Delta Chi as recipient of the Ethics in Journalism Award. He was the first weekly newspaper editor to receive the award presented at the National Press Club in Washington, D.C. In addition, the Alabama Press Association awarded Hollis with their first Lifetime Achievement Award—in addition to awarding him virtually every other award APA gives.

He has also won the Troy State University's Hector Award four times and served from 1975–1976 as the Hall School of Journalism's Grover C. Hall Fellow and Editor-in-Residence teaching editorial writing and press law.

Mr. Speaker, Hollis Curl is a very special person to many of us throughout the State of Alabama, and I rise today to honor and publicly thank him for his many years of service, loyalty, and dedication to the people of Camden and Wilcox County.

As a young boy growing up in Camden, I spent many an afternoon after school in "Mr. Hollis's" house. At the time, I was hoping my elementary school crush on his daughter, Julie, might lead to our being family one day. Such was not meant to be. Regardless, he was then—and has certainly remained—always interested in the wellbeing of the young people of Wilcox County.

While he has taken more than a few politicians to task on his editorial page and in his award-winning, weekly column, "For What It's Worth," he has always been more than fair to me and to those people in the political arena with whom I have been associated.

And when I first became a candidate for the position I am so honored to hold today, it was my dear friend, "Mr. Hollis," who penned the very first editorial endorsement for my candidacy, even though I was running as a Republican in a congressional district different from his.

Several years ago, "Mr. Hollis" began featuring someone from our community who had made a positive difference in the lives of others. One week, he chose my father's twin brother, Uncle James, to be in the spotlight.

Some months later, when Uncle James had passed away, I wrote "Mr. Hollis" a letter and thanked him for taking the time to recognize someone who had long since been out of the limelight but who so appreciated the attention and recognition that came from the pages of his newspaper.

And that, Mr. Speaker, is the real reason I rise today—to pause and pay tribute to a man who has spent almost all of his adult life writing about others, telling of their joys and sorrows—good times and bad—and for once, I want him to realize how truly special he is to all of us.

In some ways, I guess, I looked at this like when George Bailey, played by Jimmy Stewart in the 1946 hit, It's a Wonderful Life, realized that with the help of an angel named Clarence, it had been a wonderful life after all.

I know an entire community of friends and admirers join me in saluting M. Hollis Curl and wishing him many more years of editorials and commentaries. And to his wonderful wife, Glenda, their children, Mark and Julie, and their grandchildren—thank you for sharing this extraordinary person with us for all these years. May God continue to bless them all with good health and happiness.

PAYING TRIBUTE TO RICK HARLOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Rick Harlow in recognition of his heroic act in 2001 of saving a neighbor who was being attacked by three dogs.

During the harrowing 2001 incident, Rick was injured and subsequently spent 3 years in a care center. Mr. Harlow made the best of his tenure in the care center by playing his guitar for the elderly and even playing at an in-house wedding for a couple who met and married in the nursing home.

Mr. Harlow was born and raised in Washington State and initially came to Nevada in 1990 on assignment to construct architectural aerial maps of the Hoover Dam area. What originally began as a mere job appointment has evolved into a long term living arrangement, as Rick has been a proud Nevada resident for 16 years now.

Mr. Harlow has always been active and held a love for nature and the outdoors. In 1994 he suffered an unfortunate rock climbing accident where he fell 35–40 feet and sustained a compression fracture to his back in addition to a lacerated liver and ruptured spleen. Mr. Harlow underwent 3 years of recuperation and physical therapy to walk again. He is a proven fighter both for himself and others as he quite valiantly demonstrated by rescuing his neighbor from that brutal dog attack 5 years ago.

Mr. Speaker, I am proud to honor Rick Harlow. His passion for life is inspirational. I applaud him for his heroism and wish him the best with his future endeavors.

RECOGNIZING THE SERVICE OF JACK RODGERS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to recognize the extensive public service of one of Columbus, Georgia's finest residents, Jack Rodgers.

Jack is retiring from the Columbus Council this year after more than 20 years of service. Jack first came to Columbus in 1961, when it was a very different place. He has worked for Ford Motor Company, and also served as the chairman and CEO of his own mortgage company.

But serving in the corporate world was not enough for Jack—he began his service in the realm of government as well, winning election to the Columbus Council and then being elected as Mayor Pro Tem in January of 1999. Through his service on the Columbus Council, Jack has served as Budget Committee chairman and Ethics Committee chairman. He has been a delegate to the National League of Cities, and has been heavily involved in the Georgia Municipal Association, including service as a Finance Committee Member.

Jack has also served in a number of community organizations, including Rotary, and taught at Chattahoochee Valley Community College for 7 years.

Jack loves his family, and has been married to his wife, Barbara, for 43 years. They have two children and four grandchildren.

Although we hate to see Jack finish his service in the government arena, we are grateful that he will continue to be involved in the community as he moves into retirement.

Mr. Speaker, Jack Rodgers provides a role model to us all of service to others, and we are extremely grateful for his dedication.

CELEBRATING THE LIFE OF HONORABLE RICHARD A. BOSWORTH, SR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, today I rise to celebrate the life of Retired Senior District Judge Richard A. Bosworth, Sr. who passed away last year following a courageous battle with cancer. Judge Bosworth was born in Birmingham, Alabama on December 26, 1922. The Great Depression prompted his family to move to the South Plains of West Texas, where his father worked as a share cropper during the dust bowl years of the mid 30s.

Richard graduated from high school in 1939 and paid his way through Texas Tech College by working in the cotton fields during the summer months and working part-time jobs during the school year. After graduating from Tech in December 1942, he was immediately called to active duty as an aviation cadet in the Army Air Corps. Richard obtained his pilot wings and commission as a 2nd Lt., and went on to fly 50 combat missions over Europe as a B–24 pilot. Richard's service was honored with the Distinguished Flying Cross and the Air Medal with three Oak Leaf Clusters among other decorations.

Richard later applied for and received a regular commission in the U.S. Air Force where he spent the next 30 years of his life holding assignments including Wing Commander of the 97th Bomb Wing (B–52s and KC–135 tankers). It was in the service that he met his future wife, Carolyn, who was working as a Red Cross nurse in Montgomery, Alabama. The two were married in 1959 in Sylacauga, Alabama, and had three sons, Rick, Brian, and Greg.

In 1972 he retired from the Air Force as a Colonel and enrolled in law school at Texas Tech University. Upon receiving his JD in 1974, he began practicing law in the Greenville area until he was appointed Judge of the Hunt County Court at Law in 1983. In 1985, he became judge of the newly created 354th District Court which covered Hunt, Rains, and, later, Rockwall Counties. Judge Bosworth served in the 354th until his retirement in January of 1996, after which he continued his work as a visiting judge throughout Northeast Texas. The Judge was an inspiration and a great source of encouragement to two of my sons who practiced in his court. One, Brett, has been honored to succeed Judge Bosworth and is just finishing his second 4 year term. Blakeley is practicing and doing well.

Judge Bosworth dedicated his life to serving his country, first as a member of the military community and later as a member of the judiciary. His dedication to strengthening this nation spanned more than six decades and included service in two branches of government. Mr. Speaker, I ask my colleagues to join me in celebrating the life of this wonderful patriot—Judge Richard Bosworth.

RECOGNIZING STUDENTS, TEACHERS, AND ADMINISTRATORS AT SUN VALLEY HIGH SCHOOL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize the students, teachers and administrators at Sun Valley High School located in Indian Trail, North Carolina. Over the past two weeks, Sun Valley students have given more than $23,000 out of their pockets to help the less fortunate in their area. This money will go to a program called the Sun Valley Children's Christmas Party, which will help needy elementary children in their area who won't have a Christmas.

The Sun Valley Children's Christmas Party has been helping impoverished children for more than three decades. It began as a small project to help a handful of needy families experience the joy of Christmas. Today, thanks to the generosity of the Sun Valley community, 30 to 35 needy elementary children, and their families, will have a Happy Christmas this year.

I am most impressed by this effort because it is student driven. Not only do Sun Valley students raise the money, but on December 14th, a group of students will actually pick up the children at school and take them to Monroe Mall where they will purchase them new clothes, shoes, and coats. They take the children to visit Santa, have lunch at Chick-Fil-A, and end their visit by taking the kids to get ice cream. Later, Sun Valley students will shop for essential items, food, and new school supplies for the children, as well as toys and gifts for their brothers and sisters. Then on December 16th, the students will deliver all the gifts to the family as well as food for a Christmas feast.

Leading this student driven program are the co-chairs of the Children's Christmas Party, Student Council President Alexandra Knight Efird, and Student Council Vice-President Paige Lillia Donham. Their hard work has not gone unnoticed. Likewise, the Student Council faculty advisors, James P. Wall IV and Christopher Martin, have also worked countless hours to help the students in their effort. I would like to recognize the efforts of students in the classes of Mr. Wall, Mr. Reynolds, and Mr. Faulkner. They raised the most money out of all the classes at Sun Valley, and Mr. Reynolds class alone raised over $2,000 for this effort.

Mr. Speaker, I am honored to say that I represent Sun Valley High School. In a day and age where people tend to think only of themselves, here is a shining example of a group of young people who know what Christmas is really all about. I commend them for their efforts to make their community a better place by helping the less fortunate during this holiday season. I hope that this wonderful effort will continue at Sun Valley for many years to come.

THANKING CINDY FOX VON GOGH FOR HER SERVICE TO THE HOUSE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. McKEON. Mr. Speaker, on the occasion of her retirement on January 2, 2007, we rise to thank Ms. Cindy Fox von Gogh for over thirty-two years of distinguished service to the United States House of Representatives.

Cindy began serving the U.S. House of Representatives in 1974 as the office Manager for John Dent (D–PA), Chairman of the Subcommittee on Labor Standards. In 1978 she embraced the role of Committee Archivist for Carl D. Perkins (D–KY), Chairman of the Committee on Education and Labor. While serving in this capacity Cindy was instrumental in expanding the use of computers in Committee office operations.

Milestones during her career at the House include; managing a Micro VAX computer system supporting the Full Committee and eight Subcommittees, implementation of a Novell Network and authoring a Personal Computer Reference Guide for staff. Cindy also created one of the first web sites in the House and was recognized by the Congressional Management Foundation with an award for one of the best web sites on Capitol Hill setting the standard of excellence in web design.

Cindy's contributions to Committee operations were achieved while she maintained her commitment to publish into the archives the Committee Legislative Calendar chronicling Committee proceedings as an official historical document of the House.

Kindhearted, professional and dedicated are words used by her colleagues to describe Cindy. She is known throughout the House as a person you can rely on to do what's right. She has earned the reputation as a person with a calm demeanor and respect for everyone.

Mr. Speaker, Cindy is truly an inspiration in nonpartisan service to the Committee and the House. She served six Chairmen irrespective of which party was the majority. We are grateful for all Cindy has done during the past thirty-two years serving the Committee, this institution and the citizens of our country. Her service to the House is respected by the Chairmen, Members and staff that have benefited from her expertise, institutional knowledge and unwavering disposition.

On behalf of the Committee and the entire House community, we extend congratulations to Cindy for her many years of dedication and outstanding service to the U.S. House of Representatives. We wish Cindy many wonderful years fulfilling her retirement dreams.

PERSONAL EXPLANATION

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to a medical treatment, I was unable to attend votes on Friday, December 8, 2006. Had I been present, I would have voted the following:

H.R. 6406—"Nay". To modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

H.R. 6111—"Yea". Tax Relief and Health Care Act of 2006. I was particularly interested in a provision of this bill that provides an increase in payments to Medicare physician payments. I am concerned with the reimbursement rates and the Gross Domestic Product-based formula known as the Sustainable Growth Rate (SGR) used to calculate healthcare services rendered. Using the SGR formula, without this fix, Medicare was scheduled to cut physician payments by nearly 5 percent effective January 1, 2007. I believe that we need to reform our reimbursement structure to keep physicians participating in both Medicare and TRICARE. The constituents in my district, both the doctors and patients, have called my office to let me know this is particularly important to them, especially as the number of enrollees in both programs is increasing. I was very pleased this provision was included in H.R. 6111.

REMEMBERING THE SACRIFICE OF FIVE FEDERAL FIREFIGHTERS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. LEWIS of California. Mr. Speaker, I rise today to memorialize the heroism and devotion to duty of five U.S. Forest Service firefighters, who gave their lives in the line of duty protecting families and homes from the ravages of a ferocious wildfire that overwhelmed their truck.

The 41st Congressional District includes a series of rugged mountain ranges with thousands of acres of national forest, but also thousands of homes and families. They include some of the most beautiful scenery in Southern California, but they are also home to some of the most dangerous wind-driven wildfires during our annual season of Santa Ana Winds.

I have come to know and deeply respect the firefighters who protect these homes and fight these fires. They are among the most professional and resourceful in the nation. Their heroism and tenacity have made the mountains a safer place to live.

So it is with the deepest sorrow that I ask my colleagues to join me in mourning the loss of five of these brave federal firefighters during the Esperanza Fire in the mountains east of San Bernardino. Those who gave their lives in the line of duty were Engine Captain Mark Loutzenhiser, Fire Engine Operator Jess McLean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, and Firefighter Pablo Cerda.

Mark Loutzenhiser, a father of three, was a vital member of his hometown of Idyllwild, California. He coached youth sports and was considered a friend by nearly everyone in town. He had 21 years of firefighting service and was a certified emergency management technician. He had previously worked as a hotshot crewman for the Vista Grande Hot Shots and also as a volunteer firefighter for Riverside County. He is survived by his children and his wife Maria Loutzenhiser, a Forest Service employee who joined Mark on the firelines until the birth of their children.

Jess McLean had seven years of firefighting service and had been a hotshot for three years with the Vista Grande Hot Shots. He was a hometown hero—graduating from from Banning High School in 1997 and attending fire science classes at Crafton Hills College. He was a resident of Beaumont, CA. He is survived by his wife Karen McLean and his mother Cecelia McLean.

Jason McKay spent four years as a volunteer firefighter in the High Desert town of Adelanto before joining the Forest Service five years ago. He also served on the Mojave Greens Type II crew. He was a certified EMT and earned an associate's degree in fire science. He was a resident of Phelan, also in the High Desert. He is survived by his mother Bonnie J. McKay and his father Robert McKay.

Daniel Hoover-Najera began his firefighting career with the Tahquitz Type II crew in 2005 and was serving as a seasonal Forest Service employee this year. He worked on the Tahquitz Type II crew in 2005 and was a seasonal employee in 2006. Just 20 years old, he graduated from San Jacinto Mountain View High School in 2004. He is survived by his mother Gloria Ayala and his father Timothy Hoover.

Pablo Cerda was also in his second season with the Forest Service. He graduated from Los Amigos High School in Santa Ana in 2001 and attended Fire Academy of Riverside Community College. He is survived by his father Pablo Cerda, Sr.

These five U.S. Forest Service firefighters on Engine Crew 57 on the San Jacinto Ranger District were dispatched early on the morning of Thursday, October 26 to fight the Esperanza fire. Taking a stand atop a ridge to protect a home, the crew and their engine were overcome when the fire raced up the slope.

Mr. Speaker, it has been a little more than a month since the loss of these brave firefighters, and their neighbors have overwhelmingly shown their support through donations and help for their families. They are sorely missed by their communities, and by the greater community of federal firefighters. I ask my colleagues to please join in sending their families our condolences, as well as our sense of deep pride for those who dedicate themselves to such selfless public service.

ON THE INTRODUCTION OF "THE NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT"

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce The Northwestern New Mexico Rural Water Projects Act. This legislation, which was also introduced in the Senate by my colleague from New Mexico Senator Bingaman, will ratify the historic San Juan River Settlement Agreement. This agreement, signed by the Navajo Nation and the State of New Mexico, will provide for the development of a rural water system to address the water needs of numerous New Mexicans, many of them members of the Navajo Nation.

The settlement agreement, once ratified, will resolve the Navajo Nation's water rights without litigation. It will also provide a water supply for Gallup, New Mexico, and recognize authorized and existing uses of San Juan River basin water. In exchange for relinquishing some of their claims to water from the San Juan River basin, the Navajo Nation will benefit from water development projects which include the Navajo-Gallup project and the Navajo Nation Municipal pipeline. The pipeline will convey water from the Animas-La Plata project from the city of Farmington, New Mexico, to numerous Navajo communities and the city of Shiprock.

The Navajo Nation, the State of New Mexico and many other residents of northwestern New Mexico put a tremendous amount of work into reaching an agreement that will provide a more secure future for many vulnerable communities. I am proud to be able to contribute today to their efforts by introducing the House companion bill and starting it down the path of Congressional approval. I look forward to working with my colleagues to pass this legislation to move these important water projects forward.

REMEMBERING BILLY EARL HIBBS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, today it is my privilege to honor the life of a dear friend, Billy Earl Hibbs, who passed away earlier this year at the age of 67. Billy was a native Texan, born on September 25th, 1938, in Quitman. He graduated from Quitman High School and married his high school sweetheart, Eugenia Stroud in 1957. Eugenia and Billy had one child, Billy Earl Hibbs, Jr.

Starting with a small, three-person insurance agency, Billy grew his business into Heartland Security Insurance Group, one of the largest insurance holding companies in the Southwest. Heartland is one of the largest providers of claims services to the Federal government, including all branches of the military as well as non-military personnel injured in Afghanistan and Iraq. Despite its size, Heartland maintains its Texas roots with it's headquarters in Tyler and continues to serve almost half the school districts in Texas.

The Texas Legislature recognized Billy's accomplishments in 1981 for his success in handling the John Tyler High School fire loss. In 1990, he led the passage of a bond measure to provide upgrades to the City of Tyler's infrastructure. A patron of the arts, Billy served as President of the East Texas Symphony Association and worked to relocate performances to the Cowan Center at U.T. Tyler. Billy also served as President of the Tyler Civic Theatre where he oversaw construction of the Braithwaite Theater and the opening of the Rogers Children's Theatre. As President of the Tyler Rotary Club he became a Paul Harris Fellow. Billy was a member of the Henry Bell Masonic Lodge, and a founding board member of the Better Business Bureau of Central East Texas. He served as a board member for Leadership Tyler, the Tyler Independent School District Foundation, and the Tyler Chamber of Commerce and was a member of the Order of the Rose. He was a member of the Pairs and Parents Sunday School class, an usher, and a past trustee of Marvin United Methodist Church. Billy also remained active in the Independent Insurance Agents at local, state, and national levels throughout his life.

In 2004, Billy was inducted into the Junior Achievement "Business Hall of Fame," and made a member of the honor business fraternity, Beta Gamma Sigma, at the University of Texas at Tyler. In 2005, Hibbs-Hallmark & Company was honored with the Better Business Bureau's "Torch Award" for demonstrating a commendable ethical record over the years, and recently, the Tyler Rotary Club honored Hibbs by distinguishing all present and future donors of $1,000 as "Billy Hibbs Fellows."

Billy is survived by his loving wife of 48 years, Eugenia "Jeannie" Hibbs, his son Billy E. Hibbs, Jr., and daughter-in law Tisa Weiss Hibbs, two grandchildren Stratton Weiss Hibbs and London Elizabeth Hibbs, and two sisters Dorma Shields and Betty Cassels of Quitman, as well as other relatives.

Billy was always generous with his time and leadership, and he shared his many blessings with his community and his country. Mr. Speaker, Billy Hibbs was a valuable member of the community whose years of service will provide a legacy for many years to come.

"THE JOURNEY FOR HUMANITY" MARCH IN WASHINGTON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PALLONE. Mr. Speaker, I would like to honor a group of young individuals from Journey for Humanity, of which I, along with my Armenian Caucus Co-Chair, the gentleman from Michigan, Mr. KNOLLENBERG, had the opportunity to meet with last month. Their goal is to raise awareness and recognition of the Armenian Genocide, as well as other human rights atrocities occurring around the world today.

Last month the group arrived in Washington, having walked across the country. The 3,000-mile Journey for Humanity walk began approximately 5 months ago in Los Angeles, CA with the support of the Armenian Assembly of America. Since then, the marchers have crossed a dozen states and held rallies in eleven major U.S. cities to honor the victims and survivors of all genocidal acts and advance the cause of genocide prevention.

The group marched twenty miles a day until it reached the Nation's capital. Although the walk officially concluded, the Journey continues with hopes for a documentary and a book to archive their efforts at genocide awareness and prevention. They also have plans for a series of lectures across college campuses to promote this important human rights message.

For decades we've all heard the words "never again," yet we continue to see the same type of horrors happening today. With the death toll in the Darfur region of the Sudan nearing 400,000, these young people hope to show the importance of learning from the past and to prevent future genocides.

As descendants of genocide survivors, these young men and women carry the memory and live in the reality of the consequences of genocide. As Americans, it is our collective responsibility to inform our country about atrocious crimes against humanity, in an attempt to prevent future episodes.

I commend their courage and passion, as well as the Armenian Assembly, for their efforts in raising public awareness and affirmation of these crimes against humanity. I heartily support their endeavors.

Mr. Speaker, next Congress I, along with my Armenian Caucus Co-Chair Joe Knollenberg and my fellow Caucus colleagues ADAM SCHIFF and GEORGE RADANOVICH, plan to reintroduce a resolution affirming the Armenian Genocide. The truth of the past must be told and acknowledged as a first step to genocide prevention. I encourage all Members of this body to cosponsor this important resolution.

TRIBUTE TO MRS. THELMA GIBSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor and congratulate Mrs. Thelma Gibson who will celebrate her 80th birthday on December 17th with friends, families and well wishers.

Mrs. Gibson is a South Florida institution, a woman who has dedicated herself to a lifelong pursuit of education, while focusing on improving public healthcare in our community and instilling the virtues of community service and volunteerism in all people who are graced by her presence.

Mrs. Gibson is the sixth of fourteen children and was born on December 17, 1926 to Sweetlon Counts Albury Anderson and Thomas Theodore Anderson. Mrs. Gibson is the mother of 2 children, Charles Gibson and Deveniece Gibson. She has 7 sisters and brothers—Joyce, Doris, Percy, Donald, Hubert, Alvin and Herma—and has a host of loving nieces and nephews. Mrs. Gibson is a native Miamian and the widow of the late Reverend Canon Theodore Roosevelt Gibson.

Mrs. Gibson received her formative education at Coconut Grove Training School for Colored Elementary School, Coconut Grove Junior High School, and George Washington Carver High School, from which she graduated in February 1944. After graduation, Mrs. Gibson attended Saint Agnes School of Nursing at Saint Augustine's College in Raleigh, North Carolina and graduated in August 1947 as a Registered Nurse with a specialty in operating room techniques. She then returned home to work at Jackson Memorial Hospital in the operating room, where she had been approved for a position. Her employer, however, upon realizing that she was of Color, assigned her to work on the Colored wards.

Mrs. Gibson continued her education in nursing by taking an advanced course from Florida A & M University taught by Dr. Mary Carnegie, Dean of Nursing, in a classroom provided by Jackson Memorial Hospital. In the summers of 1954 and 1955, while preparing to work in Public Health Nursing, Mrs. Gibson took advanced courses at Catholic University in Washington, DC. During the summers of 1956 and 1957, she attended the University of North Carolina, Chapel Hill, where she enrolled in courses on cancer and communicable disease nursing. From there, she attended courses given through the University of Miami in 1957 and 1958 out of the home of an instructor who lived in Coconut Grove at the corner of Main Highway and Lennox Avenue. A course was also provided at Booker T. Washington Senior High School. Finally, in 1959, Mrs. Gibson attended Teachers College at Columbia University, New York and earned her Bachelor of Science degree in nursing education.

For more than 50 years, Mrs. Gibson has been a trailblazer in education, mental and physical health programs, and a community leader who served her church and family. In August of 1997, she was appointed as Interim City Commissioner and served on the City of Miami Commission through November 1997.

Mrs. Gibson holds memberships on numerous boards, committees, and panels, and has received many honors, awards, recognitions, and certificates. The most recent accomplishment to Mrs. Gibson's credit is authoring her autobiography, Forbearance: Thelma Vernell Anderson Gibson, The Life Story of a Coconut Grove Native that was released in the Fall of 2000. Mrs. Gibson also sponsors the Thelma Gibson Health Initiative, housed at the Theodore R. Gibson Building, that provides free testing and assistance for HIV and AIDS infected persons. Her latest project is the Theodore and Thelma School of the Performing Arts located on Grand Avenue in Coconut Grove where the students receive academic training with a focus on the Arts.

Mr. Speaker, I know all my colleagues join me in honoring Mrs. Gibson, a truly great lady, as she celebrates her 80th birthday. We can only wonder and marvel at the achievements that are still before her.

PRESIDENT YUSCHENKO'S EDITORIAL

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WEXLER. Mr. Speaker, the following is an op-ed written by President Victor Yuschenko of Ukraine, which appeared in the Washington Post on November 29, 2006. As a strong supporter of United States-Ukrainian bilateral relations and Ukraine's further integration into the trans-Atlantic community, I believe it is imperative that the upcoming 110th Congress play a greater role in fostering cooperation between our two nations. To do so, we must be prepared to reach out to President Yuschenko, Prime Minister Yanukovych and all the Ukrainian people as they take the sometimes difficult steps to further democratize. It is essential that Ukraine continues to have the support of the United States and our European allies during this period of transition, so that the ideals of freedom and democracy developed and echoed during the Orange Revolution come to bear.

The text of President Yuschenko's editorial follows:

Two years ago an authoritarian regime's attempt to hijack the presidential election in Ukraine failed. As official results were announced, disbelief provoked millions of citizens to pour into the streets in protest. They took a stand against those discredited officials who hid behind law enforcement bodies in an attempt to prolong their corrupt hold on power. Those days and weeks are known as Ukraine's Orange Revolution.

In the time since, my main goal as president has been to institutionalize democracy and guarantee that it is irreversible. Many of the wrongs in my country have been corrected. We are maintaining our unwavering commitment to the principles of freedom. We agreed to shift constitutional powers from an authoritarian presidency to a coalition government formed by parliament to end the country's political impasse. And we abolished state censorship of the media, while also forbidding interference in news reporting.

This year free and fair elections were held at national, regional and local levels. Overseeing the peaceful and democratic transition of power was my unique test, as it brought back to office my former political opponents.

But along with our national successes and economic achievements under two "orange" prime ministers, there have been disappointments and miscalculations. Infighting among my political allies has been the biggest disappointment. Some "orange" politicians have ignored their fundamental duty to deliver results for the public good. Instead, gaining political power and seeking the limelight have become their goal. As our country's democracy continues to mature, I am convinced that a young cadre of leaders will rise through the ranks of Ukraine's democratic parties to create a political renewal.

On my watch, the corruption that has historically emanated from the president's office ceased. Thousands of election officials, tax collectors, foot patrols, road police and customs agents were brought to justice for petty corruption. Yet the biggest abusers of public office remain at large because of unreformed prosecutors and corruption in the courts. I have recently initiated a number of anti-corruption bills to reform the criminal justice system and the courts, and I will continue to press parliament for speedy action.

Because we were preoccupied with domestic political reforms this year, we failed to communicate effectively with our international partners. I want to explain where Ukraine stands and where we are heading. Democracy and stability—two interdependent principles—form the basis of my agenda. To this end, I will continue constitutional reforms that facilitate the effective work of government and prevent a return to authoritarianism or the usurpation of power.

Today there is a balance of political power between two directly elected democratic bodies: the president and parliament. The prime minister, although not directly elected, represents a majority of the parliamentarians. Bills specifying the role of the governing coalition and the opposition have yet to be passed. But let there be no mistake: Together we share responsibility for shaping, executing and controlling laws and state policies.

Second, constitutional reforms are incomplete, and as a result there is a political asymmetry. We will continue refining a reliable system of checks and balances between the presidency, parliament and coalition government to expedite policy decision making. To meet these objectives, I have commissioned a group of constitutional experts to recommend amendments to strengthen our nascent democratic institutions.

Third, our law on national security promotes participation and membership in pan-European and regional systems of collective security. Membership in the European Union and NATO, as well as good relations and strategic partnerships with Russia and other countries in the Commonwealth of Independent States, are not romantic ideas of the Orange Revolution—they are founded in Ukrainian law. The president, coalition government and parliament determine the speed with which these goals are reached.

Most important, the democratic debates in Kiev's halls of power are now centered on ideas about competing economic theories, values and worldviews. Our current system of checks and balances requires policy coordination, party coexistence and political compromise for us to move forward. Not everyone likes the new rules of the game, and some are having trouble playing in this new reality—but Ukraine's democracy is here to stay.

As president, my historic mission is to guarantee that Ukraine's national goals are reached not through political dictates but through an institutionalized democratic process that brings together governing bodies and citizen groups. I am convinced an inclusive democracy is one of the most significant and lasting achievements of the Orange Revolution.

TRIBUTE TO SYDNEY TALLY HICKEY—MILITARY FAMILY ADVOCATE, NATIONAL MILITARY FAMILY ASSOCIATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Sydney Tally Hickey, military family advocate and member of the Board of Governors of the National Military Family Association (NMFA)—in recognition of her distinguished service to her country. From 1983, when she joined the NMFA Government Relations staff, until her death on December 1, 2006, she taught an entire generation of NMFA members to be consummate advocates and better the lives of hundreds of thousands of active duty, National Guard, Reserve and retired service members, their families, and survivors. She did this by being smart, detailed, and persistent—armed with the facts, an unblinking perseverance, and a luminous passion.

I had the honor of knowing Ms. Hickey personally. She was a military family member all her life as an Air Force daughter and Navy spouse. She was married to Capt. Dennis J. Hickey IV, who is retired from the U.S. Navy, and has her two daughters and a grandson.

In 1983, she joined the NMFA Government Relations staff and served as the Vice President of the Department from 1987 to 1990. On January 1, 1990, she was selected to become the Association's first paid professional staff member and served as Director of Government Relations until her retirement in October 1999. Mrs. Hickey continued her work with the Government Relations Department as a volunteer consultant on health care issues. She also served on the NMFA's Board of Governors.

Over the years, military families everywhere benefited from Sydney's hard work and foresight. She was the driving force behind the set of transition benefits Congress put in place for service members and families during the drawdown following the first Gulf War. Recognizing that military families overseas deserved the same access to federal safety net programs as those living in the United States, Sydney and NMFA worked aggressively for several years to secure the legislation creting the Women, Infants, and Children (WIC) nutrition program overseas. Thanks to her work, military families stationed overseas also became eligible for the Earned Income Tax Credit and Supplemental Security Income.

Frequently invited to provide testimony before Congressional Committees on issues facing military families, she also helped guide the development of many of today's family readiness programs. Thanks in part to her foresight in anticipating the needs of families and her skill in articulating these needs, Congress and the Department of Defense established many vital enhancements to the quality of life of military families.

Sydney Hickey helped to take the voice of the military family from a whisper to a giant roar, forevermore to hold a significant place in any pertinent discussion. She brought stories of military families' everyday experiences to the policy makers and now military family members are routinely represented on Congressionally-mandated advisory panels and DoD working groups and councils that develop and oversee programs and benefits applicable to them. She was one of the pioneers who taught and encouraged family members to get involved in the representative process, by sitting on boards and councils and teaching them how to work with legislators. She helped military family members become their own best advocates.

Sydney's work brought her many awards and recognitions, including the 1992 National Citizenship Award from the Military Chaplains Association, the 1993 Defense Transition Services Award from the University of Central Florida, the 1998 "Champion for Children" award from the Military Impacted Schools Association, and the 1999 Department of Defense Medal for Distinguished Public Service.

In that same year, NMFA established an award for exceptional service to uniformed service families, presented it to Mrs. Hickey, and named it in her honor. She also received the Military Coalition's Award of Merit and recognition by the Defense Commissary Agency for her work as a "legendary champion for the causes of military life."

Sydney Hickey's legacy is greater than a list of awards. Her legacy is seen every day in the dedication and accomplishments of the people she mentored over the years: NMFA volunteers and employees, military family members, leaders of military associations, and countless others. It is in the increased awareness of military families that Members of Congress, their staffs, DoD civilians, contractors, and others gained, thanks to their interactions with Mrs. Hickey. Military families who may never know the name of Sydney Tally Hickey have benefited from her body of work and have an enhanced quality of life due to her efforts. Today, we honor the memory of this tireless advocate, whose life was a tribute to the military families she served.

IN TRIBUTE TO SAM ROWLAND

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, I am honored to pay tribute to a good friend, great Texan, and wonderful individual, Sam Rowland, who passed away recently, leaving a legacy of accomplishments and good will that will last for generations to come. Sam was devoted to God, his family, friends, and the Law, and he applied the principles of his faith to his career and his many civic and humanitarian affiliations.

Sam came from a family of educators. He graduated from Highland Park High School in Dallas, attended Texas A&M University on a baseball scholarship, earned an accounting degree from Texas A&M in 1955, and graduated from SMU School of Law in 1960. Sam had a long and interesting business career. He began his corporate experience at Texas Instruments in Dallas and went on to form a publicly held company in the early days of microchips.

In 1972 Sam opened his own law firm in Houston. He loved the practice of law and was a member of the Texas Bar for 46 years. He was the senior partner of Rowland and Keim for 18 years, and in 1990 opened his own firm in Bryan/College Station, where he practiced until his death. At the same time, he taught a course at Texas A&M College of Business, where he shared his wealth of corporate experience and knowledge teaching young Aggies about starting their own business.

Sam was a member of the Corp of Cadets at Texas A&M, the 12th Man Foundation Executive Board, and Past President of the A&M Letterman's Association. He was a member of the Bryan Rotary Club, the Silver Haired Supper Club of Highland Park, and the Texas A&M Past Presidents Club of Houston and San Antonio. He was a member of the Houston Bar Association and the Brazos County Bar Association. Sam's faith was premiere in his life, and he was a member of the First Baptist Church in Bryan for 20 years and a member of the Little River Baptist Church in Jones Prairie.

Sam will be greatly missed by his family, his wife of 25 years, Betsy Kay Rowland of Bryan, daughters Melinda Rowland of Lafayette, LA, and Michele Hanlon of San Antonio, sons Stuart Rowland of Arlington and Sean Ryan and wife Glenda of Tyler, brother-in-law Bill Vorlop of Dallas, two nephews and their families, two grandchildren, and two great-grandchildren. He was preceded in death by a son, Scott, his parents, Wordna Reed Rowland and Ray Davis Rowland, and his sister, Wanda Vorlop.

Sam Rowland was a friend, mentor, and role model for so many whose lives he touched and influenced, and his memory will be kept alive in the hearts of those who loved and admired him. Mr. Speaker, as we adjourn today, let us do so in memory of this outstanding American—Sam E. Rowland.

TRIBUTE TO THE STAFF OF THE UNIVERSITY OF MINNESOTA DULUTH

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to the staff members of the University of Minnesota Duluth (UMD) who were named recipients of the Governor's Minnesota Government Reaching Environmental Achievements Together (MnGREAT) Award for superior environmental achievement by Minnesota's public agencies. The award represents the highest level of environmental achievement within the State of Minnesota.

The five UMD staff members who received the environmental achievement award are Erik Larson (UMD Facilities Management, Engineer/Project Manager), Wade Lawrence (Director of Glensheen), and Peggy Dahlberg, Sheryl Lind, and Dan McClelland (UMD Facilities Management Grounds Department).

The award recognizes the low impact development and shoreline bank stabilization projects constructed at the Glensheen Historic Estate in Duluth. The goals of the projects were: to improve water quality of storm water from Glensheen's parking lots into Lake Superior; to stabilize the clay bank in order to reduce wave, rain, and surface flow erosion during large storms; and to provide a location where the general public can see low impact development practices in place and functioning.

The Glensheen projects are important because shoreline conditions are rapidly changing along Lake Superior's North Shore due to increased tourism, business, and private development taking place. Innovative methods of treating the runoff from these changed conditions are imperative to maintaining the health of the lake.

The project was done as a joint effort with Southern St. Louis Soil and Water Conservation District, Minnesota Board of Soil and Water, Wisconsin Sea Grant and the Carlton, Cook, Lake North and South St. Louis Joint Powers Board of Soil and Waters Conservation Districts.

I am proud and honored to share with my colleagues this well-deserved tribute for the hardworking staff of the University of Minnesota Duluth and their innovative efforts to improve the environment in the Duluth area.

AMBASSADOR JEANE J. KIRKPATRICK

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TIBERI. Mr. Speaker, I join those who mourn the death of former United Nations Ambassador Jeane J. Kirkpatrick. Ambassador Kirkpatrick was a great American patriot and champion of liberty for those living under Communist or other totalitarian regimes.

Like President Reagan, who appointed her to the U.N. post, Ambassador Kirkpatrick was an American original. She became a Republican when she found that the Democratic Party no longer reflected her values, just as Reagan did. She was Reagan's first female cabinet level appointee, and was his point person at the U.N., where she was a brilliant advocate for her country's interests.

If Ambassador Kirkpatrick did not originate the phrase "Blame America First," she certainly brought it to the attention of the American people with her use of the words in defending President Reagan's foreign policy at the 1984 Republican convention. She pointed out that Democrats and other critics were quick to place the responsibility for all the world's problems at the feet of their own county. Somehow, Ambassador Kirkpatrick said, they always blame America first. Unfortunately, those words too often still apply today.

Ambassador Kirkpatrick deserves a large share of the credit for helping the U.S. win the Cold War. Her efforts brought freedom to many around the globe who otherwise may not have been able to enjoy it. She remained a passionate spokesperson for her country's interests until her death. Her voice has been silenced now, and it will be missed.

OUR SOUTH ASIAN ALLY, SRI LANKA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, in my time in Congress, I have had the opportunity to visit our South Asian ally, Sri Lanka. This small island nation has directly suffered both the devastating effects of the 2004 tsunami and the continuing threat of homegrown terrorism, which has experienced a recent resurgence.

Many years before the tragic events of September 11, 2001, Sri Lanka was confronting the grim specter of suicide terrorism. In fact, many of the suicide tactics utilized by terrorists in the Middle East originated with the Tamils. Because of this and because of their ties with other international terrorist groups, the Tamils pose a threat to Americans around the globe as well.

Despite the fact that a cease-fire remains in effect, over the past year, the Liberation Tigers of Tam Eelam (LITTE) have continued to commit acts of violence against the legitimate Government of Sri Lanka. The recent spate of violence began in August of last year with the assassination of Sri Lanka's Foreign Minister, Lakshman Kadirgamar. In a further attempt to damage the democratic process, the LITTE prevented the Tamil population in the Wanni region from voting in the Presidential election last November. Since the Inauguration of President Mahinda Rajapaksa, the LTTE has stepped up attacks on unarmed civilians including the use of fragmentation bombs against a bus killing 64 and injuring 80. Additionally, they have carried out assassinations of the Commander of the Sri Lanka Army and the Deputy Chief of Staff of the Army and attacked a convoy of off-duty sailors, killing 94 and injuring many more. In all of these cases, the attacks were carried out by suicide bombers.

The LTTE has cultivated a worldwide network of weapons suppliers. Here in the United States, the FBI was able to apprehend Tamil agents who attempted to purchase surface-to-air missiles in New York and Maryland. Tamil agents have been arrested here for attempting to bribe customs agents and funnel illicit funds through charities. While the Tamils continue their attempts to operate in the United States, Federal authorities are vigorously investigating and prosecuting those who are recruiting support for terrorism in Sri Lanka.

The Sri Lankan Government gives every indication that it is committed to a peaceful settlement to this conflict within their nation's borders. Even after an attempt on the life of Defense Secretary Rajapakse, the President's brother, the government refuses to institute an outright ban on the Tamil Tigers. Norwegian peace negotiators, who had presided over the current cease-fire agreements, continue their efforts to bring the LTTE to the peace table but, unfortunately, Tiger leader Prabhakaran has called for a full resumption of hostilities. The government is ready to except the Tigers as a peaceful political party but not as a purveyor of violence.

Sri Lanka is a beautiful nation filled with hopeful people who wish to live in peace, and I am hopeful that they will soon see a resolution to these dangerous difficulties.

PAYING TRIBUTE TO JEFFERSON COUNTY SHERIFF'S OFFICE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to offer my praise for the heroic actions of several law enforcement agencies in Colorado. Authorities from the Jefferson County Sheriff's Office, Park County Sheriff's Office and Colorado State Patrol acted in a swift and competent manner during the hostage standoff at Platte Canyon High School in Bailey, Colorado on September 27, 2006.

Mr. Speaker, these men and women risked their lives to help save students that had been taken hostage by an adult gunman. The situation sparked strong reminders of Columbine High School from April 20, 1999.

Mr. Speaker, that day a young woman lost her life. As Emily Keyes escaped her captor, he shot and fatally wounded her. Her family has requested that this tribute be made to law enforcement. In my conversation with the family, they thankfully praised the Jefferson County Special Weapons and Tactics Regional Team for their actions. The family has since been in consistent communication with them and thankful for the role that they have played in the community.

The Keyes family has also expressed gratefulness for Park County Sheriff Fred Wegener. He was the man who gave the go ahead that day to storm the classroom in an effort to save the lives of the remaining hostages. The Keyes' family has continued to honor their daughter since her tragic death. Her memorial and a charity bike ride have attracted thousands of supporters; a testament to what I'm certain was a wonderful and bright young woman.

Mr. Speaker, while the events at Platte Canyon are tragic, the Keyes family has carried the memory of their daughter and support the actions made by law enforcement that day.

50TH ANNIVERSARY OF WELDON'S SADDLE SHOP AND WESTERN WEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Weldon Burgoon and his business, Weldon's Saddle Shop and Western Wear, for 50 years of outstanding service in the Denton community.

Weldon Burgoon began hand-tooling leather goods during his teenage years while attending a class at Sanger High School, in the 26th District of Texas. There he met and later married his wife, Joy. His own business evolved after hand-tooling leather belts as a side job to working in his father's plumbing business. After opening its doors on the outskirts of Denton in 1957, today Mr. Burgoon's saddles are known worldwide for their quality and craftsmanship.

Mr. Burgoon's generosity and commitment to the Denton community has remained strong during the past 50 years. His shop is a principal supporter of the Denton County Livestock Association's Annual Youth Fair and Rodeo. Weldon's Saddle Shop is a family affair and will continue its successes under the capable assistance of his daughter Kippie Wilkerson, and her two sons.

Mr. Speaker, it is with great pride that I stand here today and congratulate the 50th year of business for Weldon's Saddle Shop and Western Wear. I am honored to serve Mr. Weldon Burgoon in the U.S. House of Representatives.

HONORING THE MEMORY OF LT. TOM BROWN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, I rise today to honor the memory of Lt. Tom Brown, my high school classmate, who died in service to his country on the 20th day of November, 1944, during combat in World War II. Having recently celebrated Veterans Day, we remember and honor the brave men and women who have sacrificed for this country. These veterans, such as Lt. Brown, gave their lives in the defense of those freedoms that we enjoy today.

On the 19th of November, 1944, American forces were attacking positions in and around Schleiden, Germany. Part of Company "K" became pinned down under heavy enemy fire and was in danger of suffering heavy casualties. Lt. Brown, a platoon leader at the time, recognized the gravity of the situation and leapt to his feet. Shouting words of encouragement to his men, he charged the enemy, firing as he ran. Upon seeing this courageous example set by their leader in the face of the enemy, the rest of the men followed his lead and took up the assault. So surprised was the enemy that a large number were either destroyed or taken prisoner. Led by Lt. Brown, the platoon moved into its' sector of the town with a minimum of casualties. On the basis of these heroic actions, Lt. Brown was recommended for the Silver Star.

Tragically, the following day, while attacking Neidermer, Lt. Brown, leading his men, was moving through the left side of the town when an enemy machine gun opened fire from a basement window and killed him instantly. Although his men immediately destroyed the enemy position, his loss was a great blow to the Battalion and was keenly felt by the men.

In a letter to his family, Lt. Col. Roger S. Whiteford noted, "The courage, initiative, leadership, and indomitable fortitude displayed by Lt. Brown at the time definitely saved the lives of some of his men and materially aided in the successful continuation of the attack. By his outstanding devotion to duty in accomplishing these heroic deeds, Lt. Brown gained the greatest respect and admiration of all the officers and men and the Battalion mourns his loss not only as that of a highly capable and exceptional leader but also as a true friend."

Lt. Tom Brown reminds us of the great sacrifices made by the many men and women of our armed services who regard the safety of this nation more highly than their own personal comfort and safety. I ask my colleagues to honor the service of one who gave his life in service to our Nation—Lt. Tom Brown.

RECOGNIZING UNC'S NATIONAL CHAMPIONSHIP IN WOMEN'S SOCCER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to recognize the University of North Carolina at Chapel Hill's Women's Soccer Team. Under the leadership of Head Coach Anson Dorrance, the team won its 18th National Championship on Sunday, December 3, defeating Notre Dame 2–1.

The Lady Tar Heels won 27 games in a row on their way to claiming the championship trophy. Led by senior Heather O'Reilly and freshman Casey Nogueira, this outstanding group of athletes was the embodiment of tenacity, determination, and teamwork. Their passion, talent, and success have inspired us all, and they have been the perfect role models for younger female athletes all across our Nation.

Mr. Speaker, I would also like to recognize Coach Anson Dorrance. In the 27 years that women's soccer has been an official NCAA Division 1 collegiate sport, Coach Dorrance has led the UNC women's soccer team to an astounding 18 National Championships. To put this number in perspective, John Wooden, legendary coach of the UCLA men's basketball team and one of the greatest coaches of all time in any sport, coached his team to 10 National Championships. Coach Anson Dorrance's success is truly unprecedented, and it is a testament to his remarkable leadership, vision, and skills.

The women's soccer program at UNC–Chapel Hill has a long and distinguished history of winning and producing some of the best soccer talent in the world. Mia Hamm, Cindy Parlow, Lori Chalupny, and a host of other players started at UNC before going on to excel in national and international competitions like the FIFA World Cup. The players on the 2006 team are no exception. Today, I officially congratulate the Lady Tar Heels for winning the 2006 NCAA Championship, and I wish them the best as they continue to be leaders of women's collegiate soccer.

REMEMBERING AMBASSADOR JEANE J. KIRKPATRICK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WOLF. Mr. Speaker, we learned some sad news this morning. Jeane J. Kirkpatrick, the first woman appointed to serve as permanent representative of the United States to the United Nations and as a member of President Reagan's cabinet and National Security Council, passed away yesterday at age 80. At the time of her death, Ambassador Kirkpatrick was a senior fellow at the American Enterprise Institute (AEI) for Public Policy Research.

Mr. Speaker, I would like to share with our colleagues the following statement posted today on the Web site of AEI:

IN MEMORIAM: JEANE J. KIRKPATRICK, 1926–2006

> AEI senior fellow Jeane J. Kirkpatrick, who joined the Institute in 1978, died yesterday. As a young political scientist at Georgetown University, Kirkpatrick wrote the first major study of the role of women in modern politics, Political Woman, which was published in 1974. Her work on the McGovern-Fraser Commission, which was formed in the aftermath of the Democratic Party's tumultuous 1968 convention and changed the way party delegates were chosen, led to Dismantling the Parties: Reflections on Party Reform and Party Decomposition, which AEI published in 1978.
>
> Yet it was an essay written for Commentary magazine in 1979, "Dictatorships and Double Standards" (later expanded into a full-length book), that launched her into the political limelight. In the article, Kirkpatrick chronicled the failures of the Carter administration's foreign policy and argued for a clearer understanding of the American national interest. Her essay matched Ronald Reagan's instincts and convictions, and when he became president, he appointed her to represent the United States at the United Nations. Ambassador Kirkpatrick was a member of the president's cabinet and the National Security Council. The United States has lost a great patriot and champion of freedom, and AEI mourns our beloved colleague.

Mr. Speaker, I also submit for the record a short biography of Ambassador Kirkpatrick published by AEI:

[From the American Enterprise Institute for Public Policy Research]

JEANE J. KIRKPATRICK, SENIOR FELLOW

Jeane J. Kirkpatrick was the first woman appointed to serve as permanent representative of the United States to the United Nations and as a member of Ronald Reagan's Cabinet and National Security Council. She served as a member of the President's Foreign Intelligence Advisory Board (1985–1990) and the Defense Policy Review Board (1985–1993), and she also chaired the Secretary of Defense Commission on Fail Safe and Risk Reduction of the Nuclear Command and Control System (1992). Dr. Kirkpatrick headed the U.S. delegation to the Human Rights Commission in 2003.

For this and related government service, Dr. Kirkpatrick was awarded the Medal of Freedom—the Nation's highest civilian honor—in May 1985 and received her second Department of Defense Distinguished Public Service Medal—the highest civilian honor of the Department of Defense—in December 1992. In 2002, the Council on Foreign Relations established the Jeane J. Kirkpatrick Chair in National Security, and in 1999 the Kennedy School at Harvard University established the Kirkpatrick Chair in International Affairs. She has held the Leavey Chair of Government at Georgetown University from 1978.

For her work on NATO enlargement, Vaclav Havel, president of the Czech Republic, awarded her the Tomas Garrigue Masaryk Order, the Czech Republic State Decoration (1998), and H.E. Arpad Göncz, president of Hungary, presented her with the Hungarian Presidential Gold Medal (1999). For other work, she received the 50th Anniversary Friend of Zion Award from the prime minister of Israel (1998); the Casey Medal of Honor from the Center for Security Studies (1998); the Grand Officier Du Wissam Al Alaoui Medal from the king of Morocco (2000); and the Living Legends Medal from the librarian of the Library of Congress (2000).

Dr. Kirkpatrick has received many other awards and decorations, including: the Award of the Commonwealth Fund; the Gold Medal of the Veterans of Foreign Wars; the Hubert H. Humphrey Award of the American Political Science Association; the Christian A. Herter Award of the Boston World Affairs Association; the Morgenthau Award of the American Council on Foreign Policy; the Humanitarian Award of B'nai B'rith; the Defender of Jerusalem Award; and honorary degrees from more than a dozen and a half universities.

After her service in the U.S. government, she returned to her previous positions as Leavey Professor of Government at Georgetown University and as senior fellow at AEI. Dr. Kirkpatrick also writes and speaks on a range of issues concerning foreign policy and security affairs and participates in the ongoing dialogue on public issues.

Dr. Kirkpatrick's published works include: Good Intentions (2003); The Withering Away of the Totalitarian State; Legitimacy and Force (2 vols.); The Reagan Phenomenon; Dictatorships & Double Standards; Dismantling the Parties: Reflections on Party Reform and Party Decomposition; The New Presidential Elite; Political Woman; and Leader and Vanguard in Mass Society: A Study of Peronist Argentina. She is also the author of numerous monograms and articles.

Dr. Kirkpatrick received an A.B. from Barnard College, M.A. and Ph.D. degrees from Columbia University, and studied at the Institute de Science Politique in Paris.

IN HONOR OF MARY PITTMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HALL. Mr. Speaker, I rise to pay tribute to a well-known and respected Grayson County citizen, businesswoman and politician, Mary Pittman, who passed away on September 30 at her Van Alstyne home.

Mary was active in the Grayson County Republican Party. A participant at all levels, she hosted numerous Republican events at her home. She was a friend and advisor to me and many others who sought her assistance in their political campaigns and in their performance of official duties.

Mary was born in Commerce, Texas, and moved to Van Alstyne in 1967 where she established Greenbriar Charolais Farms and Mary Pittman's Tea House. She was an active and dedicated member of her community, including membership in the Hurricane Creek Rotary Club, the Grayson County Republican Party and Daughters of the American Revolution. Mary's many contributions to these and other endeavors will be long remembered and appreciated.

Survivors include her daughters, DeeAnn Cummings, Robin Reynolds Burns and husband Bill, and Janet Cooley and husband James, ten grandchildren and ten greatgrandchildren. As a lasting memorial to this wonderful mother and grandmother, the family established a Mary Pittman Scholarship Fund benefiting students at Grayson County College.

As the 109th Congress comes to a close, let us remember those Americans who contribute so much of their time and talent to their communities and to our democracy—Americans such as Mary Pittman whose efforts help keep America strong.

TRIBUTE ON THE RETIREMENT OF GEORGE GOULD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HOYER. Mr. Speaker, through rain, sleet, and snow George Gould has been a voice of reason in a complex and significant area of American life—the delivery of our mail.

George's professionalism, integrity, and expertise have been real assets to both the National Association of Letter Carriers and the United States Postal Service. It is no coincidence that in the 27 years George has served NALC, relations between the 300,000 employees represented by NALC and the USPS have been harmonious. George's contributions to making the USPS the most efficient and reliable public postal service in the world have been significant.

In fact, George is the longest-serving lobbyist in NALC's history, and served two NALC presidents as Assistant for Legislative and Political Affairs. Before joining the union in 1979, he worked for 15 years on Capitol Hill, the last three as the staff director of the House Subcommittee on Postal Operations and Services.

Over the years, George served as chairman of the FAIR Coalition (the Fund for Assuring an Independent Retirement), a postal-federal employee grouping that fought to protect and enhance federal employee pensions and other benefits.

George's work for NALC helped bring about greater political freedom for federal workers through the reform of the Hatch Act in 1993 and has advanced the cause of postal reform legislation. Indeed, it is a fitting tribute to George that Congress on this very day stands ready to complete its work on this critical legislation.

"America's letter carriers have benefitted tremendously from George's many years of service as NALC's chief lobbyist on Capitol Hill," said NALC President William H. Young.

I wish George, my friend for almost three decades, and his wife Diane, nothing but happiness and success a they enter the next chapter of their lives.

HONORING JEAN JUSKE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. EMANUEL. Mr. Speaker, I rise to recognize the contributions that my constituent, Ms. Jean Juske, has made to her community. For more than 25 years, she has served as an officer with the Brickyard Seniors Club, and for the past few years she has served as that organization's President.

The Brickyard is an important organization for seniors in northwest Chicago that provides opportunities for socializing, community activism, and education. As President for the past several years, Jean Juske made sure that Brickyard members had lively meetings on the first and third Monday of the month that featured not only bingo games and other activities, but also included guest speakers and visits from elected officials.

Ms. Juske also arranged holiday dinners, special events, and day trips to regional points of interest. During her tenure at the Brickyard, Ms. Juske developed an expertise in a variety of programs and benefits designed for senior citizens, and served as a first point of contact for members who needed assistance.

Ms. Juske has provided a valuable service as a President of the Brickyard Seniors Club, and I would like to express my deep appreciation to her.

IN HONOR OF MARTIN GOLD

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. CROWLEY. Mr. Speaker, I rise to honor the life and reflect on the passing of Martin

Gold of the Bronx, New York. He was 90 years old.

On October 3, 2006, Martin left us for a better place, leaving behind his wife Helen, a son Robert Mariconi, many friends and admirers, and a far better Bronx thanks to his tireless advocacy.

Martin Gold was a passionate advocate of senior citizens, veterans, and the overall beautification of the Bronx.

He was the longtime Legislative Chairman for the Aging in America Community Services, Senior Center in the Bronx.

He fought against the privatization of Social Security, the prescription drug plan that created a donut-hole and left millions of seniors without coverage, cuts to Medicare and other senior services programs.

Martin was also a leader in fighting for additional benefits and better and more respectful treatment for veterans, including greater access to health care and ensuring waiting lists at VA hospitals disappeared.

He himself served our Nation proudly in the United States Navy for 8 years aboard the *Valley Forge*.

He would often write to me, organize petition drives and speak to myself and my staff about important bills and the need to look out for seniors and veterans in Congress.

Additionally, he was a true champion for a greater Bronx, himself organizing anti-graffiti campaigns to beautify the borough—a campaign he launched in 1994, when he was 78 years old.

In the neighborhoods around Pelham Parkway North, he would monitor 50 mailboxes to keep them clean. The Post Office gives him the specific shades of blue and green paints for the boxes, and a local neighborhood association donates the brushes and other supplies.

It was these efforts that led our former Bronx Borough President to award him the "Quality of Life Award".

He was one of the great Bronx residents who is changing the minds of America about what type of place the Bronx is. The Bronx that Howard Cosell referenced is not the Bronx that Martin Gold left us.

We have the second largest public park in the City, Pelham Park, and serve as home to the Bronx Zoo and the Bronx Botanical Garden.

The Bronx is also home to over 1.4 million people and so many lovely communities from City Island to Throggs Neck to Co-op City.

The local news channel New York One once dubbed him "New Yorker of the Week".

Well, I think that could be an understatement.

Martin Gold was a Bronx Man for Life.

IN CELEBRATION OF THE LIFE OF WILBERT BLACK

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise in celebration of the life of Wilbert Black. It seems like Mr. Black has always been a part of my life—not true. I started frequenting his place of business 20 years ago. Back then his chair is where Darryl's chair is now.

At that time you could not make an appointment—it was first come, first served. My sister Barbara would come home from Connecticut and we would race to be first at the salon, sometime as early as 5:00 or 6:00 in the morning.

He was known as "The Curl King," in all of his regalia—tuxedos, three-piece suits, Gator shoes and his hair always in place. He kept an immaculate salon with tasty treats like coffee, cookies, wine, cheese and champagne.

Mr. Black not only was my hairstylist, he was my friend. He was never too busy for me. He always made himself available, offering constructive criticism and encouraging words. He was my political ally. He had a wall in his shop dedicated to me and my accomplishments. Everyone knew how much he respected and adored me and how much I loved him.

He loved the city of East Cleveland. From Euclid Avenue to Hayden Road to Noble Road, he was involved in every political campaign for candidates and issues. He worked the polls and did whatever it took to ensure that the people of East Cleveland exercised their right to vote.

Once President Bill Clinton came to Cleveland and Mr. Black agreed to drive a van as part of the President's caravan. He enjoyed it so much and talked about it constantly. My only regret was that the photo taken by the official photographer never reached Mr. Black though I tried my darndest to get it.

Sometimes getting my hair done was an all day experience! People used to say, ". . . what do you do all day, or what does Mr. Black do to your hair that takes all day?" Well let me take you through the day. You arrived and you were greeted with a huge smile and a big hug. He would ask about my family and then we would discuss current events in the city, the country and around the world. Then he would seat me in the main chair. There he would check my hair for any new growth and its condition. Then he would ask, ". . . when was your last service," ". . . what are we going to do today," or ". . . do you want to do something different?" Then it was on to the sink for a vigorous washing and conditioning. Then he would have me sit under the dryer for about 20 minutes. Then it was back to the main chair for styling.

I was so looking forward to my visit to Mr. Black's salon on November 8th the day after the election. I was scheduled for a trim, wash and condition. But more importantly I was looking forward to our discussions of the elections. Mr. Black wanted the Democrats to be in the majority in the House and Senate as much as I did. He wanted Strickland to beat Blackwell, wanted gaming in Ohio, wanted the minimum wage increased, wanted our children to have a better education, wanted business, particularly in black communities to thrive, and wanted the best for his city, the city of East Cleveland.

I can just hear him saying, "Miss Jones, Miss Jones, what about these Democrats . . . Miss Jones, Miss Jones I am so glad Rumsfeld is gone . . . Miss Jones, President Bush is in trouble now!" His television was always on CNN, and I can remember vividly having spirited political conversations in his salon with him and Mrs. Black, and Darryl.

The Black Family was a strong one. Often when I arrived at the salon they would show me their pictures from their numerous trips across the country. I especially remember the ones from the fights in Atlantic City and Las Vegas. We did attend one fight together in Atlantic City. That photo now hangs on my wall of fame in the salon.

I always wanted to travel with him, but I was afraid that my wardrobe could not compete with Mr. Black's impeccable sense of style. When the expression "sharp as a tack" was coined, they must have been talking about Mr. Black. He was always immaculately dressed—suit, shirts, shoes, tie, cuff links, all meticulously selected. Each hair on his head would be in place. He was often known to do hair in his tuxedo! He took great pride in his appearance and I always admired that.

I had the privilege of nominating Mr. Black for the Congressional Black Caucus Foundation's Unsung Heroes award. I remember him being so proud receiving his award. We had a wonderful time that day. He is truly an unsung hero. With more than 30 years in business, he is an institution, an icon, a beacon on the corner of Noble Road.

He was a wonderful husband. He and Odessa were a model of success in marriage, friendship, business and parenting. Nothing was more fun that to hear them go back and forth with each other. They were a couple who loved each, their profession and their children and grandchildren. His sons Darryl and Petey could not have had a better role model. He set the example for his sons and shared his knowledge with them.

We at Bethany Baptist Church were happy when the Black family joined our church, but no more happy than his sister Charlotte Blue one of our longtime members.

When Mr. Black found out he had cancer he got ready to fight. He handled his illness with such dignity. He kept going and going. I recall I tried to cancel my last appointment but he would not let me. He insisted that he would do my hair. He took his time and I refused to rush him. I wanted more than anything to just say "Rest, Mr. Black," but he would not hear it. He was going to finish no matter what.

Mr. Black, I am sure you are in heaven with the rest of your family, probably doing hair in your salon. I can imagine the immaculate decorations, the flowers, the seating, the stations, the cheerful greeting, and the broad smile. Rest well, my friend, my ally, my hero extraordinaire.

TRIBUTE TO THE SERVICE AND CONTRIBUTIONS OF LYNN L. SKERPON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. HOYER. Mr. Speaker, today I would like to recognize the contributions of my friend and an excellent, committed public servant for Prince George's County and the State of Maryland, Lynn Skerpon of Upper Marlboro.

For six years, Lynn served as the very effective, efficient and competent Register of Wills in Prince George's County. She was appointed to this position on August 1, 2000, and then was elected to a four-year term in November 2002.

As the Washington Post noted in an editorial this past September: "The register of wills is not, as some have suggested, a mere court clerk but a significant job that in a given year administers some 4,000 estates, collects millions in taxes and fees and sorts through increasingly complicated legal issues." In fact, one of Lynn's proudest moments was assisting families of the September 11th victims and working with the federal government and other agencies in expediting aid to the those families.

Lynn is an accomplished, successful lawyer, who also has great experience in the legislative arena. She graduated from Princeton University in 1975, and then acquired her law degree from the State University of New York at Buffalo School of Law three years later.

Early in her career, Lynn practiced as a sole practitioner and in firms, focusing on estates and trusts. She was an assistant legislative officer in the Office of the Governor from 1982 to 1984, and a hearing examiner with the Maryland Tax Court from 1984 to 1986. She also served as sessions counsel to Prince George's County Senators in 1997–98, and in the legislative office of the County Executive in 1999–2000.

In addition to her professional service and achievements, Lynn also is active in her church, schools and civic and community associations, including the Board of Trustees of Capital Hospice, the Board of Trustees of Prince George's Community College, and United Way of Prince George's County.

As Lynn moves to a new phase of her already successful career, I wish her and her family nothing but the best and know that she will continue to serve the community that she has called home for more than 20 years.

HONORING COLBERT KING ON THE OCCASION OF HIS RETIREMENT FROM THE WASHINGTON POST EDITORIAL PAGE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. NORTON. Mr. Speaker, I rise to honor Colbert (Colby) I. King, the Washington Post's Pulitzer Prize winning columnist and Deputy Editorial Page Editor. In a recent column, Mr. King informed his readers that he soon will cease writing editorials. However, Colby King's informal and spontaneous Saturday morning reading club takes some comfort in knowing that Colby King will continue to write his weekly column.

For 16 years, the Post, our city, and the region have benefited from reading a man who learned to write by doing it, not by going to journalism school. Colby went to school right here in the District, native born and native educated in the D.C. Public Schools and at Howard University.

Colby King's preparation for the career for which he will be best remembered came from the life he has lived—a childhood bereft of privilege, even equality, but rich in family love and upbringing. His pre-Post eclectic career ranged from the U.S. Army and VISTA to Treasury Department official and international banker.

Colby wrote about any and everything, but he was in his special element when he wrote about his hometown. Most of what the Post editorial page has had to say about this city came from Colby King—sometimes sizzling with pride or indignation at shabby treatment by Congress and the like, even more often, hot with criticism of local officials and citizens alike, whose actions he thought unworthy of the city on a hill Colby wanted his hometown to become. Colbert King's role in writing the Home Rule Act, his special feel for the city of his birth, his wit and ability to laugh and to cry about this city, all contributed to the authority with which his views were received throughout the District and the region.

Colbert King has a way with words, a mark of pure talent, but talent alone won't win you a Pulitzer in his tough and competitive business. Colby's Pulitzer was his alone, the fruit of his columns. He used them to speak his mind on an unpredictable variety of subjects-too much crime and too little punishment; forgotten children and star-crossed residents, often remembered only in his Saturday columns; national and local politics and politicians scored without fear, favor or mercy; and the beloved family that reared him and the family that he and his wife, Gwendolyn, raised.

Colby King will be remembered also for his remarkable range. His contributions to the editorial page covered the page's territory, as Members know well from watching him on foreign and domestic affairs as a television opinion show panelist. His unusual set of talents and his judgment took him to editorial leadership on one of the world's most important papers. His contributions came during troubling times in our country and in this city. A failing war at home and an insolvent hometown, for example, badly needed unadulterated self-criticism and tough love. Colby King had the credibility, the talent, and the wisdom to offer both, to make us shake our heads up and down in agreement, and then to try again to reach his high expectations.

Mr. Speaker, if I may, I note a personal regret as well that Colby is ending one part of his career. His 16 years on the editorial page and my 16 years in Congress overlap. I will miss not only reading Colby. I will miss having someone at the Post with whom I personally identify in so many ways—a friend who remembers the District as it was when we both were born in a segregated city and when we went to Dunbar High School, and a city that is both the same and very different today. I wish the Post good luck in finding such invaluable, institutional and personal experience for its editorial page.

Colbert King has decided to no longer write editorials, but he has certainly left his signature in indelible ink on the Washington Post. I ask my colleagues to join me in both honoring and thanking Colbert King for using his craft in service to the public.

NATIONAL EPILEPSY AWARENESS MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize November's celebration of National Epilepsy Awareness Month.

Almost 3 million Americans have epilepsy, a neurological condition that makes people susceptible to seizures. Ten percent of Americans will experience a seizure in their lifetime, and each year, more than 181,000 develop seizures and epilepsy for the first time. Epilepsy affects people of all ages, races, and ethnic backgrounds. The condition can develop at any age, but epilepsy most often occurs in early childhood and old age.

It is also important to note that ten percent of all injuries to U.S. soldiers in Iraq are head injuries. Severe head injuries like those incurred during battle and roadside bombings carry a high risk of seizures and epilepsy that, in many cases, can develop months after the initial trauma.

Although advances in medical treatment have allowed some individuals with epilepsy to control their illness, more than 40 percent still have persistent seizures, despite all available treatments today. Epilepsy remains a formidable barrier to normal life, affecting educational opportunities, employment, and personal fulfillment.

Furthermore, epilepsy continues to be poorly understood by many Americans. Individuals with epilepsy are often misdiagnosed, cannot access the specialists they need, or are the subject of discrimination and prejudice. This cannot continue.

National Epilepsy Awareness Month aims to dispel common myths about individuals with epilepsy, increase public awareness and understanding about this serious condition, improve education to ensure faster diagnosis and treatment, and inform people about the services and informational resources available nationwide.

Many years ago, my life was turned upside down. Something was wrong with me but my doctor could not identify the cause. Finally, I was diagnosed with epilepsy. This diagnosis brought many challenges, but in my current position as a legislator, it has also brought opportunity. I hope I can be of some influence in directing attention and research to a disorder that has been ignored and misunderstood for too long.

Mr. Speaker, I urge all Members of Congress to join all Americans with epilepsy, their families, friends, and supporters to do all we can to improve the lives of individuals with epilepsy.

TRIBUTE TO REV. DR. SHELVIN J. HALL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. DAVIS of Illinois. Mr. Speaker, to work until one is 90 years old is unusual; and to work effectively is almost unbelievable. However, to do both for Rev. Shelvin Jerome Hall is nothing more than expectation. Therefore, Mr. Speaker, I rise to pay tribute to this extraordinary man. When a young Shelvin Jerome Hall came to Chicago from Texas, he brought with him intellect, wisdom, wit, good up-bringing, determination, a strong belief in God and a recognition that he was destined to follow in the footsteps of Moses and lead his people towards a promised land.

When Rev. Hall took over the pastorate of the Friendship Baptist Church in 1955, it is reported that the church had only 87 cents in its treasury. However, without a great deal of fanfare, he developed an institution whose membership were solid citizens who themselves were growing as the church did, and he and Friendship became anchors of the North Lawndale Community.

Always conscious of the social, political and economic plight of African Americans and other minorities, when Dr. Martin Luther King, Jr. came to Chicago in the 1960's, Rev. Hall opened the doors of Friendship to him and was not intimidated by City Hall and other factions opposed to the King movement.

During and after the riots in the '60's, Rev. Hall had a presence and played a significant role in fostering better police/community as well as Black-White relations in Chicago. Along the way Rev. Hall was married to an intelligent, professional, gracious and graceful woman, Mrs. Lucy Hall, who retired as one of Chicago's best public school teachers. They produced three children, Priscilla Hall who sits on the New York Supreme Court, Shelvin Louise Hall, an Appellate Court Justice in Cook County, Illinois and a son, Lewis J. Hall, Supervisor of Higher Education for the State of New York.

Rev. Hall has held every office on the Baptist Church's organizational chart. Pastor, Moderator, Dean at the Baptist Institute, President of the State Association and has provided leadership to many interfaith and interdenominational groups as well. Outside the religious arena, Rev. Hall has been chairman of many not-for-profit organizations and businesses . . . e.g. the Lawndale People's Planning and Action Conference, the Community Bank of Lawndale and a Blue Ribbon Commission to plan the re-opening of the Jackson Square Nursing Home across the street and in front of Friendship. Perhaps Rev. Hall's most pleasing achievement was the building of the new Friendship, commonly and fondly called the African Hut at 5200 W. Jackson Boulevard with wood imported from Mozambique. The church still sits in the heart of the Austin Community of Chicago which is more than 90% Black. It is a testament to the connection of African Roots to a large urban inner city community. It was also Rev. Hall, who along with some of his fellow clergy persons declared to Mayor Richard J. Daley and other Democratic Party leaders that it was time to elect a person of color to represent what is now the 7th Congressional District thereby, paving the way for Congressman George W. Collins to be elected, followed by his wife Congresswoman Cardiss Collins and finally, myself in 1996.

Rev. Hall, it is indeed a pleasure to salute you as you retire after having been pastor of Friendship Baptist Church for fifty one years. You've been effective and you've made a difference. We thank God for the Rev. Dr. Shelvin Jerome Hall.

TRIBUTE TO YVONNE SCARLETT-GOLDEN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. LEE. Mr. Speaker, on Tuesday, December 5th, 2006, the people of Daytona Beach, Florida and the United States suffered a great loss with the passing of Yvonne Scarlett-Golden. Yvonne Scarlett-Golden was a strong leader, a passionate educator, and a devoted public servant. As the first African-American Mayor of Daytona Beach, she was never afraid of controversy; she was a true advocate for peace, racial justice, and social equality.

Born and raised in Daytona Beach, Yvonne grew up amid institutional segregation and discrimination. Despite growing up in a city of divisions, Yvonne would later be known as someone who brought the people of Daytona Beach together.

After High School, Yvonne decided to pursue a career in education. She received her Master's degree in education from Boston University, and began her teaching career in Florida public schools. She later taught in the San Francisco Unified School District, and served as the principal of Alamo Park High School for 20 years. After her long career to education, Yvonne returned to Daytona Beach to begin a career in politics, first as a city commissioner and later as the city's first African-American Mayor.

As Mayor, Yvonne helped unite the racially divided communities of Daytona Beach through determination and perseverance. She brought together the beachside and the mainland, black and white together through a city campaign pushing for respect and equality.

I remember very well attending peace conferences with Yvonne, the late Alameda County Supervisor John George, former Berkeley Mayor Gus Newport, former Berkeley City Councilmember Maudelle Shirek. and the late Carlton Goodlett, publisher of the Sun-Reporter Newspaper, all of whose lives were totally committed to peace and justice.

Yvonne was a friend to me and an inspiration to many. Yvonne left us a legacy of fighting oppression and hatred with compassion and mutual respect. Her fight for justice and equality should not, can not, and will not be forgotten.

On behalf of the many friends of our beloved Yvonne from Northern California including her close friend, 95 year old former Vice Mayor of Berkeley Maudelle Shirek, we salute Yvonne Golden's life. We will keep her in our memories and we will honor her life by continuing her work for a better world. Her spirit will live on in the lives of those she touched in so many magnificent ways.

My thoughts and prayers are with the family and friends of a great woman, a brilliant human being who will be deeply missed, Yvonne Scarlett-Golden.

CONGRATULATING MAYOR TIM RUSSELL FOR 12 YEARS OF SERVICE AS MAYOR OF FOLEY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006.

Mr. BONNER. Mr. Speaker, it is with great pride and personal pleasure that I rise today to honor Mayor Tim Russell for his many years of leadership and service to the City of Foley, not to mention all he has done to promote and advance the entire First Congressional District of Alabama.

Mayor Russell has been a vital member of the Foley community his entire life. He was born and reared in Foley and is a graduate of Foley High School, as well as The University of Alabama. As a young boy in high school and as a young man in college, he was constantly looking for ways to serve those around him. This has been a characteristic and quality that he has carried with him all his life; not a day has passed since he became Mayor of Foley that he wasn't working to make his hometown a better place to live.

Mayor Russell is also a veteran, having served his country in the Vietnam War where he was awarded the U.S. Army Commendation Medal. Mr. Speaker, I know of no one who is more patriotic or loves his country more than Tim Russell.

Tim and his lovely wife, Sandy, are the proud parents of two outstanding sons, Kevin and Kenton, a beautiful daughter, Karen, and a very handsome new grandson, Timothy. Not only has he been a wonderful father and husband, but Tim Russell is a great role model and someone we all respect.

Throughout his illustrious 12 years as mayor, Tim has been a dedicated, faithful public servant. In fact, if you were to look up the definition of a "servant leader" in Webster's Dictionary, you would very likely see Tim Russell's picture.

His list of accomplishments is long enough to fill an entire volume of the CONGRESSIONAL RECORD. Among the highlights, he was the person most responsible for developing the main hurricane evacuation route away from South Alabama's beaches during a time of emergency. Today, this heavily-traveled highway is known around the state and throughout the Southeast as the "Foley Beach Express."

He also provided crucial leadership to the people of Foley in the immediate aftermath of Hurricane Ivan. Tim's experience and guidance proved crucial to the entire region, especially during the rebuilding process that followed this devastating storm. Because of his steady hand, the recovery in South Baldwin County was much better than expected.

Mayor Russell also played a lead role in helping to develop what is now known as the Tanger Outlet Mall in Foley. This retail center is one of the largest attractions in the entire state of Alabama. In addition to being one of the area's largest employers, the Tanger Outlet Mall in Foley provides one of the largest streams of revenue to the entire state.

Last month, Mayor Russell chose to resign from the office of mayor—an office he so dearly loved—in order to better serve the people of South Alabama in the wake of an insurance crisis following three major hurricane seasons throughout the central Gulf Coast. Tim returns to his position as president of Baldwin Mutual Insurance Company, where he is fast becoming one of the leading experts in the nation on affordable and accessible insurance coverage. He resigned the office of mayor so as to not even suggest at a possible conflict of interest; that is simply the kind of man he is.

Tim's lifetime of service has certainly not gone unnoticed. He has been recognized by Who's Who in the South and Southwest, Outstanding Young Men of America, Who's Who in American Colleges and Universities, the 1991 Free Enterprise Person of the Year, Who's Who in the World, and the Sam Walton Leadership Award. He has also been commended by the U.S. Senate and received the NAMIC Service Award.

Mr. Speaker, the faithful service of outstanding Americans like Mayor Tim Russell has aided in an immeasurable way to the wellbeing of our community. I would like to offer my congratulations to Tim for his many personal and professional achievements and offer a heartfelt "thank you" for a job well done.

I know his family and many friends join with me in honoring his accomplishments and extending thanks for his many efforts on behalf of the people of Foley and the entire State of Alabama.

MIRIAM RUTH GUTMAN BRAVERMAN GREAT POINT-OF-LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. OWENS. Mr. Speaker, I rise to salute Miriam Braverman as a Great Point-of-Light for all Americans. Dr. Braverman was a great humanitarian as well as a Librarian specializing in literature for youth. She had a soul and mind that could absorb the essence of the entire sweep of our civilization. Her encyclopedic approach to the world produced insights which catapulted her into the moral leadership of her profession. "Claims of respect for human life are rhetoric if librarians continue as merely neutral disseminators of information."

Dr. Braverman clearly understood that the power of information was continually escalating. That our culture could experience a dangerous overload bloated with trivia was a major concern. She advocated a selectivity focused on human rights advocacy as a guide for the preparation and dissemination of materials for youth. In her dissertation she criticized a generation of librarians who were obviously preoccupied with shielding youth from matters related to sex while ignoring great amounts of violence in the literature targeted for boys.

Miriam Braverman was an advocate in the classroom and a fighter on the street with the demonstrators against war and injustice. In Brownsville, one of New York's poorest communities, she inspired large numbers of young women to go on to college through her leadership of a Career and College Club. At the national level she was a leader in the movement which culminated in the American Library Association's condemnation of the war in Vietnam. Constantly she pushed for greater library involvement in the practical utilization of information and retrieval services. She was also an astute political observer and an enthusiastic advisor who supported many progressive candidates including the first campaign of MAJOR OWENS for the New York State Senate and the MAJOR OWENS for Congress campaigns. To block the triumph of evil she felt that participation in electoral politics was a necessary chore.

Miriam Braverman, without hesitation, as a college professor rallied to assist her students with any problem, academic or personal. As a neighbor and friend she responded to any emergency. Loving the whole world and being concerned with mankind began with a single individual. In her honor the Progressive Librarian: A Journal for Critical Studies and Progressive Politics in Librarianship has established a Miriam Braverman Prize Essay Contest. Today I am joined by a band of dedicated followers as I salute Dr. Miriam Braverman as a Great Point-of-Light for all Americans.

THE NORTHERN BORDER TRAVEL FACILITATION ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. MANZULLO. Mr. Speaker, I wish to express my strong support for the Northern Border Travel Facilitation Act. As Chairman of the Small Business Committee, I held a November 17, 2005, hearing on the implementation of the Western Hemisphere Travel Initiative (WHTI). WHTI may mandate the use of a passport for all travel between the United States and Canada as early as January 1, 2008. In 2003 alone, there were 34.5 million visits by Canadians to the U.S., which had a $10.9 billion impact on our economy. Thus, if handled incorrectly, the WHTI travel document requirements could have serious detrimental effect on the United States economy.

Because of the cost and lack of speed in using a passport for frequent travelers across the U.S.-Canadian Border, the Department of Homeland Security (DHS) has approved other forms of travel documents for U.S. citizens to comply with WHTI that are not available to Canadian citizens. This means that Canadian citizens have no current options other than to use a passport at border crossings to comply with WHTI requirements.

I believe that, in certain circumstances, Canadian provincial driver's licenses and U.S. state driver's licenses should be accepted as border crossing documents. I also believe that when children accompany a legal guardian across the United States-Canadian border, they should not have to provide separate travel documents from their guardian. After all, a parent should not have to suffer economic loss to verify that their three year old is not a terrorist. The Northern Border Travel Facilitation Act will accomplish both of these objectives.

THE IMPORTANCE OF THE PAGE PROGRAM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. SPRATT. Mr. Speaker, I would like to include in the RECORD the following commentary by Jason Ackerman, of Fort Mill, South Carolina, which is in my congressional district. Jason was a House page in 2003–2004 and is now a student at New York University.

THE IMPORTANCE OF THE PAGE PROGRAM

(By Jason Ackerman)

New York Times columnist John Tierney argues that the congressional page program should be eliminated because it serves no purpose for pages or for the country ("A page, M'Lord, at your service," Oct. 4).

Well John Tierney was obviously never a page.

I served as a page from August 2003 to January 2004. These months were some of the most special moments of my life—months in which I not only learned how Congress operates, but also months in which I made some of the greatest friends of my life.

A day in the life of a page is not easy. It starts at 6:45 in the morning when we all walk from our dorm a couple of blocks from the Capitol to the Library of Congress's Jefferson Building where school is held. Full-time teachers teach the same subjects that we would otherwise have been taking back at our home schools.

The school is not a piece of cake either. The courses are very challenging, so challenging in fact that when I came back to my high school I was way ahead in most subjects.

After school, which lasted until the House of Representatives commenced, we would head over to the Floor of the House of Representatives where we would start our daily tasks. There are many different page jobs, most of which are rotated around so everyone gets an opportunity to experience different areas of the House.

Some pages are runners, which involved taking documents from one place in the Capitol to another. Others are cloakroom pages, where we worked in the cloakroom answering phones about floor proceedings. Still others are in charge of the bell system and of raising and lowering the flag every day on the top of the House of Representatives to declare that the House is in session.

The day ends when the House goes out of session. This can be anywhere from 5:00 in the afternoon to 7:00 in the morning. Then we head home, do homework, socialize, clean our rooms (which are checked three times a week), and then go to bed at mandatory curfew hour, which was 10:00 on weekdays and 12:00 on weekends.

Some of my most memorable and enjoyable moments as a page were getting to interact with members of the House. Some would come by and tell us jokes, and others would take the time to help us identify someone we were trying to find or to explain to us what was going on at that moment in the complicated proceedings of the House.

Yes there were some unfriendly ones, but by and large most members are very kind and generous. There was not a single time in which I felt insecure or unsafe while on the Floor or at any other time while I was a page.

The lifelong friendships that I made because of the page program are some of the most amazing friendships of my life. Former pages are some of my closest friends, and I keep in touch with a lot of them on a daily or weekly basis. I now have friends in California and Wyoming that I would never have had the chance to make without this experience.

The page experience is something that I would not trade for anything, and it was one of the greatest times of my life. I witnessed history first hand, and made a ton of friends in the process. The experience also sparked my interest in public service, government, and the political process. I would not hesitate one moment to send my child to be a page.

These views are also shared with every one of my classmates that I have spoken to since the Foley scandal has erupted. My roommate, who was actually sponsored by Congressman Foley, stressed the importance of continuing the program because of how the program changed his life as well.

The only people who do not want the program to continue are people who know nothing about the program and have never talked to a page.

Congressman Foley made a mistake, and should be punished to the full extent of the law, but to punish the page program for his mistake is not only unfortunate but also unjust.

CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF KAZAKHSTAN ON THE 15TH ANNIVERSARY OF THEIR INDEPENDENCE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my colleagues in congratulating the Government and the people of Kazakhstan on the 15th anniversary of their independence. I am encouraged by how far this Central Asian country has come since its independence in 1991, both in terms of economic and democratic progress. Kazakhstan has overcome numerous obstacles and challenges and today is a well recognized leader in promotion of economic and political freedoms in a region of great and growing importance to the security of the United States.

This year we also mark the 15th anniversary of the U.S.-Kazakhstan relationship. Kazakhstan has become not only a strategic partner, but a true friend of the United States. Kazakhstan has been a valuable ally to the United States both before and after the tragic events of September 11. We are grateful to Kazakhstan for its unwavering commitment to strengthening stability in Afghanistan and Iraq.

Proudly, we share friendship based on common values of freedom and democracy. This fall we warmly welcomed to the Unites States the President of Kazakhstan, His Excellency Nursultan Nazarbayev, the architect of Kazakhstan's success and growing U.S.-Kazakhstan partnership.

Our cooperation has notably resulted in the elimination of weapons of mass destruction which Kazakhstan inherited from the Soviet Union, including hundreds of nuclear missiles aimed at the United States. President "Nazarbayev was instrumental in ridding his nation of this lethal legacy thus greatly enhancing global security.

In addition to supporting our arms control objectives, Kazakhstan has played a key role in promoting peace and stability in the region by initiating the summit of the Conference on Interaction and Confidence-Building Measures in Asia. This forum of 18 nations, including Russia, China, India, Pakistan, our NATO ally Turkey, Afghanistan and others provide a timely opportunity for Asian nations to address current challenges to international peace and stability and establish a framework to resolve them. I believe we should commend Kazakhstan for its vision and enormous efforts to bring about this new security forum for Asia.

Mr. Speaker, Kazakhstan is Central Asia's most progressive nation, positioned to set the example for democratic reform in this most important region. I cannot agree more with the Joint Statement by our two Presidents adopted during the recent visit of President Nazarbayev that "an enhanced strategic partnership between our countries will promote security and prosperity and foster democracy in the 21st Century."

THE LIFE OF JEANNE KIRKPATRICK

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TIAHRT. Mr. Speaker, I rise to honor a great American, Ambassador Jeanne Kirkpatrick. Yesterday, the woman who worked diligently to bring peace to the world passed away peacefully in her sleep at the age of 80.

Ambassador Jeanne Kirkpatrick was one of America's foremost authorities on international relations. She was the first female U.S. ambassador to the United Nations and represented our nation honorably. She had unwavering moral convictions and stood up to the world's bullies. Her thoughts on communism through Iraq and Islamic terrorism were firm and clear, just as she was.

My wife Vicki was in the same bible study as Ambassador Kirkpatrick and I had the privilege of meeting her on several occasions. She was an elegant woman with a quiet confidence. This country has lost a great patriot.

The world is a better place because of Jeanne Kirkpatrick. Her work will continue to live on in all those she touched and in those they have touched. God Bless Jeanne Kirkpatrick and her family.

GUIDELINES FOR APPLICATION OF PROVISIONS DESIGNATED AS EMERGENCIES, CONTINGENCY OPERATIONS, OR UNANTICIPATED DEFENSE-RELATED OPERATIONS

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. NUSSLE. Mr. Speaker, pursuant to the provisions of House Concurrent Resolution 376, I am transmitting this document titled "Guidelines for the Application of Provisions Designated as Emergencies, Contingency Operations, or Unanticipated Defense-related Operations." It sets forth an explicit explanation of the characteristics of spending that is appropriately exempted from the enforcement controls of the Congressional Budget Act.

This report is required under the terms of House Concurrent Resolution 376, which is currently in effect as a concurrent resolution on the budget in the House for fiscal year 2007, deemed in force under the provisions of House Resolution 818.

GUIDELINES FOR APPLICATION OF PROVISIONS DESIGNATED AS EMERGENCIES, CONTINGENCY OPERATIONS, OR UNANTICIPATED DEFENSE-RELATED OPERATIONS

SUMMARY

The fiscal year 2007 budget resolution, H. Con. Res. 376, sets forth three categories of spending that are treated by Congress under special procedures outside the normal budget process: domestic emergencies, defense-related emergencies, and contingency operations directly related to the global war on terrorism. The first of these, domestic emergencies, has a special reserve fund to finance emergency spending priorities, such as unforeseen natural disasters that tend to occur nearly every year. The remaining two categories—defense-related emergencies and terror-related response contingency operations—are exempted from normal controls due to the special nature of each.

Although Congress did not reach a conference agreement on the budget resolution, the House did deem the House-passed resolution to be in force for all purposes of the Congressional Budget Act. The general definition of an emergency, as spelled out in the budget resolution, is not new: its terms have long been employed by the administration's Office of Management and Budget [OMB], and have been carried in previous budget resolutions. What is new is the enhanced discipline, called for by the resolution, in applying these terms to the three special categories of spending cited above. Section 503 of the resolution includes the following mandate:

"In the House, as soon as practicable after the adoption of this resolution, the chairman of the Committee on the Budget shall, after consultation with the chairmen of the applicable committees, and the Director of the Congressional Budget Office, prepare guidelines for application of the definition of an emergency and publish such guidelines in the Congressional Record, and may issue any committee print from the Committee on the Budget for this or other purposes."

This discussion, therefore, provides guidelines for the application of these spending categories.

DEFINITION AND GENERAL GUIDELINES FOR EMERGENCY SPENDING

Section 502 of the Concurrent Resolution on the Budget for Fiscal Year 2007 establishes in general terms the definition of spending that is appropriately designated as an emergency. Although these guidelines may be used to apply to "unanticipated" defense-related emergencies, they aim principally to help determine what domestic priorities are eligible to be funded through the reserve fund established by the budget resolution, and to define an "emergency" in general.

The term "emergency" is important because any spending so designated escapes the regular controls applicable to all other spending. But the definition, and the guidelines below, are not intended to judge the policy importance of any given emergency spending; that is for the Appropriations Committee and the Congress in general to determine. It is rather to identify general characteristics of such spending that identifies it as meriting special procedures exempting it from the normal congressional budget process.

There are two essential components to the application of this designation: that an "emergency" concerns a threat to life, property, or national security; and that the event was "unanticipated." The definition also asserts that funding in response to an emergency should be temporary in nature.

The applicable text in the resolution fleshes out these terms, and is largely self-explanatory. It reads as follows:

"(1) The term 'emergency' means a situation that—

"(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

"(B) is unanticipated.

"(2) The term 'unanticipated' means that the underlying situation is—

"(A) Sudden, which means quickly coming into being or not building up over time;

"(B) Urgent, which means a pressing and compelling need requiring immediate action;

"(C) Unforeseen, which means not predicted or anticipated as an emerging need; and

"(D) Temporary, which means not of a permanent duration."

An example of "emergency" spending that was "unanticipated" was the major California earthquake of January 1993. The Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211, 12 February 1994). The measure provided $376.1 million to programs of the Department of Agriculture, such as for Watershed and Flood Prevention Operations. In contrast, there were attempts to declare the funding for the 2000 Census required by the Constitution as an emergency. This clearly would have been an abuse of the designation: The census has been required every ten years for over two centuries.

An example of "urgent" funding needs appeared in the response to Hurricanes Fran and Hortense and other disasters, Public Law 104-208. The measure provided $88 million for U.S. Department of Agriculture [USDA] flood assistance programs, including $63 million for Watershed and Flood Prevention Operations, and $25 million for the Emergency Conservation Program. Had the funding been delayed until the next budget cycle, the consequences of the hurricanes would have been irreparable, in Congress's judgment.

The term "unforeseen" applies to funding for activities that could not be anticipated as an emerging need and are over and above the aggregate level of anticipated emergencies that are normally estimated in advance. A good example of an unforeseen emergency is the terrorist attacks against New York and Washington, D.C. on 11 September 2001.

The term "temporary" means that emergency spending should not in general be for multiple fiscal years or in general be for permanent new entitlements. For example, the Emergency Supplemental Appropriations Act of 2006 (Public Law 109-234, 15 June 2006) included $55 million for USDA to repair its own damaged facilities. Such spending was to respond to Hurricane Katrina and was for a purpose that was not recurring—and was directly related to the property destruction caused by the hurricane.

Emergencies are divided into three categories: nondefense-related, defense-related, and spending related to the Global War on Terrorism. These categories are described at length below, but a general summary is as follows:

Nondefense-related emergencies are chiefly, but not always, associated with natural disasters such as hurricanes, droughts, or earthquakes. The resolution creates a new reserve fund to anticipate such events. The fund and its application are further discussed below.

Defense-related spending, if unanticipated, is, in effect, excepted from the Congressional budget process. This is established in section 402 of H. Con. Res. 376.

Budget authority needed for the "Global War on Terrorism" includes spending for the security of the United States and for military operations in Iraq and Afghanistan.

The emergency designation should only be used as follows:

The designation should be used when preparing appropriations language and should be specific to each appropriation account for which the designation will be used. If not designated specifically as emergency under Section 402 or 501 of the Budget Resolution, the appropriation will be scored against the subcommittee's 302(b) discretionary budget totals for the year.

The designation is not to be used as a relief valve for regular appropriations to circumvent 302 allocations. In other words, this designation should not be used to artificially deflate regular budget requests. It is to be used for unknowns. If a known program requires known funding at the time of the regular appropriations, it should not be treated as an emergency.

The appropriations subcommittee will designate funding as emergency when identifying the appropriation. The President may request the funds as emergency or as contingent emergency, but that request is nonbinding and the subcommittees may appropriate funds with or without the designation as is appropriate. The Office of Management and Budget is the arbiter of what is or is not designated as an emergency in the request. OMB's guidance in its Circular A-11 to the Agencies on this matter is fairly loose and mentions emergencies only in the context of supplemental requests. The guidance lists an "emergency" as one of the rationales for a supplemental stating that a supplemental is appropriate when: An unforeseen emergency situation occurs (e.g., natural disaster requiring expenditures for the preservation of life or property).

The emergency designation is legislative language that falls within the primary jurisdiction of the Committee on the Budget. In addition, the Budget Committee enforces the allocation of spending authority given to each Congressional Committee. If the Appropriations Committee includes language designating a provision of spending as an emergency, the Budget Committee adjusts this general allocation by an equal amount. Because this does not automatically cause a corresponding increase in the suballocations that the Appropriations Committee distributes to each of its subcommittees (and which must equal the general allocation), it must act to revise that suballocation for a bill or amendment to escape a point of order under 302(f) of the Budget Act which prohibits the consideration of measures breaching the permissible levels of spending.

The Budget Committee does not, as a matter of course, validate that all funds designated emergency meet the criteria outlined above for amounts within the nondefense reserve fund—the adjustments are automatic once the designation is placed in the legislative text. Once the reserve fund is exhausted, and adjustments are required above the amount set aside for nondefense emergencies ($6.45 billion for fiscal year 2007), the committee must meet in open session to consider whether the additional amounts designated should be accommodated by an additional adjustment in the allocation to the Appropriations Committee. In the meeting, the amount by which the allocation should be raised is open for amendment—though it is not in order to raise the amount above the level designated as an emergency in the bill to be considered on the floor of the House.

NONDEFENSE EMERGENCY RESERVE FUND

Section 501 of the budget resolution creates an emergency reserve fund that effectively caps the overall amount that can be used for nondefense domestic emergencies (such as natural disasters). Funding beyond the reserve amount may be provided only if the Budget Committee meets and approves an increase in the cap.

The concept of the emergency reserve fund is not unlike a colloquial "rainy-day fund." It does not attempt to predict any specific natural disaster. Instead, it recognizes that natural disasters of some kind—whether hurricanes, forest fires, floods, or others—occur in the United States nearly every year; the reserve sets aside an amount of funding in advance to address such needs, should they arise. The amount in the fund is based on historical experience. It does not assume to anticipate extraordinary disasters, such as Hurricane Katrina; it would be impractical and impracticable to set aside funds of that magnitude for events that are so rare.

GUIDELINES FOR BUDGET AUTHORITY FOR THE GLOBAL WAR ON TERRORISM

This section (section 402) exempts from the Congressional Budget Act and its enforcement provisions only those spending provisions that meet the following definitions:

(a) General contingency operation: A provision designated as a contingency operation related to the global war on terrorism may be either:

Defense-related; or

Nondefense-related.

(b) Defense-related contingency operation: A provision designated as a defense-related contingency operation:

May be for spending directly related to an immediate response to a terrorist attack by the Department of Defense, whether domestic or international;

May be for spending directly related to the costs of Operation Iraqi Freedom or Operation Enduring Freedom;

May be for spending that also meets the definition of an "unanticipated defense-related operation" described in this committee print;

May not be for spending for routine military expenditures not specifically caused by or directly related to Operation Iraqi Freedom or Operation Enduring Freedom. It is not appropriate to use the designation to fund special interest projects that could be addressed in the normal appropriation process.

(c) Nondefense-related contingency operation: A spending provision designated as a nondefense-related contingency operation:

May be for any immediate nondefense response to a terrorist attack, whether domestic or international;

May not be for nondefense-related spending predominantly required to respond to unanticipated criminal law enforcement needs, except for nondefense terrorism-related spending;

May not be used to offset spending on projects or earmarks that are anticipated and should be in regular spending bills.

(d) Terrorism-related spending: Both defense and nondefense "terrorism-related spending" includes, but is not limited to, immediate responses to terrorist attacks carried out by individual terrorists or terrorist organizations to either domestic or international interests of the United States [or other applicable nation-states or international organizations]. Terrorism-related spending does not include legislative or appropriations provisions intended to reduce, prevent or mitigate future terrorist attacks that could adequately be addressed in the normal authorizing and appropriations process (that is unless the measure in question is in response to a need that has arisen subsequent to the passage of the budget resolution).

(f) Terrorist attack: A "terrorist attack" is the use or threatened use of force or violence to civilian or military persons, buildings, installations or other property [people or property] carried out by an individual or organization; and

Is not carried out by an internationally recognized nation-state;

May be the result of state-sponsored terrorism.

FURTHER GUIDELINES FOR THE DESIGNATION OF UNANTICIPATED DEFENSE-RELATED OPERATIONS

Unanticipated Defense-related spending may be:

For defense facilities damaged by natural disasters, or

For a response to natural disasters that entails the use of military resources; or

For all costs associated with the national defense that can not be accommodated through the normal appropriations process.

OTHER GENERAL DEFINITIONS

(a) Defense-related spending: "Defense-related" means spending from provisions from accounts within function 050—National Defense.

(b) Nondefense-related spending: "Nondefense-related" means spending from provisions from accounts not within function 050—National Defense.

(c) Directly related: "Directly related" means the direct relation between the spending designated under this section and the response to an activity that would not be necessary were general contingency operations as described in this committee print not required. For instance crop and livestock disaster assistance should not be available to those not directly affected by the disaster but who happen to live in the same geographic region that was generally impacted.

TRIBUTE TO THE MENOMINEE MAROONS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the Menominee Maroons, my hometown high school football team that has demonstrated tenacity, courage and skill. Two weeks ago, the Maroons brought the Division 5 state football championship home to Menominee. The team qualified for the state championship after going undefeated in the regular season with a record of 9–0. Equally impressive, in five playoff games, the Menominee Maroons allowed only one touchdown, outscoring their opponents 201 to 6! The Maroons enjoy the distinction of being just the third team to shut out four playoff opponents. Also notable: this year's Menominee Maroons broke the school's previous single-season scoring record of 539 points in a season.

Head Coach Ken Hofer deserves much of the credit for shepherding his team to such success. Coach Hofer has the tenth winningest record in the state of Michigan: 266–122–2. This is the second championship that his teams have brought back to Menominee, having also won the Class BB title in 1998.

In some ways, Coach Hofer and his style of football harken back to an earlier era. Coach Hofer has been at the helm of the Menominee team for 38 years and during that time he has run the unique, "single-wing" offense that is reminiscent of 1940s football. Under this offense, no one player on Menominee's offensive backfield is a "traditional quarterback" as each of the four "backs" may run or pass the ball. This unique formation has successfully confused opponents around the state and allowed Menominee to achieve its solid winning record. Under the single-wing offense, the center makes a direct snap on each play to a player in the backfield. Unlike under the more commonly seen shotgun formation, the center snaps the football to a player who may not be directly behind him. Despite this irregular technique, Menominee saw hardly any turnovers throughout the season, which can be attributed to the team's unremitting practice. Ultimately, the single-wing formation relies more heavily on teamwork than other formations.

Menominee's single wing offense is taught throughout the Menominee area public school system, starting in 9th grade by Coaches Jeff Bayerl, Mark Bayerl and Jim Anderla. Maroons Junior Varsity is coached by Greg Langlois and Dave Mathieu. These freshman and junior varsity coaches are also part of the "scouting team," which traveled over 5,000 miles this past season to see and learn opponents' strengths and weaknesses in preparation for each Maroon victory.

I would be remiss if I did not discuss the defense of the Maroons and their shutout performance through the playoffs and their efforts to hold Madison Heights, their state final opponents, to six points. Equally important, the Maroons held their opponents to just 38 points during the entire regular season. In the 9 games of the regular season, the Menominee Maroons outscored their opponents 332-38, truly an astonishing feat. Menominee's performance in the championship game built upon this strong showing. The Maroons outgained Madison Heights 442 yards to 232, despite Madison controlling the clock by almost 10 more minutes.

Mr. Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting the 2006 Menominee Maroons football team of Brian Boye, Tom Janson, Ethan Shaver, Nathan Shaver, David Oczus, Matt LaCanne, Dustin Kovar, Austin Fernstrum, Jacob McMahon, Bryan Colvin, Matt Eisenzoph, Robert Forgette, Mike Hansen, Derek Rye, Blake Chouinard, Scott Demars, Aaron Thomsen, Ryan Paliewicz, Anthony Polazzo, Josh Johnson, Tom Carriveau, Zac Robertson, Sam Piche, Ian Rider, Brian Smith, Tyler Blom, Donald Jones, Steve Busick, Josh Blavat, Andrew Whipp, Nathan Linsmeier, Justin Ketchum, Brian Busick, Joe Klitze, Kert Roubal, Trevor Powell, Jacob Pedersen and Cody Woods. I would also ask that you join me in honoring the Assistant Coaches "Satch" Englund, Joe Noha and Jamie Schomer who helped drive this team to victory as well as Managers Jared Thiesen and Bobby Olsen. Athletic Trainers Derek Butler and Dr. Michael Karkkainen and Athletic Director Dale Van Duinen should also be recognized for their contributions to the Maroons' success.

Of course, Head Coach Ken Hofer has earned the thanks, respect and admiration of all of Menominee, not only for this season, but for the 38 that preceded it. Coach Hofer has done great work in bringing out the best in his players. Coach Hofer said of this year's Menominee Maroons, "These young men came to practice every day, and I don't mean just show up. They came to practice hard. And in every game they went all out."

The 2006 Menominee Maroons football team members are also champions off the field. Menominee football is more than just passing, punting, running, kicking and tackling; it is about developing the "inner athlete". Coach Hofer and his entire staff know that the lessons of life can be learned on the gridiron. Coach Hofer often talked about the team's "focus". This team's dedication, commitment and focus are why so many Maroon fans followed, supported and believed in their team. The 2006 state champion Menominee Maroons have clearly learned the lessons of life embodied in what another well respected Menominee County coach, the late Dale Fountain, often stated:

WHAT REALLY MATTERS

"Never lose track of what really matters. It does not matter how many points you earn, medals you win or trophies you take home. What really matters is what kind of competitor you are, what kind of son or daughter you are, what kind of student you are, and what kind of adult you will become!"

Mr. Speaker, my wife, Laurie, and I know many of these championship football players and recognize that each of them is a champion in our community. Menominee and the people of the Upper Peninsula know that when we proudly chant "U.P. Power", it is a reflection of our pride in our Menominee Maroon football tradition and the fine young men who brought home another football championship to our fine community. It is with great pride that I ask the U.S. House of Representatives to join me in congratulating and honoring these football champions.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately as the result of a death in the family and my need to return to Illinois by Saturday morning for the funeral services, I was unable to cast my votes on the following pieces of legislation. I request that the RECORD state my intentions on these votes had I been present to vote.

I would have voted "aye" for H. Res. 1100, the rule providing for consideration of H.R. 6406, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

I would have voted "aye" on H.R. 5948, the Belarus Democracy Reauthorization Act of 2006. Passage of the Belarus Democracy Reauthorization Act supports Belarus as an emerging democracy with U.S. assistance by strengthening democratic institutions and processes within the country. Our country has a long history of promoting democracy worldwide and this bill will assist the people of Belarus with foreign aid and the risk of U.S. sanctions should the recent political upheavals and the repression of democratic groups in the country continue.

I would have voted "present" in response to the Call of the House. I am sorry to have missed Speaker J. DENNIS HASTERT's farewell speech. I respect and admire him, and am proud to serve with him in the Illinois congressional delegation. His long tenure as the Speaker of the House is historic, and he will be celebrated as an esteemed statesman.

I would have voted "aye" on H.R. 6406, to modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes. This package contains trade provisions I have supported in the past and will continue to do so in the future. These provisions will help expand the competitiveness of U.S. manufacturers and exporters within the global marketplace.

I would have voted "aye" on the Conference Report on H.R. 5682, the Henry J. Hyde U.S.-India Peaceful Atomic Energy Cooperation Act of 2006. India has been a longtime and important ally to the U.S. and U.S. assistance in the development of a civilian nuclear energy program will only cement the strategic partnership between our two countries. With the passage of the cooperation agreement with India the U.S. can be assured the peaceful sharing of nuclear energy technologies under international safeguards while preventing the spread of nuclear weapon information to rogue countries, such as North Korea and Iran.

I would have voted "aye" on H.J. Res. 102, making further continuing appropriations for fiscal year 2007. While I am disappointed that we were not able to pass the remaining appropriations bills under regular order, I feel that it is important that we continue to fund our government program at adequate levels until we can address the appropriations bills in the next session of Congress.

Finally, I would have voted "aye" on the following bills, considered under suspension of the rules:

1. H.R. 6407—Postal Accountability and Enhancement Act
2. H. Res. 1104—Providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership in the House
3. H.R. 6060—Department of State Authorities Act of 2006
4. S. 4050—Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building Designation Act
5. S. 4093—A bill to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance
6. H.R. 5304—Preventing Harassment through Outbound Number Enforcement Act
7. S. 3821—COMPETE Act of 2006
8. S. 4042—A bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces
9. H.R. 6427—To increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes
10. H.R. 6428—To authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana
11. S. 2735—Dam Safety Act of 2006
12. S. Con. Res. 123—A concurrent resolution providing for correction to the enrollment of the bill H.R. 5946
13. H.R. 5946—Stevens-Inouye International Fisheries Monitoring and Compliance Legacy Act of 2006
14. H.R. 4075—Marine Mammal Protection Act Amendments of 2006

TRIBUTE TO MR. BRIAN J. HARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight, our final night of the 109th Congress, to express my gratitude to and appreciation for a very good friend of mine, Mr. Brian J. Hard. I've had the honor of counting on Brian's exemplary service to my office and the people of Oregon's Second Congressional District for the past 8 years, and at the end of this month Brian will conclude his service in the United States House of Representatives as he returns home to the great State of Oregon with his lovely bride, Laura. This occasion will cap 12 years of outstanding public service by Brian in the Congress, and this distinguished institution will be losing one of its finest staff members.

I first got to know Brian when I was the Majority Leader of the Oregon House of Representatives and he was fresh out of Oregon State University and had begun his service to our state in the Oregon Capitol. He succeeded in numerous professional capacities in Oregon and eventually accepted a key staff position in 1995 with one of my predecessors in the Oregon congressional delegation in Washington, DC. Brian and I renewed our ties in 1998 when I first ran for election to Congress and he was working for the honorable Chairman of the House Agriculture Committee, Bob Smith, whom I succeeded. I was very fortunate when Brian accepted my offer to work in my office upon my election, thus beginning a harmonious and successful relationship.

As my Legislative Director for the vast majority of my service in the House, Brian has played a pivotal role in so many accomplishments we've worked hard to achieve for the people of Oregon. He has been a highly effective point person for numerous key issues over the years, from commerce, telecommunications and health care, to transportation, agriculture, trade matters and many other issues that have arisen and quickly needed a steady hand to manage. In addition to the legislative issues that consume much of our focus in the Congress, Brian has recruited and led a strong team of legislative staff in my office. He's also fostered extensive relationships with a great number of citizens, leaders and public officials in the Pacific Northwest and Washington, DC. And when the sheer overload of activity has heightened stress levels, we've always been able to count on Brian's fantastic sense of humor to bring a much-needed dose of comic relief.

Brian's professional attributes have been a tremendous resource for me and those I represent. For his public service and dedication, I'm grateful. As important to me as the constant hard work Brian has exerted in our effort to deliver to Oregonians is the strong friendship I share with him. Brian is simply one of the most sincere and likable persons one can have the good fortune of knowing well. This goes for Laura Hard too. They're a wonderful couple, and I'm very proud to count them as close friends.

As Brian and Laura begin their journey homeward bound, I ask my colleagues to join me in bidding them a heartfelt official farewell, with significant thanks to Brian for 12 years of outstanding service to Oregon and our Nation. You will be sorely missed.

Go Ducks!

MOURNING THE PASSING OF DEARBORN MAYOR MICHAEL GUIDO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. CONYERS. Mr. Speaker, today I rise to mourn the passing and commemorate the life of Dearborn, Michigan's Mayor Michael Guido. Mayor Guido, 52, passed away last night at his home surrounded by his family.

The son of Italian immigrants, Michael Guido got his start in politics 1978 when he was elected as the youngest Councilman in Dearborn history. Eight years later, in 1986, Councilman Guido followed up this historic first by being the youngest person in Dearborn history to be elected mayor—a capacity in which he served until his last days.

Despite being diagnosed with cancer in February 2006, Mayor Guido remained on the job every day, continuing to work long hours at City Hall and around town, attending public events throughout his outpatient treatment. He even found the strength to serve as 64th President of the United States Conference of Mayors, proving himself many times over as the leader of this bipartisan force for our Nation's mayors.

Mayor Guido initiated outstanding improvements to City services, especially in public safety areas, directed the construction or renovation of notable city facilities, and oversaw the completion of dramatic private developments that improved the city's tax base and long term viability.

He was serious about his commitment to exceptional public service. He set high standards, and initiated many programs that were innovative upon their implementation. Among those are curbside recycling and composting, loose leaf collection, and a myriad of public safety initiatives—advanced life support, an emergency warning system, and an automated notification system. As a believer in technology to provide efficient public service, he knew that there is no replacement for personal contact and required employees to not just follow-up with residents, but to solve their problems.

During his tenure as Mayor, he changed the facade of Dearborn by initiating development projects that revived the critical downtown areas, including West Village and West Village Commons in the west end, and Georgetown Commons in the east end. His drive to keep Dearborn attractive for families and young professionals in the face of competition from newer communities culminated in the construction of the Ford Community & Performing Arts Center in 2001.

Other significant projects included the expansion of the Dearborn Ice Skating Center, the construction of a new Police Headquarters, the expansion of the Robert Herndon Dearborn Hills Golf Course, the redesign of Ford Woods Park, improvements to Camp Dearborn and neighborhood pools and parks, and expansion of Esper Branch Library.

While he will be remembered for his accomplishments, he will also be remembered for his humor and ability to relate to people. As an accomplished speaker, he adeptly incorporated jokes into formal presentations, and his conversation was pointed yet entertaining with quips and impersonations.

Mayor Guido's impact upon the City of Dearborn will continue to be recognized within his community and nationally. During an interview years ago, he said he wanted his epitaph to be "He loved the people of Dearborn, and they loved him . . ." We will all miss his leadership and will remember his legacy in the City of Dearborn.

TRIBUTE TO THE AIR WAR COLLEGE CLASS OF 2006

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. PUTNAM. Mr. Speaker, I rise with great pride to call attention to a very special and noteworthy group—the Air War College Class of 2006. This class graduated on May 25, 2006. These men and women, not only from our own Armed Forces, but those of 46 other countries have distinguished themselves, their school, their communities, and their nations.

The Air War College Class of 2006 had a remarkable year and I believe these men and women deserve formal recognition for their accomplishments. By any measure, the class of 2006 has not only blazed new trails, but established new standards of excellence.

This was the first class to execute the Professional Military Education (PME) phase II curriculum, thus producing joint service qualified officers. It was the first class to have mid-year students join the class and complete the demanding academic curriculum. It was also the first class to have 46 international fellows, and the first class to send students, as part of its premiere regional studies, to the country of Turkmenistan. More importantly, it was the first class to have State Week, a full week dedicated to the interaction between DOS/DOD that will facilitate future cooperation and more efficient interaction between these future leaders.

Established in 1946, this is the 60th year of the Air War College. The Air War College mission is to be "the foremost center for air and space education and thought—preparing the world's best strategic leaders." Students must meet rigorous academic requirements, take responsibility for academic progress, behavior, and attendance, and they are expected to participate in school and community activities. They have not only met those rigorous demands but far exceeded them. The class of 2006 and their faculty have consistently shown not only leadership, but generosity. Together they donated 67 pints of blood, raised almost $100,000 for several charities; and members of the class generously gave their time to travel to Biloxi, MS, to aid in the recovery after Hurricane Katrina. Notably, other members opened their homes to displaced military personnel during that tragic time.

I would like to extend my enthusiastic congratulations to the Air War College Class of 2006, "Warriors, Leaders, and Statesmen" upon their graduation. I wish them Godspeed as they move to their next assignments, some directly into harm's way, as they become tomorrow's strategic leaders in the global war on terror.

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TAYLOR of Mississippi. Mr. Speaker, on Tuesday, December 5th, 2006, I was unavoidably detained, and I was unable to cast my vote during rollcall number 524 on H. Res. 1070, expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life.

As a member of the House Armed Services Committee and a long-time champion of the military men and women who serve our Nation, I would have voted "aye."

TRIBUTE TO 109TH CONGRESS

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. FOXX. Mr. Speaker, I rise today to acknowledge the accomplishments of the 109th Congress and the forward progress America is experiencing. Much has been accomplished during these past two years and I believe that we must recognize the work that has been done.

We have tackled immigration and found solutions to border security to help stop the flow of illegal aliens into this country. We have taken steps to ensure that the Administration, military and the intelligence community have the tools they need to fight the war on terrorism efficiently. The economy is growing at an unprecedented rate, home ownership is up, un-employment is at 4.4 percent, and the federal deficit has been cut in half three years ahead of schedule. The efforts of the 109th Congress have led us forward to solving and finding new solutions to the challenges America faces.

I would also like to take this time to thank my colleagues, many of whom will not be returning for the 110th Congress. It has been a pleasure to work alongside you to strengthen America and work on legislation to improve the lives of millions of Americans. I will truly miss working with you and wish you the best in your future endeavors.

Mr. Speaker, I would like to thank my colleagues for all of their hard work during the 109th Congress and I look forward to working together in the 110th Congress to continue to keep America on its prosperous path.

PERSONAL EXPLANATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. INGLIS of South Carolina. Mr. Speaker, on rollcall No. 540 I was unavoidably detained. Had I been present, I would have voted "yea."

S. 994—THE FAMILY ABDUCTION PREVENTION ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. WOOLSEY. Mr. Speaker, family abductions are the most common form of abduction, yet receive far too little attention. Every year, over 200,000 children are abducted by a family member and most frequently, by a parent.

We all assume that because the child is with a parent, they are safe, but we have seen entirely too often this is far from the truth.

More than half of the parents who abduct their children have a history of alcohol or substance abuse, a criminal record, or a history of violence.

So not surprisingly, children who are abducted by family members suffer emotional, psychological, and often physical abuse at the hand of their abductors.

We cannot let this continue. It's time we provide law enforcement with the resources they need to treat these child abductions as the serious crimes that they are.

Please join me today in support of this important legislation that will assist States in preventing and responding to family abductions.

HOUSE OF REPRESENTATIVES—*Wednesday, December 27, 2006*

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 109TH CONGRESS 2D SESSION

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2006, at 9:30 am:

That the Senate agrees to House amendment to Senate amendment to the bill; Senate agrees to House amendment to the title of the bill H.R. 6111.

That the Senate agreed to without amendment H. Con. Res. 503.

That the Senate passed without amendment H.R. 6407.

That the Senate agrees to House amendments to the bill S. 3421.

That the Senate agrees to Conference Report H.R. 5682.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

FURTHER COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2006, at 9:50 am:

That the Senate passed without amendment H.R. 5483.

That the Senate passed S. 4055.

That the Senate passed without amendment H.J. Res. 101.

That the Senate passed without amendment H.R. 5948.

That the Senate passed without amendment H.R. 4997.

That the Senate passed without amendment H.R. 6060.

That the Senate passed without amendment H. Con. Res. 495.

That the Senate passed without amendment H. Con. Res. 502.

That the Senate passed without amendment H.R. 6429.

Appointments: MINER Act Technical Study Panel.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE HON. ILEANA ROS-LEHTINEN, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 13, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena—directed to "Custodian of Records, the Honorable Ileana Ros-Lehtinen, Member of Congress"—for documents and testimony issued by the U.S. District Court for the Southern District of Florida.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ILEANA ROS-LEHTINEN.

COMMUNICATION FROM THE HON. JERRY LEWIS, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 22, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Appropriations Committee has been served with a grand jury subpoena for documents issued by the U.S. District Court for the Southern District of California.

The subpoena is returnable on January 11, 2007, after the 110th Congress convenes. Accordingly, I have advised Chairman-designate Obey of the Committee's receipt of the subpoena, and he will make the determinations required by House Rule VIII in consultation with the Office of General Counsel.

Sincerely,

JERRY LEWIS,
Chairman.

COMMUNICATION FROM THE HON. DUNCAN HUNTER, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 21, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Represenatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Armed Services Committee has been served with a grand jury subpoena for documents issued by the U.S. District Court for the Southern District of California.

The subpoena is returnable on January 11, 2007, after the 110th Congress convenes. Accordingly, I have advised Chairman-designate Skelton of the Committee's receipt of the subpoena, and he will make the determinations required by House Rule VIII in consultation with the Office of General Counsel.

Sincerely,

DUNCAN HUNTER,
Chairman.

COMMUNICATION FROM THE HON. PETER HOEKSTRA, MEMBER OF CONGRESS, AFTER SINE DIE ADJOURNMENT

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, December 22, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Permanent Select Committee on Intelligence has been served with a grand jury subpoena for documents issued by the U.S. District Court for the Southern District of California.

The subpoena is returnable on January 11, 2007, after the 110th Congress convenes. Accordingly, I have advised Chairman-designate Reyes of the Committee's receipt of the subpoena, and he will make the determinations required by House Rule VIII in consultation with the Office of General Counsel.

Sincerely,

PETER HOEKSTRA,
Chairman.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM STAFF MEMBER OF THE COMMITTEE ON APPROPRIATIONS AFTER SINE DIE ADJOURNMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 22, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Southern District of California.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

ELIZABETH PHILLIPS.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Mrs. Haas, Clerk of the House, after sine die adjournment of the second session, 109th Congress, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Tuesday, December 12, 2006:

H.R. 5682. An act to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

On Wednesday, December 13, 2006:

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

Mrs. Haas, Clerk of the House, after sine die adjournment of the second session, 109th Congress, further reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia, on Tuesday, December 19, 2006:

H.R. 5946. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6407. An act to reform the postal laws of the United States.

H.R. 6429. An act to treat payments by charitable organizations with respect to certain firefighters as exempt payments.

H.J. Res. 101. Joint Resolution appointing the day for the convening of the first session of the One Hundred Tenth Congress.

Mrs. Haas, Clerk of the House, after sine die adjournment of the second session, 109th Congress, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. WOLF, on Wednesday, December 20, 2006:

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

Mrs. Haas, Clerk of the House, after sine die adjournment of the second session, 109th Congress, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia, on Wednesday, December 27, 2006:

H.R. 482. An act to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4997. An act to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5483. An act to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act.

H.R. 5948. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 6060. An act to authorize certain activities by the Department of State, and for other purposes.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The Speaker announced his signature to enrolled bills of the Senate of the following titles on December 12, 2006:

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 2150. An act to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the city of Eugene, Oregon.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members of former members of the Armed Forces.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

On December 13, 2006:

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assets, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 707. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 895. An act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 3421. An act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, to otherwise improve veterans' benefits, memorial affairs, and health-care programs to enhance information security programs of the Department of Veterans Affairs, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Karen L. Haas, Clerk of the House reports that on December 9, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 102. Making further continuing appropriations for the fiscal year 2007, and for other purposes.

Karen L. Haas, Clerk of the House further reports that on December 11, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 394. To direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 758. To establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. To provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 864. To provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1285. To extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantage Areas Act of 1999.

H.R. 1472. To designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

H.R. 1492. To provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 1674. To authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4057. To provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4246. To designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

H.R. 4416. To reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 4510. To direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

H.R. 4583. To amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4720. To designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, Californiia, as the "Beverly J. Wilson Post Office Building".

H.R. 4766. To amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5076. To amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5103. To designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building".

H.R. 5132. To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5136. To establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5466. To amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. To study and promote the use of energy efficient computer servers in the United States.

H.R. 5736. To designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

H.R. 5837. To designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5923. To designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 5989. To designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. To designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

H.R. 6078. To designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6102. To designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building".

H.R. 6131. To permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

H.R. 6151. To designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office".

H.R. 6316. To extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

Karen L. Haas, Clerk of the House further reports that on December 13, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 5682. To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

Karen L. Haas, Clerk of the House further reports that on December 15, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 6143. To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

Karen L. Haas, Clerk of the House further reports that on December 19, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 101. Appointing the day for the convening of the first session of the One Hundred Tenth Congress.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

H.R. 6344. To reauthorize the Office of National Drug Control Policy Act.

H.R. 6407. To reform the postal laws of the United States.

H.R. 6429. To treat payments by charitable organizations with respect to certain firefighters as exempt payments.

Karen L. Haas, Clerk of the House further reports that on December 20, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 3248. To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5782. To amend title 49, United States Code, to provide for enhance safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

July 27, 2006:

H.R. 9. An act to amend the Voting Rights Act of 1065.

H.R. 5865. An act to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

H.R. 4472. An act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

August 1, 2006:

H.J. Res. 86. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 2977. An act to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the "Paul Kasten Post Office Building".

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriquez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building".

H.R. 3549. An act to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killiam Road in Massapequa, New York, as the "Gerald A Fiorenza Post Office Building".

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building".

H.R. 4108. An act to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, and the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building".

August 2, 2006:

H.R. 4456. An act to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie W. Caraway Station".

H.R. 4561. An act to designate the facility of the United States Postal Service located at 2404 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building".

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, "H. Gordon Payrow Post Office Building".

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office".

H.R. 5245. An act to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Mathew Lyon Post Office Building".

August 3, 2006:

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employed for purposes of the limitation on State taxation of retirement income.

August 4, 2006:

H.S. 5877. An act to amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006.

August 12, 2006:

H.R. 3682. An act to re-designate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wild Refuge.

August 14, 2006:

H.R. 5683. An act to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

August 17, 2006:

H.R. 4. An act to provide economic security for all Americans, and for other purposes.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building".

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building".

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in Petersburg, Florida, as the "Morris W. Milton Post Office".

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

H.R. 5169. An act to designate the facility of the United States Postal Service located at 1310 Highway 64 NW in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Wilie' Sieg, Sr., Post Office".

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, and the "Sergeant Jacob Dan Dones Post Office".

September 26, 2006:

H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

September 27, 2006:

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of birth of Abraham Lincoln.

September 29, 2006:

H.R. 5631. An act making appropriations for the Department of defense for the fiscal year ending September 30, 2007, and for other purposes.

September 30, 2006:

H.R. 6138. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

October 4, 2006:

H.R. 5441. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

October 5, 2006:

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of the Act.

October 6, 2006:

H.R. 683. An act to amend the Trademark Act of 1046 with respect to dilution by blurring or tarnishment.

H.R. 1036. An act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

H.R. 1442. An act to complete the codification fo title 46, United States, "Shipping", as positive law.

H.R. 2066. An act to amend title 40, United States code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services, and for other purposes.

H.R. 2107. An act to amend Public Law 104-329 to modify authorities for the use of the National Law enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

H.R. 5074. An act to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

H.R. 5187. An act to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

October 10, 2006:

H.R. 5664. An act to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building".

H.R. 6159. An act to extend temporarily certain authorities of the Small Business Administration.

October 11, 2006:

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 5539. An act to reauthorize the North American Wetlands Conservation Act.

H.R. 6106. An act to extend the waiver authority for the Secretary of Education under title IV, section 105, of Public Law 109–148.

October 12, 2006:

H.R. 4109. An act to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office".

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 5224. An act to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building".

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

H.R. 5546. An act to designate the United States courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse".

H.R. 5606. An act to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse".

H.R. 5929. An act to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

H.R. 6033. An act to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

H.R. 6051. An act to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse".

H.R. 6075. An act to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

October 13, 2006:

H.R. 315. An act to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1463. An act to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building".

H.R. 1556. An act to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri as the "Clyde S. Cahill Memorial Park".

H.R. 2322. An act to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building".

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 4768. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building".

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

H.R. 5026. An act to designate the Investigation Buildings of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andes Toro Building".

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building".

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office".

October 16, 2006:

H.R. 138. An act to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P.

H.R. 479. An act to replace a coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida.

H.R. 3508. An act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

H.R. 4902. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

H.R. 5094. An act to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5160. An act to establish the Long Island Sound Stewardship Initiative.

H.R. 5381. An act to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program officers.

October 17, 2006:

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, or for other purposes.

H.R. 4957. An act to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

H.R. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 6197. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

October 26, 2006:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

November 17, 2006:

H.J. Res 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for the United States.

December 1, 2006:

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 5842. An act to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

August 3, 2006:

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

August 4, 2006:

S. 3741. An act to provide funding authority to facilitate the evacuation of persons from Lebanon, and for other purposes.

August 12, 2006:

S. 250. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

S. 3693. An act to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

September 22, 2006:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

September 26, 2006:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal Funds.

September 27, 2006:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso. The Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

September 28, 2006:

S. 3525. An act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.

September 29, 2006:

S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding dales of insurance, financial, and investment products.

S. 3850. An act to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry.

October 3, 2006:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

October 5, 2006:

S. 176. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

S. 244. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

S. 1025. An act to extend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building".

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building".

October 6, 2006:

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as "Harry J. Parrish Post Office".

S. 3187. An act to designate the Post office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

October 11, 2006:

S. 213. An act to direct the Secretary of the Interior to convey certain land to Rio Arriba County, New Mexico.

S. 2146. An act to extend relocation expenses test programs for Federal employees.

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

October 12, 2006:

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

October 13, 2006:

S. 2856. An act to provide regulatory relief and improve productivity for insured depository institution, and for other purposes.

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

S. 3728. An act to promote nuclear nonproliferation in North Korea.

October 16, 2006:

S. 2562. An act to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

October 17, 2006:

S. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

November 27, 2006:

S. 435. An act to amend the Wild and Scenic Rivers act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

December 1, 2006:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

December 9, 2006:

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

December 12, 2006:

H.R. 2383. An act to re-designate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Bryon, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4000. An act to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

H.R. 4559. An act to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5103. An act to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

H.R. 5585. An act to improve the netting process for financial contracts, and for other purposes.

H.R. 5690. An act to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

December 13, 2006:

H.R. 4377. An act to extend the time required for construction of a hydroelectric project, and for other purposes.

December 14, 2006:

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and for other purposes.

December 15, 2006:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

December 18, 2006:

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building".

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building".

H.R. 5682. An act to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodsville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW., in Vienna, Virginia, as the "Captain Christipher P. Petty and Major William F. Hecker, III Post Office Building".

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office."

December 19, 2006:

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

December 20, 2006:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barret Farm

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu paiute Tribe.

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Basin during the War of 1812.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 6407. An act to reform the postal laws of the United States.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the second session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

December 14, 2006:

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

December 18, 2006:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Associations, Inc.

S. 1820. An act to designate the facility of the United States postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office building".

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

December 19, 2006:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

December 20, 2006:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General John Smith Chesapeake National Historic Trail.

SENATE—*Wednesday, December 27, 2006*

HONORING SENATORIAL SERVICE

BILL FRIST

● Mr. STEVENS. Mr. President, it has been an honor and a privilege to work with Senator BILL FRIST for the past 12 years. BILL has been a solid leader for our party and he has served the people of Tennessee with distinction.

Senator FRIST came to politics through a nontraditional route—through the operating room. BILL got involved in politics because he believed he could do even more for his patients—and the people of Tennessee—in the Senate. And he was right. BILL's meticulous approach to this job is exactly what you would expect of a person with his training. He never gave up on his goals and worked tirelessly to see them into law.

I became President Pro Tempore of the Senate close to the time when BILL became our majority leader. I enjoyed working by his side and thank Leader FRIST for including me—as President Pro Tempore—in all leadership meetings. Senator FRIST also traveled with us to China for U.S. Interparliamentary Group meetings. Once our meetings were finished, he continued on to Africa for medical mission work.

As majority leader, BILL carried the administration's message. He fought hard for the President's judicial nominees. And as we saw yesterday during his farewell address, BILL leaves us with great honor and recognition. Our leader will now return to where, in some ways, his heart has always been—the practice of medicine. But deep in my heart, I feel that public service will again call BILL to give of his time and talents to help preserve our democracy and our freedoms. Catherine and I will miss being with BILL and Karyn.

RICK SANTORUM

Mr. President, yesterday I was moved by the emotional farewell of Senator RICK SANTORUM. He said he still feels the thrill of coming to work in this building every day. The energy he put toward his work in this Chamber, I will remember as one of Senator SANTORUM's most striking qualities.

Senator SANTORUM's enthusiastic direction of the Republican conference rallied our majority. I believe he jeopardized his own future in Pennsylvania by urging us to think and act for the national good. Pennsylvania has been served well during his time in Congress and so has our Nation.

RICK's energy has been of great benefit to many charities, and he has taken a special interest in helping those affected by autism. His efforts on behalf of each of these causes have been exceptional. And despite his many commitments, RICK's dedication to his family and personal convictions never wavered. Catherine and I wish RICK and his family well.

GEORGE ALLEN

Mr. President, Senator GEORGE ALLEN has served the Commonwealth of Virginia with honor and integrity. GEORGE is a principled person, following bedrock beliefs gained growing up in a strong family.

These principles have led GEORGE to promote and defend freedom in this country and around the world. His legislative accomplishments are aligned with this philosophy.

Senator ALLEN's major accomplishments include the Internet Tax Nondiscrimination Act, the 21st Century Nanotechnology Research and Development Act, increased benefits for the families of fallen troops, funding to upgrade telecommunications infrastructure for minority-serving institutions, and greater protections for intellectual property.

In all of this, Senator ALLEN has not forgotten who his real boss is: the American people. He has always, and will continue, to put the interests of this country above his own. That is a true mark of a leader, ald all Virginians can be proud to have been represented by a man with Senator ALLEN's character.

As many of his constituents, colleagues, and friends know, Senator ALLEN closed much of his correspondence with the words "keep winning." Just like his dad, a Hall of Fame coach who reached great heights and suffered tough losses on the gridiron, we know GEORGE won't let this setback define him. We all expect him to "keep winning" for Virginia.

Catherine and I wish him and Susan the very best. We know we will hear more about this dedicated public servant in the future.

CONRAD BURNS

Mr. President, it is with great sadness that I say farewell to a great friend and Senator, CONRAD BURNS of Montana. His loss will be felt in Montana and here in the Senate. CONRAD is a man of the West and worked hard to make sure those values were represented in the Senate.

Senator BURNS, a marine with a background in radio and TV and as an auctioneer, came to the Senate in 1988. He, his wonderful wife Phyllis, and their family have become close friends with Catherine and me and to Alaska. In fact, CONRAD's daughter, Dr. Keely Burns, spent time in Alaska after medical school working as a resident. CONRAD is a great auctioneer and fine fisherman who often joined me in Alaska.

CONRAD served with me on the Commerce, Science, and Transportation Committee as well as the Committee on Appropriations. During his time on those committees he accomplished a great deal for Montana, the West, and our Nation.

CONRAD worked to ensure more than 70 rural Montana communities have enforceable safe drinking water programs and protected the Big Sky through the Land and Water Conservation Fund. He authored section 706 of the Telecommunications Act of 1996, a provision which ensures advanced telecommunications are accessible in our schools and classrooms. And as chairman of the Interior Appropriations Subcommittee, he helped to secure funding for the Bureau of Land Management to expedite land conveyances in Alaska, which my State has pushed for since statehood. He worked hard to bring infrastructure and high tech to rural Montana. He worked to create E-911 legislation for the Nation.

CONRAD BURNS is a hard worker, but he has an easy going way about him. Many Senators and staff know that he used to pick up carpoolers on his way to work. Few probably know about his protecting penguins in Antarctica. During a trip to our research station, there was a group of us watching penguins shuffling nervously near the water's edge. CONRAD got the group together to pose for a photo, when suddenly all of the penguins jumped between us and the edge of the water. CONRAD just smiled and took the photo, never mentioning the large killer whale that was circling behind the Senators.

CONRAD's humor is legendary and he can often spring it on you when you least expect it. As President pro tempore, I opened the Senate on my 80th birthday, dreading any birthday greetings I might receive. The first Member seeking recognition after the prayer was CONRAD. Sure enough, CONRAD launched into a long speech about a great American icon, a fighter, a scrappy character. I got more and more uncomfortable in the chair, but CONRAD knew something I didn't—Mickey Mouse and I share a birthday. CONRAD knew I would think all this high-minded talk was about me, but instead he was praising America's most lovable cartoon character. That's CONRAD BURNS. A man who loves to laugh, loves people, and loves his home state of Montana.

We will miss the good Senator from Montana.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MIKE DEWINE

Mr. President, I will always remember Senator MIKE DEWINE for his commitment to his family. MIKE pursued his own conscience until the end of his tenure in this Chamber. That conscience led MIKE DEWINE to be a staunch defender for the people of Haiti.

In a time of constant conversation about the importance of family values and community standards, MIKE has led by example. As a member of a large family, the father of six, and grandfather of eleven, I admire MIKE's ability to balance the needs of his family with the demands of his position in the Senate.

The senior Senator from Ohio has also devoted much of his time and energy to causes often overlooked. Senator DEWINE's tireless work for the people of Haiti demonstrated his commitment. I believe his commitment to those who need a defender and protector should be commended.

JIM TALENT

Mr. President, Senator JIM TALENT has served the people of Missouri with great distinction. He is a hard worker, and while he never sought the spotlight, JIM quickly earned the respect of his colleagues in the Senate.

It has been my privilege to work with JIM on a number of issues. He understood the threat methamphetamines pose to our Nation and helped establish the Senate's anti-meth caucus to fight this epidemic.

JIM has also been a determined leader on defense and energy issues. We worked together to secure the funding required to modernize the Department of Defense and sought to ensure our troops have the resources they need. JIM, also, understands the importance of diversifying our energy resources. His leadership on renewable energy greatly benefited his constituents and the rest of our Nation.

We will all miss Senator TALENT's intelligence and knowledge of the issues. I wish him the best of luck in all of his future endeavors.

LINCOLN CHAFEE

Mr. President, I have known Senator LINCOLN CHAFEE and his family for a long time. I met his father, our former colleague, Senator John Chafee, while standing in line to register for Harvard Law School in 1947. LINCOLN's uncle, Zachariah Chafee, was one of my law professors at Harvard. John and I served together in the Senate for more than 20 years.

When John passed away in 1999, LINCOLN chose to continue his family's tradition of excellence in public service. Senator CHAFEE and I have not always agreed on the issues, but I have always respected the courage of his convictions and his firm commitment to his ideals.

Senator CHAFEE, it's been my good fortune to serve alongside you and your father for nearly 30 years. It's hard to imagine this Chamber without a member of your family. We will miss your spirit and dedication.

PAUL SARBANES

Mr. President, I've come to the floor to pay tribute to Senator PAUL SARBANES for his outstanding service. The senior Senator from Maryland has served longer than any other Senator from his State. Throughout the years, I have been jealous of one thing—his short ride home. There are, actually, other things I admire about PAUL. For instance, we are a Chamber with many lawyers, and I can say PAUL has been one of our best.

Senator SARBANES has used his skill to greatly benefit his State. We recently worked together on a bill that will enhance the security of our Nation's ports. As a Senator, PAUL SARBANES has worked tirelessly to ensure the ports in his home State, and all ports in America, are safe.

This distinguished gentleman from Maryland has served his constituents admirably and I wish him well.

JIM JEFFORDS

Mr. President, Senator JIM JEFFORDS' service has been unique but no doubt beneficial to his home State of Vermont and to our country. On May 21, 2001, Senator JEFFORDS pursued his conscience and made a difficult decision to leave our party. While unexpected, I respect Senator JEFFORDS for following his heart and doing what he thought was best for his constituents in Vermont.

JIM has now served three full terms in the Senate. Over the years, he has stood out as a champion for education and the disabled. In 2004, he co-authored the Individuals with Disabilities Education Act. His work here has helped improve millions of lives.

I wish the distinguished gentleman from Vermont well in his future endeavors.

MARK DAYTON

Mr. President, Senator MARK DAYTON's path to the Senate was marked by years spent in service to others. As a teacher, a counselor to troubled children, and then as an administrator of a Boston social service agency, MARK has long fought for those less fortunate—and his service in the Senate reflects this commitment.

It was my pleasure to travel to China with him this past August for meetings with the U.S.-China Interparliamentary Group. He was a fine addition to our bipartisan delegation. During those meetings he brought a unique insight and perspective to many issues.

I commend Senator MARK DAYTON on his public service to the people of Minnesota. Catherine and I wish him the best in the years ahead.●

TRIBUTE TO SENATOR CHAFEE

● Ms. COLLINS. Mr. President, LINCOLN CHAFEE came to the Senate in 1999 under the most difficult of circumstances. He had just lost his beloved father, and was being asked to fill the shoes of one of the most noble and principled Members ever to serve in this Chamber. He rose to that challenge, and I have been honored to work alongside him.

Like the illustrious Senator John Chafee, Senator LINCOLN CHAFEE came from a political tradition I am proud to share—that of the New England moderate. This tradition stands for a strong defense of freedom and for fiscal responsibility, for government that is unobtrusive in people's lives when it can be, yet compassionate and involved when it must be.

LINCOLN CHAFEE was a quiet voice of moderation, but spoke with a strong voice, a voice of conviction and integrity, on such issues of critical importance to our Nation as environmental protection and energy independence. When, in the spring of 2005, the very fabric of the Senate was threatened by a bitter impasse over the issue of judicial filibusters, I was proud to join Senator CHAFEE in the so-called gang of 14 that forged a productive, bipartisan solution.

I had the opportunity to work closely with LINC in the 109th Congress when he joined the Homeland Security Committee. The committee brought about great progress during that Congress with successful legislation on port security, chemical security, and rebuilding our Nation's emergency management structure after the catastrophic government response to Hurricane Katrina. LINC's steady, thoughtful, and informed approach to the issues greatly aided these endeavors.

I was especially impressed by LINC's understanding that true homeland security begins at home. As the 2006 hurricane season approached, and as we were still struggling to overcome the failures of government in the 2005 season, he called for and organized a Homeland Security field hearing in Rhode Island so his colleagues could better appreciate the daunting challenges faced by our first responders in coastal States and communities. That hands-on approach, devoid of pretense and directed toward results, exemplifies LINCOLN CHAFEE's approach to government.

I know that the father would be proud of the son. And I know that all Americans join me in thanking LINCOLN CHAFEE for 7 years of outstanding service, and in wishing him the very best in the years to come.

TRIBUTE TO SENATOR FRIST

Mr. President, As we come to the close of a Congress that has seen too much partisan struggle, it has been heartening to observe the bipartisan outpouring of deep respect and kind regard for the retiring senior Senator from Tennessee, Doctor BILL FRIST.

I join in that praise. Senator FRIST has exemplified the collegial traditions of the Senate, balancing forthright advocacy for his views and for his party's positions with courtesy and respect for those who disagreed with him. He has been an effective Senator for his beloved State of Tennessee, a skillful leader for his party caucus, and a gentleman in his dealings with Senate colleagues.

We all know that many of our fellow citizens are cynical about Congress, seeing this branch of government as a haven for politicians fixated on short-term political advantage and personal aggrandizement. They should take note of people like Senator FRIST, who is truly an example of a Renaissance man in government.

If a writer created a protagonist with the interests and accomplishments that Senator FRIST has shown, an editor would be nervous about taxing readers' credulity. Yet the facts are plain. Our friend from Tennessee is not only a hard-working and successful political leader, but also a surgeon, a teacher, a philanthropist, an author, an aircraft pilot, a marathon runner, and a devoted family man.

Members of Congress have many opportunities to enact measures that will protect, enrich, and save lives. But we usually act at a distance, as agencies use the authorities and carry out the mandates we create. Few of us can take credit for personally saving lives as Doctor FRIST has done many times at the operating table. And few of us can bring to bear the combination of professional training and personal dedication that he has displayed on his repeated medical missions to Africa and in his policy work on the HIV-AIDS crisis. He was also the first doctor on the spot for the 1998 shootings of two Capitol Police officers, and he ably served as an informed spokesman for Congress during the 2001 anthrax attacks in the Capitol mail system.

Senator FRIST has served his party well. As chair of the National Republican Senatorial Committee in 2002, he helped restore the party's majority in the Senate. As the unanimously elected majority leader, he served both his party and his country well on policy matters like tax-law changes that eased burdens on citizens and encouraged growth in business activity and employment.

Senator FRIST also supported the Medicare prescription-drug benefit and the creation of Health Savings Accounts—measures that have saved billions of dollars for the elderly and given millions of Americans new opportunities for controlling their health-care costs. These are especially helpful legislative initiatives in States like my native Maine, where the proportions of senior citizens, small-business owners, and the self-employed are significant.

Senator FRIST leaves this chamber with an overflowing and bipartisan store of goodwill and gratitude. I am pleased to be among the many Senators offering thanks for his years of service and best wishes for many years of good works to come.

TRIBUTE TO SENATOR SANTORUM

Mr. President. In his eloquent and touching farewell address delivered to this body on December 6, 2006, Senator RICK SANTORUM began with one word to describe his feelings as he concluded this phase of his life. The word was "gratitude," and it describes the feeling I have for his 12 years of outstanding service here.

RICK SANTORUM is a person of strong convictions—convictions that are built upon a solid foundation of faith, love of country, and devotion to the people of Pennsylvania. But as he stood firm for his political philosophy, RICK SANTORUM recognized the obligation we all share to overcome our differences to work on behalf of our citizens. He spoke his mind, but he acted from his heart.

Two issues in particular exemplify RICK's dedication to meeting the real needs of real people. Like Maine, Pennsylvania is a large rural State in which access to home health care services is essential for our older and disabled Americans. Home health has become an increasingly important part of our health care system. The kinds of highly skilled, and often technically complex, services that our Nation's home health caregivers provide have enabled millions of our most frail and vulnerable citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

When Medicare payments for home health care were in jeopardy, RICK SANTORUM joined me as an original cosponsor of bipartisan legislation to restore funding, and he was a key to its success. Throughout his Senate career, he has been a compassionate champion of quality health care for those in need. It is telling that his Senate career, which included so much valuable work in this area, ended with passage of his landmark bipartisan Combating Autism Act, which will do much to improve the quality of life for children with autism and their families.

The second issue I would like to highlight is education. RICK SANTORUM has been a leader in making our schools safer, and in strengthening math and science education. But he also understands that quality education begins not in Washington or in the State capitals, but in the classroom. From my talks with teachers throughout Maine, I know that a great many of them expend not just great amounts of energy to educate our children, but often dig deep into their own pockets to buy classroom supplies and to advance their own professional development. The $250 tax deduction I authored in 2001 for educators who use their own funds to cover these expenses would not have become law without the strong advocacy of RICK SANTORUM with his former colleagues in the House of Representatives.

And, finally, when the Senate Homeland Security and Governmental Affairs Committee held hearings in early 2006 in response to the lobbying scandals in Washington, one of our first witnesses was RICK SANTORUM, a long-time advocate of lobbying reform. When our reform legislation passed our Chamber overwhelmingly, Senator SANTORUM said the Senate "stepped up in a big way." The Senate stepped up in large part because this person of high ideals was pushing it along.

Mr. President, in his farewell address, Senator SANTORUM stated that although he often disagreed—often vigorously—with many of his Senate colleagues on the issues, he never doubted the sincerity of their convictions. Staunch advocacy tempered with respect for the views of others is the hallmark of the Senate, and it is a central part of RICK SANTORUM's legacy. I thank him for his service, and wish him and his family all the best in the future.

TRIBUTE TO SENATOR TALENT

Mr. President. As the 109th Congress draws to a close, I want to say thanks and farewell to one of its hardest-working and most dedicated members, Senator JIM TALENT of Missouri.

I have had the privilege of working with Senator TALENT as a member of the Armed Services Committee and its Seapower Subcommittee, which he has chaired.

Working with Senator TALENT has always been rewarding. He has been a prodigious Senator and brings to bear on defense issues both detailed knowledge and long-range vision. His final speech on the floor of the Senate displayed those qualities, as he surveyed the state of readiness and equipment in our national defense, and persuasively warned of the dangers of under-investment in personnel and material.

Senator TALENT's focus on seapower issues may seem to go against type. Missouri does not spring readily to mind in a word-association test for "Navy" or "shipbuilding," as Maine or Mississippi might. But the Senator from Missouri has been as dedicated to working through seapower issues as any coastal Senator.

Senator TALENT was a key player in settling on a dual-lead shipyard strategy for the *Zumwalt*-class DDG–1000 destroyers, formerly known as the DD(X). As a Senator from a shipbuilding State, I am naturally well pleased with this policy. But as a United States Senator, I also share Senator TALENT's conviction that it is a wise national strategy to preserve shipbuilding capabilities in multiple locations. He has also been a leading voice in deliberations on the CGX ship class that will constitute our next generation of guided-missile cruisers.

Senator TALENT brought extraordinary intellectual gifts to the Senate. After distinguishing himself in undergraduate work at Washington University and in legal studies at the University of Chicago, he clerked for Judge Richard Posner of the Seventh Circuit and taught at the Washington University School of Law.

His academic prowess was reinforced with practical political experience. After winning a seat against long odds in the Missouri legislature, he established himself as a popular and respected political figure. Moving on to the U.S. House, he was an early and influential voice in the debate that ultimately led to a fundamental reform of Federal welfare law. This combined 16 years of legislative service served him well when he took his seat in the Senate.

Besides his dedication to chairing the Seapower Subcommittee, Senator TALENT has been a leading advocate for promoting alternative energy, for helping small businesses form associations to buy health insurance, and for expanding the Federal fight against sickle-cell blood disease. To these and other issues he brings a powerful combination of intellect, research, deliberation, and collegiality.

In November, Senator TALENT lost a close contest for reelection in a difficult campaign year. We cannot quarrel with the decision of the voters, but we can respectfully regret that the Senate will lose the benefit of JIM TALENT's wise and gentlemanly presence. I join my colleagues in wishing him and his family well, and in expecting many more contributions to the public good from this man of many gifts and accomplishments.•

VETERANS BENEFITS, HEALTHCARE, AND INFORMATION ACT OF 2006

• Mr. AKAKA. Mr. President, as ranking member of the Committee on Veterans' Affairs, I urge my colleagues to support our veterans, current servicemembers, and their families by supporting S. 3421, an omnibus veterans measure entitled Veterans Benefits, Healthcare, and Information Technology Act of 2006.

This measure is a compromise agreement between the House Committee on Veterans' Affairs and the Senate Committee on Veterans' Affairs, and is based on several pieces of legislation. Like all compromises, no one got all he or she wanted, but in the end, I believe that it represents a good package of provisions. This legislation would improve and expand a wide variety of services to our veterans, and includes provisions relating to veterans benefits, health care, and information technology matters for the Department of Veterans Affairs. Of particular importance are provisions to enhance mental health and readjustment services for veterans returning to civilian life, to improve long-term care services for aging veterans, and to modify the State veterans' home program.

At the outset, I note my dissatisfaction with the undue haste with which the legislative package, the bill itself and the accompanying explanatory statement that my colleague, the committee chairman, Senator CRAIG, will include at the end of his remarks, was assembled.

Because of the way this legislation was negotiated, we were not able to reach final agreement on its contents until Wednesday morning, just two days ago. At that time, the chairman of the House Veterans' Affairs Committee for the first time agreed to negotiate on a particular provision passed by the House relating to a construction project in South Carolina. As a consequence of his belated agreement to enter into discussions, we were able to arrive at a compromise, a result that we could have achieved in September.

Because the final agreement was reached so late in the session, staff of the two committees and from the two Offices of Legislative Counsel, worked many long hours trying to accomplish the nearly impossible task of assembling the bill, which is over 160 pages, and then drafting an explanatory statement on the legislation.

In the best of times, such a process can easily take a week or more. We were forced to try to do it all in just 2 days. It is near certainty that this haste has led to the inclusion of errors in both the legislation and the explanatory statement, errors which could have been caught and remedied had there been sufficient time. This is certainly no way to do our business and, to the extent it will be in our power, we will not legislate this way in the future.

That said, the bill is now before the Senate, and I will touch on some of the key provisions.

The Department of Veterans Affairs has been tasked with meeting the needs of those who serve in the military, with a particular emphasis on those injured during their service. A number of provisions in the compromise agreement are intended to help VA fulfill that obligation.

Often, the types of injuries endured in combat are invisible in nature. We must make sure that returning servicemembers receive the readjustment and mental health care services they need for a seamless reintegration to civilian life. Provisions in the compromise agreement seek to do just that by establishing VA systemwide guidelines for screening primary care patients for potential mental health issues, as well as appropriately training clinicians to carry out mental health consultations. Identifying the need for assistance is the first step; this measure also provides for the next step by ensuring that VA has the capacity to furnish mental health services at every VA community-based outpatient clinic.

Because veterans often seek readjustment counseling and other mental health care in their own communities, it is imperative that VA's veterans centers are able to provide needed services. The compromise agreement contains provisions, derived from S. 716, legislation I introduced which cleared the Senate nearly a year ago, which would authorize resources needed by veterans centers to carry out their long standing mission of helping veterans. These provisions would also help ensure that VA has sufficiently trained outreach workers to encourage veterans to seek assistance. Veterans centers provide veterans with a safe place to turn for readjustment counseling or assistance; they make over 100,000 referrals a year for benefits and VA medical services. In addition to providing counseling services to veterans, family members too can find solace at veterans centers. This legislation would clarify that parents of those servicemembers who have died would be eligible to receive bereavement counseling at veterans centers.

The compromise agreement also addresses the goal of encouraging and supporting alternatives to institutional long-term care. It includes provisions derived from S. 2753, a bill I introduced, that was designed to promote assistance to those who look after veterans, especially in noninstitutional, home-based settings. The relevant provision in the compromise agreement would authorize VA to carry out a pilot program to assist family members who care for their disabled loved ones. Caregivers, particularly those who live in rural and geographically remote areas, would receive a helping hand through services such as adult day care and respite care.

Furthermore, the compromise agreement seeks to ensure more appropriate payment for the cost of long-term care provided to certain seriously disabled veterans who are receiving care in State veterans' homes. In January 2006, the committee held field hearings in my home State of Hawaii. Tom Driskill, the president and CEO of Hawaii Health Systems Corporation, testified about the soon-to-be-built State home in Hilo. He said, "The synergy of a combined Federal and State funding of the home has been the catalyst for making this dream a reality." The adjustments this legislation would make to the current cost-sharing arrangement between VA and the States, which are derived from S. 2762, legislation I introduced, will help ensure high quality care in State homes not only in Hawaii, but across the entire Nation.

Currently, care is provided at no cost to the veteran when VA provides institutional, long-term care services to those with service-connected disabilities rated 70 percent or higher in a VA nursing home or a private nursing care facility with which VA contracts. However, when the care is provided in a State veterans' home, VA pays only a per diem to the State, which then may bill the veteran for the remaining costs. This measure would provide for the same payment to State veterans' homes that is provided to community nursing homes.

This compromise agreement also includes a provision from a bill I introduced, S. 1537, that would authorize VA to designate at least two Multiple Sclerosis Centers of Excellence and six Parkinson's Disease Research, Education and Clinical Centers. VA centers of excellence have been the model of innovation in the delivery of highly specialized health care and research for chronic disease in the veteran population. Providing a statutory basis for these centers will ensure continued research and development of progressive treatments to help reduce symptoms and improve the quality of life for veterans battling with these neurological diseases. This provision is especially significant as it will be part of Congressman LANE EVANS' legislative legacy, as ranking member of the House Committee on Veterans' Affairs. It is fitting that we pay tribute to his service through this measure. I thank my good friend and colleague for his leadership on this issue and for his service to our great Nation, as a marine and in Congress.

The compromise agreement includes a provision that would allow VA to extend its State Cemetery Grants Program to tribal organizations. This change, derived from my bill, S. 2659, would allow for the establishment, expansion, and improvement of veterans cemeteries on trust lands. If enacted, it will enable veterans living on trust lands to have an option for burial much closer to their family members and other loved ones.

Another provision in the compromise would authorize VA to provide home loan guarantees to veterans who want to use their home loan eligibility to purchase stock in a cooperative housing corporation. Under current law, VA is authorized to guarantee loans for eligible veterans and their survivors to build or buy a home, including residential condominiums. In many large cities, housing cooperatives make up a large percentage of available affordable housing. This provision, derived originally from legislation introduced by Senator SCHUMER, would give veterans greater housing choice by allowing them to use their hard-earned benefits to buy shares in a housing cooperative.

In response to the concerns of some individuals, the provisions in the compromise agreement related to allowing veterans and other claimants to hire attorneys to represent them before VA have been modified from what originally passed the Senate earlier this year, so as to allow individuals to hire attorneys only after a notice of disagreement has been filed in a case. This change should result in there being no impact on the claims adjudication system until after VA renders its first final decision. Currently, veterans are prohibited from retaining counsel until after the Board of Veterans' Appeals renders a final decision.

Additionally, I am pleased that we were able to reach a compromise on information security matters. I remain committed to ensuring that VA takes aggressive action to protect our veterans' personal information, and in the event of a data breach, that they provide the affected veterans with appropriate identity and credit protection services.

I also express my satisfaction at our success in maintaining the provisions in current law which prohibit the use of appropriated VA health care funds for conducting public and private cost comparison studies. This prohibition protects veterans by precluding the use of scarce health care dollars for other purposes and protects VA employees from efforts to privatize their duties.

This legislation is appropriate and needed at a time when our servicemembers are in harm's way. We must always remember the sacrifices that our servicemembers, both past and present, have made on behalf of this great Nation, and we must do our part to respond to their service by remaining strong in our support of veterans services.

I am proud that our committee continues its tradition of bipartisanship. The effort that produced the final version of this legislation, vital to the continued provision of quality health care and benefits to our Nation's veterans, is just the latest example of that spirit. I thank Senator CRAIG for his leadership and for his cooperation and assistance. I also thank the staff of the majority, especially Bill Cahill, Jon Towers, Amanda Meredith, Helen Walker, and Lupe Wissel, as well as those on the Democratic staff, Kim Lipsky, Alexandra Sardegna, Dahlia Melendrez, Ted Pusey, Michelle Moreno, and Bill Brew for their hard work on this legislation.

At this time, Mr. President, I would like to take the opportunity to wish my warmest aloha to Senator JIM JEFFORDS, who is retiring after 32 years in Congress. The Committee on Veterans' Affairs will be losing one of its finest and most esteemed members. A veteran himself, Senator JEFFORDS has been a strong voice and advocate for veterans. I thank Senator JEFFORDS for his service. He will truly be missed.

I urge my colleagues to support this compromise agreement on behalf of America's veterans and their families.•

RETIREMENT OF ANTHONY J. ZAGAMI

• Mr. STEVENS. Mr. President, a well-respected public servant will soon retire after 40 years of outstanding service to our Government and the American people.

Anthony J. "Tony" Zagami first came to Capitol Hill in 1965, at the age of 13, to serve as a page in the United States Senate. Several years later, Tony returned as an assistant to the Secretary of the Senate. I was the whip for the Republican party at the time, and in this capacity, it was my privilege to work closely with Tony and the Secretary. Tony also spent 9 years as the general counsel to the Joint Committee on Printing, which I was ranking member of from 1987 to 1992.

Tony left the halls of Congress in 1990 to become general counsel at the U.S. Government Printing Office, and he has remained in this post for the past 16 years. Tony's legislative background has proven to be a tremendous asset during his tenure as general counsel. His leadership and vision have helped transform the GPO into a profitable, efficient, and thoroughly modern organization.

In January, Tony will retire as the longest serving general counsel in the GPO's 145-year history. In honor of his many accomplishments, Tony has also been named the first general counsel emeritus of the GPO.

On behalf of my colleagues in Congress, I thank Tony for his dedication and hard work over the years. We all wish Tony, his wife, and their three children the very best.•

• Mr. SARBANES. Mr. President, as the 109th Congress comes to a close, I would like to recognize a longtime public servant and Maryland resident. Anthony J. "Tony" Zagami will soon retire as the general counsel of the U.S. Government Printing Office after more than 40 years of Federal service. I met Tony during my first term in the Senate while he was finishing law school and working as a young intern in the Senate Democratic Cloakroom. Tony went on to serve in a number of other positions here on Capitol Hill before leaving in 1990 to become the general counsel for the GPO.

Tony Zagami began his Federal service as a page in the U.S. Senate during the 1960s and will end it as the longest serving general counsel in GPO history. Along the way, he also earned degrees from the University of Maryland School of Business and Public Administration and the George Mason University School of Law. Tony has earned the respect and admiration of many of us here in the Congress as well as his colleagues in other legislative branch agencies and the executive branch. I know that my colleagues here in the Senate would join me in wishing him all the best in health and happiness as he completes a very long and noteworthy career. In retirement, I'm sure that Tony will remain a very active citizen of Montgomery County, MD, where he resides with his wife, Erin, and three children.●

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 12, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

H.R. 5682. An act to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India.

Under the authority of the order of the Senate of January 5, 2005, the enrolled bills were signed on December 12, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. FRIST).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 13, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 707. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 895. An act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 3421. An act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and healthcare programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

Under the authority of the order of the Senate on December 9, 2006, the enrolled bills were signed on December 14, 2006, subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. LOTT).

Under the authority of the order of the Senate of January 5, 2005, the Secretary of the Senate, on December 18, 2006, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendment of the Senate to the bill (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 6143) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Speaker reappoints the following member on the part of the House of Representatives to the United States China Economic and Security Review Commission: Mr. Larry Wortzel of Williamsburg, Virginia, for a term expiring December 31, 2008.

The message further announced that pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Speaker reappoints the following member on the part of the House of Representatives to the coordinating Council on Juvenile Justice and Delinquency Prevention: Ms. Adele I. Grubbs of Georgia, to a one-year term and Ms. Pamela F. Rodriguez of Illinois, to a three-year term.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, the Speaker appoints the following member on the part of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. Terry Isaacson of Tempe, Arizona.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that she had presented to the President of the United States the following enrolled bills:

On December 11, 2006:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building".

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

On December 14, 2006:

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

On December 15, 2006:

S. 214. An act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 707. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 895. An act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1529. An act to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

S. 1608. An act to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2150. An act to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon.

S. 2205. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. 2653. An act to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2735. An act to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 3421. An act to amend title 38, United States Code, to repeal certain limitations on attorney representation of claimants for benefits under laws administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance Program, to otherwise improve veterans' benefits, memorial affairs, and healthcare programs, to enhance information security programs of the Department of Veterans Affairs, and for other purposes.

S. 3546. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3821. An act to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

S. 4042. An act to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4091. An act to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

S. 4092. An act to clarify certain land use in Jefferson County, Colorado.

S. 4093. An act to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of December 9, 2006, the following reports of committees were submitted on December 22, 2006:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs: Report of the Committee on Governmental Affairs, United States Senate, and Its Subcommittees for the One Hundred Ninth Congress" (Rept. No. 109–368).

By Mr. SPECTER, from the Committee on the Judiciary:

Special Report entitled "Activities Report of the Committee on the Judiciary, United States Senate, One Hundred Ninth Congress, 2005–2006" (Rept. No. 109–369).

NOMINATIONS RETURNED TO THE PRESIDENT

The following nominations, upon which no action was had, at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate and were returned to the President in lieu of being confirmed on December 9, 2006:

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009; AND LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

EXTENSIONS OF REMARKS

HONORING CONGRESSMAN MARTIN OLAV SABO'S CAREER OF PUBLIC SERVICE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to congratulate a fellow Minnesotan, Congressman MARTIN SABO of Minneapolis, on his distinguished career of public service.

The neighboring cities of St. Paul and Minneapolis, MN, are known as the "Twin Cities." As the representative from St. Paul, it has been my privilege to serve in Congress with my "Twin brother" MARTIN SABO. After I was first elected to the U.S. House, he immediately became an expert mentor, always generous with time-tested insights. I will never forget the much-needed help he and his staff offered me as I made a difficult transition into Congress following the death of my predecessor, Congressman Bruce Vento. Six years on, we are partners working to solve the problems facing the families of St. Paul and Minneapolis. Through these collaborations, I have come to admire his wisdom—garnered through his personal experience, knowledge and integrity—and recognize what the Congress will lose following his much-deserved retirement.

Martin's public life began 45 years ago when he was elected to the Minnesota State House of Representatives at the young age of 22. He went on to serve with distinction as both House Speaker and minority leader until his election to Congress in 1978.

During his nine terms in the U.S. House of Representatives, Mr. SABO's patient dedication to results and sound governance earned him the respect and trust of his colleagues. In his position on the powerful Appropriations Committee, Congressman SABO directed federal funds to advance Minnesota's transportation system and improve the quality of life for U.S. soldiers and their families. As Chairman of the House Budget Committee in 1993, he played a central role in shaping and supporting President Clinton's landmark budget, which righted America's fiscal course and set the stage for years of unprecedented economic growth and prosperity.

Outside of the House Chamber and Capitol Hill committee rooms, Mr. SABO championed causes close to his heart. He promoted educational and cultural exchanges between the United States and Norway as a co-founder of the Friends of Norway Caucus in the House. As a fellow Norwegian, I can attest to the success of these exchanges in reinforcing the bonds between Minnesota and Norway. Mr. SABO also combined his passion for Minnesota Twins baseball with big league Washington politics by serving as the long-time manager for the Democratic squad at the annual congressional baseball game where, in my opinion, he equaled Minnesota Twin greats Tom Kelly and Ron Gardenhire.

Congressman SABO's tactical mastery and commonsense approach in the dugout is an honest metaphor for his model of leadership in Congress. He worked on behalf of Minnesota in the tradition of Minnesotans—with quiet dignity, progressive ideals and intent of purpose. His instinct for good policy and a focus on the needs of real people over partisan politics has served his constituents and his country well. We are honored to inherit his legacy of a public life, honorably lived. While I am certain his wife Sylvia and his children and grandchildren look forward to spending more time with him, he will be dearly missed by his colleagues at the Capitol.

HONORING MR. GEORGE MARTIN FOR HIS LIFELONG COMMITMENT TO PEACE AND JUSTICE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to my constituent, Mr. George Paz Martin, a longtime activist, community leader and cherished friend who is being honored this month with the Lifetime Peacemaker Award by the Wisconsin Network for Peace and Justice. I can think of no more appropriate recipient for this award. Throughout his life, Mr. Martin has exhibited tireless activism, a limitless command of skills and approaches, and a relentless pursuit of justice and peace.

There is scarcely a social justice issue on which George Martin has not served a crucial leadership role. Coming of age in the civil rights movement, he fought for equality and desegregation in housing, education, and employment, among other things. He has served numerous organizations that provide community development and services for housing, healthcare, and economic development. An internationally renowned peace activist and Green Party leader, he is also extremely involved in local efforts to address the needs of the veterans' community.

Not only do his social justice interests know no bounds, but his combination of skills and approaches to the pursuit of justice make him a relentless champion. Having worked in the corporate world, he understands the utility of marketing and promotions in broadening the peace movement. He has built local, national and international coalitions against violence within neighborhoods and among nations. He is a highly sought-after public speaker, who has participated in nearly every major peace rally since the invasion of Iraq. He has traveled throughout the world building relationships with other peace movements, and serving as a witness to the devastation caused by war and violence.

Finally, Mr. Martin demonstrates seemingly limitless personal commitment. He brings care and compassion to every struggle. It is the hallmark of his style that he has crafted a movement against the Iraq war that takes account of the humanity of everyone involved, including those involved in the fighting, the policymakers, the peace leaders and those who support the war.

I am indebted to George for his expertise, his friendship, and the example of his leadership and I am honored to have this opportunity to thank him for his lifelong commitment to equality, peace, non-violence and justice.

PERSONAL EXPLANATION

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H. Res. 1088 and H. Res. 1091, I would have voted "yea."

COMMENDING CHAIRMAN HENRY HYDE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to commend Chairman HENRY HYDE on a remarkable career and to congratulate him on his retirement from the U.S. Congress.

Chairman HYDE has honorably served the citizens of Illinois' 6th District since 1975. He has an impressive record of legislative accomplishments, has led two powerful committees and has been conferred 8 honorary degrees.

I have had the honor to serve under Chairman HYDE on the House International Relations Committee for the past four years. During a time of growing international pressures, he has led this committee with skill and dignity. His commitment to the integrity of the House has taught me a great deal about the legislative process. His respect for the minority, interest in listening to all voices and his common-sense leadership has been critical in ensuring civil debate and productive solutions to extremely difficult problems.

This leadership was evident during the successful passage of the President's Emergency Plan for AIDS Relief, PEPFAR, which has helped to bring needed urgency and attention to this global crisis. Mr. HYDE and his committee staff enabled me, as a first term member, to ensure that my amendment to set

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

aside 10 percent of funding for orphans and vulnerable children was passed as part of this bill. The enactment of this legislation is a testament to Mr. HYDE's ability to bring people and ideas together to make a real difference for families around the world.

In March of 2005, I had the pleasure of traveling with a congressional delegation led by Chairman HYDE to Mexico and Panama. We had the opportunity to meet with President Vincente Fox of Mexico and President Torrijos of Panama to discuss issues of mutual importance to our countries. It was a wonderful experience for me to see firsthand the respect that leaders around the world have for Mr. HYDE.

Chairman HYDE has been a mentor and a friend and I will miss his leadership in the U.S. House. I thank him for his service to the 6th District of Illinois, the country and the world, and wish him the very best in his retirement.

IN TRIBUTE TO THE LEGAL AID SOCIETY OF MILWAUKEE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I am honored to rise today in celebration of the 90th anniversary of the Legal Aid Society of Milwaukee.

Since 1916, this non-profit organization in my district has provided invaluable legal services to low-income people and other vulnerable members of society. Now serving over 8,000 people a year, the Legal Aid Society specializes in advocating for children, people living with HIV/AIDS, the elderly, immigrants, those with mental illnesses, prisoners, and victims of domestic abuse. As a result of their work, thousands of people in my district have been protected from exploitation and discrimination, and many others have received redress when their basic human rights were violated.

The Legal Aid Society has been a pioneer not only in representing vulnerable people, but also in developing mechanisms to ensure consumer relief, protection against discrimination, and equal access to legal representation. The Legal Aid Society took the lead in establishing the first small claims court in Milwaukee and together with the Milwaukee Bar Association, set up the state's first lawyer referral service. In 1957, the Legal Aid Society initiated the state's first public defender system.

Widely recognized throughout the State for these innovations, the Legal Aid Society is one of the foremost organizations in Wisconsin working to make sure that the law serves everyone. Several current and former Wisconsin State Supreme Court Justices worked at the Legal Aid Society before ascending to the high court, a testament both to the quality of legal representation this organization provides and to the role it plays in ensuring that attention to consumer law and the issues that affect low-income people are considered throughout the legal system.

I am very grateful to the Legal Aid Society, and its current and former employees, for their commitment to ensuring that everyone has a voice in the system. It is a privilege to thank them for their dedicated service and salute this impressive progressive record.

PERSONAL EXPLANATION

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, due to a medical treatment, I was not able to attend votes on December 8th and 9th, 2006. Had I been present and had there been a rollcall vote, I would have voted "yea" on H.R. 6407, legislation to reform the postal laws of the United States.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mr. HIGGINS. Mr. Speaker, I missed two Rollcall votes late in the night on Friday, December 8, 2006. I would like to enter into the record how I intended to vote on the missed Rollcall votes:

On Roll #542, On a Motion to Suspend the Rules and Pass S. 3718, the Pool and Spa Safety Act, I would have voted YES.

On Roll #543, On a Motion to Suspend the Rules and Pass S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act, I would have voted YES.

IN RECOGNITION AND REMEMBRANCE OF THE LIFE OF U.S. ARMY SERGEANT BRYAN T. McDONOUGH

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to honor the life and courage of U.S. Army Sergeant Bryan T. McDonough.

Sergeant McDonough was on patrol near Fallujah, Iraq when a bomb exploded near his vehicle, killing him and fellow Minnesotan Spec. Corey Rystad, and injuring two others, on December 2nd, 2006.

A graduate of Roseville Area High School, SGT McDonough, 22, was enrolled in classes at St. Cloud Technical College before he was deployed to Iraq in March 2006.

Sergeant McDonough's father, Tom, shared how after learning more about the families left behind by the many men and women who were injured or killed in Iraq and Afghanistan, McDonough decided to enlist in the Minnesota Army National Guard in September 2003. He was assigned to B Company 2nd Combined Arms Battalion, 136th Infantry, based out of Crookston, Minnesota. As testimony to his leadership and dedication while in the Minnesota Army National Guard, he was posthumously promoted from the rank of Specialist to Sergeant.

The McDonough family lovingly describes Bryan as an avid sportsman who enjoyed spending time bass fishing and hunting with his family at their cabin in Wisconsin. They cherish their memories of a considerate, generous young man who always tried to make sure that those he was with were happy. Perhaps the most poignant example of SGT McDonough's concern for others was his stated desire that his family and friends not worry about his safety during his deployment.

Mr. Speaker, please join me in honoring the life of Sergeant McDonough for his brave and honorable service to the United States and his commitment to protecting our freedom. He possessed great courage, love of our country and a strong sense of duty toward his fellow Americans. Sergeant McDonough's parents, Tom and Renee, his brother and sisters, Shannon, Katie, and Kevin, and his many friends have my deepest sympathies for their profound loss.

INTRODUCTION OF THE PRESERVING CRIME VICTIMS' RESTITUTION ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mr. SCHIFF. Mr. Speaker, I introduced the Preserving Crime Victims' Restitution Act of 2006. This legislation would clarify the procedures that should be applied when a criminal defendant dies after he or she has been duly convicted but before the appeals are final.

The need for this legislation has been made evident in recent months. Earlier this year, Enron founder Kenneth Lay was found guilty in both jury and bench trials of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy. Prosecutors sought $43.5 million in restitution for the victims of Mr. Lay's crimes.

However, prior to the scheduled sentencing, Mr. Lay died from a heart attack. As a result, on October 17, 2006, U.S. District Judge Sim Lake wiped clean Mr. Lay's criminal record. The convictions were dismissed under a common law rule known as "abatement," which nullifies a conviction when a defendant dies before the conviction is affirmed on appeal, regardless of the merits of the claim. Judge Lake made clear that his ruling simply followed the binding precedent issued in 2004 by the full U.S. Court of Appeals for the fifth circuit, in a case called United States v. Estate of Parsons. Last month, the Department of Justice withdrew its notice of appeal on Judge Lake's ruling.

Congress holds a serious responsibility to address this situation in a timely manner. Unless we act quickly, thousands of Enron shareholders and employees, many of whom lost their entire life savings when Enron's $60 billion in market share and $2 billion in pension funds suddenly disappeared, will further lose out on what little restitution they might otherwise receive on the loss of their hard-earned assets and pension funds.

The Preserving Crime Victims' Restitution Act of 2006 is the House companion to S. 4055 in the Senate, introduced by Senators FEINSTEIN and SESSIONS. The Department of Justice strongly supports the principles contained in this legislation and the effort to fix this problem to ensure that despite a defendant's death, convictions are preserved and restitution remains available for victims of crime.

The legislation that I am introducing today will do the following:

Establish that if a defendant dies after being convicted of a Federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement stating that the defendant was convicted—either by a guilty plea or a verdict finding him guilty—but then died before his case or appeal was final;

Codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction;

Clarify that unlike punishment, all other relief, such as restitution to the victims, that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death;

Establish a process to ensure that after a person dies, a representative of the estate can stand in the shoes of the defendant and challenge or appeal his or her conviction, and can also secure a lawyer or have one appointed; and

Grant the Government an additional 2 years after the defendant's death to file a parallel civil forfeiture lawsuit to recover assets linked to the defendant's crimes when the Government had already filed a criminal forfeiture action to recover the same assets.

Enron's collapse in 2001 eliminated thousands of jobs, tens of billions of dollars in market value, and $2 billion in pension plans. Countless former Enron employees and shareholders lost their entire life savings after investing in Enron's retirement plan. These victims have been closely following the years of preparation by the Enron Task Force, and the 4-month jury trial and separate 1-week bench trial, hoping to finally recover some restitution in this criminal case. Despite prosecutors finally securing a conviction, following the death of Mr. Lay, these efforts to achieve justice for the victims to make up for the harm they have suffered were eliminated. Instead, these individuals have been forced to start anew in their efforts to rebuild their lives.

Now is the time for Congress to take action to remedy this situation. This legislation offers a fair solution and an orderly process in the event that a criminal defendant dies prior to his final appeal. I am hopeful that Congress will act quickly enough to assist these Enron victims and ensure that such an injustice never occurs again. I urge my colleagues to support this legislation.

HONORING MS. GERMAINE BROUSSARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mr. WOLF. Mr. Speaker, it is an honor on behalf of Rep. TOM DAVIS and myself to recognize Ms. Germaine Broussard of McLean, Virginia, for her dedication to sending many cookies and other packages to U.S. troops overseas.

Ms. Broussard is known as the Cookie Lady to those who have benefitted from her kindness. She has already baked and shipped over 51,000 cookies to servicemembers. She has dedicated many hours of her free time and her own resources toward baking cookies to thank U.S. troops.

I am proud to call attention to the dedication of Ms. Broussard. I would also like to share a recent article from The Stars and Stripes which describes Ms. Broussard's hard work.

[From the Stars and Stripes, Nov. 21, 2006]

VA. WOMAN COOKING UP EATS GALORE FOR TROOPS

(By Kirsten Brown)

Washington.—When Lt. j.g. Gregory Trach, 34, received an e-mail from Germaine Broussard two years ago asking permission to send cookies to his ship, he thought little of it.

"Thank you for your support of the U.S. military," he responded, then dismissed the request as a thoughtful but meaningless gesture.

A few weeks later, the USS Shreveport received 12 boxes packed with more than 1,800 chocolate chip, peanut butter, oatmeal and sugar cookies. Shocked, Trach sent Broussard a second e-mail: "We thought you were kidding!"

That was Trach's first brush with "the Cookie Lady."

So far, Broussard, 39, has baked and shipped more than 51,000 cookies to servicemembers. The McLean, Va., resident calls her mostly one-woman program "Troop Treats."

It felt like Christmas to Lt. Col. Skip Goodwillie, 45, each time he and his unit opened a box from Broussard. Goodwillie, who is in the Army Reserves, was stationed northeast of Baghdad at Kir Kush military base when he started getting cookies.

"It was just wonderful to have mail call and hear, 'Hey Skip, the Cookie Lady sent us another box,'" Goodwillie said. "It was wonderful for our morale."

The Cookie Lady does get donations, but she pays for most of it out of her own pocket. After her job as a Smith Barney business development associate, Broussard comes home to start mixing batter about 7 p.m. She pulls the last cookies from the oven between 1 and 3 a.m.

"Some people can be a little hesitant about why am I doing this," Broussard said. "I had wanted to do something, but with the Red Cross, you donate money, and they send the box. But our family has always used home-baked cookies, bread, whatever, to be able to say thank you."

Broussard also sends necessities such as travel-sized shampoo, soap, toothpaste, mouthwash and other treats, including DVDs, Cocoa Rice Krispies and cheesecake mix. "It's a small piece of home," she said.

Embedded teddy bears are also part of her effort. Broussard's six "Battle Buddies" bears are dressed in camouflage and she could fill an album with pictures of beaming soldiers posing with their brown battle buddy.

Broussard will soon launch her second holiday project, "Operation Santa's Little Helpers," which enlists children to write cheery cards to the troops. These notes are tucked in red or blue stockings along with presents such as Slinky toys, Silly Putty, playing cards and, of course, candy.

In junior high school, Broussard earned only a "B" in her home economics class. "I don't use a standard one-cup measuring method," she said. "It's just a little of this, little of that. The home ec teacher went crazy. I'd love to go back to that teacher and say, hmm! Wonder who's right now?"

REMARKS ON H. RES. 1106

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Ms. MCKINNEY. Mr. Speaker, I wish to enter the following into the CONGRESSIONAL RECORD:

ADDENDA TO A RESOLUTION INTRODUCING ARTICLES OF IMPEACHMENT AGAINST GEORGE WALKER BUSH, PRESIDENT OF THE UNITED STATES OF AMERICA, AND OTHER OFFICIALS: FURTHER ACTIONS BY THE PRESIDENT THAT WARRANT FURTHER INVESTIGATION AS POSSIBLE GROUNDS FOR IMPEACHMENT AS IDENTIFIED BY MANY SCHOLARS, LAWYERS AND CONCERNED CITIZENS

I. FAILURE TO ENSURE THE LAWS ARE FAITHFULLY EXECUTED

(1) Self-Exemption from Laws upon Signing.

(2) Suspension of Basic Legal Proceedings.

(3) Promoting Illegal War.

(4) Promoting Torture.

(5) Promoting Kidnappings and Renditions for Torture.

(6) Use of Illegal Weapons.

II. ABUSE OF OFFICE AND OF EXECUTIVE PRIVILEGE

(1) Obstructing Inquiry and Detection.

(2) Replacing the Veto with Signing Statements.

III. FAILURE TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION

(1) Suspension of Due Process.

(2) Unreasonable Searches and Seizures.

(3) Non-Cooperation with Congress.

(4) Establishment of an Unconstitutional, Parallel Legal System.

I. FAILURE TO ENSURE THE LAWS ARE FAITHFULLY EXECUTED

Under Article II, Section 3 of the Constitution of the United States of America, the President has a duty to "take Care that the Laws be faithfully executed." George Walker Bush, during his tenure as President of the United States, has repeatedly violated the letter and spirit of laws and rules of criminal procedure used by civilian and military courts, and has violated or ignored regulatory codes and practices that carry out the law, has contravened the laws governing agencies of the executive and the purposes of these agencies, and in conducting the foreign affairs of the United States of America has proceeded in flagrant violation of the core body of international laws, to which the United States of America is bound by treaty.

With respect to domestic law, this conduct has included one or more of the following:

(1) Self-Exemption from Laws upon Signing. Since assuming the office of President of the United States, George Walker Bush has attached signing statements to more than one hundred bills before signing them, within which he has made over eight hundred challenges to provisions of laws passed by Congress, a figure that exceeds the total number of such challenges by all previous presidents combined, and has used this practice to exempt himself, as President of the United States, from enforcing or from being held accountable to provisions of the said laws.

(2) Suspension of Basic Legal Proceedings. In dereliction of his duty to uphold the law, George Walker Bush has systematically violated basic legal and criminal procedures that require any search, seizure, arrest or detention to be non-discriminatory, based on probable cause and sufficient evidence to warrant a stated charge, that provide access to legal counsel, arraignment and the option of bail within a period of days, and that require reasonable and non-coercive interrogations, rights of silence, as well as privy communications with counsel and with others, pending an outcome of either release or a speedy and public trial, conducted in accord with federal and state statutes on criminal and court process, the provisions of the Uniform Code of Military Justice, applicable international law, or appeals to higher courts that apply. By ordering mass arrests and indefinite detentions based on indiscriminate profiling of specific populations, George Walker Bush has also systematically violated laws prohibiting harmful extraditions, secret arrest and custody, and denial of defined and legal periods of detention or incarceration.

With respect to international law, this conduct has included one or more of the following:

(3) Promoting Illegal War. Abraham Lincoln wrote in 1848, "Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you will allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you will allow him to make war at pleasure. If today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us,' but he will say to you, 'Be silent: I see it, if you don't.'" In direct violation of Articles 41 and 42 of the United Nations Charter, a treaty ratified by the United States Senate in 1945 and therefore the supreme law of the land as according to Article VI of the Constitution, George Walker Bush has advanced and executed a policy based on so-called pre-emptive or preventive war, whereby the United States of America claims the right to unilaterally assault, invade or occupy other nations without first engaging in collective measures with other member states of the United Nations or first gaining the prior assent of the United Nations Security Council, and whereas George Walker Bush did apply this doctrine by launching a war of aggression against the sovereign nation of Iraq, resulting in the deaths of tens of thousands of Iraqi civilians and thousands of United States military personnel, without United Nations Security Council authorization, whereby said George Walker Bush, as President of the United States, by advancing a doctrine of preventive war and initiating and continuing the invasion and occupation of Iraq by United States forces did commit and was guilty of precisely such abuses as Abraham Lincoln foresaw.

(4) Promoting Torture. In direct violation of, and as part of a pattern of consistent attempts through executive orders, legal memoranda and alterations to regulations such as the Army Field Manual, to undermine the Federal Torture Statute [18 USC Sec. 2340A]; the Third Geneva Convention banning torture and abuse of Prisoners of War, as well as non-combatants and unarmed ("enemy") combatants held in detention; and Articles 4 and 32 of the Fourth Geneva Convention, which expressly prohibit not merely torture but physical abuse of any kind being inflicted upon "persons protected by the Convention," defined as "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals," this language being written as a precaution against and in anticipation of alternate definitions of torture, these declarations and treaties being ratified by the United States Senate and therefore the supreme law of the land as according to Article VI of the Constitution, George Walker Bush, as President of the United States of America, has condoned and presided over a vast expansion of the use of torture against unarmed combatants and civilian non-combatants, both foreign and domestic, detained or kidnapped by forces or agents of the United States, leading to extreme pain, psychological trauma, disfigurement and in some cases, death. By signing a legal memorandum on February 7, 2002 (declassified on June 17, 2004), in which he wrote that "The war on terror ushers in a new paradigm," one which requires "new thinking in the law of war," and decreeing that, contrary to all past military practices of an official nature, the United States would no longer be constrained by the laws of war presently in force in its treatment of those captured during its invasion and occupation of Afghanistan and subsequently detained, a legal opinion which the Supreme Court struck down on June 29, 2006 (Hamdan v. Rumsfeld) by its ruling that the Third Geneva Convention did apply to detainees in the custody of the United States, George Walker Bush, President of the United States, by his concerted efforts to undermine any legal limits on the use of torture by United States personnel, did commit and was guilty of high crimes against the United States of America.

(5) Promoting Kidnappings and Renditions for Illegal Torture. In direct violation of the United Nations Convention Against Torture, Article 3, which states that "No State party shall expel, return or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture," and the Fourth Geneva Convention, Articles 31 and 45, the said conventions having been ratified by the United States Senate and therefore the supreme law of the land as according to Article VI of the Constitution, George Walker Bush, as President of the United States of America, did sign, on September 17, 2001, an executive order (still classified) granting unilateral authority to the Central Intelligence Agency to render detainees to countries where torture is routinely practiced for the express purpose of interrogation, thereby subverting an established program of rendering detainees to justice by bringing them to the United States or to a country in which they were wanted to face criminal charges in a court of law. And whereas the Central Intelligence Agency did thereafter carry out this order not only by rendering hundreds of detainees to countries where they were subsequently tortured, but also in many cases first illegally kidnapping the detainees, and did subsequently establish secret detention centers, operating outside any known laws, for the express purpose of circumventing all legal protections to which the said detainees were entitled under international law.

(6) Use of Illegal Weapons. In violation of multiple and diverse tenets of international law, George Walker Bush, as President of the United States, has authorized or sanctioned the use of illegal weapons, including but not limited to the following:

(a) land mines, deployed by United States forces in Afghanistan and Iraq, which indiscriminately injure and kill combatants and innocent civilians alike, and which are therefore illegal under Geneva Conventions Protocol I, Article 85, which states that it is a war crime to launch "an indiscriminate attack affecting the civilian population in the knowledge that such an attack will cause an excessive loss of life or injury to civilians," and which are banned under the Protocol II of the Convention on Certain Conventional Weapons, which forbids the deployment of any "mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering;"

(b) cluster bombs, including those which upon explosion project lethal plastic fragments not detectable by X-ray, deployed by United States forces in Afghanistan and Iraq, which leave unexploded ordnance known to maim and kill innocent civilians and which are therefore also illegal under Geneva Conventions Protocol I, Article 85, as well as under Protocol I of the Convention on Certain Conventional Weapons, which bans the use of "the use of any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays," and under Annexed Articles 22 and 23 of the Hague Convention IV, which states that "It is especially forbidden to kill treacherously individuals belonging to the hostile nation or army;"

(c) depleted uranium munitions, being radiological weapons used extensively by United States Forces in Iraq and Afghanistan, in violation of Geneva Conventions Protocol 1, Articles 35.2, 35.3, 48 and 55.1, which prohibit the use of "projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering" or weapons "which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment" or damage to "the health or survival of the population," and which have been classified as "weapons of mass destruction" by the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities;

(d) napalm, a weapon widely used in Vietnam, an upgraded kerosene-based version of which has more recently been used by United States forces in Iraq, being dubbed the "Mark 77 firebomb", in violation of the Chemical Weapons Convention, Article II.1.b, which expressly prohibits "Munitions and devices, specifically designed to cause death or other harm through the toxic properties" of the device when used as a weapon;

(e) white phosphorous, which Defense Department spokesman Lieutenant-Colonel

Barry Venable confirmed on November 15, 2005 was deployed "as an incendiary weapon" in urban areas of Fallujah, Iraq, where there were high concentrations of civilians, during Operation Phantom Fury (November 2004–January 2005), making the said deployment of white phosphorous a violation of the Chemical Weapons Convention, Article II.1.b;

(f) BLU–82B/C–130 "daisy cutter" bombs, being massive incendiary bombs deployed by United States forces in Afghanistan, and which upon detonation create a firestorm the size of five football fields or greater, and a vacuum pressure capable of collapsing internal organs, in violaton of Geneva Conventions Protocol I, Articles 35, 48, 51 and 55, which expressly forbid such indiscriminate destruction of civilian life and the environment;

the United States of America being a signatory to all the above cited international legislation, as ratified by the Senate and therefore being the supreme law of the land under Article VI of the Constitution, whereby said George Walker Bush, President of the United States, did commit war crimes.

In all of this, George Walker Bush's conduct has followed a pattern of not merely failing to uphold the laws he took an oath to defend as President of the United States, but of flouting such laws with the impunity of a dictator. Indeed, on numerous occasions, George Walker Bush has openly expressed his desire to become a dictator, as he did while President-Elect on December 18, 2000, when he stated: "If this were a dictatorship, it'd be a heck of a lot easier . . . just as long as I'm the dictator . . ."

This arrogant posture has also been typical in foreign affairs where he has made concerted efforts to undermine international law and international treaties, including his termination of the Anti-Ballistic Missile Treaty without the assent of the legislative branch, his decision to rescind the authorizing signature of the United States from the Rome Statute of the International Criminal Court, his willingness to offend the 152 nations who are signatories to the Ottawa Treaty by refusing to sign and continuing the use of land mines by the world's most powerful military rather than asserting America's moral leadership, his willingness to offend the 93 nations who are parties to the Convention on Certain Conventional Weapons Protocol III by refusing to sign and continuing the use of incendiary weapons against civilian targets, his defiance of the United Nations Security Council by launching a unilateral war of aggression against the government and the people of Iraq, and in general showing little remorse over or regard for the tens of thousands of innocent civilians and American service personnel who have perished as a direct or indirect result of his foreign policy.

II. ABUSE OF OFFICE AND OF EXECUTIVE PRIVILEGE

In taking his oath of office, the President swore to "faithfully execute the office of President of the United States." George Walker Bush, in his conduct while President of the United States, has consistently demonstrated disregard for that oath by obstructing and hindering the work of investigative bodies, by seeking to expand the scope of the powers of his office, by failing to ensure a swift response to a natural disaster where lives were in the balance, and by failing to appoint competent officials or to hold those whom he appoints or those to whom the government grants contracts accountable in cases of dereliction of duty, abuse and outright fraud.

(1) Obstructing Inquiry and Detection. At the Virginia Convention on ratification of the Constitution, George Mason argued that the President might usurp his powers to "pardon crimes which were advised by himself" or prior to indictment or conviction "to stop inquiry and prevent detection," to which James Madison responded that if he did so, "the House of Representatives would impeach him." In an effort to conceal the high crimes and misdemeanors here mentioned, George Walker Bush, in his conduct as President of the United States of America, has presided over the most secretive Presidency in this nation's history, and an administration which actively interferes with the free flow of information by manipulating the press and frustrating its ability to provide an oversight function by being actively hostile to questioning from the press, by placing imposters posing as agents of the press at press conferences, by threatening reporters with prosecution under espionage laws, and by purchasing television segments and placing newspaper stories falsely posing as unbiased reporting in an effort to promote Administration policies. The conduct of this Administration follows a pattern of seeking to hush "whistleblowers" who come forward to share potentially incriminating information with the public, rather than investigating the alleged crime. This Administration has also refused to provide key information to Congressional investigations, and to prosecutors investigating the outing of a Central Intelligence Agency Officer in an apparent act of retribution, or to actively pursue the identity of the guilty informant, despite the President's public pledge to fire the guilty party once discovered, and even after one Administration official was charged in the case with obstruction of justice. George Walker Bush has abused his office by consistently invoking executive privilege in order to shelter his office and his appointees from both Congressional oversight and judicial accountability.

(2) Replacing the Veto with Signing Statements. By declining to veto even one bill, and instead attaching signing statements challenging hundreds of laws passed by Congress, thereby seeking to exempt the executive branch from accountability to said laws, George Walker Bush has subverted the very nature of his office by seeking to add to his office extraordinary and unconstitutional powers and privileges.

III. FAILURE TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION

At the Constitutional Convention, James Madison argued that "high Crimes and Misdemeanors" intentionally included "[a]ttempts to subvert the Constitution." In taking his oath of office, the President swore to "preserve, protect, and defend the Constitution of the United States" to the best of his ability, which includes the duty not to abuse his powers or transgress their limits, the duty not to violate the rights of citizens, including those guaranteed by the Bill of Rights, and not to act in derogation of powers vested elsewhere by the Constitution, George Walker Bush, in his conduct while President of the United States has not only failed in this regard, but has demonstrated a pattern of disregard or contempt for the Constitution itself, as he clearly demonstrated in November 2005 when he shouted at a group of Republican lawmakers, "Stop throwing the Constitution in my face. It's just a [expletive] piece of paper!"

This conduct has included one or more of the following:

(1) Suspension of Due Process. In direct dereliction of his duty to defend the Constitution, George Walker Bush has systematically deprived citizens and residents of the United States of their constitutional rights to due process under the law, by sanctioning or ordering, at the discretion of the executive, their detention without charge and without trial, a fundamental right to which they are entitled under habeus corpus and the Fifth Amendment of the Bill of Rights; by denying the right to a fair and speedy trial and blocking access to counsel for the defense, both of which are rights guaranteed under the Sixth Amendment in the Bill of Rights; by denying those so illegally detained the opportunity to appear before a judicial officer that they might challenge the legal grounds of their detention; by sanctioning and ordering mass arrests and detentions which inevitably involve all of the above named abuses; and by refusing to disclose the identities and locations of those detained.

(2) Unreasonable Searches and Seizures. In violation of the Fourth Amendment to the Constitution, George Walker Bush did clandestinely direct the National Security Agency, the Federal Bureau of Investigation, the Pentagon and the Department of Homeland Security to conduct electronic surveillance, including a new form of spying using sophisticated software to track internet usage, of citizens of the United States on U.S. soil without seeking to obtain, before or after, a judicial warrant, including spying on groups and individuals who had committed no illegal acts, involving penetration, entrapment and provocation, thereby reviving practices previously discontinued after they were deemed prejudicial to justice by the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, chaired by Senator Frank Church.

(3) Non-Cooperation with Congress. In derogation of the legislative functions of the Congress, granted under Article I, Section 1 of the Constitution, and the implied power to see that the laws made by Congress are faithfully executed, George Walker Bush, in his conduct as President of the United States, has engaged in a consistent pattern of obstructing and frustrating Congressional investigations. George Walker Bush opposed and delayed the formation of a commission to investigate the attacks of September 11, 2001, and once it was formed, refused to turn over key documents and information in compliance with subpoenas, and also sought and gained exemption from testifying under oath for all but one top administration official. (Condoleezza Rice). He refused requests from the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina and requests from the 9/11 Commission to turn over key documents and information. Under his administration the Justice Department made it official policy to refuse cooperation with Freedom of Information Act (FOIA) requests, to refuse the release of records or testimony, central to informing government decisions, to re-classify previously unclassified records and to withhold even non-secret documents. These actions severely restrict the ability of the people and their representatives in Congress seeking to hold government officials accountable for their decisions to have access to a record of how official decisions were reached, or even to know what the official polices are. Wherefore, George Walker Bush, by obstructing the work of the Congress, did commit and was guilty of high misdemeanors against the United States of America.

(4) Establishment of an Unconstitutional, Parallel Legal System. Edmund Randolph stated at the Constitutional Convention that: "The Executive will have great opportunitys [sic] of abusing his power, particularly in time of war when the military force, and in some respects the public money will be in his hands."

In direct dereliction of his duty to defend the Constitution, George Walker Bush has, during his tenure as President of the United States of America, sanctioned the establishment of a parallel legal system operating outside the scope of the Constitution under which the participants would not be bound by due process or basic rights of the accused to speedy and fair trials, access to counsel, or even the right to know the charges and evidence against them, by replacing these measures with a new form of law involving: secret and indefinite detention without trial or hearing; renditions to other countries outside the reach of law and justice; the use of military tribunals to replace civilian courts; detentions outside normal writ of habeus rules and without access to effective counsel, unmonitored conversations or judicial attention and review; exclusion of the accused from portions of the trial and from access to evidence used against them; acceptance of hearsay, including testimony gained under torture or duress; and a lack of independent judiciary or appeal of conviction. An unknown number of individuals, many of whose names the Administration has refused to release, have already been held in undisclosed locations or secret prisons, and mass arrests have been accompanied by deportations. By failing to conduct timely status review hearings, as required under Article 5 of the Geneva Convention, the Bush Administration has made it effectively impossible to determine the status and the rights of those held in secret detention. Although the Supreme Court has ruled that the denial of rights under the Geneva Accords is illegal [Hamdan vs. Rumsfeld], new proposals from the Bush Administration expand the definition of those who can be detained as "enemy combatants" as no longer limited to aliens abroad, and assert that neither the Uniform Code of Military Justice alone, nor federal criminal procedures will guide the functions of these new courts. George Walker Bush, as President of the United States of America, in defiance the Supreme Court, and in keeping with a pattern of conduct seeking to exempt himself from its rulings and from constitutional law, did commit violations of domestic law and was guilty of war crimes.

In all of this, George Walker Bush has sought to arrogate unprecedented power to his executive office and to undermine the system of check and balances established by the Founders, by using war and national emergency as the basis for his claims in support of a unitary presidency.

STATEMENT VOICING CONCERN OVER THE DELAY OF THE INTERNATIONAL TRACING SERVICE (ITS) IN RELEASING THE BAD AROLSEN HOLOCAUST ARCHIVES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today deeply concerned about the consistent delay of the commission members of the International Tracing Service (ITS) to permit Holocaust survivors and their families access to the millions of Holocaust records located at Bad Arolsen, Germany.

Mr. Speaker, I strongly urge the nations who have yet to approve the recently agreed upon amendments to the Bonn Accords regarding these archives to give this issue the utmost elevated attention and to be made a top priority in their respective Parliaments.

The ITS Commission, comprised of the United States, Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom, currently possesses nearly 50 million records documenting Holocaust victims and survivors experiences pre-World War II and during the Holocaust. The records are used to substantiate benefit claims by Holocaust survivors and their heirs and operate under the 1955 agreements, the Bonn Accords.

For the past decade, Holocaust researchers and most survivors have sought and failed to access the Bad Arolsen archive, because the ITS Commission believed it would violate the privacy of the survivors and their families.

Following years of delay, in May 2006, the Commission adopted amendments to the Bonn Accords permitting each Commission member to make the archives public and to receive a digitized copy of the Bad Arolsen archive, which they would be able to make available to researchers under their own country's respective privacy laws.

Unfortunately, 9 out of the 11 ITS Commission member nations have yet to ratify the amendments. With the express acknowledgement of the variance in each country's internal procedures, and the utmost respect for the letter of international law, I strongly encourage parliamentarians from other members of the ITS Commission to ratify the ITS amendments promptly so that the Bad Arolsen archives can be opened at the earliest possible date.

This ongoing delay is a further example of how the Holocaust survivors, who have been part of such unimaginable, horrendous genocide, and the greatest crime against humanity, are perpetually forced to endure severe obstacles and difficulties. Now, the few Holocaust survivors who are here with us today remain tormented by the unknown.

In the Holocaust's aftermath, there have been far too many demonstrations of survivors and heirs of Holocaust victims who have been refused their moral and legal right to information, restitution of assets, or compensation for slave labor from the entities that profited during the Holocaust.

As the few remaining survivors pass away, many still pass away deprived of information concerning their loved ones and the assets that were rightfully theirs. Let us not continue to waste the precious time left for the remaining survivors. After all of the horrific acts to which they have been subjected, they are completely justified in uncovering the truth about their families and their loved ones without hassle or delay.

This issue is of particular importance to me, given the fact that South Florida is home to the second largest concentration of Holocaust survivors in the United States, and the third largest in the world outside of Israel.

Furthermore, as the President Emeritus of the Organization for Security and Cooperation Parliamentary Assembly in Europe (OSCE), I am committed to the issue of fair and just treatment of Holocaust survivors, and remain dedicated to the prevention of all bigotry, especially anti-Semitism.

Let us not forget that anti-Semitism has not diminished; if anything we have seen a resurgence in recent years. The threat or occurrence of anti-Semitism is still very real to many Jews in the United States and across the world.

Only last week, Iranian President Mahmoud Ahmedinejad held the second Holocaust denial conference in one year in Tehran; the latest in a series of abominable threatening and anti-Semitic, Holocaust denial statements and actions he has taken since he rose to power.

While extremist radicals may continue to spew such hatred and intolerance, I find it embarrassing that others who know better can turn their backs on the remaining Holocaust survivors or on the memory of those who perished in such a tragedy.

I can think of no better way to commemorate the 6 million murdered in the Holocaust, than for each and every international community member to seriously commit to monitor and combat anti-Semitic acts and promote Holocaust remembrance and education.

While tolerance takes time to teach, it is not too late for international member nations of the ITS Commission to assist the remaining Holocaust survivors and grant them direct access to the Bad Arolsen archives as soon as possible.

Mr. Speaker, we should never forget the horrific crimes of murder and destruction committed by the Nazis; and we must commit ourselves to ensuring that future generations shall never be forced to endure the suffering, humiliation, and ultimate death experienced by the victims of the Holocaust.

HOLOCAUST SURVIVORS'
FOUNDATION—USA,
Miami, FL, December 18, 2006.

Congressman ALCEE HASTINGS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HASTINGS: We are Holocaust survivors, and elected leaders of grass roots survivor organizations with thousands of members in 15 states. As individual claimants and class members, we have witnessed the failed enterprise known as "Holocaust asset restitution" as it has proceeded over the last decade, in litigation over and negotiations over thefts and human exploitation by European manufacturers, banks, insurance companies, railroads, and governments. Sunday's important story in the Associated Press about the monumental documentation of Nazi crimes at the Bad Arolsen archive highlights the absurdity of the process survivors have been forced to endure over this past decade.

One would have thought that Holocaust survivors, at the end of our lives, would have been treated with the utmost respect and dignity. In reality, however, much of what has passed for "restitution" has been the opposite of what we would have expected, with catastrophic results. Instead, the process has been driven by institutional and organizational imperatives, instead of by the rights, interests, and priorities of the survivors. Too often; these forays have yielded incomplete information disclosure and absurdly low financial compensation. Instead of being principals, we the survivors have been treated as pawns. Instead of receiving dignity and respect, we have received lip service and been patronized by organizations, judges, executive branch officials, and members of Congress.

Another hallmark of restitution, up until now, has been the imperative to give European business and governmental miscreants "legal peace" while calling for arbitrarily set financial settlements to be doled out by institutions that are self-interested or worse in their motives and practices. For example, when the institutions and lawyers we didn't selected "settled" with German industry, they agreed to limit insurance claims against German industry to a ridiculously low, arbitrary sum, without ever conducting an audit of the amount of insurance theft by German insurers and reinsurers. Now, it has been reported that class action lawyers want to forgive Italian insurance giant Generali without ever requiring full disclosure and disgorgement, despite recent evidence that the company stole billions and used the same punch card technology to manage its business used by the Nazis in the Final Solution.

The media and Congress have ignored the fact that in almost every instance, survivors have been denied access to the necessary information required to mount full and effective disgorgement of the ill-gotten gains of the European plunderers. They have ignored the rush to judgment by representatives we didn't select to close the books on restitution. Now, with 16 miles of previously suppressed documents from the Nazi period being made public, isn't it time to halt the rush to judgment, the rush for "closure," and require the full, transparent accounting that we survivors are morally and legally entitled to move forward without any further impediments? We call on all institutions of good faith, in government, in the media, and in the institutional world, to support us in our morally justified demand for transparence and justice.

Israel Arbeiter, Boston, MA.
Nesse Godin, Washington, DC.
David Mermelstein, Miami, FL.
Alex Moskovic, Palm Beach, FL.
Leo Rechter, Flushing, NY.
David Schaecter, Miami, FL.
Henry and Anita Schuster, Las Vegas, NV.
Fred Taucher, Seattle, WA.
Lea Weems, Houston, TX.
Esther Widman, Brooklyn, NY.

GREATER MIAMI
JEWISH FEDERATION,
Miami, FL, December 11, 2006.

Hon. ALCEE HASTINGS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HASTINGS: On November 25, Arthur Max, Chief of the Amsterdam Bureau of the Associated Press, published an astonishing report about the massive and previously closed collection of information from the Nazi death camps under the jurisdiction of the International Red Cross and now located at Bad Arolsen, Germany. The scope of the records reported by Mr. Max is breathtaking, as are the moral and policy implications of the revelation.

South Florida is the home to the second largest concentration of Holocaust survivors in the United States, and the third largest in the world outside of Israel. According to Mr. Max's report, survivors and their families have been unjustly denied access to many of the records at Bad Arolsen regarding their own experiences in the camps, or those of their family members. We are mandated by history and morality to remember that this greatest crime against humanity was in fact millions of crimes against millions of human beings, all of whom have the absolute right to receive all of the unvarnished truth about their fate and the fate of their loved ones they wish to learn about today.

We are also painfully aware that far too many examples exist of survivors and heirs of Holocaust victims who have attempted to obtain morally and legally justified restitution of assets, or compensation for horrific slave labor from the entities that profited from the Holocaust, only to be met with rejections, and then, as added insult, to be denied access to the available sources of information they are told justify these rejections.

In addition, there is now abundant evidence that tens of thousands of destitute survivors live in our midst, in the United States and Canada, in Israel, in the Former Soviet Union, in Europe and Australia, and in Latin America, and that government, and community—and restitution-based resources are inadequate to meet their basic human needs. In the United States alone, there are over 45,000 Holocaust survivors living near or below the federal poverty level, and who cannot afford adequate nutrition, housing, home care, medications, or simple and necessary devices such as dentures, eyeglasses, or hearing aids. This is unthinkable in the year 2006, but it is true. As the following chart attests, these numbers are staggering, and widespread around the world.

	Survivor population	Survivors living below or near poverty line
United States	175,000	87,500
Israel	393,000	137,300
Former Soviet Union	146,000	126,000

Sources: Sheskin, Estimates of the Number of Nazi Victims and Their Economic Status, January 2004; Brodsky and DellaPergola, Health Problems and Socioeconomic Neediness Among Jewish Shoah Survivors in Israel, April 2005; American Joint Distribution Committee, Presentation on the Condition and Needs of Jewish Nazi Victims in the Former Soviet Union. January 2004.

We would hope that a thorough accounting of the real thefts suffered by the families of the Holocaust would not only allow for proper and overdue restitution to individuals, but would be a step toward creating sufficient financial resources to provide a dignified level of human existence for every survivor in the world who needs or requests relief.

As leaders of our general and Jewish communities, locally and nationally and even internationally, the Federation Board believes that our generation owes the survivors the dignity of justice in their final years.

In light of these compelling facts, we call upon Congress to take all steps necessary to guarantee immediate access to the Bad Arolsen archive by a qualified group of researchers in order to create a comprehensive and accessible database of information for all affected families without any further delay. As a starting point, we urge you to bring together the responsible U.S. and Red Cross officials to determine the scope of the task and identify the personnel and resources to make this information accessible as soon as humanly possible, beginning immediately. If necessary, we are asking that Congress enact legislation, with funding if necessary, for the immediate completion of these tasks.

In addition, we ask the United States Congress to explore and encourage any and all methods, including on an emergency basis, legislation, to provide all survivors and heirs a full opportunity to access the Bad Arolsen materials and to utilize said materials in support of their claims without regard to any previous denials or deadlines.

We look forward to working with you to complete this historically and morally necessary task with the utmost speed. You will find enclosed two relevant articles pertaining to this letter. Please contact either one of us if you have any questions or concerns or wish to discuss in more detail.

Sincerely,

SABY BEHAR,
President.
JACOB SOLOMON,
Executive Vice President.

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